



# HOUSE BILL No. 4172

January 17, 1995, Introduced by Reps. Bobier and Middleton and referred to the Committee on Local Government.

A bill to amend the title and section 31 of Act No. 184 of the Public Acts of 1943, entitled as amended "The township rural zoning act," being section 125.301 of the Michigan Compiled Laws; and to add sections 29, 30, 32, 33, 34, 39, and 40.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 31 of Act No. 184 of the  
2 Public Acts of 1943, being section 125.301 of the Michigan  
3 Compiled Laws, are amended and sections 29, 30, 32, 33, 34, 39,  
4 and 40 are added to read as follows:

5 TITLE

6 An act to provide for the establishment in townships of  
7 zoning districts within which the proper use of land and natural  
8 resources may be encouraged or regulated by ordinance, and for

1 which districts provisions may also be adopted designating the  
 2 location of, the size of, the uses that may be made of, the mini-  
 3 mum open spaces, sanitary, safety, and protective measures that  
 4 shall be required for, and the maximum number of families that  
 5 may be housed in dwellings, buildings, and structures, including  
 6 tents and trailer coaches, that are erected or altered; to desig-  
 7 nate the use of certain state licensed residential facilities; to  
 8 provide for a method for the adoption of ordinances and amend-  
 9 ments to ordinances; to provide for emergency interim ordinances;  
 10 to provide for the acquisition by purchase, condemnation, or oth-  
 11 erwise of nonconforming property; to provide for the administer-  
 12 ing of ordinances adopted; to provide for conflicts with other  
 13 acts, ordinances, or regulations; to provide sanctions for viola-  
 14 tions; to provide for the assessment, levy, and collection of  
 15 taxes; to provide for the collection of fees for building per-  
 16 mits; to provide for petitions, public hearings, and referenda;  
 17 to provide for appeals; ~~and to provide for the repeal of acts~~  
 18 ~~in conflict with this act~~ LAND MANAGEMENT PLANS; TO PROVIDE FOR  
 19 DISTRICTS CLASSIFIED ON THE BASIS OF AVAILABILITY OF SERVICES AND  
 20 FACILITIES; TO AUTHORIZE THE TRANSFER OF DEVELOPMENT RIGHTS; TO  
 21 AUTHORIZE THE ESTABLISHMENT OF AUTHORITIES TO PURCHASE AND HOLD  
 22 DEVELOPMENT RIGHTS; TO GRANT THE POWER OF EMINENT DOMAIN; TO  
 23 AUTHORIZE THE PURCHASE OF DEVELOPMENT RIGHTS; AND TO PROVIDE FOR  
 24 THE AVAILABILITY OF SERVICES AND FACILITIES IN CONJUNCTION WITH  
 25 BUILDING CONSTRUCTION OR USE AND OCCUPANCY.

26 SEC. 29. (1) BEFORE ADOPTING AN ORDINANCE PURSUANT TO  
 27 SECTION 30, 31, 32, 33, OR 34, A TOWNSHIP SHALL ADOPT A LAND

1 MANAGEMENT PLAN. THE LAND MANAGEMENT PLAN SHALL BE PREPARED AND  
2 ADOPTED PURSUANT TO THE PROCEDURE PROVIDED IN THIS ACT FOR THE  
3 PREPARATION AND ADOPTION OF A ZONING ORDINANCE.

4 (2) IF, PURSUANT TO ACT NO. 168 OF THE PUBLIC ACTS OF 1959,  
5 BEING SECTIONS 125.321 TO 125.333 OF THE MICHIGAN COMPILED LAWS,  
6 OR ACT NO. 285 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS 125.31  
7 TO 125.45 OF THE MICHIGAN COMPILED LAWS, A TOWNSHIP HAS ADOPTED A  
8 BASIC PLAN OR MASTER PLAN TO SERVE AS THE BASIS FOR LAND USE  
9 DECISIONS UNDER THIS ACT, THE LAND MANAGEMENT PLAN SHALL NOT BE  
10 MATERIALLY INCOMPATIBLE WITH THE BASIC PLAN OR MASTER PLAN. AT  
11 THE DISCRETION OF THE TOWNSHIP BOARD, THE LAND MANAGEMENT PLAN  
12 MAY BE INTEGRATED WITH A BASIC PLAN OR MASTER PLAN. IF THE LAND  
13 MANAGEMENT PLAN IS INTEGRATED WITH A BASIC PLAN OR MASTER PLAN,  
14 THE ELEMENTS OF THE LAND MANAGEMENT PLAN SET FORTH IN  
15 SUBSECTION (3) SHALL REMAIN DISCRETE AND THE PLAN SHALL BE  
16 ADOPTED PURSUANT TO THE REQUIREMENTS OF BOTH SUBSECTION (1) AND  
17 ACT NO. 168 OF THE PUBLIC ACTS OF 1959.

