



HOUSE BILL No. 4171

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

A bill to amend the title and sections 31 and 32 of Act No. 183 of the Public Acts of 1943, entitled as amended "The county rural zoning enabling act," being sections 125.231 and 125.232 of the Michigan Compiled Laws; and to add sections 33, 34, 35, 36, 39, and 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 31 and 32 of Act No. 183
2 of the Public Acts of 1943, being sections 125.231 and 125.232 of
3 the Michigan Compiled Laws, are amended and sections 33, 34, 35,
4 36, 39, and 40 are added to read as follows:

5 TITLE

6 An act to provide for the establishment in portions of coun-
7 ties lying outside the limits of incorporated cities and villages
8 of zoning districts within which the proper use of land and
9 natural resources may be encouraged or regulated by ordinance,

1 and for which districts provisions may also be adopted
 2 designating the location of, the size of, the uses that may be
 3 made of, the minimum open spaces, sanitary, safety, and protec-
 4 tive measures that are required for, and the maximum number of
 5 families that may be housed in dwellings, buildings, and struc-
 6 tures that are erected or altered; to designate the use of cer-
 7 tain state licensed residential facilities; to provide for a
 8 method for the adoption of ordinances and amendments to ordi-
 9 nances; to provide for emergency interim ordinances; to provide
 10 by ordinance for the acquisition by purchase, condemnation, or
 11 otherwise, of property that does not conform to the requirements
 12 of the zoning districts so provided; to provide for the adminis-
 13 tering of ordinances adopted; to provide for conflicts with other
 14 acts, ordinances, or regulations; to provide sanctions for viola-
 15 tions; to provide for the assessment, levy, and collection of
 16 taxes; to provide for referenda; to provide for appeals; ~~and to~~
 17 provide for ~~the repeal of acts in conflict with this act~~ LAND
 18 MANAGEMENT PLANS; TO PROVIDE FOR DISTRICTS CLASSIFIED ON THE
 19 BASIS OF AVAILABILITY OF SERVICES AND FACILITIES; TO AUTHORIZE
 20 THE TRANSFER OF DEVELOPMENT RIGHTS; TO AUTHORIZE THE ESTABLISH-
 21 MENT OF AUTHORITIES TO PURCHASE AND HOLD DEVELOPMENT RIGHTS; TO
 22 GRANT THE POWER OF EMINENT DOMAIN; TO AUTHORIZE THE PURCHASE OF
 23 DEVELOPMENT RIGHTS; AND TO PROVIDE FOR THE AVAILABILITY OF SERV-
 24 ICES AND FACILITIES IN CONJUNCTION WITH BUILDING CONSTRUCTION OR
 25 USE AND OCCUPANCY.

26 Sec. 31. (1) ~~This act shall be known and may be cited as~~
 27 ~~"The county rural zoning enabling act."~~ BEFORE ADOPTING AN

1 ORDINANCE PURSUANT TO SECTION 32, 33, 34, 35, OR 36, A COUNTY
2 SHALL ADOPT A LAND MANAGEMENT PLAN. THE LAND MANAGEMENT PLAN
3 SHALL BE PREPARED AND ADOPTED PURSUANT TO THE PROCEDURE PROVIDED
4 IN THIS ACT FOR THE PREPARATION AND ADOPTION OF A ZONING
5 ORDINANCE.

6 (2) IF, PURSUANT TO ACT NO. 282 OF THE PUBLIC ACTS OF 1945,
7 BEING SECTIONS 125.101 TO 125.107 OF THE MICHIGAN COMPILED LAWS,
8 OR ACT NO. 285 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS 125.31
9 TO 125.45 OF THE MICHIGAN COMPILED LAWS, A COUNTY HAS ADOPTED A
10 COUNTY DEVELOPMENT PLAN OR MASTER PLAN TO SERVE AS THE BASIS FOR
11 LAND USE DECISIONS UNDER THIS ACT, THE LAND MANAGEMENT PLAN SHALL
12 NOT BE MATERIALLY INCOMPATIBLE WITH THE COUNTY DEVELOPMENT PLAN
13 OR MASTER PLAN. AT THE DISCRETION OF THE COUNTY BOARD OF COMMIS-
14 SIONERS, THE LAND MANAGEMENT PLAN MAY BE INTEGRATED WITH A COUNTY
15 DEVELOPMENT PLAN OR MASTER PLAN. IF THE LAND MANAGEMENT PLAN IS
16 INTEGRATED WITH A COUNTY DEVELOPMENT PLAN OR 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. 282 OF THE
20 PUBLIC ACTS OF 1945.

