


David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Director, City Planning
Commission
Janese Chapman
Director, Historic Designation
Advisory Board

John Alexander
Megha Bamola
LaKisha Barclift, Esq.
Nur Barre
M. Rory Bolger, Ph.D., AICP
Elizabeth Cabot, Esq.
Tasha Cowen

City of Detroit
CITY COUNCIL
LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-4946 Fax: (313) 224-4336

George Etheridge
Christopher Gulock, AICP
Derrick Headd
Marcel Hurt, Esq.
Kimani Jeffrey
Anne Marie Langan
Jamie Murphy
Kim Newby
Analine Powers, Ph.D.
Jennifer Reinhardt, AICP
Rebecca Savage
Sabrina Shockley
Thomas Stephens, Esq.
David Teeter
Theresa Thomas
Kathryn Lynch Underwood, MUP
Ashley A. Wilson

TO: COUNCIL MEMBERS

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: July 9, 2021

RE: Notice Requirements

Council President Pro-Tem Sheffield requested that the Legislative Policy Division (LPD) provide a report on the statutory requirements of public notices as required by state and local laws for the following:

- Tax abatement hearings
- Brownfield Hearings
- Rezoning requests
- BZA hearings
- Planning studies
- Any City action that requires public notification

This report is our response to this inquiry. In this report, we spell out the specific requirements for each and when and where the notices are posted.

General Notice Requirements

To the question of what are the notice requirements for tax abatement related public hearings, the short answer is “*it depends*”. The Michigan Open Meetings Act (MCL 15.261, et. seq.), references an 18-hour notice requirement for meetings of a public body that are “recessed for more than 36 hours”, with the exception of the first meeting of the year. Therefore, the minimum notice period is generally 18-hours, other than emergencies and where there are

exceptions. Locally, one of the exceptions to the 18-hour rule is the case of *Special Meetings*, wherein a 24-hour notice period is required.¹

Notice Requirements of PA 198 of 1974

The Open Meetings Act references the requirements for meetings of public bodies, but every state of Michigan tax abatement has its own public hearing requirements in each of their respective sections of state law. In regard to Public Act 198 of 1974, Plant Rehabilitation and Industrial Development Districts (MCL 207.551, et. seq.), prior to establishing a **district**, *“the legislative body shall give written notice by certified mail to the owners of all real property within the proposed plant rehabilitation **district** or industrial development district and shall hold a public hearing on the establishment of the plant rehabilitation district or industrial development district at which those owners and other residents or taxpayers of the local governmental unit shall have a right to appear and be heard.”*² There is no minimum noticing period mentioned in the statute regarding public hearings for PA 198 districts.

In regard to the **certificate**, *“The legislative body ..., not more than 60 days after receipt by its clerk of the application, shall by resolution either approve or disapprove the application for an industrial facilities exemption **certificate** ... If disapproved, the reasons shall be set forth in writing in the resolution. If approved, the clerk shall forward the application to the commission within 60 days of approval or before October 31 of that year, whichever is first.... If disapproved, the clerk shall return the application to the applicant.”*³ The statute further states in MCL 207.555(2), *“Upon receipt of an application for an industrial facilities exemption certificate, the clerk of the local governmental unit shall notify in writing the assessor of the assessing unit ... and the legislative body of each taxing unit Before acting upon the application, the legislative body of the local governmental unit shall afford the applicant, the assessor, and a representative of the affected taxing units an opportunity for a hearing.”* Other than the aforementioned 60 days after the receipt of the application by the clerk, there is no minimum noticing period mentioned in the statute regarding public hearings for PA 198 certificates. City Council may want to consider applying a "reasonable notice" standard for both the PA 198 district *and* certificate public hearings.

Notice Requirements of Public Act 328 of 1998 (Amends 1893 PA 206) (MCL 211.9f)

The limited statute for abatement of eligible personal property this section states, *“The clerk of the eligible local assessing district ... shall notify in writing the assessor ... and the legislative body of each taxing unit that levies ad valorem property taxes in the eligible local assessing district Before acting on the resolution, the governing body ... shall afford the assessor and a representative of the affected taxing units an opportunity for a hearing”*⁴. The statute is silent in regard to minimum notice requirements. City Council may want to consider applying a "reasonable notice"⁵ standard for PA 328 public hearings as well.

