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ZONING AND GROWTH MANAGEMENT

House Bills 4441 - 4443

Sponsor: Rep. Ruth Jarnick

Committee: Local Government and
Urban Policy

Complete to 3-19-01

A SUMMARY OF HOUSE BILLS 4441 - 4443 AS INTRODUCED 3-8-01

The bills would require townships, counties, and cities or villages to notify citizens about zoning or rezoning of land in their jurisdictions, following substantially similar procedures.

House Bill 4441 would amend the Township Zoning Act (MCL 125.279) to increase the advance notice that a township zoning board must give of the required hearing on a tentative zoning ordinance. Currently, two notices must be published in a newspaper of general circulation, the first notice not more than 30 or less than 20 days before the hearing, and the second notice and not more than eight days before the hearing date. Under the bill, the first notice would have to be published not more than 40 or less than 30 days of the hearing date, while the second notice would still be published not more than eight days before the date.

In addition and under the law, if an individual property or several adjacent properties is proposed for rezoning, the township zoning board is required to give a notice of the rezoning to the owner of the property, to all people to whom there is assessed any real property within 300 of the property proposed for rezoning, and to the occupants of all single and two-family dwellings within 300 feet. That notice must be delivered personally or by mail not less than eight days before the hearing. House Bill 4441 would increase the advance notification period to not less than 15 days before the hearing.

House Bill 4442 would amend the County Zoning Act (MCL 125.209 and 125.214) to increase the advance notice that a county zoning commission must give of the hearing on a tentative zoning ordinance. Currently, two notices must be published in a newspaper of general circulation, the first notice not more than 30 or less than 20 days before the hearing, and the second notice not more than eight days before the hearing date. The bill would require that the first notice be published not more than 40 or less than 30 days of the first hearing date, while the second notice would still be published not more than eight days before the date.

In addition and under the law, if an individual property or several adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing must be given to the owners of the property in question at least 20 days prior to the hearing. The bill would eliminate this provision and instead provide for the same notice requirements and conditions as those proposed for the Township Zoning Act under House Bill 4441. Specifically, the bill would require that amendments or supplements to a zoning ordinance be adopted in the same manner as the original ordinance. However, if an individual property or several adjacent properties were proposed for rezoning, the

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county zoning commission would be required to give a notice of the rezoning to the owner of the property proposed for rezoning, to all people to whom there is assessed any real property within 300 feet of the property proposed for rezoning, and to the occupants of all single and two-family dwellings within 300 feet. Under the bill, that notice would have to be delivered to the owners and tenants at the address given in the last assessment roll. If the tenant's name was not known, the term could be addressed to "occupant". If the notice were delivered by mail, an affidavit of mailing would have to be filed with the County Zoning Commission before the hearing. Finally, under the bill the notice would have to be mailed or personally delivered not less than 15 days before the hearing, and it would be required to state the time, place, date, and purpose of the hearing.

House Bill 4443 would amend the City and Village Zoning Act (MCL 125.584) to ensure that the procedures followed would be substantially similar to those proposed for townships and counties, although generally similar rezoning notice requirements are currently part of the act.

In particular, the bill specifies that if a city or village did not have a commission appointed to recommend a zoning ordinance, the legislative body of the city or village would be required to hold at least one public hearing before adopting a zoning ordinance. Under the bill, the city or village clerk would be required to publish notice of the time and place of a public hearing of the commission appointed to recommend a zoning ordinance (or if appropriate, of the legislative body), in an official paper, or a newspaper of general circulation, not more than 40 or less than 30 days before the public hearing. The city or village clerk also would be required to give not less than 15 days' notice of the time and place of the public hearing by mail to each public utility company and each railroad company owning or operating any public utility or railroad within the districts or zones affected that registered its name and mailing address with the city or village clerk for the purpose of receiving notice. Under the bill, the city or village clerk also would be required to make an affidavit of mailing.

Further, House Bill 4443 would require that amendments or supplements to a zoning ordinance or maps be adopted in the same manner as the original zoning ordinance or maps. However, if an individual property or several adjacent properties were proposed for rezoning, the appropriate body would be required to give notice of the rezoning to the owners of the property in question, to all people to whom there is assessed any real property within 300 of the property proposed for rezoning, and to the occupants of all single and two-family dwellings within 300 feet. Under the bill, that notice would have to be delivered to the owners and tenants at the address given in the last assessment roll. If the tenant's name was not known, the notice could be addressed to "occupant". If the notice were delivered by mail, an affidavit of mailing would have to be filed with the appropriate body before the hearing. Finally, under the bill the notice would have to be mailed or personally delivered not less than 15 days before the hearing, and it would be required to state the time, place, date, and purpose of the hearing.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.