



Zoning Ordinance Public Hearing & Public Noticing Requirements

VILLAGE OF LAWTON | VAN BUREN COUNTY | STATE OF MICHIGAN

Public Hearings

The Michigan Zoning Enabling Act (MZEA) (PA 110 of 2006, MCL 125.3101 *et seq.*) requires public hearings for a variety of local zoning ordinance actions.

Planning Commission — Public hearings are required for the following zoning requests which come before municipal planning commissions:

- **Amendments/Rezoning** — Text amendments and district changes (i.e., rezonings) to the zoning ordinance (MCL 125.3202(1))
- **Conditional/Special Land Uses** — Conditional/special land uses which require a discretionary decision (MCL 125.3502(2))
- **Planned Unit Developments** — Land development project review processes based on the application of site planning criteria to achieve integration of proposed land development projects with project area characteristics (MCL 125.3503(1)&(5))

Legislative Body — Municipal legislative bodies may hold a public hearing on a zoning recommendation made by their planning commissions if they consider it necessary or if otherwise required (MCL 125.3401(1))

Zoning Board of Appeals — Public hearings are required for the following requests which come before municipal zoning boards of appeals:

- **Variations** — Variance requests from zoning ordinance standards. (MCL 125.3604(4))
- **Interpretations/Appeals** — Interpretations of the zoning ordinance or appeals of administrative decisions regarding the zoning ordinance (MCL 125.3604(5))

Public Notices

If a public hearing is conducted, the Michigan Zoning Enabling Act (MZEA) (PA 110 of 2006, MCL 125.3101 *et seq.*) requires that the hearing is noticed.

All Requests

All public hearings must comply with the following noticing requirements:

- **Notice Contents** — Notices must contain all of the following (MCL 125.3103(4) & 125.3202(3)):
 - Describe the nature of the request
 - Indicate the property that is the subject of the request, including a listing of all existing street addresses within the property
 - Street addresses do not need to be created and listed if no such addresses currently exist within the property

State Requirements

Sections 103 (MCL 125.33103), and 202 (MCL 125.3202) of the Michigan Zoning Enabling Act (110 PA 2006) outline the public noticing requirements for public hearings required for the approval, amendment, administration, or adjudication of municipal zoning ordinances. The requirements for public hearings regarding those actions are found elsewhere in the Act. The MZEA can be downloaded from the [Michigan Legislature](http://MichiganLegislature.com) website. The requirements are also summarized to the left.

- If there are no street addresses, other means of identification may be used
- The requirement that street addresses be listed does not apply to any group of adjacent properties numbering 11 or more proposed for rezoning
- State when and where the request will be considered
- Indicate when and where written comments will be received concerning the request
- **Notice Publication** —Notices of public hearings must be published in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing (MCL 125.3103(1)).

Property Specific Requests

Public hearings regarding property specific requests (i.e., rezonings, conditional/special use permits, planned unit developments, variances, and appeals) must also comply with the following noticing requirements:

- **Notice Recipients** —The following parties must receive a public notice (MCL 125.3103(2) & 125.3202(3)):
 - The owners of property that is the subject of the request
 - All persons to whom real property is assessed within 300 feet of the property that is the subject of the request
 - The occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction
 - If a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area must be given notice
 - If a structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, 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
 - If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice
 - The noticing requirements for property specific requests do not apply for any group of adjacent properties numbering 11 or more proposed for rezoning
- **Notice Delivery** —The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service (MCL 125.3103(3))
- **Timing of Notice** —The notice must be given not less than 15 days before the date the request will be considered (MCL 125.3103(3))

Open Meetings Act

Municipalities must also meet the noticing requirements of Michigan's Open Meetings Act (PA 267 of 1976, MCL 15.261 et seq.)