¹Detroit City Charter- Section 4-102: Special meetings may be held at the call of the Mayor or four (4) or more City Council members and ..., upon no less than twenty-four (24) hours notice.

² MCL 207.554

³ MCL 207.556

⁴ Section 9f(1)

⁵ "Reasonable notice" is discussed in detail, later in this report.

Notice Requirements of Public Act 210 of 2005 (MCL 207.841, et. seq.)

In regard to the notice requirements involved in the establishment of a **Commercial Rehabilitation District** under the Act, the statute states, “*Before adopting a resolution establishing a commercial rehabilitation district, the legislative body shall give written notice by certified mail to the county in which the proposed district ... and the owners of all real property within the proposed commercial rehabilitation district and shall afford an opportunity for a hearing on the establishment of the commercial rehabilitation district at which any of those owners and any other resident or taxpayer of the qualified local governmental unit may appear and be heard. The legislative body shall give public notice of the hearing not less than 10 days or more than 30 days before the date of the hearing.*”⁶ This particular statute gives explicit limits on the minimum (10 days) and maximum (30 days) days of notice for public hearings for the establishment of **Commercial Rehabilitation Districts**.

Regarding the notice requirements involved with acting upon the authorization of a **Commercial Rehabilitation Certificate**, the statute states, “*Upon receipt of an application for a commercial rehabilitation exemption certificate, the clerk ... shall notify in writing the assessor ..., and the legislative body of each taxing unit that levies ad valorem property taxes in the qualified local governmental unit Before acting upon the application, the legislative body of the qualified local governmental unit shall hold a public hearing on the application and give public notice to the applicant, the assessor, a representative of the affected taxing units, and the general public. The hearing on each application shall be held separately from the hearing on the establishment of the commercial rehabilitation district.*”⁷ The statute is silent in regard to minimum notice requirements for certificates, but it does indicate that the district and the certificate hearings must be separate. City Council may want to consider applying a "reasonable notice" standard for Commercial Rehabilitation Certificate public hearings.

Notice Requirements of Public Act 146 of 2000 (MCL 125.2781, et seq.)

The notice requirements for the establishment of Obsolete Property Rehabilitation Districts, per the Act state, “*Before adopting a resolution establishing an obsolete property ... district, the legislative body shall give written notice by certified mail to the owners of all real property within the ... district and shall afford an opportunity for a hearing on the establishment of the ... district at which any of those owners ... resident or taxpayer ... may appear and be heard. The legislative body shall give public notice of the hearing not less than 10 days or more than 30 days before the date of the hearing.”⁸*

As with the establishment of Commercial Rehab Districts, this particular statute gives explicit limits on the minimum (10 days) and maximum (30 days) days of notice required for public hearings for the establishment of Obsolete Property Rehabilitation Districts as well.

The statutory requirements for noticing a public hearing for the authorization of an Obsolete Property Rehabilitation Act (OPRA) Certificate are, “*Upon receipt of an application for an obsolete property rehabilitation exemption certificate, the clerk ... shall notify in writing the assessor ..., and the legislative body of each taxing unit that levies ad valorem property taxes ...*

⁶ MCL 207.843 Section 3(3)

⁷ MCL 207.844 Section 4(2)

⁸ MCL 125.2783 Section 3(3)

Before acting upon the application, the legislative body ... shall hold a public hearing on the application and give public notice to the applicant, the assessor, a representative of the affected taxing units, and the general public. The hearing on each application shall be held separately from the hearing on the establishment of the obsolete property rehabilitation district. The statute is silent in regard to minimum noticing requirements for OPRA certificates, but it does indicate that the district and the certificate hearings must be separate, similar to the Commercial Rehab Certificate's requirements. City Council may want to consider applying a "reasonable notice" standard for OPRA Certificate public hearings.