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 COUNTY, AS RELATED TO THE SEVERAL ELEMENTS OF THE LAND MAN-
25 AGEMENT PLAN. THE DESCRIPTION SHALL INCLUDE PRESENT CARRYING
26 CAPACITIES AND LEVEL OF SERVICE STANDARDS WITH REGARD TO THE
27 SERVICES AND FACILITIES, ON A COUNTY-WIDE BASIS AS WELL AS ON THE

1 BASIS OF AREAS OF THE COUNTY RELEVANT TO CARRYING CAPACITIES AND
2 LEVEL OF SERVICE STANDARDS. THE LAND MANAGEMENT PLAN SHALL ALSO
3 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 COUNTY SHALL
6 CONSULT WITH INTERESTED TOWNSHIP, CITY, VILLAGE, AND STATE GOV-
7 ERNMENTAL ENTITIES. THE PUBLIC FACILITIES AND SERVICES PLAN
8 SHALL INCLUDE ALL OF THE FOLLOWING:

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

17 (ii) 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 (iii) A PUBLIC SAFETY PLAN, SHOWING PRESENT AND FUTURE
22 FACILITIES, CAPABILITIES, AND LIMITATIONS FOR POLICE AND FIRE
23 SERVICE.

24 (iv) 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 COUNTY WILL BE AFFECTED BY AND
3 AFFECT REGIONAL GROWTH AND DEVELOPMENT. IN THE PREPARATION OF
4 THE REGIONAL COORDINATION PLAN, THE COUNTY SHALL CONSULT WITH
5 AVAILABLE CITY, VILLAGE, TOWNSHIP, AND REGIONAL PLANNING
6 AGENCIES.

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

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

19 (E) AN AIR AND WATER QUALITY PLAN, IDENTIFYING LOCATIONS IN
20 THE COUNTY, GOALS AND OBJECTIVES, AND BODIES OF WATER, THAT
21 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 COUNTY, OR THAT SHOULD BE PURSUED FOR
26 THE PURPOSE OF ACHIEVING GREATER ECONOMIC STABILITY.

1 (G) A FUTURE LAND USE PLAN, CONTAINING THE INFORMATION
2 REQUIRED UNDER ACT NO. 282 OF THE PUBLIC ACTS OF 1945 TO BE
3 INCLUDED IN A COUNTY DEVELOPMENT 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. 32. (1) ~~Act No. 79 of the Public Acts of 1929,~~
13 ~~except as hereinbefore provided, is hereby repealed.~~ AS PART OF
14 THE ZONING ORDINANCE AND THE PLAN REFERRED TO IN SECTION 3, AND
15 ON A MAP THAT MAY BE PART OF, OR SEPARATE FROM, THE ZONING USE OR
16 DISTRICT MAP, A COUNTY MAY BE DIVIDED INTO URBAN SERVICES DIS-
17 TRICTS, PARTIAL URBAN SERVICES DISTRICTS, AND GENERAL SERVICES
18 DISTRICTS.

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

1 (3) IN THE ESTABLISHMENT OR MODIFICATION OF A SERVICES
2 DISTRICT, ALL OF THE FOLLOWING STANDARDS SHALL BE CONSIDERED:

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

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

7 (C) ORDERLY AND ECONOMIC PROVISION OF SERVICES AND
8 FACILITIES.

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

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

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

15 (G) PROVISION OF REASONABLE OPPORTUNITIES FOR RURAL AND
16 SEMIRURAL RESIDENTIAL AND NONRESIDENTIAL ACTIVITIES AND
17 DEVELOPMENT.

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

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

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

1 (K) SUPPORT FOR RESIDENTIAL NEIGHBORHOODS AND COMMUNITY
2 FACILITIES AS ESSENTIAL ELEMENTS IN A BALANCED AND COMPETITIVE
3 LOCAL AND REGIONAL ECONOMY.

4 (L) ENHANCEMENT OF LONG-TERM STABILITY AND DISCOURAGEMENT OF
5 URBAN SPRAWL.

6 (M) PLANS ADOPTED BY CITY, VILLAGE, TOWNSHIP, AND REGIONAL
7 PLANNING AGENCIES RELATING TO THE CLASSIFICATION OF LAND FOR
8 URBAN, RURAL, AND SEMI-RURAL USE, INCLUDING, BUT NOT LIMITED TO,
9 SEWER SERVICE MAPS.

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

14 SEC. 33. (1) THE COUNTY BOARD OF COMMISSIONERS OF A COUNTY
15 MAY ADOPT AN ORDINANCE TO AUTHORIZE THE TRANSFER OF DEVELOPMENT
16 RIGHTS TO ACHIEVE A DEVELOPMENT RIGHTS BENEFIT. THE ORDINANCE
17 SHALL REQUIRE THAT, AS PART OF THE DETERMINATION TO TRANSFER
18 DEVELOPMENT RIGHTS, THERE BE SPECIFIED THE DEVELOPMENT RIGHTS
19 THAT WILL REMAIN ON THE PROPERTY FROM WHICH THE DEVELOPMENT
20 RIGHTS ARE TO BE TRANSFERRED AND THE MEANS BY WHICH THE LIMITA-
21 TION OF USE OF THE PROPERTY SHALL BE LEGALLY FIXED AND SHALL RUN
22 WITH THE LAND. THE ORDINANCE SHALL SPECIFY ALL OF THE FOLLOWING
23 RELATIVE TO THE TRANSFER OF DEVELOPMENT RIGHTS:

24 (A) THE DEVELOPMENT RIGHTS BENEFITS THAT THE COUNTY MAY
25 SEEK.