18 (3) BASED UPON THE STUDY UNDERTAKEN FOR THE PREPARATION OF  
19 THE LAND MANAGEMENT PLAN, THE LAND MANAGEMENT PLAN SHALL DESCRIBE  
20 THE FUTURE GROWTH AND DEVELOPMENT POTENTIAL AND LIMITATIONS OF  
21 THE TOWNSHIP, AS RELATED TO THE SEVERAL ELEMENTS OF THE LAND MAN-  
22 AGEMENT PLAN. THE DESCRIPTION SHALL INCLUDE PRESENT CARRYING  
23 CAPACITIES AND LEVEL OF SERVICE STANDARDS WITH REGARD TO THE  
24 SERVICES AND FACILITIES, ON A TOWNSHIP-WIDE BASIS AS WELL AS ON  
25 THE BASIS OF AREAS OF THE TOWNSHIP RELEVANT TO CARRYING CAPAC-  
26 ITIES AND LEVEL OF SERVICE STANDARDS. THE LAND MANAGEMENT PLAN  
27 SHALL ALSO INCLUDE ALL OF THE FOLLOWING:

1 (A) A PUBLIC FACILITIES AND SERVICES PLAN. IN THE  
2 PREPARATION OF THE PUBLIC FACILITIES AND SERVICES PLAN, THE TOWN-  
3 SHIP SHALL CONSULT WITH INTERESTED CITY, VILLAGE, COUNTY, AND  
4 STATE GOVERNMENTAL ENTITIES. THE PUBLIC FACILITIES AND SERVICES  
5 PLAN SHALL INCLUDE ALL OF THE FOLLOWING:

6 (i) A MASTER THOROUGHFARE PLAN, SHOWING EXISTING AND PRO-  
7 POSED RIGHTS-OF-WAY IN THE TOWNSHIP ANTICIPATED TO BE NEEDED FOR  
8 FUTURE USE AND DEVELOPMENT. IN THE PREPARATION OF THE MASTER  
9 THOROUGHFARE PLAN, THE TOWNSHIP SHALL CONSULT WITH THE COUNTY  
10 ROAD AGENCY AND THE DEPARTMENT OF TRANSPORTATION. TO THE EXTENT  
11 INFORMATION IS AVAILABLE, THE PLAN SHALL SPECIFY APPROXIMATE  
12 DATES AND MEANS OF FINANCE FOR THE CONSTRUCTION OR WIDENING OF  
13 ROADS, STREETS, AND HIGHWAYS INCLUDED IN THE PLAN.

14 (ii) A PLAN FOR WATER, SANITARY SEWAGE DISPOSAL, AND STORM  
15 DRAINAGE CAPITAL IMPROVEMENTS, SHOWING THE ANTICIPATED LOCATION,  
16 SIZE, AND SCHEDULE FOR INSTALLATION OF FACILITIES CONSISTENT WITH  
17 CURRENT ZONING AND PLANNED FUTURE DEVELOPMENT.

18 (iii) A PUBLIC SAFETY PLAN, SHOWING PRESENT AND FUTURE  
19 FACILITIES, CAPABILITIES, AND LIMITATIONS FOR POLICE AND FIRE  
20 SERVICE.

21 (iv) A PUBLIC SERVICES PLAN, SHOWING THE PRESENT AND FUTURE  
22 FACILITIES, CAPABILITIES, AND LIMITATIONS FOR PUBLIC SERVICES  
23 OTHER THAN POLICE AND FIRE, INCLUDING, BUT NOT LIMITED TO,  
24 SCHOOLS AND LIBRARIES.

25 (B) A REGIONAL COORDINATION PLAN, SHOWING HOW THE FUTURE  
26 GROWTH AND DEVELOPMENT OF THE TOWNSHIP WILL BE AFFECTED BY AND  
27 AFFECT REGIONAL GROWTH AND DEVELOPMENT. IN THE PREPARATION OF

1 THE REGIONAL COORDINATION PLAN, THE TOWNSHIP SHALL CONSULT WITH  
2 AVAILABLE CITY, VILLAGE, COUNTY, AND REGIONAL PLANNING AGENCIES.

3 (C) A RECREATION AND OPEN SPACE PLAN, SHOWING THE AREAS IN  
4 THE TOWNSHIP SET ASIDE OR PROPOSED TO BE SET ASIDE FOR ACTIVE AND  
5 PASSIVE RECREATION AND OPEN SPACE PURPOSES. IN THE PREPARATION  
6 OF THE RECREATION AND OPEN SPACE PLAN, THE TOWNSHIP SHALL IDENTIFY  
7 AREAS HAVING ENVIRONMENTAL, HISTORICAL, OR OTHER SPECIAL  
8 VALUES THAT CAN BE PRESERVED, AND MAY CONSULT WITH LOCAL, COUNTY,  
9 STATE, AND NATIONAL ENTITIES.

10 (D) A COMMUNITY CHARACTER PLAN, IDENTIFYING AND SHOWING THE  
11 ELEMENTS AND LOCATIONS OF PLACES IN THE TOWNSHIP THAT UNIQUELY  
12 CONTRIBUTE TO THE CHARACTER OF THE TOWNSHIP, INCLUDING, BUT NOT  
13 LIMITED TO, NATURAL FEATURES, HISTORIC SITES, SPECIAL AMENITIES,  
14 AND OTHER ELEMENTS AND AREAS OF IMPORTANCE.