Notice Requirements of PA 381 of 1996 (MCL 125.2664)

The statutory requirements for noticing a public hearing for the approval of brownfield plan under the Brownfield Redevelopment Financing Act are, *“Before approving a brownfield plan for an eligible property, the governing body shall hold a public hearing on the brownfield plan. By resolution, the governing body may delegate the public hearing process to the authority or to a subcommittee of the governing body subject to final approval by the governing body.”*⁹ In the case with the Detroit City Council, by resolution the Council has authorized the Detroit Brownfield Rehabilitation Authority (DBRA) to administer the noticing process. By statute the notice is to include, *“Notice of the time and place of the hearing on a brownfield plan shall contain all of the following: (a) A description of the property to which the plan applies in relation to existing or proposed highways, streets, streams, or otherwise. (b) A statement that maps, plats, and a description of the brownfield plan are available for public inspection at a place designated in the notice and that all aspects of the brownfield plan are open for discussion at the public hearing required by this section. (c) Any other information that the governing body considers appropriate.”*¹⁰ In addition to notifying the public the statute also indicates, *“Not less than 10 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this act. The authority shall notify the taxing jurisdictions of the proposed brownfield plan.”*¹¹ The statute is silent concerning distance requirements of notice or publication.

According to DBRA staff however, DBRA attempts to notify the neighboring communities of each respective brownfield with an upcoming Council hearing. by reaching out to known community & neighborhood groups, Council district staff representatives. The notices are also forwarded to the Clerk and the Detroit City Council via email. Additionally, the rules of the Open Meetings Act are followed. In addition, prior to COVID, DBRA posted hearing notices on the CAYMC community bulletin board and the bulletin boards of the DEGC.

Concerning notifying the taxing jurisdictions, the current practice of notice (post COVID) is to provide an email notice to a pre-established list of delegates of each respective taxing jurisdiction at least 10-days prior to each public hearing. Prior to COVID, the notices were delivered at least 10-days prior to each public hearing by certified mail.

⁹ MCL 125.2664 (1)

¹⁰ MCL 125.2664 (2)

¹¹ MCL 125.2664 (4)

Reasonableness of Notice

The concept of “reasonableness” is found throughout the law. The “reasonable man” or “reasonable person” standard is frequently applied in the area of personal injury law to assess perception of injury. With respect to notice in the context of termination of a contract, particularly where a specific requirement is not explicit, "**reasonable notice**" is notice fairly to be expected or required under the particular circumstances, and whether notice is reasonable depends on the circumstances of each case and is ordinarily a question of fact for the jury. *Associated Petroleum Products, Inc. v. Northwest Cascade, Inc.*, 149 Wash. App. 429, 203 P.3d 1077 (Div. 2 2009).

Similarly, when considering reasonable notice for a public hearing on granting tax abatements, the time should be reasonably calculated to afford appropriate notice to those who might have an interest in the proceedings. Thus, where no specific notice is required, it is reasonable to look to provisions in similar statutes for guidance. It may be useful for City Council to consider an amendment to its rules to require a minimal, and reasonable, notice period for such public hearings where no specific requirement is otherwise mandated by statute.

Zoning Ordinance & Community Benefits Ordinance

There are various boards, commissions, departments and City agencies that fulfill a review and decision making role within Detroit’s municipal government. This section of the report details the public hearing and other notice requirements required under the Zoning Ordinance & Community Benefits Ordinance.

