



HOUSE BILL No. 5506

April 26 1994 Introduced by Reps Stille Fitzgerald Gernaat Bodem Hill McBryde Brackenridge Bobier Dalman McNutt London and Lowe and referred to the Committee on Local Government

A bill to amend the title of Act No 207 of the Public Acts of 1921, entitled as amended

"An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the density of population may be regulated by ordinance to designate the use of certain state licensed residential facilities to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided to provide for the administering of this act to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts to provide for conflict with the state housing code or other acts, ordinances, or regulations and to provide sanctions for the violation of this act,"

as amended, being sections 125 581 to 125 592 of the Michigan Compiled Laws and to add sections 13, 14, 15, 16, 17, 18, 19, and 20

5	TITLE
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05648 '93

1 DEVELOPMENT RIGHTS AND TO PROVIDE FOR THE AVAILABILITY OF
2 SERVICES AND FACILITIES IN CONJUNCTION WITH BUILDING CONSTRUCTION
3 OR USE AND OCCUPANCY

4 SEC 13 (1) BEFORE ADOPTING AN ORDINANCE PURSUANT TO SEC-
5 TION 14, 15, 16, 17, OR 18, A CITY OR VILLAGE SHALL ADOPT A LAND
6 MANAGEMENT PLAN THE LAND MANAGEMENT PLAN SHALL BE PREPARED AND
7 ADOPTED PURSUANT TO THE PROCEDURE PROVIDED IN THIS ACT FOR THE
8 PREPARATION AND ADOPTION OF A ZONING ORDINANCE

9 (2) IF, PURSUANT TO ACT NO 285 OF THE PUBLIC ACTS OF 1931,
10 BEING SECTIONS 125 31 TO 125 45 OF THE MICHIGAN COMPILED LAWS, A
11 CITY OR VILLAGE HAS ADOPTED A MASTER PLAN TO SERVE AS THE BASIS
12 FOR LAND USE DECISIONS UNDER THIS ACT, THE LAND MANAGEMENT PLAN
13 SHALL NOT BE MATERIALLY INCOMPATIBLE WITH THE MASTER PLAN AT
14 THE DISCRETION OF THE LEGISLATIVE BODY OF THE CITY OR VILLAGE,
15 THE LAND MANAGEMENT PLAN MAY BE INTEGRATED WITH A MASTER PLAN
16 IF THE LAND MANAGEMENT PLAN IS INTEGRATED WITH A MASTER PLAN, THE
17 ELEMENTS OF THE LAND MANAGEMENT PLAN SET FORTH IN SUBSECTION (3)
18 SHALL REMAIN DISCRETE AND THE PLAN SHALL BE ADOPTED PURSUANT TO
19 THE REQUIREMENTS OF BOTH SUBSECTION (1) AND ACT NO 285 OF THE
20 PUBLIC ACTS OF 1931

21 (3) BASED UPON THE STUDY UNDERTAKEN FOR THE PREPARATION OF
22 THE LAND MANAGEMENT PLAN, THE LAND MANAGEMENT PLAN SHALL DESCRIBE
23 THE FUTURE GROWTH AND DEVELOPMENT POTENTIAL AND LIMITATIONS OF
24 THE CITY OR VILLAGE, AS RELATED TO THE SEVERAL ELEMENTS OF THE
25 LAND MANAGEMENT PLAN THE DESCRIPTION SHALL INCLUDE PRESENT CAR-
26 RYING CAPACITIES AND LEVEL OF SERVICE STANDARDS WITH REGARD TO
27 THE SERVICES AND FACILITIES, ON A CITY-WIDE OR VILLAGE-WIDE BASIS

1 AS WELL AS ON THE BASIS OF AREAS OF THE CITY OR VILLAGE RELEVANT
2 TO CARRYING CAPACITIES AND LEVEL OF SERVICE STANDARDS THE LAND
3 MANAGEMENT PLAN SHALL ALSO INCLUDE ALL OF THE FOLLOWING