15 (E) AN AIR AND WATER QUALITY PLAN, IDENTIFYING LOCATIONS IN  
16 THE TOWNSHIP, GOALS AND OBJECTIVES, AND BODIES OF WATER, THAT  
17 SHOULD BE THE FOCUS OF STUDY, PLANNING, REGULATION, OR OTHER  
18 ACTIVITIES.

19 (F) A FINANCIAL STABILITY PLAN, IDENTIFYING AND SHOWING THE  
20 ENTITIES, ACTIVITIES, AND LAND USES ASSOCIATED WITH THE PRESENT  
21 ECONOMIC STABILITY OF THE TOWNSHIP, OR THAT SHOULD BE PURSUED FOR  
22 THE PURPOSE OF ACHIEVING GREATER ECONOMIC STABILITY.

23 (G) A FUTURE LAND USE PLAN, CONTAINING THE INFORMATION  
24 REQUIRED UNDER ACT NO. 168 OF THE PUBLIC ACTS OF 1959, BEING SEC-  
25 TIONS 125.321 TO 125.333 OF THE MICHIGAN COMPILED LAWS, TO BE  
26 INCLUDED IN A BASIC PLAN.

1 (H) A CAPITAL IMPROVEMENT PLAN FOR CAPITAL IMPROVEMENTS  
2 INCLUDED IN A PLAN UNDER SUBDIVISIONS (A) TO (G). THE CAPITAL  
3 IMPROVEMENTS PLAN SHALL SPECIFY FOR EACH IMPROVEMENT THE LOCA-  
4 TION, COST, ANTICIPATED MEANS AND AVAILABILITY OF FINANCING, AND  
5 COMMENCEMENT AND COMPLETION DATE OF CONSTRUCTION. THE CAPITAL  
6 IMPROVEMENT PLAN SHALL BE KEPT UP TO DATE TO INCLUDE CAPITAL  
7 IMPROVEMENTS WHOSE CONSTRUCTION IS TO BE COMMENCED WITHIN NOT  
8 LESS THAN THE NEXT 6 YEARS.

9 SEC. 30. (1) AS PART OF THE ZONING ORDINANCE AND THE PLAN  
10 REFERRED TO IN SECTION 3, AND ON A MAP THAT MAY BE PART OF, OR  
11 SEPARATE FROM, THE ZONING USE OR DISTRICT MAP, A TOWNSHIP MAY BE  
12 DIVIDED INTO URBAN SERVICES DISTRICTS, PARTIAL URBAN SERVICES  
13 DISTRICTS, AND GENERAL SERVICES DISTRICTS.

14 (2) TO THE EXTENT FEASIBLE, SERVICES AND FACILITIES SHALL BE  
15 PROVIDED IN AN URBAN SERVICES DISTRICT CONSISTENT WITH THE LEVEL  
16 OF DEVELOPMENT AND USE CONTEMPLATED IN THE ZONING ORDINANCE. A  
17 PARTIAL URBAN SERVICES DISTRICT SHALL SERVE AS A TRANSITIONAL  
18 DISTRICT AND SHALL REFLECT LONG-RANGE PLANNING FOR SERVICES AND  
19 FACILITIES ANTICIPATED TO BE NEEDED FOR URBAN DEVELOPMENT AND  
20 USE. FOR A GENERAL SERVICES DISTRICT, IT SHALL BE SPECIFIED  
21 WHETHER VARIOUS SERVICES AND FACILITIES ARE PROVIDED OR WILL BE  
22 PROVIDED IN THE FORESEEABLE FUTURE.

23 (3) IN THE ESTABLISHMENT OR MODIFICATION OF A SERVICES DIS-  
24 TRICT, ALL OF THE FOLLOWING STANDARDS SHALL BE CONSIDERED:

25 (A) DEMONSTRATED NEED FOR THE ACCOMMODATION OF LONG-RANGE  
26 URBAN POPULATION GROWTH.

1 (B) NEED FOR HOUSING, EMPLOYMENT OPPORTUNITIES, AND OTHER  
2 THINGS AFFECTING THE QUALITY OF LIFE.

3 (C) ORDERLY AND ECONOMIC PROVISION OF SERVICES AND  
4 FACILITIES.

5 (D) MAXIMUM EFFICIENCY OF LAND USES WITHIN AND NEAR ANY  
6 EXISTING URBAN SERVICES DISTRICTS.

7 (E) ENVIRONMENTAL, ENERGY, ECONOMIC, AND SOCIAL CONSEQUENCES  
8 OF THE ESTABLISHMENT OR MODIFICATION OF THE SERVICES DISTRICT.

9 (F) PROVISION OF REASONABLE OPPORTUNITIES FOR URBAN RESIDEN-  
10 TIAL AND NONRESIDENTIAL ACTIVITIES AND DEVELOPMENT.

11 (G) PROVISION OF REASONABLE OPPORTUNITIES FOR RURAL AND  
12 SEMIRURAL RESIDENTIAL AND NONRESIDENTIAL ACTIVITIES AND  
13 DEVELOPMENT.