The public hearing notice requirements for the Board of Zoning Appeals is governed by Article II. – Review and Decision-Making Bodies – Division 5. – Board of Zoning Appeals, Section 50-2-67 – Procedures. Sec. 50-2-67 (1) states:

- (1) Notice of the hearing shall be given not less than 15 days prior to the date scheduled for the public hearing. Notice shall be given to all persons to whom real property is assessed within at least 300 feet of the boundary of the property in question, and shall be addressed to the respective person at the address given in the last assessment roll. Notice shall also be given to the occupants of all structures within 300 feet of the boundary of the property in question. Said notice shall also be posted on the property as provided for in Section 50-3-11 of this Code. Finally, notice shall be given to the Planning and Development Department and, where appropriate, the Historic District Commission;

Sec. 50-2-67 (2) states:

- (2) Notice shall also be given to all community organizations that are registered with the Buildings, Safety Engineering, and Environmental Department for such purposes, and whose service boundaries are within 300 feet of the premises in question;

Also pertaining to the public hearing notice requirements for the Board of Zoning Appeals in regards to the BZA’s ability to grant minor deviations from adopted development plans in accordance with Section 10 of the Michigan Blighted Area Rehabilitation Act, being MCL

125.80, is Sec. 50-2-74. – Powers and duties; minor deviations from adopted development plans. Specifically Sec. 50-2-74 (b) which states in part:

- (b) Before taking any such action, in accordance with Section 10 of the Michigan Blighted Rehabilitation Act, being MCL 125.80, the Board of Zoning Appeals shall hold a public hearing with at least ten days' notice of the time and place which shall be given:
 - (1) By a notice in a newspaper published or circulated generally in the City; and
 - (2) By notice to all property owners within 200 feet of the property in question by mail to the respective owners at the address given in the last assessment roll.

Additionally pertaining to the public hearing notice requirements for the Board of Zoning Appeals in regards to the BZA's ability to grant modifications of neighborhood area plan, in accordance with Section 10 of the Michigan Neighborhood Area Improvement Act, being MCL 125.90, is Section 50-2-75. – Powers and duties; modification of neighborhood area plans; public and individual notice; public hearing. Specifically Sec. 50-2-75 (b) which states in part:

- (b) Before taking any such action, in accordance with Section 10 of the Michigan Neighborhood Area Improvements Act, being MCL 125.950, the Board of Zoning Appeals shall hold a public hearing with at least ten days' notice of the time and place which shall be given:
 - (1) By a notice in a newspaper published or circulated generally in the City; and
 - (2) By notice to all property owners within the neighborhood area by mail to the respective owners at the address given in the last assessment roll.

In regards to Review and Approval Procedures there are a number of agencies and departments within city government that receive and review applications in which a determination of the applications completeness must be rendered. Sec. 50-3-5 (a). – Application completeness; application ineligibility; exceptions states:

- (a) An application will be considered complete where it is submitted in the required form, contains all mandatory information, including all exhibits that are specified by the official responsible for accepting the application, and is accompanied by the applicable fee. A determination of application completeness shall be made by the official who is responsible for accepting the application within ten days of the date that the application is filed. Where an application is determined to be incomplete, the official responsible for accepting the application shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. Where the deficiencies are not corrected by the applicant within 30 days, the application shall be considered withdrawn and returned to the applicant.

Additionally under Article III. – Review and Approval Procedures Sec. 50-3-7 (a) & (b). – Written notices; content and timing states:

- (a) All written notices for statutory public hearings that are required under this chapter shall comply with the Michigan Zoning Enabling Act, being MCL 125.3101 *et seq.*, and shall inform the recipient of the applicant's name, describe the nature and type of use proposed, indicate the location of the property in question, and provide the section of this chapter under which the proposal is being processed. Notice shall be provided at least 15 days before the application is considered or a public hearing is scheduled before the City Council; Buildings, Safety Engineering, and Environmental Department; Board of Zoning Appeals;

or City Planning Commission. The notice shall also invite written comments, statements, or opinions and indicate the place and date where written comments concerning the proposed use must be received.

- (b) Where the provisions of this chapter require that written notice be provided, such notice may be provided either by mail or through personal delivery with proof of service. The City shall be responsible for preparing and mailing the written notice as provided for in this division. In addition, the City shall comply with the general requirements that are delineated in Section 50-3-8 through Section 50-3-12 of this Code.