4 (A) A PUBLIC FACILITIES AND SERVICES PLAN IN THE PREPARA-
5 TION OF THE PUBLIC FACILITIES AND SERVICES PLAN, THE CITY OR VIL-
6 LAGE SHALL CONSULT WITH INTERESTED TOWNSHIP, COUNTY, AND STATE
7 GOVERNMENTAL ENTITIES THE PUBLIC FACILITIES AND SERVICES PLAN
8 SHALL INCLUDE ALL OF THE FOLLOWING

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

17 (2) A PLAN FOR WATER, SANITARY SEWAGE DISPOSAL, AND STORM
18 DRAINAGE CAPITAL IMPROVEMENTS SHOWING THE ANTICIPATED LOCATION
19 SIZE, AND SCHEDULE FOR INSTALLATION OF FACILITIES CONSISTENT WITH
20 CURRENT ZONING AND PLANNED FUTURE DEVELOPMENT

21 (3) A PUBLIC SAFETY PLAN, SHOWING PRESENT AND FUTURE
22 FACILITIES, CAPABILITIES, AND LIMITATIONS FOR POLICE AND FIRE
23 SERVICE

24 (4) A PUBLIC SERVICES PLAN, SHOWING THE PRESENT AND FUTURE
25 FACILITIES, CAPABILITIES, AND LIMITATIONS FOR PUBLIC SERVICES
26 OTHER THAN POLICE AND FIRE, INCLUDING, BUT NOT LIMITED TO,
27 SCHOOLS AND LIBRARIES

1 (B) A REGIONAL COORDINATION PLAN SHOWING HOW THE FUTURE
2 GROWTH AND DEVELOPMENT OF THE CITY OR VILLAGE WILL BE AFFECTED BY
3 AND AFFECT REGIONAL GROWTH AND DEVELOPMENT IN THE PREPARATION
4 OF THE REGIONAL COORDINATION PLAN, THE CITY OR VILLAGE SHALL CON-
5 SULT WITH AVAILABLE TOWNSHIP, COUNTY, AND REGIONAL PLANNING
6 AGENCIES

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

14 (D) A COMMUNITY CHARACTER PLAN, IDENTIFYING AND SHOWING THE
15 ELEMENTS AND LOCATIONS OF PLACES IN THE CITY OR VILLAGE THAT
16 UNIQUELY CONTRIBUTE TO THE CHARACTER OF THE CITY OR VILLAGE,
17 INCLUDING, BUT NOT LIMITED TO, NATURAL FEATURES, HISTORIC SITES,
18 SPECIAL AMENITIES, AND OTHER ELEMENTS AND AREAS OF IMPORTANCE

19 (E) AN AIR AND WATER QUALITY PLAN IDENTIFYING LOCATIONS IN
20 THE CITY OR VILLAGE, GOALS AND OBJECTIVES, AND BODIES OF WATER,
21 THAT SHOULD BE THE FOCUS OF STUDY, PLANNING, REGULATION, OR OTHER
22 ACTIVITIES

23 (F) A FINANCIAL STABILITY PLAN, IDENTIFYING AND SHOWING THE
24 ENTITIES, ACTIVITIES, AND LAND USES ASSOCIATED WITH THE PRESENT
25 ECONOMIC STABILITY OF THE CITY OR VILLAGE, OR THAT SHOULD BE PUR-
26 SUED FOR THE PURPOSE OF ACHIEVING GREATER ECONOMIC STABILITY

1 (G) A FUTURE LAND USE PLAN, CONTAINING THE INFORMATION
2 REQUIRED UNDER ACT NO 285 OF THE PUBLIC ACTS OF 1931, TO BE
3 INCLUDED IN A BASIC PLAN

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

12 SEC 14 (1) AS PART OF THE ZONING ORDINANCE AND THE PLAN
13 REFERRED TO IN SECTION 1, AND ON A MAP THAT MAY BE PART OF, OR
14 SEPARATE FROM, THE ZONING USE OR DISTRICT MAP, A CITY OR VILLAGE
15 MAY BE DIVIDED INTO URBAN SERVICES DISTRICTS, PARTIAL URBAN SERV-
16 ICES DISTRICTS, AND GENERAL SERVICES DISTRICTS