14 (H) FOR A PROPOSED URBAN SERVICES DISTRICT, COMPATIBILITY OF  
15 THE PROPOSED DISTRICT WITH NEARBY GENERAL SERVICES DISTRICTS AND  
16 PARTIAL URBAN SERVICES DISTRICTS.

17 (I) ENCOURAGEMENT OF ECONOMIC DEVELOPMENT AND CAPITAL FACIL-  
18 ITY INVESTMENT IN AREAS THAT ARE SERVED BY URBAN PUBLIC  
19 FACILITIES.

20 (J) ENCOURAGEMENT FOR EXISTING ECONOMIC BASE NONRESIDENTIAL  
21 USES TO REMAIN AND REINVEST AT THEIR PRESENT LOCATIONS.

22 (K) SUPPORT FOR RESIDENTIAL NEIGHBORHOODS AND COMMUNITY  
23 FACILITIES AS ESSENTIAL ELEMENTS IN A BALANCED AND COMPETITIVE  
24 LOCAL AND REGIONAL ECONOMY.

25 (L) ENHANCEMENT OF LONG-TERM STABILITY AND DISCOURAGEMENT OF  
26 URBAN SPRAWL.

1 (M) PLANS ADOPTED BY CITY, VILLAGE, COUNTY, AND REGIONAL  
2 PLANNING AGENCIES RELATING TO THE CLASSIFICATION OF LAND FOR  
3 URBAN, RURAL, AND SEMI-RURAL USE, INCLUDING, BUT NOT LIMITED TO,  
4 SEWER SERVICE MAPS.

5 (N) PROTECTION OF VALUABLE RESOURCE PRODUCTION LAND, INCLUD-  
6 ING, BUT NOT LIMITED TO, PRIME AGRICULTURAL LAND, PRIME FOREST  
7 LAND, AND LAND WITH SIGNIFICANT MINERAL RESOURCES, FROM PREMATURE  
8 CONVERSION.

9 Sec. 31. (1) ~~This act shall be known and may be cited as~~  
10 ~~"The township rural zoning act."~~ THE TOWNSHIP BOARD OF A TOWN-  
11 SHIP MAY ADOPT AN ORDINANCE TO AUTHORIZE THE TRANSFER OF DEVELOP-  
12 MENT RIGHTS TO ACHIEVE A DEVELOPMENT RIGHTS BENEFIT. THE ORDI-  
13 NANCE SHALL REQUIRE THAT, AS PART OF THE DETERMINATION TO TRANS-  
14 FER DEVELOPMENT RIGHTS, THERE BE SPECIFIED THE DEVELOPMENT RIGHTS  
15 THAT WILL REMAIN ON THE PROPERTY FROM WHICH THE DEVELOPMENT  
16 RIGHTS ARE TO BE TRANSFERRED AND THE MEANS BY WHICH THE LIMITA-  
17 TION OF USE OF THE PROPERTY SHALL BE LEGALLY FIXED AND SHALL RUN  
18 WITH THE LAND. THE ORDINANCE SHALL SPECIFY ALL OF THE FOLLOWING  
19 RELATIVE TO THE TRANSFER OF DEVELOPMENT RIGHTS:

20 (A) THE DEVELOPMENT RIGHTS BENEFITS THAT THE TOWNSHIP MAY  
21 SEEK.

22 (B) THE PROCEDURES BY WHICH A TRANSFER OF DEVELOPMENT RIGHTS  
23 MAY BE INITIATED BY THE TOWNSHIP OR BY A PROPERTY OWNER, INCLUD-  
24 ING THE PROCEDURE AND DOCUMENTATION TO BE USED FOR THE TRANSFER  
25 OF DEVELOPMENT RIGHTS.

26 (C) THE TYPE OF DEVELOPMENT RIGHTS THAT MAY BE TRANSFERRED.



1 (D) THE STANDARDS TO BE USED BY THE TOWNSHIP BOARD IN  
2 DETERMINING WHETHER TO GRANT A TRANSFER OF DEVELOPMENT RIGHTS.

3 (E) THE STANDARDS AND PROCEDURE FOR EVALUATING AND SPECIFY-  
4 ING ALL OF THE FOLLOWING:

5 (i) THE DEVELOPMENT RIGHTS TO BE TRANSFERRED, INCLUDING A  
6 FORMULA FOR MEASURING DEVELOPMENT RIGHTS.

7 (ii) THE USE OF DEVELOPMENT RIGHTS THAT WILL REMAIN ON THE  
8 PROPERTY FROM WHICH THE TRANSFER OF DEVELOPMENT RIGHTS IS MADE.

9 (iii) THE IDENTITY OF THE PROPERTY TO WHICH THE TRANSFER OF  
10 DEVELOPMENT RIGHTS IS MADE.

11 (iv) THE DEVELOPMENT PERMITTED, AFTER THE TRANSFER, ON THE  
12 PROPERTY TO WHICH THE TRANSFER OF DEVELOPMENT RIGHTS IS MADE.