Sec. 50-3-8. – Notices; zoning map and text amendments; conditional, regulated, and controlled uses; Board of Zoning Appeals hearings states:

Written notice of hearings for zoning map amendments, text amendments, conditional uses, regulated uses, controlled uses, and Board of Zoning Appeals cases shall be sent to the following:

- (1) The owner and occupant of the subject real property. For purposes of this article, notification to the person to whom the subject property is assessed shall constitute notification of the owner;
- (2) All persons to whom any real property is assessed within 300 feet of the premises in question, regardless of whether the property is located in the zoning jurisdiction;
- (3) All community organizations that are registered with the Buildings, Safety Engineering, and Environmental Department for such purpose and all Citizens' District Councils, the boundaries of which organizations and councils are located within 300 feet of the premises in question;
- (4) In addition, written notice shall be provided as follows:
 - a. For both text and map amendments to this chapter, written notice shall be sent, by registered mail, to each public utility company and each railroad company which owns or operates any public utility or railroad within the districts or zones affected;
 - b. For this chapter's map amendments, conditional uses, regulated uses, and controlled uses, written notice shall be sent to the occupants of all structures that are within 300 feet of the premises in question, regardless of whether the structure or occupant is located in the zoning jurisdiction;
 - c. For hearings at the Board of Zoning Appeals, notice shall be sent to the occupants of all structures that are within 300 feet of the premises in question, regardless of whether the structure or occupant is located in the zoning jurisdiction, and to the Planning and Development Department.

Sec. 50-3-9 (a) & (b). – Notice; general requirements for written notices state:

- (a) Where the name of the occupant is not known, the term "occupant" may be used in making written notification.
- (b) Where a single structure contains more than four 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.

Sec. 50-3-10. – Notices; published (newspaper) notice states:

Where the provisions of this chapter require that notice be published, the agency responsible for giving notice shall ensure that it is published in a newspaper of general circulation within the City. The notice shall be published:

- (1) At least 15 days prior to a public hearing being held before the Buildings, Safety Engineering, and Environmental Department; or
- (2) At least 15 days prior to a public hearing being held before the Board of Zoning Appeals; or
- (3) At least 15 days prior to a public hearing being held before the City Planning Commission; or
- (4) At least five days prior to a public hearing being held before the City Council in accordance with Section 4-115(2) of the Charter.

Sec. 50-3-11. – Notices; posted notice states:

Any procedure for a public hearing that involves a specific property requires that a notice be posted on the subject property. The applicant shall be responsible for posting the notice on signs which are approved by the City and for placing the signs on the property that is the subject of the application in a manner which makes them clearly visible to neighboring residents and passersby from each adjacent street. Required signs shall be posted according to the same timetable for published notice as provided for in Section 50-3-10 of this Code. The applicant shall be responsible for ensuring that the signs remain in place during the period which leads up to the public hearing, and for removing the signs within three days after the hearing. The provisions of this section do not apply to public hearings for text amendments as provided for in Division 2 of this article. The procedure for posting notices for multi-lot and/or multi-block rezonings shall be delineated in administrative rules that are promulgated by the City Planning Commission in accordance with Section 2-111 of the Charter.

Sec. 50-3-12. - Notices; constructive notice states:

Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice where a *bona fide* attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the location of the subject property shall be strictly construed.

Additionally under Article III. – Review and Approval Procedures Sec. 50-3-24. – Termination of permits states:

Where a permit has been issued, such permit shall become invalid where a Certificate of Occupancy has not been issued within six months after the issuance of the permit or where the authorized use or work is suspended or abandoned for a period of six months after the time the work is commenced. The Building Official shall send a written notice of the termination to the owner of the property, and, if different from the owner, a copy to the permit holder. The Building Official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Sec. 50-3-45. – Procedure; notice of public hearings states:

Notice of public hearings on text amendments of this chapter shall be published and mailed in accordance with Section 50-3-7 of this Code. As deemed appropriate, the City Planning Commission or City Clerk may give additional notice of the hearings.

