

The following is a brief summary of the significant impacts of PA 12 of 2008, amendments to the Michigan Zoning Enabling Act. Communities should consult with their own legal counsel and Planning staff or consultant prior to action on any amendments to address the changes required by this Act. The Act took effect on February 29, 2008.



Topic	New Zoning Enabling Act Provision	Comments
Notice Requirements to Occupants of Structures within 300 Feet of the Subject Property	<p>If a structure contains 4 or fewer dwelling units, notice shall be given to one occupant of each dwelling unit.</p> <p>If a structure contains more than 4 dwelling units, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the structure's primary entrance.</p>	This language is consistent with the previous notice requirements of the former Township Zoning Act, City and Village Zoning Act, and County Zoning Act for special land uses and planned unit developments.
Notice Delivery	Required notices are considered to be "given" when personally delivered or when deposited during normal business hours for delivery with the U.S. postal service or other public or private delivery service.	
Hearings Requested by a Property Owner on a Proposed Ordinance Provision	<p>Hearings requested by a property owner before the Legislative Body on a proposed ordinance provisions are <u>not</u> subject to the notice requirements of the Act (i.e., newspaper, owners and occupants within 300 feet).</p> <p>Notice is only required to be given to the property owner requesting the hearing.</p>	The previous Act did not address notice requirements for hearings requested by a property owner.
Zoning Ordinance Effective Date	Ordinances become effective upon expiration of 7 days after publication or at such later date as specified by the Legislative Body or <i>charter</i> .	The Act requires that a notice of adoption must be published in the newspaper within 15 days of adoption of a Zoning Ordinance or subsequent amendments. While the Act allows a later <i>effective date</i> to be specified by a community's charter, the Act's 15-day <i>publication</i> requirement supersedes any charter requirements.
Zoning Ordinance Violations	Violations of the Zoning Ordinance may be designated as a blight violation and impose a civil fine or other sanction authorized by law.	This applies only to cities that have established an administrative hearing bureau pursuant to Section 4q of the Home Rule City Act (PA 279 of 1909).

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Site Plans	Decisions rejecting, approving, or conditionally approving a site plan shall be based on requirements and standards contained in the zoning ordinance, <i>other statutorily authorized and properly adopted</i> local unit of government planning documents, other applicable ordinance, and state and federal statutes.	The phrase “other statutorily authorized and properly adopted” was not included in the previous Act.
Zoning Board of Appeals Membership	<p>In cities and villages, one regular member of the ZBA <u>may</u> be a member of the Planning Commission (or Zoning Commission).</p> <p>In counties, regular and alternate members of the ZBA must reside within the county but outside of any city or village.</p> <p>In all jurisdictions, one regular <i>or alternate</i> member may be a member of the Legislative Body.</p>	<p>In townships and counties, one regular member of the ZBA <u>must</u> be a member of the Planning Commission (or Zoning Commission).</p> <p>The previous Act only permitted a member of the Legislative Body to serve as a regular member.</p>
ZBA Voting	ZBA members who are also members of the Planning Commission (or Zoning Commission) or Legislative Body shall not participate in a hearing or vote on the same matter that the members voted on as members of the Planning Commission (or Zoning Commission) or Legislative Body.	The Act does allow these members to consider and vote on other unrelated matters involving the same property.
Appeals of ZBA Decisions	<p>An appeal from a decision of a ZBA shall be filed within 30 days after the ZBA issues its decision in writing signed by the chairperson (or by the members of the ZBA if there is no chairperson), or within 21 days after the ZBA approves the minutes of its decision.</p> <p>The court may affirm, reverse, or modify the decision of the ZBA.</p>	The previous Act required appeals to be filed within 30 days after the ZBA certifies its decision in writing or approves the minutes of its decision.