

Act No. 246
Public Act of 1989
December 28, 1989
Filed by the Secretary of State
December 28, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Randall, Miller, Gnodtke and Ouwinga

ENROLLED HOUSE BILL No. 4700

AN ACT to amend section 16b of Act No. 183 of the Public Acts of 1943, entitled as amended "An act to provide for the establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and within which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that may be erected or altered after the effective date of this act; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments thereto; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property which does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide penalties for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; and to provide for the repeal of acts in conflict with this act," being section 125.216b of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 16b of Act No. 183 of the Public Acts of 1943, being section 125.216b of the Michigan Compiled Laws, is amended to read as follows:

Sec. 16b. (1) A county may provide in a zoning ordinance for special land uses which shall be permitted in a zoning district only after review and approval by either the zoning commission, an official charged with administering the ordinance, or the county board of commissioners. The ordinance shall specify all of the following:

- (a) The special land uses and activities eligible for approval consideration and the body or official charged with reviewing special land uses and granting approval.
- (b) The requirements and standards upon which decisions on requests for special land use approval shall be based.
- (c) The procedures and supporting materials required for application, review, and approval.

(2) Upon receipt of an application for a special land use that requires a decision on discretionary grounds, 1 notice that a request for special land use approval has been received shall be published in a newspaper that circulates in the county and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 and not more than 45 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall do all of the following:

- (a) Describe the nature of the special land use request.
- (b) Indicate the geographic areas that are included in the special land use request.
- (c) State when and where the special land use request will be considered.
- (d) Indicate when and where written comments will be received concerning the request.

(e) Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.

(3) At the initiative of the body or official responsible for approving special land uses, upon the request of the applicant for special land use authorization, or upon the request of a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval as provided in subsection (2) shall be held before a decision is made on a special land use request that is based on discretionary grounds. If the applicant or the body or official responsible for approving special land uses requests a public hearing, only notification of the public hearing need be made. A decision on a special land use that is based on discretionary grounds shall not be made unless notification of the request for special land use approval, or notification of a public hearing on a special land use request, has been made as required by this section.

(4) The body or official designated in the zoning ordinance to review and approve special land uses may deny or approve, or approve with conditions, a request for special land use approval. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration that specifies the basis for the decision and any conditions imposed.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.