13 (F) WHETHER THE TRANSFER OF DEVELOPMENT RIGHTS TO OTHER  
14 LOCAL UNITS OF GOVERNMENT IS PERMITTED AND, IF SO, THE CONTENTS  
15 OF AN AGREEMENT TO BE EXECUTED BY THE LEGISLATIVE BODIES OF THE  
16 LOCAL UNITS OF GOVERNMENT PROVIDING FOR THE TRANSFER OF DEVELOP-  
17 MENT RIGHTS.

18 (G) THE LOCATION OF SENDING ZONES.

19 (H) THE LOCATION OF RECEIVING ZONES. THE CAPACITY OF THE  
20 RECEIVING ZONES SHALL BE SUFFICIENT TO RECEIVE ALL DEVELOPMENT  
21 RIGHTS FROM THE SENDING ZONES.

22 (2) THE ORDINANCE AUTHORIZING THE TRANSFER OF DEVELOPMENT  
23 RIGHTS SHALL NOT TAKE EFFECT UNTIL THE TOWNSHIP PREPARES A REPORT  
24 THAT INCLUDES ALL OF THE FOLLOWING:

25 (A) THE PRECISE LOCATION OF EACH PROPOSED SENDING AND  
26 RECEIVING ZONE.

1 (B) AN ESTIMATE OF POPULATION AND ECONOMIC GROWTH DURING THE  
2 NEXT 10 YEARS IN THE TOWNSHIP AND EACH PROPOSED RECEIVING ZONE.

3 (C) AN ESTIMATE OF THE DEVELOPMENT POTENTIAL OF EACH PRO-  
4 POSED SENDING AND RECEIVING ZONE.

5 (D) AN ESTIMATE OF THE EXISTING AND PROPOSED INFRASTRUCTURE  
6 OF EACH PROPOSED RECEIVING ZONE.

7 (E) FOR EACH PROPOSED RECEIVING ZONE, AN ANALYSIS OF THE  
8 IMPACT UPON AND CONSISTENCY WITH THE TOWNSHIP BASIC PLAN OF THE  
9 TRANSFER OF DEVELOPMENT RIGHTS TO THAT RECEIVING ZONE.

10 (F) A STATEMENT OF THE LIMITATIONS UPON THE DEVELOPMENT  
11 RIGHTS THAT MAY BE TRANSFERRED TO EACH RECEIVING ZONE, TAKING  
12 INTO CONSIDERATION ALL OF THE FOLLOWING OBJECTIVES:

13 (i) ENSURING CONSISTENCY WITH THE TOWNSHIP BASIC PLAN.

14 (ii) ENSURING ADEQUATE SERVICES AND FACILITIES CONSISTENT  
15 WITH THE SERVICES AND FACILITIES PLAN FOR THE RECEIVING ZONE, IN  
16 TERMS OF BOTH CAPACITY AND AVAILABILITY.

17 (iii) AVOIDING UNDUE BURDEN UPON THE PEOPLE AND LAND WITHIN  
18 THE RECEIVING ZONE.

19 (iv) ENSURING CONSISTENCY WITH THE PURPOSES OF THIS SECTION  
20 AND WITH THIS ACT.

21 (3) AN ORDINANCE ADOPTED UNDER THIS SECTION OR SECTION 32  
22 APPLIES IN ADDITION TO OTHER LAWS AND ORDINANCES ADOPTED TO  
23 ACHIEVE SIMILAR PURPOSES. NEITHER THIS SECTION NOR SECTION 32  
24 INVALIDATES A LAW OR ORDINANCE THAT DOES NOT CONTEMPLATE CONSID-  
25 ERATION BEING GIVEN FOR THE ACHIEVEMENT OF THE PURPOSES OF THIS  
26 SECTION.

1 (4) EXCEPT AS PROVIDED IN SECTION 32, THE TRANSFER OF  
2 DEVELOPMENT RIGHTS FROM PROPERTY IN A SENDING ZONE SHALL COINCIDE  
3 WITH THE RECEIPT OF THOSE DEVELOPMENT RIGHTS BY PROPERTY IN A  
4 RECEIVING ZONE.

5 SEC. 32. (1) TO ACHIEVE A DEVELOPMENT RIGHTS BENEFIT, THE  
6 TOWNSHIP BOARD OF A TOWNSHIP THAT HAS ADOPTED AN ORDINANCE UNDER  
7 SECTION 31 MAY ESTABLISH AN AUTHORITY FOR THE PURPOSE OF PURCHAS-  
8 ING AND TEMPORARILY HOLDING DEVELOPMENT RIGHTS.

9 (2) IF THE TOWNSHIP BOARD WISHES TO ESTABLISH AN AUTHORITY,  
10 THE TOWNSHIP BOARD SHALL ADOPT A RESOLUTION OF INTENT, SETTING A  
11 DATE FOR A PUBLIC HEARING ON WHETHER AN ORDINANCE ESTABLISHING AN  
12 AUTHORITY SHOULD BE ADOPTED. NOTICE OF THE PUBLIC HEARING SHALL  
13 BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN-  
14 SHIP, NOT LESS THAN 20 OR MORE THAN 40 DAYS BEFORE THE DATE OF  
15 THE HEARING. THE NOTICE SHALL STATE THE TIME, DATE, AND PLACE OF  
16 THE HEARING, AND SHALL INCLUDE A STATEMENT DESCRIBING THE PURPOSE  
17 OF THE AUTHORITY. AFTER THE HEARING, THE TOWNSHIP BOARD MAY  
18 ADOPT AN ORDINANCE ESTABLISHING THE AUTHORITY.

