

*"Thirty seven million acres is all the Michigan we will ever have."*

*Former Governor  
William G. Milliken*

Michigan State University  
Extension Land Use Area of  
Expertise Team

<http://www.msue.msu.edu/aoe/landuse/landindex.html>

Michigan State University Extension programs and materials are open to all without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, marital status, or family status.

Michigan State University, U.S. Department of Agriculture and counties cooperating

MSU is an affirmative-action equal opportunity institution.

## ZONING AMENDMENTS (INCLUDING PLANNED UNIT DEVELOPMENT) Aug. 2003

# How to Participate in the Zoning Process

This flyer is to help you to be effective in making your views known on a proposed zoning amendment or rezoning. You may have received this flyer because you are within 300 feet of the geographic area of a zoning amendment. Zoning amendments and rezonings are the same thing. It is a proposal to change the text of the zoning ordinance, change the zoning map, or both. Some ordinance text amendments do not require notice to everyone within 300 feet. If your area is zoned by a county, notice to everyone within 300 feet may not apply for any amendment. Notice of the proposed amendment can be found in a local newspaper. You can be involved in the review of the amendment. This flyer is to help you prepare for a hearing or meeting on the proposed amendment at your local planning commission/zoning board, your city or village council or township or county board.

Zoning is supposed to be based on a plan. An amendment to zoning should also be based on, or follow, the community's plan. A zoning amendment is a legislative action, so the final decision is made by your city or village council, township or county board after they have a recommendation from your planning commission/zoning board.

An important thing to remember is that a **zoning amendment makes changes for more than just what someone is proposing for a parcel of land.** A text amendment can change rules for an entire zoning district, or the entire community – not just the property that someone is proposing something for. A map amendment means any of the permitted or special uses in the new zoning district can happen – not just what someone is proposing on that day.

## Educate Yourself on the Proposed Amendment.

Before the public hearing, or meeting on the amendment request a full copy of the proposed zoning amendment (and an application if it exists). You may also need a copy of the existing zoning ordinance to be able to see how the amendment changes it. Also request, or borrow, a copy of the community's plan.

Next, review the proposed amendment against the community's plan. Remember you are looking for information that shows the amendment contravenes or complies with the plan.

Then, prepare a submission for the hearing/meeting. This can be oral or written. In the submission one should focus on facts, amendment's compliance/non-compliance with the plan.

## Attend the Public Hearing(s)

Provide each member of the planning commission/zoning board, recording secretary, and planning staff, a

### Author:

Kurt H. Schindler, COUNTY EXTENSION DIRECTOR

LAND USE AREA OF EXPERTISE

Phone: (231)779-9480

Fax: (231)779-9105

e-mail: [schindlk@msue.msu.edu](mailto:schindlk@msue.msu.edu)

overland mail:

MSU Extension, Wexford County

401 N. Lake Street

Cadillac, Mich. 49601-1891

The author would like to thank Denise Coon, Assistant Planner for Emmet County for her review and comments in preparation of this bulletin.

copy of your submission in writing. Everyone who wishes to speak will be given a chance to do so. When at the hearing/meeting always wait for the chair of the meeting to acknowledge you before speaking. Always speak to, or address, the chair. Begin by stating your name and where you live, if pertinent. Orally summarize the major points in your written submission. In order that everyone has a chance to be heard, there may be a time limit for each person and other rules. Be sure to stay within the time limit (if any).

After this hearing, the planning commission/zoning board makes a recommendation to the elected body. (A township planning commission/zoning board also refers the amendment to your county planning commission, which also makes a recommendation to the elected body.)

When the elected body receives the recommendation(s) they can act to:

1. Adopt the proposed amendment, as recommended.
2. Hold additional hearing(s). If additional hearings are held, you should attend and give submission as was done with the planning commission.
3. Return the amendment to the planning commission/zoning board for further study. When a proposed amendment comes back to the elected body a second time, they can adopt, hold hearings, or reject the amendment.

### **Protect your Credibility**

Your credibility is your most important commodity. Make sure statements made are true and can be verified. Do not be emotional, but focus on the facts. Cite your sources (use footnotes or attach a copy or summary).

When doing research do not use just any "study." There are good and bad research/studies. It is important to know the four standards of good research:

1. Was the data "double blind?" (The subject of the study did not know which side of the question they represented.)
2. Was the study peer-reviewed? (Published in a research journal, at a university.)
3. Can the study be repeated and get similar results? (Is there multiple studies with similar results)
4. The researcher does not have a stake in the outcome.

Finally, remember that planning staff working for government should remain "professional." That means it is okay to seek help from the zoning administrator and/or staff planner and/or consulting planner. But remember what these people say or do should reflect their legal obligation or the views and wishes of who they work for. It does not necessarily reflect their personal view. You should not criticize staff at a personal level. Focus your comments on the issue, not the person.

## **Bring the Amendment to a Vote**

If the amendment is adopted and one is still opposed to it, there is a possibility one can petition to bring the amendment to a vote of the people. Petitioning to bring it to a vote can always be done with township or county zoning. In a city or village this will depend on how the city or village charter is written.

If there is going to be a petition to bring the issue to a vote, one should see a lawyer to do this. This is a very formal petition which requires legal work to prepare. Also one should not delay. There are deadlines and things that must be done within a certain amount of time for this to happen.

[August 5, 2003; Wexford MSUE CED; C:\My Documents\wp\BullitensMSUE Wexford\Templates\MSUE Bulliten Land Use Series for PDF.wpd]

### **Zoning is and is not**

Zoning is supposed to be about the use of land, the impact on land and adjacent land uses.

Zoning is not:

- a. to promote/oppose economic, racial, or religious views.
- b. enforcement of private deed restrictions.
- c. a solution for neighborhood feuds or personal quarrels.
- d. a promoter of development (it merely permits it).
- e. a tool for the political arena (to reward/punish others).
- f. a public popularity contest – zoning decisions are to be based on facts, not majority of votes.

### **Zoning cannot regulate**

As a general rule zoning cannot totally prohibit anything. (Must have a place for it somewhere when a need is demonstrated...); must allow continued use of nonconforming (grandfathered) land uses. Zoning can not regulate hazardous waste; solid waste facilities (landfills); utility lines; certain pipelines; prisons; oil and gas wells; surface coal mining; water pollution; non-point source pollution; fertilizer; Mackinac Island Park Authority activity; certain trails; State Police radio communication system; armories; nuclear power facilities; military facilities; Native American (Indian) tribe activity on tribal land/in "Indian country"; public schools; certain colleges and universities; county buildings; the municipality which adopted the zoning ordinance. There is limited zoning jurisdiction for interior design of mobile home parks; United States Government; "open space"/"cluster" development; mobile homes; "state licensed residential facilities"; craft/fine art home occupations; day-care in a county or township; manure, pesticide nutrient, care of farm animals, cranberry production, site selection and odor control of livestock production on a farm; and billboards under county zoning. Zoning can regulate, but not prohibit religious activities/land uses; adult entertainment/sexually oriented businesses; satellite dishes; cellular