Sec. 50-3-66. – Procedures; notice of public hearings states:

Notice of a public hearing on an amendment of a zoning map in Article XVII of this chapter shall be published, mailed, and posted in accordance with Section 50-3-7 through Section 50-3-11 of this Code. As deemed appropriate, the City Planning Commission or the City Clerk may give additional notice of the hearing.

Sec. 50-3-265. – Notice of public hearings pertaining to the special land use hearings of the Buildings, Safety Engineering, and Environmental Department states:

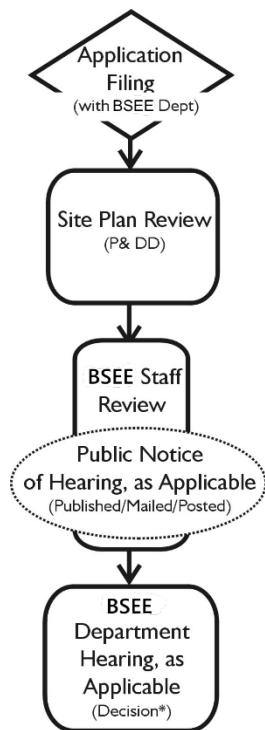
Notice of public hearings on conditional land use proposals shall be published, mailed, and posted in accordance with Section 50-3-7 through Section 50-3-11 of this Code, not less than 15 days before the date of the public hearing. As deemed appropriate, the Buildings, Safety Engineering, and Environmental Department may give additional notice of the hearing. Additionally, the Buildings, Safety Engineering, and Environmental Department shall provide notice of conditional land use hearings to the City Council.

Sec. 50-3-343. – Notice of public hearings pertaining to regulated uses hearings of the Buildings, Safety Engineering, and Environmental Department states:

- (a) Notice of public hearings on regulated uses shall be published, mailed and posted, in accordance with Section 50-3-7 through Section 50-3-11 of this Code, not less than 15 days before the date of the public hearing. As deemed appropriate, the Director of the Buildings, Safety Engineering, and Environmental Department may give additional notice of the hearing.
- (b) Notice of public hearings shall state that an application for a regulated use has been received. In addition, notice shall state whether waiver of any spacing requirements has been requested pursuant to Subdivision C of this division.

This prior referenced process is further expressed in the illustration provided below.

**Figure 50-3-341
Regulated Uses**
(For Informational
Purposes Only)



Sec. 50-3-434. – Notice of public hearing pertains specifically to the notice requirements for controlled uses and states:

(a) Notice of public hearings on controlled uses shall be published, mailed and posted, in accordance with Section 50-3-7 through Section 50-3-11 of this Code, not less than 15 days before the date of the public hearing. The Buildings, Safety Engineering, and Environmental Department shall give additional notice of the hearing as it deems necessary. (See Figure 50-3-421.)

(b) The notice of public hearings shall state that an application for a controlled use has been received. In addition, the notice shall state whether waiver of any spacing requirements has been requested pursuant to Subdivision C of this division.

Sec. 50-4-30. – Revocation; notice pertains to a temporary use permit that may be revoked by the BSEED Director and states:

(a) A temporary use permit may be revoked by the Director of the Buildings, Safety Engineering, and Environmental Department under any of the following circumstances:

(1) The permit holder fails to comply with the approval criteria in Section 50-4-24 of this Code or any conditions imposed by Section 50-4-25 of this Code or any required

provision from Article XII, Division 6, of this Code regarding temporary uses and structures.

- (2) Information submitted with the permit application is found to be false or misleading.
 - (3) The temporary use poses a threat to the public health or safety of the community.
 - (4) The property owner rescinds his or her approval of the temporary use.
- (b) The Director of the Buildings, Safety Engineering, and Environmental Department shall issue to the permit holder a written notice of the revocation and the reason for the revocation.

Sec. 50-4-130. – Notice of public hearings pertains to public hearings on variance requests and states:

Notice of public hearings on variance requests shall be published, mailed, and posted, in accordance with Section 50-2-67 of this Code and Section 50-3-7 through Section 50-3-11 of this Code, not less than 15 days prior to the public hearing.