19 (3) EXCEPT AS PROVIDED IN THIS SUBSECTION, AN AUTHORITY  
20 SHALL CONSIST OF 5 MEMBERS, INCLUDING THE CHIEF ADMINISTRATIVE  
21 OFFICIAL OF THE TOWNSHIP, THE TOWNSHIP TREASURER, AND 3 MEMBERS  
22 AT LARGE APPOINTED FOR 3-YEAR TERMS BY THE TOWNSHIP SUPERVISOR,  
23 SUBJECT TO THE APPROVAL OF THE TOWNSHIP BOARD. ONE OF THE MEM-  
24 BERS AT LARGE SHALL BE A REPRESENTATIVE OF DEVELOPMENT  
25 INTERESTS. A MEMBER AT LARGE SHALL BE A RESIDENT OF THE TOWN-  
26 SHIP, SHALL HOLD OFFICE UNTIL HIS OR HER SUCCESSOR IS APPOINTED,  
27 AND SHALL SERVE AT THE PLEASURE OF THE TOWNSHIP BOARD. THE

1 ORDINANCE CREATING THE AUTHORITY MAY PROVIDE THAT THE TOWNSHIP  
2 BOARD SHALL SERVE AS THE AUTHORITY BOARD. THE MEMBERS OF THE  
3 AUTHORITY SHALL ELECT A CHAIRPERSON OF THE AUTHORITY. IF THE  
4 TOWNSHIP HAS ENTERED AN INTERGOVERNMENTAL AGREEMENT FOR THE CRE-  
5 ATION OF A JOINT AUTHORITY, THE AGREEMENT SHALL SPECIFY THE MEM-  
6 BERSHIP AND, IF APPLICABLE, THE MANNER OF APPOINTMENT OF AUTHOR-  
7 ITY MEMBERS.

8 (4) A MEMBER OF THE AUTHORITY SHALL SERVE WITHOUT COMPENSA-  
9 TION, BUT SHALL BE REIMBURSED FOR ACTUAL AND REASONABLE  
10 EXPENSES.

11 (5) ACTIVITIES OF THE AUTHORITY SHALL BE FINANCED BY 1 OR  
12 MORE OF THE FOLLOWING SOURCES:

13 (A) MONEY PROVIDED BY THE TOWNSHIP.

14 (B) PROCEEDS FROM THE SALE OF DEVELOPMENT RIGHTS.

15 (C) GRANTS.

16 (D) DONATIONS.

17 (E) OTHER SOURCES APPROVED BY THE TOWNSHIP BOARD.

18 (6) THE AUTHORITY MAY ACQUIRE BY PURCHASE OR CONDEMNATION  
19 PURSUANT TO THE UNIFORM CONDEMNATION PROCEDURES ACT, ACT NO. 87  
20 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 213.51 TO 213.77 OF  
21 THE MICHIGAN COMPILED LAWS, DEVELOPMENT RIGHTS ON PROPERTY  
22 LOCATED IN A SENDING ZONE IN THE TOWNSHIP. TITLE TO THE DEVELOP-  
23 MENT RIGHTS SHALL BE TAKEN AND HELD IN THE NAME OF THE TOWNSHIP.

24 (7) AT ITS DISCRETION, THE AUTHORITY MAY HOLD OR SELL DEVEL-  
25 OPMENT RIGHTS THAT IT HAS ACQUIRED. THE AUTHORITY SHALL SELL  
26 DEVELOPMENT RIGHTS ONLY TO A PURCHASER WHO WILL DO 1 OF THE  
27 FOLLOWING:

1 (A) UTILIZE THE DEVELOPMENT RIGHTS IN A RECEIVING ZONE IN  
2 ACCORDANCE WITH THE ORDINANCE ADOPTED PURSUANT TO SECTION 31.

3 (B) PERMANENTLY TERMINATE THE DEVELOPMENT RIGHTS BY OPEN  
4 SPACE EASEMENT TO THE TOWNSHIP, DEED RESTRICTION, OR OTHER LAWFUL  
5 MEANS, IN A MANNER AND FORM APPROVED BY THE AUTHORITY.

6 (8) THE PURCHASE AND SALE OF DEVELOPMENT RIGHTS BY THE  
7 AUTHORITY SHALL BE AT FAIR MARKET VALUE, BASED UPON A BONA FIDE  
8 APPRAISAL. UNLESS THE TOWNSHIP BOARD SERVES AS THE AUTHORITY,  
9 THE PURCHASE AND SALE OF DEVELOPMENT RIGHTS BY THE AUTHORITY  
10 SHALL BE SUBJECT TO APPROVAL BY THE TOWNSHIP BOARD.

