

SENATE BILL No. 1286

April 27, 2010, Introduced by Senator OLSHOVE and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
by amending sections 103 and 502 (MCL 125.3103 and 125.3502),
section 103 as amended by 2008 PA 12.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 103. (1) Except as otherwise provided under this act, if
2 a local unit of government conducts a public hearing required under
3 this act, the local unit of government shall publish notice of the
4 hearing in a newspaper of general circulation in the local unit of
5 government not less than 15 days before the date of the hearing.

6 (2) Notice required under this act shall be given as provided
7 under subsection (3) to the owners of property that is the subject
8 of the request. Notice shall also be given as provided under

1 subsection (3) to all persons to whom real property is assessed
2 within ~~300~~500 feet of the property that is the subject of the
3 request and to the occupants of all structures within ~~300~~500 feet
4 of the subject property regardless of whether the property or
5 structure is located in the zoning jurisdiction. Notification need
6 not be given to more than 1 occupant of a structure, except that if
7 a structure contains more than 1 dwelling unit or spatial area
8 owned or leased by different persons, 1 occupant of each unit or
9 spatial area shall be given notice. If a single structure contains
10 more than 4 dwelling units or other distinct spatial areas owned or
11 leased by different persons, notice may be given to the manager or
12 owner of the structure, who shall be requested to post the notice
13 at the primary entrance to the structure.

14 (3) The notice under subsection (2) is considered to be given
15 when personally delivered or when deposited during normal business
16 hours for delivery with the United States postal service or other
17 public or private delivery service. The notice shall be given not
18 less than 15 days before the date the request will be considered.
19 If the name of the occupant is not known, the term "occupant" may
20 be used for the intended recipient of the notice.

21 (4) A notice under this section shall do all of the following:

22 (a) Describe the nature of the request.

23 (b) Indicate the property that is the subject of the request.

24 The notice shall include a listing of all existing street addresses
25 within the property. Street addresses do not need to be created and
26 listed if no such addresses currently exist within the property. If
27 there are no street addresses, other means of identification may be

1 used.

2 (c) State when and where the request will be considered.

3 (d) Indicate when and where written comments will be received
4 concerning the request.

5 Sec. 502. (1) The legislative body may provide in a zoning
6 ordinance for special land uses in a zoning district. A special
7 land use shall be subject to the review and approval of the zoning
8 commission, the planning commission, an official charged with
9 administering the zoning ordinance, or the legislative body as
10 required by the zoning ordinance. The zoning ordinance shall
11 specify all of the following:

12 (a) The special land uses and activities eligible for approval
13 and the body or official responsible for reviewing and granting
14 approval.

15 (b) The requirements and standards for approving a request for
16 a special land use.

17 (c) The procedures and supporting materials required for the
18 application, review, and approval of a special land use.

19 (2) Upon receipt of an application for a special land use
20 which requires a discretionary decision, the local unit of
21 government shall provide notice of the request as required under
22 section 103. The notice shall indicate that a public hearing on the
23 special land use request may be requested by any property owner or
24 the occupant of any structure located within ~~300~~500 feet of the
25 property being considered for a special land use regardless of
26 whether the property or occupant is located in the zoning
27 jurisdiction.

1 (3) At the initiative of the body or official responsible for
2 approving the special land use or upon the request of the
3 applicant, a real property owner whose real property is assessed
4 within ~~300~~500 feet of the property, or the occupant of a structure
5 located within ~~300~~500 feet of the property, a public hearing shall
6 be held before a discretionary decision is made on the special land
7 use request.

8 (4) The body or official designated to review and approve
9 special land uses may deny, approve, or approve with conditions a
10 request for special land use approval. The decision on a special
11 land use shall be incorporated in a statement of findings and
12 conclusions relative to the special land use which specifies the
13 basis for the decision and any conditions imposed.