



## Michigan State University Extension Land Use Series

# How to Participate in the Zoning Process

*Original version: August 2003*

*Last revised: September 2023*

## Zoning Amendments (Including Planned Unit Developments)

This flyer is to help you to be effective in making your views known on a proposed zoning amendment or rezoning. Zoning amendments are proposals to change the text of the zoning ordinance, change the zoning map, or both. Amendments to the zoning map are sometimes referred to as rezonings but are still an amendment to the zoning ordinance. Often public notice is provided by the local unit of government for proposed amendments and provides the time and location of the public hearing where the amendment will be considered.

These notices will be in a newspaper of general circulation and in some cases, sent to all owners of real property within 300 feet of the subject property. Notices may also be available on a local unit of government's website. Some ordinance text amendments do not require notice to everyone within 300 feet. You can provide comments on the amendment to your appointed and elected officials. This flyer is to help you prepare for a hearing or meeting on the proposed amendment at your planning commission, and city or village council or township or county board.

## Zoning is Based on a Plan

Zoning is supposed to be based on a plan according to the Michigan Zoning Enabling Act ([MCL 125.3203](#)). (See MSU Extension's article, "[A zoning plan is a required part of master plans in Michigan](#)" for more information.) 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 the planning commission.

An important thing to remember is that a **zoning amendment has a larger impact than just what someone is proposing for a particular 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 (rezoning) means any of the permitted or special uses in the new zoning district may be approved – not just what someone is proposing at the time.

## Educate Yourself on the Proposed Amendment.

Before the public hearing, or meeting on the amendment, obtain 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 would modify it and a copy of the relevant community plan(s). You can reach out to the zoning administrator, staff, or other local officials to locate these documents. These documents may also be readily available on the local unit of government website.

Next, review the proposed amendment against the community's plan. Remember you are looking for whether the proposed zoning amendment is based on a plan. For text amendments this may mean comparing the proposed amendment to the goals and visions outlined in a plan. For a map amendment (rezoning) a review should include comparing the proposed zoning district to the community's future land use map.

Then, prepare a submission for the hearing/meeting. This can be oral or written. In the submission you should focus on facts, amendment's compliance/non-compliance with the plan, and any additional data relevant to the decision that the public body should be aware of. Writing out your comments ahead of the meeting can help clarify and improve your submission.

### Attend the Public Hearing(s)

While not required, it may be a good idea to provide each member of the planning commission, recording secretary, and planning staff, a copy of your submission in writing. Everyone who wishes to speak at a public hearing/meeting will be given a chance to do so. While speaking you must abide by the public body's established rules. 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 – not staff, other members of the public body, or the audience. Begin by stating your name and where you live, if pertinent or required by the public body. Then use your time to 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 also refer 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:

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 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.

### 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 seek the advice of a lawyer. This is a very formal petition which requires legal paperwork to be prepared. Also, one should not delay. There are deadlines and things that must be done within a certain amount of time to bring a petition to a vote of the people. (See the MSU Extension article [“Zoning petitions: What are citizens' options”](#) for more information.)

## Additional Considerations

### Protect your Credibility

Your credibility is one of your most important resources. Make sure your statements are true and can be verified. It will be easier for others to verify your claims if you cite your sources (use footnotes or attach a copy or summary).

When doing research, it is important to make sure you are using quality information and sources. There are good and bad research/studies. The [University of California Berkeley Library guide to evaluating resources](#) can help you determine the quality of a resource. The [Michigan State University Library also has this video on evaluating online information sources](#).

### Government Staff

Planning staff working for government should remain professional and unbiased. That means it is okay to seek help from the zoning administrator and/or staff planner and/or consulting planner. However, keep in mind what these people say or do should reflect their legal obligation to follow the ordinance from a place of neutrality. The ordinance standards or a board's decision may not necessarily reflect their personal views. But remember what these people say or do should reflect their legal obligation to follow the ordinance from a place of neutrality. The ordinance standards or board's decision may not necessarily reflect their personal view. You should not criticize staff at a personal level. Focus your comments on the issue, not the person.

### Zoning is and is not

Zoning is supposed to be about regulating the *use of land*. Zoning is designed to weigh and consider the impact of a proposed land use on the subject property and adjacent land uses. Zoning is **not meant**:

- to promote/oppose economic, racial, or religious views,
- to enforce private deed restrictions,
- as a solution for neighborhood feuds or personal quarrels,
- as a development promoter (it merely permits it),
- as a political tool to reward some and punish others, or
- as a public popularity contest – zoning decisions are designed to be based on facts, not majority votes of the audience present, petitions, or social media.

### Local zoning does not (and cannot) regulate every land use

The State of Michigan and the federal government can take away (or preempt) local control of certain land uses. Several examples below illustrate various levels of zoning preemption. Refer to the article [Restrictions on Zoning Authority](#) for more information.

**Zoning cannot regulate:** Local zoning is preempted by state and federal government from regulating hazardous waste, solid waste facilities (landfills), utility lines, certain pipelines, prisons, oil and gas wells, surface coal mining, water pollution, fertilizer application, certain trails, Michigan State Police radio communication system, nuclear power facilities, military facilities, Native American (Indian) tribe

activity on tribal land, public schools, certain colleges and universities, county buildings, commercial farming activities such as caring for animals or the use of pesticides.

**Limited zoning authority (partial preemption):** design of mobile home parks, open space/cluster development, state licensed residential facilities, craft/fine art home occupations, certain daycare facilities (depending on size), sand and gravel mining, farm markets.

**Zoning can regulate, but not prohibit:** religious activities/land uses; adult entertainment/sexually oriented businesses; cellular telephone towers.

**For marijuana, it depends on the details:** Michigan law regulating marijuana include the Michigan Medical Marihuana Act (MMMA, 2008), Medical Marihuana Facilities Licensing Act (MMFLA, 2016), and Michigan Regulation and Taxation of Marihuana Act (MRTMA, 2018). Zoning regulation of marijuana-related facilities depends on the licensure type, the extent of local control specified in the Act, and local legislative decisions to allow or prohibit certain marijuana licenses. For more information, visit the Michigan Cannabis Regulatory Agency, <https://www.michigan.gov/cra>

## More Information

To find more information on citizen participation in the zoning process visit the MSU Extension Citizen Education web page: [https://www.canr.msu.edu/planning/citizen\\_education](https://www.canr.msu.edu/planning/citizen_education)

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To find contact information for authors or other MSU Extension experts use this web page: <https://www.canr.msu.edu/outreach/experts/>

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