11 SEC. 33. (1) BY ORDINANCE, THE TOWNSHIP BOARD OF A TOWNSHIP  
12 MAY AUTHORIZE THE PURCHASE OF DEVELOPMENT RIGHTS BY THE TOWNSHIP  
13 TO ACHIEVE A PUBLIC PURPOSE OR BENEFIT PERMITTED IN THE EXERCISE  
14 OF AUTHORITY UNDER THIS ACT. THE TOWNSHIP MAY PURCHASE THE  
15 DEVELOPMENT RIGHTS BY VOLUNTARY SALE OR BY CONDEMNATION. THE  
16 ORDINANCE SHALL REQUIRE THAT, AS PART OF THE DETERMINATION TO  
17 PURCHASE DEVELOPMENT RIGHTS, THERE SHALL BE SPECIFIED THE DEVEL-  
18 OPMENT RIGHTS THAT WILL REMAIN ON THE PROPERTY FROM WHICH THE  
19 DEVELOPMENT RIGHTS ARE TO BE TRANSFERRED AND THE MEANS BY WHICH  
20 THE LIMITATION OF USE OF THE PROPERTY SHALL BE LEGALLY FIXED AND  
21 SHALL RUN WITH THE LAND. THE ORDINANCE SHALL SPECIFY ALL OF THE  
22 FOLLOWING RELATIVE TO THE PURCHASE OF DEVELOPMENT RIGHTS:

23 (A) THE PUBLIC PURPOSES OR BENEFITS THAT THE TOWNSHIP MAY  
24 SEEK.

25 (B) THE PROCEDURES BY WHICH A PURCHASE OF DEVELOPMENT RIGHTS  
26 MAY BE INITIATED BY THE TOWNSHIP OR BY A PROPERTY OWNER.

(C) THE TYPE OF DEVELOPMENT RIGHTS THAT MAY BE PURCHASED.

(D) THE STANDARDS TO BE USED BY THE TOWNSHIP BOARD IN DETERMINING WHETHER TO PURCHASE DEVELOPMENT RIGHTS.

(E) THE STANDARDS TO BE USED BY THE TOWNSHIP BOARD IN EVALUATING AND SPECIFYING THE DEVELOPMENT RIGHTS THAT WILL REMAIN ON THE PROPERTY AFTER THE PURCHASE.

(F) THE STANDARDS TO BE USED IN ESTABLISHING THE PRICE IN A PURCHASE IN WHICH AN EXERCISE OF THE POWER OF EMINENT DOMAIN IS NOT CONTEMPLATED.

(2) IF A TOWNSHIP ADOPTS AN ORDINANCE PURSUANT TO THIS SECTION, A PERSON MAY PETITION THE TOWNSHIP BOARD FOR THE PURCHASE OF DEVELOPMENT RIGHTS AND FOR THE ESTABLISHMENT OF A SPECIAL ASSESSMENT DISTRICT TO PAY FOR ALL OR A PORTION OF THE DEVELOPMENT RIGHTS. THE PETITION SHALL CONTAIN ALL OF THE FOLLOWING:

(A) A DESCRIPTION OF THE DEVELOPMENT RIGHTS TO BE PURCHASED, INCLUDING A LEGAL DESCRIPTION OF THE REAL PROPERTY FROM WHICH THE PURCHASE IS TO BE MADE.

(B) A DESCRIPTION OF THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

(C) THE SIGNATURES OF THE OWNERS OF AT LEAST 51% OF THE LAND IN THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

(3) THE TOWNSHIP BOARD MAY PURCHASE DEVELOPMENT RIGHTS PETITIONED FOR UNDER SUBSECTION (2) IF THE TOWNSHIP BOARD DETERMINES THAT THE PURCHASE OF THE DEVELOPMENT RIGHTS WOULD ACCOMPLISH A PUBLIC PURPOSE OR BENEFIT SET FORTH IN THE ORDINANCE AND WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP. IF THE TOWNSHIP BOARD PURCHASES THE DEVELOPMENT RIGHTS PETITIONED FOR UNDER

1 SUBSECTION (2), THE TOWNSHIP BOARD SHALL PROCEED WITH RESPECT TO  
2 THE SPECIAL ASSESSMENTS IN THE MANNER PROVIDED BY LAW OR CHARTER  
3 FOR FINANCING THE ACQUISITION OF PARK LANDS BY SPECIAL  
4 ASSESSMENTS.

5 (4) AN ORDINANCE ADOPTED UNDER THIS SECTION APPLIES IN ADDI-  
6 TION TO OTHER LAWS AND ORDINANCES ADOPTED TO ACHIEVE SIMILAR  
7 PURPOSES. THIS SECTION DOES NOT IMPLY THAT LAWS AND ORDINANCES  
8 THAT DO NOT CONTEMPLATE CONSIDERATION BEING GIVEN FOR THE  
9 ACHIEVEMENT OF THE PURPOSES OF THIS SECTION ARE INVALID.

