

HOUSE BILL No. 4700

April 25, 1989, Introduced by Reps. Randall, Miller, Gnodtke and Ouwinga and referred to the Committee on Towns and Counties.

A bill to amend section 16b of Act No. 183 of the Public Acts of 1943, entitled as amended

"The county rural zoning enabling act,"

being section 125.216b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16b of Act No. 183 of the Public Acts of
2 1943, being section 125.216b of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 16b. (1) A county may provide in a zoning ordinance
5 for special land uses which shall be permitted in a zoning dis-
6 trict only after review and approval by either the zoning commis-
7 sion, an official charged with administering the ordinance, or
8 the county board of commissioners. The ordinance shall specify
9 ALL OF the following:

1 (a) The special land uses and activities eligible for
 2 approval consideration and the body or official charged with
 3 reviewing special land uses and granting approval.

4 (b) The requirements and standards upon which decisions on
 5 requests for special land use approval shall be based.

6 (c) The procedures and supporting materials required for
 7 application, review, and approval.

8 (2) Upon receipt of an application for a special land use ~~which~~ THAT
 9 ~~which~~ THAT requires a decision on discretionary grounds, 1
 10 notice that a request for special land use approval has been
 11 received shall be published in a newspaper ~~which~~ THAT circu-
 12 lates in the county ~~and shall be~~ sent by mail or personal
 13 delivery to the owners of property for which approval is being
 14 considered, TO all persons to whom real property is assessed
 15 within 300 feet of the boundary of the property in question, and
 16 to the occupants of all structures within 300 feet. The notice
 17 shall be given not less than 5 and not more than ~~15~~ 45 days
 18 before the date the application will be considered. ~~Where~~ IF
 19 the name of the occupant is not known, the term "occupant" may be
 20 used in making notification. Notification need not be given to
 21 more than 1 occupant of a structure, except that ~~where~~ IF a
 22 structure contains more than 1 dwelling unit ~~or~~ or spatial area
 23 owned or leased by different individuals, partnerships,
 24 businesses, or organizations, 1 occupant of each unit or spatial
 25 area shall receive notice. In the case of a single structure
 26 containing more than 4 dwelling units or other ~~distinct~~ spatial
 27 areas owned or leased by different individuals, partnerships,

1 businesses, or organizations, notice may be given to the manager
2 or owner of the structure who shall be requested to post the
3 notice at the primary entrance to the structure. The notice
4 shall do ALL OF the following:

5 (a) Describe the nature of the special land use request.

6 (b) Indicate the geographic areas ~~which~~ THAT are included
7 in the special land use request.

8 (c) State when and where the special land use request
9 ~~shall~~ WILL be considered.

10 (d) Indicate when and where written comments ~~shall~~ WILL be
11 received concerning the request.

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

16 (3) At the initiative of the body or official responsible
17 for approving special land uses, ~~or~~ upon the request of the
18 applicant for special land use authorization, or UPON THE REQUEST
19 OF a property owner or the occupant of a structure located within
20 300 feet of the boundary of the property being considered for a
21 special land use, a public hearing with notification as required
22 for a notice of a request for special land use approval as pro-
23 vided in subsection (2) shall be held before a decision is made
24 on ~~the~~ A special land use request ~~which~~ THAT is based on dis-
25 cretionary grounds. If the applicant or the body or official
26 responsible for approving special land uses requests a public
27 hearing, only notification of the public hearing need be made. A

1 decision on a special land use ~~which~~ THAT is based on
2 discretionary grounds shall not be made unless notification of
3 the request for special land use approval, or notification of a
4 public hearing on a special land use request, has been made as
5 required by this section.

6 (4) The body or official designated in the zoning ordinance
7 to review and approve special land uses may deny ~~—~~ OR approve,
8 or approve with conditions, ~~—requests—~~ A REQUEST for special land
9 use approval. The decision on a special land use shall be incor-
10 porated in a statement of conclusions relative to the special
11 land use under consideration ~~which~~ THAT specifies the basis for
12 the decision and any conditions imposed.