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

26 (3) IN THE ESTABLISHMENT OR MODIFICATION OF A SERVICES
27 DISTRICT, ALL OF THE FOLLOWING STANDARDS SHALL BE CONSIDERED

1 (A) DEMONSTRATED NEED FOR THE ACCOMMODATION OF LONG-RANGE
2 URBAN POPULATION GROWTH

3 (B) NEED FOR HOUSING, EMPLOYMENT OPPORTUNITIES, AND OTHER
4 THINGS AFFECTING THE QUALITY OF LIFE

5 (C) ORDERLY AND ECONOMIC PROVISION OF SERVICES AND
6 FACILITIES

7 (D) MAXIMUM EFFICIENCY OF LAND USES WITHIN AND NEAR ANY
8 EXISTING URBAN SERVICES DISTRICTS

9 (E) ENVIRONMENTAL, ENERGY, ECONOMIC, AND SOCIAL CONSEQUENCES
10 OF THE ESTABLISHMENT OR MODIFICATION OF THE SERVICES DISTRICT

11 (F) PROVISION OF REASONABLE OPPORTUNITIES FOR URBAN RESIDEN-
12 TIAL AND NONRESIDENTIAL ACTIVITIES AND DEVELOPMENT

13 (G) PROVISION OF REASONABLE OPPORTUNITIES FOR RURAL AND
14 SEMIRURAL RESIDENTIAL AND NONRESIDENTIAL ACTIVITIES AND
15 DEVELOPMENT

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

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

22 (J) ENCOURAGEMENT FOR EXISTING ECONOMIC BASE NONRESIDENTIAL
23 USES TO REMAIN AND REINVEST AT THEIR PRESENT LOCATIONS

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

1 (L) ENHANCEMENT OF LONG-TERM STABILITY AND DISCOURAGEMENT OF
2 URBAN SPRAWL

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

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

11 SEC 15 (1) THE LEGISLATIVE BODY OF A CITY OR VILLAGE MAY
12 ADOPT AN ORDINANCE TO AUTHORIZE THE TRANSFER OF DEVELOPMENT
13 RIGHTS TO ACHIEVE A DEVELOPMENT RIGHTS BENEFIT THE ORDINANCE
14 SHALL REQUIRE THAT, AS PART OF THE DETERMINATION TO TRANSFER
15 DEVELOPMENT RIGHTS, THERE BE SPECIFIED THE DEVELOPMENT RIGHTS
16 THAT WILL REMAIN ON THE PROPERTY FROM WHICH THE DEVELOPMENT
17 RIGHTS ARE TO BE TRANSFERRED AND THE MEANS BY WHICH THE LIMITA-
18 TION OF USE OF THE PROPERTY SHALL BE LEGALLY FIXED AND SHALL RUN
19 WITH THE LAND THE ORDINANCE SHALL SPECIFY ALL OF THE FOLLOWING
20 RELATIVE TO THE TRANSFER OF DEVELOPMENT RIGHTS

21 (A) THE DEVELOPMENT RIGHTS BENEFITS THAT THE CITY OR VILLAGE
22 MAY SEEK

23 (B) THE PROCEDURES BY WHICH A TRANSFER OF DEVELOPMENT RIGHTS
24 MAY BE INITIATED BY THE CITY OR VILLAGE OR BY A PROPERTY OWNER,
25 INCLUDING THE PROCEDURE AND DOCUMENTATION TO BE USED FOR THE
26 TRANSFER OF DEVELOPMENT RIGHTS

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

2 (D) THE STANDARDS TO BE USED BY THE LEGISLATIVE BODY OF THE
3 CITY OR VILLAGE IN DETERMINING WHETHER TO GRANT A TRANSFER OF
4 DEVELOPMENT RIGHTS

5 (E) THE STANDARDS AND PROCEDURE FOR EVALUATING AND SPECIFY-
6 ING ALL OF THE FOLLOWING

7 (i) THE DEVELOPMENT RIGHTS TO BE TRANSFERRED, INCLUDING A
8 FORMULA FOR MEASURING DEVELOPMENT RIGHTS

9 (ii) THE USE OF DEVELOPMENT RIGHTS THAT WILL REMAIN ON THE
10 PROPERTY FROM WHICH THE TRANSFER OF DEVELOPMENT RIGHTS IS MADE

