

SENATE BILL No. 254

February 24, 2005, Introduced by Senators BASHAM, JELINEK, SWITALSKI, THOMAS, JACOBS and CLARK-COLEMAN and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1921 PA 207, entitled
"City and village zoning act,"
by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The legislative body of a city or village may
2 provide by ordinance for the manner in which regulations and
3 boundaries of districts or zones shall be determined and enforced
4 or amended, supplemented, or changed. At least 1 public hearing
5 shall be held by the commission appointed to recommend zoning
6 regulations or, if a commission does not exist, by the legislative
7 body before a regulation becomes effective. Not less than 15 days'
8 notice of the time and place of the public hearing shall first be
9 published in an official paper or a paper of general circulation in

1 the city or village. Not less than 15 days' notice of the time and
2 place of the public hearing shall first be given by mail to each
3 public utility company and each railroad company owning or
4 operating any public utility or railroad within the districts or
5 zones affected, and the airport manager of each airport, that
6 registers its name and mailing address with the city or village
7 clerk for the purpose of receiving the notice. An affidavit of
8 mailing shall be maintained. A hearing shall be granted to an
9 interested person at the time and place specified on the notice.

10 (2) The legislative body of a city or village, unless
11 otherwise provided by charter, may appoint a commission to
12 recommend in the first instance the boundaries of districts and
13 appropriate regulations to be enforced in the districts. If a city
14 or village has a planning commission, that commission shall be
15 appointed to perform the duties set forth in this section. The
16 commission shall make a tentative report and hold at least 1 public
17 hearing before submitting its final report to the legislative body.
18 A summary of the comments submitted at the public hearing shall be
19 transmitted with the report of the commission to the legislative
20 body. The legislative body may hold additional public hearings if
21 it considers it necessary or as may be required by charter.

22 (3) In a city or village having a commission appointed to
23 recommend zoning requirements, the legislative body shall not in
24 the first instance determine the boundaries of districts or impose
25 regulations until after the final report of the commission. ~~In~~
26 ~~such a city or village, the~~ **THE** legislative body **OF THE CITY OR**
27 **VILLAGE** shall not amend the ordinance or maps after they are

1 adopted in the first instance until the proposed amendment has been
2 submitted to the commission and it has held at least 1 hearing and
3 made report ~~thereon~~ **ON THE AMENDMENT**. ~~In either case, the~~ **THE**
4 legislative body may adopt the ordinance and maps, with or without
5 amendments, after receipt of the commission's report, or refer the
6 ordinance and maps again to the commission for a further report.

7 (4) After the ordinance and maps have in the first instance
8 been approved by the legislative body of a city or village,
9 amendments or supplements ~~thereto~~ **TO THE ORDINANCE** may be made as
10 provided in this section, except that if an individual property or
11 several adjacent properties are proposed for rezoning, notice of
12 the proposed rezoning and hearing shall **INCLUDE A LIST OF EACH**
13 **STREET ADDRESS WITHIN THE PROPOSED REZONED PROPERTY AND** be given to
14 the owners of the property ~~in question~~ **PROPOSED FOR REZONING AND**
15 **TO ALL RESIDENTS LIVING WITHIN THE AFFECTED PROPERTY** at least 15
16 days before the hearing.

17 (5) Upon presentation of a protest petition meeting the
18 requirements of this subsection, an amendment to a zoning ordinance
19 ~~which is the object of the petition~~ shall be passed only by a 2/3
20 vote of the legislative body, unless a larger vote, but not to
21 exceed 3/4 vote, is required by ordinance or charter. The protest
22 petition shall be presented to the legislative body before final
23 legislative action on the amendment and shall be signed by 1 of the
24 following:

25 (a) The owners of at least 20% of the area of land included in
26 the proposed change.

27 (b) The owners of at least 20% of the area of land included

1 within an area extending outward 100 feet from any point on the
2 boundary of the land included in the proposed change.

3 (6) For purposes of subsection (5), publicly owned land shall
4 be excluded in calculating the 20% land area requirement.

5 (7) Following adoption of a zoning ordinance and subsequent
6 amendments by the legislative body of a city or village, 1 notice
7 of adoption shall be published in a newspaper of general
8 circulation in the city or village within 15 days after adoption.
9 Promptly following adoption of a zoning ordinance or subsequent
10 amendment by the legislative body of the city or village, a copy of
11 the notice of adoption shall also be mailed to the airport manager
12 of an airport entitled to notice under subsection (1).

13 (8) The notice of adoption under subsection (7) shall include
14 the following information:

15 (a) In the case of a newly adopted zoning ordinance, the
16 following statement: "A zoning ordinance regulating the development
17 and use of land has been adopted by the city (village) council of
18 the city (village) of _____".

19 (b) In the case of an amendment to an existing ordinance,
20 either a summary of the regulatory effect of the amendment,
21 including the geographic area affected, or the text of the
22 amendment.

23 (c) The effective date of the ordinance.

24 (d) The place and time where a copy of the ordinance may be
25 purchased or inspected. The filing and publication requirements in
26 this section relating to city and village zoning ordinances
27 supersede charter provisions relating to the filing and publication

1 of city and village ordinances.