




Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 252 (Substitute S-1 as passed by the Senate)
Senate Bill 253 (Substitute S-1 as passed by the Senate)
Senate Bill 254 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Raymond E. Basham
Committee: Local, Urban and State Affairs

Date Completed: 8-2-05

RATIONALE

When a local government is considering a proposal to rezone property, Michigan law generally requires that notice of the proposed rezoning be given to individuals and businesses that own property within the parcel. Townships also must notify people owning property or living within 300 feet of the proposed rezoning. Apparently, some property owners find the notices to be confusing because they contain legal descriptions of the property and a difficult-to-interpret map of the area proposed for rezoning. Some people believe that property owners would find it easier to determine whether their property or neighboring property was subject to a proposed rezoning if the addresses of the buildings currently on the property were included in the notice.

the proposed rezoning to the owner of the property in question, to all people to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of all single- and two-family dwellings within 300 feet. The bill would retain this requirement, but refer to all people who owned any real property within 300 feet of the proposed rezoned property, rather than all people to whom real property within 300 feet is assessed.

The notice would have to include a listing of all existing street addresses within the proposed rezoned property. As currently required, the notice would have to be delivered personally or by mail to the respective owners and residents at the address given in the last assessment roll.

CONTENT

Senate Bills 252 (S-1), 253 (S-1), and 254 (S-1) would amend the Township Zoning Act, the County Zoning Act, and the City and Village Zoning Act, respectively, to require that notice of a proposed rezoning, public hearing on a recommended rezoning ordinance, or proposed rezoning and hearing include a listing of all existing street addresses within the property.

Senate Bill 252 (S-1)

Under the Township Zoning Act, if an individual property or several adjacent properties are proposed for rezoning, the township zoning board must give a notice of

Senate Bill 253 (S-1)

Under the County Zoning Act, before submitting its recommendations of a tentative zoning plan to the county board of commissioners, a county zoning commission must hold at least one public hearing. In addition to the required notice by publication in a newspaper, at least 20 days' notice of the time and place of the hearing must be given by mail to each of the following:

- Each electric, gas, pipeline, and telephone public utility company, and the airport manager of each airport, that registers the name and mailing address of the company or airport with the county zoning commission for the purpose of receiving the notice of public hearing.

-- Each railroad within the district or zone affected.

Under the bill, if the hearing involved an amendment to the zoning ordinance, notice also would have to be given all owners of property within the affected area. The notice would have to include a listing of each street address within the affected area.

Senate Bill 254 (S-1)

The City and Village Zoning Act prescribes procedures for the legislative body of a city or village to adopt zoning regulations. At least one public hearing must be held by the legislative body or by a commission appointed to recommend zoning regulations. In a city or village with a commission, the legislative body may not amend the adopted zoning ordinance or maps until the proposed amendment has been submitted to the commission and it has held at least one hearing and made a report on the amendment.

After the legislative body of a city or village has approved a zoning ordinance and maps, they may be amended as provided in the Act. 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 at least 15 days before the hearing.

Under the bill, notice of the proposed rezoning and hearing would have to include a list of all existing street addresses within the proposed rezoned property.

MCL 125.284 (S.B. 252)
125.209 (S.B. 253)
125.584 (S.B. 254)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Apparently, to most people, the notice of a proposed rezoning that local governments are required to send out is often more confusing than informative. The notices contain a legal description of the proposed rezoning that cannot be readily interpreted by people who lack access to the types of

detailed maps necessary to locate a parcel based on such a description. Additionally, the maps of the area proposed for rezoning, which are included in the notices, often fail to clarify the legal description for most property owners because the maps focus on a small area (often only an acre or two), and many times do not include the types of landmarks most people use in locating a particular parcel, such as roads, bridges, and intersections. By requiring that notices include the street addresses within the property proposed for rezoning, the bills would ensure that the notices were more easily understood by property owners and residents, who are accustomed to identifying property by its address.

Response: Much of the property that is rezoned in Michigan, especially in townships, is vacant at the time of rezoning. Buildings, not parcels, are assigned addresses, so undeveloped property does not contain street addresses. In many cases, there would be no addresses to include in notices of a proposed rezoning.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.