11 (iii) THE IDENTITY OF THE PROPERTY TO WHICH THE TRANSFER OF
12 DEVELOPMENT RIGHTS IS MADE

13 (iv) THE DEVELOPMENT PERMITTED, AFTER THE TRANSFER, ON THE
14 PROPERTY TO WHICH THE TRANSFER OF DEVELOPMENT RIGHTS IS MADE

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

20 (G) THE LOCATION OF SENDING ZONES

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

24 (2) THE ORDINANCE AUTHORIZING THE TRANSFER OF DEVELOPMENT
25 RIGHTS SHALL NOT TAKE EFFECT UNTIL THE CITY OR VILLAGE PREPARES A
26 REPORT THAT INCLUDES ALL OF THE FOLLOWING

1 (A) THE PRECISE LOCATION OF EACH PROPOSED SENDING AND
2 RECEIVING ZONE

3 (B) AN ESTIMATE OF POPULATION AND ECONOMIC GROWTH DURING THE
4 NEXT 10 YEARS IN THE CITY OR VILLAGE AND EACH PROPOSED RECEIVING
5 ZONE

6 (C) AN ESTIMATE OF THE DEVELOPMENT POTENTIAL OF EACH PRO-
7 POSED SENDING AND RECEIVING ZONE

8 (D) AN ESTIMATE OF THE EXISTING AND PROPOSED INFRASTRUCTURE
9 OF EACH PROPOSED RECEIVING ZONE

10 (E) FOR EACH PROPOSED RECEIVING ZONE, AN ANALYSIS OF THE
11 IMPACT UPON AND CONSISTENCY WITH THE CITY OR VILLAGE MASTER PLAN
12 OF THE TRANSFER OF DEVELOPMENT RIGHTS TO THAT RECEIVING ZONE

13 (F) A STATEMENT OF THE LIMITATIONS UPON THE DEVELOPMENT
14 RIGHTS THAT MAY BE TRANSFERRED TO EACH RECEIVING ZONE, TAKING
15 INTO CONSIDERATION ALL OF THE FOLLOWING OBJECTIVES

16 (1) ENSURING CONSISTENCY WITH THE CITY OR VILLAGE MASTER
17 PLAN

18 (2) ENSURING ADEQUATE SERVICES AND FACILITIES CONSISTENT
19 WITH THE SERVICES AND FACILITIES PLAN FOR THE RECEIVING ZONE, IN
20 TERMS OF BOTH CAPACITY AND AVAILABILITY

21 (3) AVOIDING UNDUE BURDEN UPON THE PEOPLE AND LAND WITHIN
22 THE RECEIVING ZONE

23 (4) ENSURING CONSISTENCY WITH THE PURPOSES OF THIS SECTION
24 AND WITH THIS ACT

25 (5) AN ORDINANCE ADOPTED UNDER THIS SECTION OR SECTION 16
26 APPLIES IN ADDITION TO OTHER LAWS AND ORDINANCES ADOPTED TO
27 ACHIEVE SIMILAR PURPOSES THIS SECTION AND SECTION 16 DO NOT

1 IMPLY THAT LAWS AND ORDINANCES THAT DO NOT CONTEMPLATE
2 CONSIDERATION BEING GIVEN FOR THE ACHIEVEMENT OF THE PURPOSES OF
3 THIS SECTION ARE INVALID

4 (4) EXCEPT AS PROVIDED IN SECTION 16, THE TRANSFER OF DEVEL-
5 OPMENT RIGHTS FROM PROPERTY IN A SENDING ZONE SHALL COINCIDE WITH
6 THE RECEIPT OF THOSE DEVELOPMENT RIGHTS BY PROPERTY IN A RECEIV-
7 ING ZONE

