



**AGENDA**  
**Committee on Development and Planning**  
**Special Meeting**  
**Monday, April 23, 2018 @ 5:15 p.m.**  
**City Council Conference Room**

Councilmember Adam Hussain, Chair  
Councilmember Patricia Spitzley, Vice Chair  
Councilmember Jody Washington, Member

- 1. Call to Order**
- 2. Public Comment on Agenda Items**
- 3. Discussion/Action:**
  - A.) Clarification from the City Attorney**
- 4. Other**
- 5. Adjourn**



DATE April 23, 2018

[illegible]



# City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

**TO:** Development and Planning Chair and Committee Members

**FROM:** James D. Smiertka

**DATE:** April 23, 2018

**RE:** Analysis of legal requirements related to certain development and planning matters

---

Dear Development and Planning Chair and Committee Members:

I have been asked to clarify two issues regarding Council and Committee procedures pertaining to committee action on referred zoning items and all other referred items. Below is a summary of the requirements.

## **ZONING ORDINANCE AMENDMENT REQUESTS (REZONING)**

The question recently asked is whether a hearing is required at the Council level on rezoning requests and must the Council Committee send every rezoning request to the full Council for such a public hearing. I have reviewed the Zoning Enabling Act (ZEA), the Lansing Charter, and the Codified Ordinances on the requirements for a hearing and how the three laws interface with each other. While the ZEA does not mandate a public hearing for a zoning amendment beyond the Planning Board level (unless a request is filed an affected property owner), it does mandate that the legislative body "consider and vote" on any such request. MCL 125.3401 (5). Since the legislative body is the full City Council, and because consideration and vote on a zoning ordinance amendment must be by an ordinance under Lansing's Zoning Code and law, a hearing is required per the Charter and Council Rules as with any ordinance. Therefore, a Council Committee, to which a rezoning matter has been referred, must return a rezoning matter to the full Council for a public hearing and consideration and vote by the full legislative body. In compliance with the Council Rules and as discussed below, the rezoning item should be returned to the Council with the Committee's report and recommendation.

## MATTERS REFERRED TO COUNCIL COMMITTEES

The question has also been asked whether a Council Committee must send every matter referred to it, including a proposed ordinance, back to full City Council as some point. Other than for the zoning amendment requests discussed above, the answer is generally “no.” However, the Council Committee is required to report its findings on matters referred to it to the full Council. Council Rule 17 and Council Rule 19 are applicable. Nothing in the Charter is applicable to this issue.

There generally is no mandate to send a matter back to full Council. There are, however, two exceptions. One is the zoning issue discussed above. The other is where the Council has instructed the Committee to bring an issue back to the full body.

Rule 19 sets the procedure for ordinances, but there is no mandate language in the rule requiring an ordinance to be referred back to City Council. However, Rule 17 requires every Committee to report findings in a timely manner to the full Council on matters referred to it. After the Committee reports its findings to full Council, including actions on a proposed ordinance, or at any time, Rule 17 allows the Council to discharge the Committee of the matter referred to it with a 2/3 vote. If the Committee is discharged, there is no prohibition that forecloses the Council taking up the matter by following appropriate procedures.

A handwritten signature in black ink, appearing to read "J. D. Smith", with a long horizontal line extending from the end of the signature.