Sec. 50-4-192. – Notice and scheduling of hearings states:

Notice and scheduling of hearings shall be carried out in accordance with Section 50-3-7 through Section 50-3-11 of this Code.

Article V. – Violations and Enforcement, Division 1. – Responsibility for Enforcement Section 50-5-1. – Buildings, Safety Engineering, and Environmental Department states in part:

- (a) The City, through its Buildings, Safety Engineering, and Environmental Department, is authorized to administer and enforce the provisions of this chapter and shall enforce any provision of this chapter or the provisions of any zoning grant that is approved by the Buildings, Safety Engineering, and Environmental Department or Board of Zoning Appeals:
- (1) In accordance with Chapter 3 of this Code, *Administrative Hearings and Enforcement, and Administrative Appeals*, through the issuance of a blight violation notice; or
 - (2) Through the institution of an appropriate action or proceeding in equity to prevent, restrain, correct, or abate any violation of the provisions of this chapter;
 - (3) Through legal action to abate a public or private nuisance.
- (b) In accordance with the prescribed procedures of the City, the Director of the Buildings, Safety Engineering, and Environmental Department shall have the authority to designate technical officers and inspectors who are authorized to enforce and to ensure compliance with the provisions of this chapter, to conduct inspections and reinspections, and to issue and serve upon a person a written notice or order, where the public servant has reasonable cause to believe that there has been a violation of this chapter.

Sec. 50-5-73. – Notice of revocation pertains to the revocation of a zoning grant and states:

- (a) Notice of revocation of a zoning grant in which a building permit and/or Certificate of Occupancy has not been issued shall be sent by the Buildings, Safety Engineering, and

Environmental Department via certified mail to the property owner, taxpayer of record and the applicant of record.

- (b) Whenever this chapter or due process requires a show-cause hearing the Buildings, Safety Engineering, and Environmental Department shall publish, in a newspaper of general circulation in the City not less than ten days before the hearing is held, one notice that a show-cause hearing will be held, and shall send by certified mail a copy of said notice to the owners of property for which the hearing is being held.

Article XI. – Special Purpose Zoning Districts and Overlay Areas, Division 11, Section 50-11-306(5).- Review process states:

- (5) *City Council review or public hearing.* For development and site plans which the City Council determines in its discretion to require a public hearing, the same shall be held in accordance with Section 103 of the Michigan Zoning Enabling Act, being MCL 125.3103, relative to notice, hearings, and findings. The applicant shall be provided with any preliminary comments or recommendations from City departments or the City Planning Commission at least seven days prior to the public hearing;

Sec. 50-11-341. – City Planning Commission public hearing and action states:

A public hearing before the City Planning Commission shall be held after publishing a notice of the hearing, not less than 15 days prior to the hearing, in a newspaper of general circulation in the City and mailing the notice to owners and occupants within 300 feet of the proposed rezoning. Notice shall also be given by mail to each public utility company and to each railroad company that owns or operates any public utility or railroad within the districts or zones affected. Following the public hearing, the City Planning Commission may take action to recommend to City Council approval, approval with conditions, or denial of the proposed rezoning and development proposal.

Sec. 50-11-342. – Additional notice requirements for City Council public hearing states:

In addition to the requirements of Article III, Division 3, of this chapter, the notice for the public hearing to be held by the City Council shall:

- (1) Indicate the property which is the subject of the requested rezoning to SD5 and approval of a development proposal;
- (2) Describe the nature of the proposed development;
- (3) State when and where the public hearing will be held; and
- (4) Indicate when and where written comments will be received concerning the requested rezoning and approval of the development proposal.

Sec. 50-11-464. – First public hearing at City Council is related to the establishment of a Development Improvement Area and states:

Where the City Council deems it advisable to establish such a Development Improvement Area, the Body shall fix, by resolution, a time and place where a public hearing will be held. The City Council shall cause a notice of such hearing to be published, at least twice, in a daily paper of general circulation at least ten days prior to the time fixed for such hearing. Such notice shall state the nature of the proposal and that it is proposed to levy an assessment upon land or lands within the area described in the petition. At least ten days prior to such hearing, the City Clerk shall notify property owners within the area, of said hearing by first class mail sent to the address appearing on the most recent tax rolls of the City. At the public hearing, or at any adjournment thereof, the City Council may approve, by resolution, the establishment of a Development Improvement Area as beneficial to the area and to the businesses or other establishments therein.