8 SEC 16 (1) TO ACHIEVE A DEVELOPMENT RIGHTS BENEFIT, THE
9 LEGISLATIVE BODY OF A CITY OR VILLAGE THAT HAS ADOPTED AN ORDI-
10 NANCE UNDER SECTION 15 MAY ESTABLISH AN AUTHORITY FOR THE PURPOSE
11 OF PURCHASING AND TEMPORARILY HOLDING DEVELOPMENT RIGHTS

12 (2) IF THE LEGISLATIVE BODY OF A CITY OR VILLAGE WISHES TO
13 ESTABLISH AN AUTHORITY, THE LEGISLATIVE BODY SHALL ADOPT A RESO-
14 LUTION OF INTENT, SETTING A DATE FOR A PUBLIC HEARING ON WHETHER
15 AN ORDINANCE ESTABLISHING AN AUTHORITY SHOULD BE ADOPTED NOTICE
16 OF THE PUBLIC HEARING SHALL BE PUBLISHED IN A NEWSPAPER OF GEN-
17 ERAL CIRCULATION IN THE CITY OR VILLAGE, NOT LESS THAN 20 OR MORE
18 THAN 40 DAYS BEFORE THE DATE OF THE HEARING THE NOTICE SHALL
19 STATE THE TIME DATE, AND PLACE OF THE HEARING, AND SHALL INCLUDE
20 A STATEMENT DESCRIBING THE PURPOSE OF THE AUTHORITY AFTER THE
21 HEARING, THE LEGISLATIVE BODY OF THE CITY OR VILLAGE MAY ADOPT AN
22 ORDINANCE ESTABLISHING THE AUTHORITY

23 (3) EXCEPT AS PROVIDED IN THIS SUBSECTION, AN AUTHORITY
24 SHALL CONSIST OF 5 MEMBERS, INCLUDING THE CHIEF ADMINISTRATIVE
25 OFFICIAL OF THE CITY OR VILLAGE, THE CITY OR VILLAGE TREASURER,
26 AND 3 MEMBERS AT LARGE APPOINTED FOR 3-YEAR TERMS BY THE MAYOR OF
27 THE CITY OR PRESIDENT OF THE VILLAGE, SUBJECT TO THE APPROVAL OF

1 THE LEGISLATIVE BODY OF THE CITY OR VILLAGE ONE OF THE MEMBERS
2 AT LARGE SHALL BE A REPRESENTATIVE OF DEVELOPMENT INTERESTS A
3 MEMBER AT LARGE SHALL BE A RESIDENT OF THE CITY OR VILLAGE, SHALL
4 HOLD OFFICE UNTIL HIS OR HER SUCCESSOR IS APPOINTED, AND SHALL
5 SERVE AT THE PLEASURE OF THE LEGISLATIVE BODY OF THE CITY OR
6 VILLAGE THE ORDINANCE CREATING THE AUTHORITY MAY PROVIDE THAT
7 THE LEGISLATIVE BODY OF THE CITY OR VILLAGE SHALL SERVE AS THE
8 AUTHORITY BOARD THE MEMBERS OF THE AUTHORITY SHALL ELECT A
9 CHAIRPERSON OF THE AUTHORITY IF THE CITY OR VILLAGE HAS ENTERED
10 AN INTERGOVERNMENTAL AGREEMENT FOR THE CREATION OF A JOINT
11 AUTHORITY, THE AGREEMENT SHALL SPECIFY THE MEMBERSHIP AND, IF
12 APPLICABLE, THE MANNER OF APPOINTMENT OF AUTHORITY MEMBERS

13 (4) A MEMBER OF THE AUTHORITY SHALL SERVE WITHOUT COMPENSA-
14 TION, BUT SHALL BE REIMBURSED FOR ACTUAL AND REASONABLE
15 EXPENSES

16 (5) ACTIVITIES OF THE AUTHORITY SHALL BE FINANCED BY 1 OR
17 MORE OF THE FOLLOWING SOURCES

18 (A) MONEY PROVIDED BY THE CITY OR VILLAGE

19 (B) PROCEEDS FROM THE SALE OF DEVELOPMENT RIGHTS

20 (C) GRANTS

21 (D) DONATIONS

22 (E) OTHER SOURCES APPROVED BY THE LEGISLATIVE BODY OF THE
23 CITY OR VILLAGE

24 (6) THE AUTHORITY MAY ACQUIRE BY PURCHASE OR CONDEMNATION
25 PURSUANT TO THE UNIFORM CONDEMNATION PROCEDURES ACT, ACT NO 87
26 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 213 51 TO 213 77 OF
27 THE MICHIGAN COMPILED LAWS, DEVELOPMENT RIGHTS ON PROPERTY

