

SENATE BILL NO. 459

April 24, 1997, Introduced by Senators DUNASKISS,
SCHUETTE, NORTH and MC MANUS and referred to the
Committee on Local, Urban and State Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 30510 and 30512 (MCL 324.30510 and
324.30512), as added by 1995 PA 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30510. A local unit of government, in establishing a
2 zoning ordinance, in addition to the authority and requirements
3 of this part, shall conform to the ~~township rural zoning act,~~
4 ~~Act No. 184 of the Public Acts of 1943, being sections 125.271 to~~
5 ~~125.301 of the Michigan Compiled Laws, or the county rural zoning~~
6 ~~enabling act, Act No. 183 of the Public Acts of 1943, being sec-~~
7 ~~tions 125.201 to 125.232 of the Michigan Compiled Laws~~ TOWNSHIP
8 ZONING ACT, 1943 PA 184, MCL 125.271 TO 125.310, OR THE COUNTY
9 ZONING ACT, 1943 PA 183, MCL 125.201 TO 125.240, INCLUDING THE
10 VARIANCE REQUIREMENTS OF THOSE ACTS. Any conflict shall be

1 resolved in favor of the provisions of this part. The powers
2 granted under this part shall be liberally construed in favor of
3 the local unit or the department exercising them, in such manner
4 as to promote the orderly preservation or enhancement of the
5 values of the rivers and related land resources and their use in
6 accordance with a long-range comprehensive general plan to ensure
7 the greatest benefit to the state as a whole.

8 Sec. 30512. (1) The department shall prescribe administra-
9 tive procedures and rules and provide personnel as it considers
10 necessary for the enforcement of a zoning ordinance or rule
11 enacted in accordance with this part. A circuit court, upon
12 petition and a showing by the department that there exists a vio-
13 lation of a rule properly promulgated under this part, shall
14 issue any necessary order to the defendant to correct the viola-
15 tion or to restrain the defendant from further violation of the
16 rule.

17 (2) The department shall promulgate a zoning rule to imple-
18 ment this part. The rule shall include procedures for receiving
19 and acting upon applications ~~from local units of government or~~
20 ~~landowners~~ for change of boundaries or change in permitted uses
21 in accordance with ~~sections 71 to 87~~ CHAPTER 4 of the adminis-
22 trative procedures act of 1969, ~~Act No. 306 of the Public Acts~~
23 ~~of 1969, being sections 24.271 to 24.287 of the Michigan Compiled~~
24 ~~Laws~~ 1969 PA 306, MCL 24.271 TO 24.287. A LOCAL UNIT OF GOVERN-
25 MENT, A LANDOWNER, OR AN AGENCY ACTING UNDER SECTION 4 OF THE
26 UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL 213.54, MAY
27 APPLY FOR THE CHANGE. An aggrieved party may seek judicial review

1 ~~in accordance with and subject to the provisions of sections 101~~
2 ~~to 106 of Act No. 306 of the Public Acts of 1969, being~~
3 ~~sections 24.301 to 24.306 of the Michigan Compiled Laws~~ UNDER
4 CHAPTER 6 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA
5 306, MCL 24.301 TO 24.306.

6 (3) The lawful use of any building or structure and of any
7 land or premise as existing and lawful at the time of enactment
8 of a zoning ordinance or rule or of an amendment of a zoning
9 ordinance or rule may be continued although the use does not con-
10 form with the ordinance, rule, or amendment. The ordinance or
11 rule shall provide for the completion, restoration, reconstruc-
12 tion, extension, or substitution of nonconforming uses upon rea-
13 sonable terms as set forth in the zoning ordinance or rule.