Sec. 50-11-467. – Notice to proceed pertains to Special purpose zoning districts and overlay areas and states:

When all assessments have been collected, the City Council shall notify the appointed designer to proceed with the preparation of the improvement plan and cost estimate, and to submit the same to the Planning and Development Department which shall investigate, in conjunction with petitioners, the practicality and feasibility of the proposed improvements and report to the City Council its recommendation regarding the acceptability of the project and what portion of the cost thereof, if any, should be paid by the City. Where the City Council approves the plans and cost estimate, the Body shall forward them to the Board of Assessors and request that the office prepare a benefited district and a tentative special assessment roll to pay for the proposed improvements. The Board of Assessors shall submit its report to the City Council which may approve and forward it to the Planning and Development Department for further processing.

Sec. 50-11-469. – Second public hearing at City Council states:

Where such a petition is received, the City Council shall fix a time and place for a public hearing at which any person may express such person's views regarding the proposed improvement or assessment. At least ten days prior to the public hearing, the City Council shall cause a notice of such hearing to be published, at least twice, in a daily paper of general circulation, and said notice shall state the nature of the improvement and that it is proposed to levy an assessment upon the land in the assessment district. At least ten days prior to such hearing, the City Clerk shall notify the property owners within the assessment district of said hearing by first class mail sent the address appearing on the most recent tax rolls of the City.

Sec. 50-12-403. – Notice to abutting property owners and/or occupants pertains to the Use Regulations for urban gardens and urban farms denoted under Article XII. – Use Regulations and states:

All urban gardens permitted on a conditional use basis and all urban farms shall provide each abutting property owner or occupant, and/or the first nearest property owner or occupant of an occupied dwelling or business, written notice of the garden or farm owner's or owner's agent's name, address, and telephone number for the urban garden or urban farm, no less than 30 days prior to the start of any agricultural development or site preparation. The notice shall include a description of the planned agricultural use.

Sec. 50-15-84. – Notice states:

At least 15 days' notice of the time, place, and purpose of the City Council public hearing shall be published in the City's official newspaper. The City Clerk shall send written notice of the time, place, and purpose of such public hearing, by mail, to all owners of property that is proposed for acquisition. The notice shall be sent to the owner's address as given in the last assessment roll. Where the cost of acquisition or removal is to be assessed to a special district, the Board of Assessors shall be directed to furnish the City Council with a tentative special assessment district, a tentative plan of assessment, the names of the respective owners of the properties that are located in such district, and the addresses of the owners as given in the last assessment roll. The City Clerk shall send said notice of hearing, by mail, to the owners of property that is located in the tentative special assessment district.

Community Benefits Ordinance Requirements

Sec. 12-8-3. – Tier 1 Projects (a)(2) & (3) Community Engagement Process for Public Meeting state:

- (2) The City Clerk shall forward notice of the public meeting via First Class Mail no less than ten days before such meeting to all City of Detroit residents within 300 radial feet of the Tier 1 Project. The notice shall include:
 - a. The time, date and location of the public meeting;
 - b. General information about the Tier 1 Project;
 - c. A description of the impact area and the location of the Tier 1 Project; and
 - d. Information related to potential impacts of the Tier 1 Project and possible mitigation strategies; and
- (3) In addition to the notice requirement contained in Subsection (2) of this section, the Planning Director shall work with the District Council Member or Members representing the district or districts where the Tier 1 Project is located and at least one At-large Council Member to ensure that local residents, businesses, and organizations, especially those located in the impact area and those expected to be directly impacted by the Tier 1 project are informed of the public meeting.

Please contact us if we can be of any further assistance.