1 LOCATED IN A SENDING ZONE IN THE CITY OR VILLAGE TITLE TO THE
2 DEVELOPMENT RIGHTS SHALL BE TAKEN AND HELD IN THE NAME OF THE
3 CITY OR VILLAGE

4 (7) AT ITS DISCRETION, THE AUTHORITY MAY HOLD OR SELL DEVEL-
5 OPMENT RIGHTS THAT IT HAS ACQUIRED THE AUTHORITY SHALL SELL
6 DEVELOPMENT RIGHTS ONLY TO A PURCHASER WHO WILL DO 1 OF THE
7 FOLLOWING

8 (A) UTILIZE THE DEVELOPMENT RIGHTS IN A RECEIVING ZONE IN
9 ACCORDANCE WITH THE ORDINANCE ADOPTED PURSUANT TO SECTION 15

10 (B) PERMANENTLY TERMINATE THE DEVELOPMENT RIGHTS BY OPEN
11 SPACE EASEMENT TO THE CITY OR VILLAGE, DEED RESTRICTION, OR OTHER
12 LAWFUL MEANS, IN A MANNER AND FORM APPROVED BY THE AUTHORITY

13 (8) THE PURCHASE AND SALE OF DEVELOPMENT RIGHTS BY THE
14 AUTHORITY SHALL BE AT FAIR MARKET VALUE, BASED UPON A BONA FIDE
15 APPRAISAL UNLESS THE LEGISLATIVE BODY OF THE CITY OR VILLAGE
16 SERVES AS THE AUTHORITY, THE PURCHASE AND SALE OF DEVELOPMENT
17 RIGHTS BY THE AUTHORITY SHALL BE SUBJECT TO APPROVAL BY THE LEG-
18 ISLATIVE BODY OF THE CITY OR VILLAGE

19 SEC 17 (1) BY ORDINANCE THE LEGISLATIVE BODY OF A CITY
20 OR VILLAGE MAY AUTHORIZE THE PURCHASE OF DEVELOPMENT RIGHTS BY
21 THE CITY OR VILLAGE TO ACHIEVE A PUBLIC PURPOSE OR BENEFIT PER-
22 MITTED IN THE EXERCISE OF AUTHORITY UNDER THIS ACT THE CITY OR
23 VILLAGE MAY PURCHASE THE DEVELOPMENT RIGHTS BY VOLUNTARY SALE OR
24 BY CONDEMNATION THE ORDINANCE SHALL REQUIRE THAT, AS PART OF
25 THE DETERMINATION TO PURCHASE DEVELOPMENT RIGHTS, THERE SHALL BE
26 SPECIFIED THE DEVELOPMENT RIGHTS THAT WILL REMAIN ON THE PROPERTY
27 FROM WHICH THE DEVELOPMENT RIGHTS ARE TO BE TRANSFERRED AND THE

1 MEANS BY WHICH THE LIMITATION OF USE OF THE PROPERTY SHALL BE
2 LEGALLY FIXED AND SHALL RUN WITH THE LAND THE ORDINANCE SHALL
3 SPECIFY ALL OF THE FOLLOWING RELATIVE TO THE PURCHASE OF DEVELOP-
4 MENT RIGHTS

5 (A) THE PUBLIC PURPOSES OR BENEFITS THAT THE CITY OR VILLAGE
6 MAY SEEK

7 (B) THE PROCEDURES BY WHICH A PURCHASE OF DEVELOPMENT RIGHTS
8 MAY BE INITIATED BY THE CITY OR VILLAGE OR BY A PROPERTY OWNER