10 SEC. 34. A ZONING ORDINANCE MAY REQUIRE DETAILED PLANS,  
11 FEASIBILITY ANALYSIS, AND THE POSTING OF SECURITY TO ASSURE CON-  
12 CURRENCY AS A CONDITION TO THE ISSUANCE OF A BUILDING PERMIT  
13 UNDER SECTION 11 OF THE STATE CONSTRUCTION CODE ACT OF 1972, ACT  
14 NO. 230 OF THE PUBLIC ACTS OF 1972, BEING SECTION 125.1511 OF THE  
15 MICHIGAN COMPILED LAWS. THE SECURITY MAY CONSIST OF CASH, A  
16 LETTER OF CREDIT, OR A CORPORATE SURETY BOND IN THE FORM APPROVED  
17 BY THE TOWNSHIP. A ZONING ORDINANCE MAY ALSO REQUIRE CONCURRENCY  
18 AS A CONDITION TO THE ISSUANCE OF A CERTIFICATE OF USE AND OCCU-  
19 PANCY UNDER SECTION 13 OF ACT NO. 230 OF THE PUBLIC ACTS OF 1972,  
20 BEING SECTION 125.1513 OF THE MICHIGAN COMPILED LAWS.

21 SEC. 39. AS USED IN THIS ACT:

22 (A) "CONCURRENCY" MEANS AVAILABILITY TO PROPERTY OF SERVICES  
23 AND FACILITIES SPECIFIED IN THE ZONING ORDINANCE AT THE LEVEL OF  
24 SERVICE REQUIRED BY STANDARDS ESTABLISHED IN THE ZONING ORDINANCE  
25 OR ESTABLISHED BY LAW, ORDINANCE, RULE, OR RESOLUTION OF A GOV-  
26 ERNMENTAL ENTITY AND INCORPORATED BY REFERENCE IN THE ZONING  
27 ORDINANCE.

1 (B) "DEVELOPMENT RIGHTS" MEANS THE DEVELOPMENT CAPACITY OF A  
2 PROPERTY AS A DISTINCT INTEREST IN THE LAND OR WATER, OR BOTH,  
3 TAKING INTO CONSIDERATION APPLICABLE LAWS, ORDINANCES, AND  
4 REGULATIONS.

5 (C) "DEVELOPMENT RIGHTS BENEFIT" MEANS THE PROTECTION OF  
6 NATURAL, SCENIC, AGRICULTURAL AND OPEN SPACE QUALITIES, THE  
7 ENHANCEMENT OF SITES AND AREAS OF SPECIAL CHARACTER OR SPECIAL  
8 HISTORICAL, CULTURAL, AESTHETIC, OR ECONOMIC INTEREST OR VALUE,  
9 THE PROTECTION OF NATURAL RESOURCES, OR THE PROMOTION OF FLEXIBI-  
10 LITY OF DESIGN OF AND CAREFUL MANAGEMENT OF LAND AND WATER.

11 (D) "GENERAL SERVICES DISTRICT" MEANS AN AREA THAT IS  
12 CAPABLE OF PROVIDING REASONABLE OPPORTUNITIES FOR RURAL AND SEMI-  
13 RURAL RESIDENTIAL AND NONRESIDENTIAL ACTIVITIES AND DEVELOPMENT,  
14 BUT THAT IS CHARACTERIZED BY A PREDOMINANT LACK OF SERVICES AND  
15 FACILITIES, INCLUDING, BUT NOT LIMITED TO, ROADS AND PUBLIC WATER  
16 AND SEWER, THAT PROVIDE REASONABLE OPPORTUNITIES FOR URBAN RESI-  
17 DENTIAL AND NONRESIDENTIAL ACTIVITIES AND DEVELOPMENT.

18 (E) "PARTIAL URBAN SERVICES DISTRICT" MEANS AN AREA THAT  
19 ONCE MET THE DEFINITION OF "GENERAL SERVICES DISTRICT", BUT THAT  
20 IS DEMONSTRABLY NEEDED FOR THE ACCOMMODATION OF LONG-RANGE URBAN  
21 POPULATION GROWTH REQUIREMENTS AND IS THE AREA MOST ADAPTABLE TO  
22 THE EXTENSION OF SERVICES AND FACILITIES FROM IMMEDIATELY ADJA-  
23 CENT AREAS.

24 (F) "SERVICES AND FACILITIES" MEANS ON-SITE AND OFF-SITE  
25 CAPITAL IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, TRANSPORTA-  
26 TION, SANITARY SEWER, SOLID WASTE DISPOSAL, DRAINAGE, DRINKING  
27 WATER, AND HEALTH SYSTEMS AND FACILITIES.



1 (G) "TRANSFER OF DEVELOPMENT RIGHTS" MEANS THE TRANSFER OF  
2 DEVELOPMENT RIGHTS FROM 1 OR MORE PROPERTIES IN A SENDING ZONE TO  
3 1 OR MORE OTHER PROPERTIES IN A RECEIVING ZONE.

4 (H) "URBAN SERVICES DISTRICT" MEANS AN AREA CHARACTERIZED BY  
5 A PREDOMINANT PRESENCE OF SERVICES AND FACILITIES THAT PROVIDE  
6 REASONABLE OPPORTUNITIES FOR URBAN RESIDENTIAL AND NONRESIDENTIAL  
7 ACTIVITIES AND DEVELOPMENT.

8 SEC. 40. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS "THE  
9 TOWNSHIP ZONING ACT".