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

10 (D) THE STANDARDS TO BE USED BY THE LEGISLATIVE BODY OF THE
11 CITY OR VILLAGE IN DETERMINING WHETHER TO PURCHASE DEVELOPMENT
12 RIGHTS

13 (E) THE STANDARDS TO BE USED BY THE LEGISLATIVE BODY OF THE
14 CITY OR VILLAGE IN EVALUATING AND SPECIFYING THE DEVELOPMENT
15 RIGHTS THAT WILL REMAIN ON THE PROPERTY AFTER THE PURCHASE

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

19 (2) IF A CITY OR VILLAGE ADOPTS AN ORDINANCE PURSUANT TO
20 THIS SECTION, A PERSON MAY PETITION THE LEGISLATIVE BODY OF THE
21 CITY OR VILLAGE FOR THE PURCHASE OF DEVELOPMENT RIGHTS AND FOR
22 THE ESTABLISHMENT OF A SPECIAL ASSESSMENT DISTRICT TO PAY FOR ALL
23 OR A PORTION OF THE DEVELOPMENT RIGHTS THE PETITION SHALL CON-
24 TAIN ALL OF THE FOLLOWING

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

1 (B) A DESCRIPTION OF THE PROPOSED SPECIAL ASSESSMENT
2 DISTRICT

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

5 (3) THE CITY OR VILLAGE MAY PURCHASE DEVELOPMENT RIGHTS
6 PETITIONED FOR UNDER SUBSECTION (2) IF THE LEGISLATIVE BODY OF
7 THE CITY OR VILLAGE DETERMINES THAT THE PURCHASE OF THE DEVELOP-
8 MENT RIGHTS WOULD ACCOMPLISH A PUBLIC PURPOSE OR BENEFIT SET
9 FORTH IN THE ORDINANCE AND WOULD BE IN THE BEST INTEREST OF THE
10 CITY OR VILLAGE IF THE LEGISLATIVE BODY OF THE CITY OR VILLAGE
11 PURCHASES THE DEVELOPMENT RIGHTS PETITIONED FOR UNDER
12 SUBSECTION (2), THE LEGISLATIVE BODY OF THE CITY OR VILLAGE SHALL
13 PROCEED WITH RESPECT TO THE SPECIAL ASSESSMENTS IN THE MANNER
14 PROVIDED BY LAW OR CHARTER FOR FINANCING THE ACQUISITION OF PARK
15 LANDS BY SPECIAL ASSESSMENTS

16 (4) AN ORDINANCE ADOPTED UNDER THIS SECTION APPLIES IN ADDI-
17 TION TO OTHER LAWS AND ORDINANCES ADOPTED TO ACHIEVE SIMILAR
18 PURPOSES THIS SECTION DOES NOT INVALIDATE A LAW OR ORDINANCE
19 THAT DOES NOT CONTEMPLATE CONSIDERATION BEING GIVEN FOR THE
20 ACHIEVEMENT OF THE PURPOSES OF THIS SECTION

21 SEC 18 A ZONING ORDINANCE MAY REQUIRE DETAILED PLANS,
22 FEASIBILITY ANALYSIS, AND THE POSTING OF SECURITY TO ASSURE CON-
23 CURRENCY AS A CONDITION TO THE ISSUANCE OF A BUILDING PERMIT
24 UNDER SECTION 11 OF THE STATE CONSTRUCTION CODE ACT OF 1972, ACT
25 NO 230 OF THE PUBLIC ACTS OF 1972, BEING SECTION 125 1511 OF THE
26 MICHIGAN COMPILED LAWS THE SECURITY MAY CONSIST OF CASH, A
27 LETTER OF CREDIT, OR A CORPORATE SURETY BOND IN THE FORM APPROVED

1 BY THE TOWNSHIP A ZONING ORDINANCE MAY ALSO REQUIRE CONCURRENCY
2 AS A CONDITION TO THE ISSUANCE OF A CERTIFICATE OF USE AND OCCU-
3 PANCY UNDER SECTION 13 OF ACT NO 230 OF THE PUBLIC ACTS OF 1972,
4 BEING SECTION 125 1513 OF THE MICHIGAN COMPILED LAWS

5 SEC 19 AS USED IN THIS ACT

6 (A) "CONCURRENCY" MEANS AVAILABILITY TO PROPERTY OF SERVICES
7 AND FACILITIES SPECIFIED IN THE ZONING ORDINANCE AT THE LEVEL OF
8 SERVICE REQUIRED BY STANDARDS ESTABLISHED IN THE ZONING ORDINANCE
9 OR ESTABLISHED BY LAW, ORDINANCE, RULE, OR RESOLUTION OF A GOV-
10 ERNMENTAL ENTITY AND INCORPORATED BY REFERENCE IN THE ZONING
11 ORDINANCE

12 (B) "DEVELOPMENT RIGHTS" MEANS THE DEVELOPMENT CAPACITY OF A
13 PROPERTY AS A DISTINCT INTEREST IN THE LAND OR WATER, OR BOTH,
14 TAKING INTO CONSIDERATION APPLICABLE LAWS, ORDINANCES, AND
15 REGULATIONS

16 (C) "DEVELOPMENT RIGHTS BENEFIT" MEANS THE PROTECTION OF
17 NATURAL SCENIC AGRICULTURAL AND OPEN SPACE QUALITIES THE
18 ENHANCEMENT OF SITES AND AREAS OF SPECIAL CHARACTER OR SPECIAL
19 HISTORICAL, CULTURAL, AESTHETIC, OR ECONOMIC INTEREST OR VALUE,
20 THE PROTECTION OF NATURAL RESOURCES, OR THE PROMOTION OF FLEXIBI-
21 LITY OF DESIGN OF AND CAREFUL MANAGEMENT OF LAND AND WATER

22 (D) "GENERAL SERVICES DISTRICT" MEANS AN AREA THAT IS
23 CAPABLE OF PROVIDING REASONABLE OPPORTUNITIES FOR RURAL AND SEMI-
24 RURAL RESIDENTIAL AND NONRESIDENTIAL ACTIVITIES AND DEVELOPMENT,
25 BUT THAT IS CHARACTERIZED BY A PREDOMINANT LACK OF SERVICES AND
26 FACILITIES, INCLUDING, BUT NOT LIMITED TO, ROADS AND PUBLIC WATER

1 AND SEWER, THAT PROVIDE REASONABLE OPPORTUNITIES FOR URBAN
2 RESIDENTIAL AND NONRESIDENTIAL ACTIVITIES AND DEVELOPMENT

3 (E) "PARTIAL URBAN SERVICES DISTRICT" MEANS AN AREA THAT
4 ONCE MET THE DEFINITION OF "GENERAL SERVICES DISTRICT", BUT THAT
5 IS DEMONSTRABLY NEEDED FOR THE ACCOMMODATION OF LONG-RANGE URBAN
6 POPULATION GROWTH REQUIREMENTS AND IS THE AREA MOST ADAPTABLE TO
7 THE EXTENSION OF SERVICES AND FACILITIES FROM IMMEDIATELY ADJA-
8 CENT AREAS

9 (F) "SERVICES AND FACILITIES" MEANS ON-SITE AND OFF-SITE
10 CAPITAL IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, TRANSPORTA-
11 TION, SANITARY SEWER, SOLID WASTE DISPOSAL, DRAINAGE, DRINKING
12 WATER, AND HEALTH SYSTEMS AND FACILITIES

13 (G) "TRANSFER OF DEVELOPMENT RIGHTS" MEANS THE TRANSFER OF
14 DEVELOPMENT RIGHTS FROM 1 OR MORE PROPERTIES IN A SENDING ZONE TO
15 1 OR MORE OTHER PROPERTIES IN A RECEIVING ZONE

16 (H) "URBAN SERVICES DISTRICT" MEANS AN AREA CHARACTERIZED BY
17 A PREDOMINANT PRESENCE OF SERVICES AND FACILITIES THAT PROVIDE
18 REASONABLE OPPORTUNITIES FOR URBAN RESIDENTIAL AND NONRESIDENTIAL
19 ACTIVITIES AND DEVELOPMENT

20 SEC 20 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS 'THE
21 CITY AND VILLAGE ZONING ACT"