26 (B) THE PROCEDURES BY WHICH A TRANSFER OF DEVELOPMENT RIGHTS
27 MAY BE INITIATED BY THE COUNTY OR BY A PROPERTY OWNER, INCLUDING

1 THE PROCEDURE AND DOCUMENTATION TO BE USED FOR THE TRANSFER OF
2 DEVELOPMENT RIGHTS.

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

4 (D) THE STANDARDS TO BE USED BY THE COUNTY BOARD OF COMMIS-
5 SIONERS IN DETERMINING WHETHER TO GRANT A TRANSFER OF DEVELOPMENT
6 RIGHTS.

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

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

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

13 (iii) THE IDENTITY OF THE PROPERTY TO WHICH THE TRANSFER OF
14 DEVELOPMENT RIGHTS IS MADE.

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

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

22 (G) THE LOCATION OF SENDING ZONES.

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

1 (2) THE ORDINANCE AUTHORIZING THE TRANSFER OF DEVELOPMENT
2 RIGHTS SHALL NOT TAKE EFFECT UNTIL THE COUNTY PREPARES A REPORT
3 THAT INCLUDES ALL OF THE FOLLOWING:

4 (A) THE PRECISE LOCATION OF EACH PROPOSED SENDING AND
5 RECEIVING ZONE.

6 (B) AN ESTIMATE OF POPULATION AND ECONOMIC GROWTH DURING THE
7 NEXT 10 YEARS IN THE COUNTY AND EACH PROPOSED RECEIVING ZONE.

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

10 (D) AN ESTIMATE OF THE EXISTING AND PROPOSED INFRASTRUCTURE
11 OF EACH PROPOSED RECEIVING ZONE.

12 (E) FOR EACH PROPOSED RECEIVING ZONE, AN ANALYSIS OF THE
13 IMPACT UPON AND CONSISTENCY WITH THE COUNTY DEVELOPMENT PLAN OF
14 THE TRANSFER OF DEVELOPMENT RIGHTS TO THAT RECEIVING ZONE.

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

18 (i) ENSURING CONSISTENCY WITH THE COUNTY DEVELOPMENT PLAN.

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

22 (iii) AVOIDING UNDUE BURDEN UPON THE PEOPLE AND LAND WITHIN
23 THE RECEIVING ZONE.

24 (iv) ENSURING CONSISTENCY WITH THE PURPOSES OF THIS SECTION
25 AND WITH THIS ACT.

26 (3) AN ORDINANCE ADOPTED UNDER THIS SECTION OR SECTION 34
27 APPLIES IN ADDITION TO OTHER LAWS AND ORDINANCES ADOPTED TO

1 ACHIEVE SIMILAR PURPOSES. NEITHER THIS SECTION NOR SECTION 34
2 INVALIDATES A LAW OR ORDINANCE THAT DOES NOT CONTEMPLATE CONSID-
3 ERATION BEING GIVEN FOR THE ACHIEVEMENT OF THE PURPOSES OF THIS
4 SECTION.

5 (4) EXCEPT AS PROVIDED IN SECTION 34, THE TRANSFER OF DEVEL-
6 OPMENT RIGHTS FROM PROPERTY IN A SENDING ZONE SHALL COINCIDE WITH
7 THE RECEIPT OF THOSE DEVELOPMENT RIGHTS BY PROPERTY IN A RECEIV-
8 ING ZONE.

9 SEC. 34. (1) TO ACHIEVE A DEVELOPMENT RIGHTS BENEFIT, THE
10 COUNTY BOARD OF COMMISSIONERS OF A COUNTY THAT HAS ADOPTED AN
11 ORDINANCE UNDER SECTION 33 MAY ESTABLISH AN AUTHORITY FOR THE
12 PURPOSE OF PURCHASING AND TEMPORARILY HOLDING DEVELOPMENT
13 RIGHTS.

14 (2) IF THE COUNTY BOARD OF COMMISSIONERS WISHES TO ESTABLISH
15 AN AUTHORITY, THE COUNTY BOARD OF COMMISSIONERS SHALL ADOPT A
16 RESOLUTION OF INTENT, SETTING A DATE FOR A PUBLIC HEARING ON
17 WHETHER AN ORDINANCE ESTABLISHING AN AUTHORITY SHOULD BE
18 ADOPTED. NOTICE OF THE PUBLIC HEARING SHALL BE PUBLISHED IN A
19 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY, NOT LESS THAN 20
20 OR MORE THAN 40 DAYS BEFORE THE DATE OF THE HEARING. THE NOTICE
21 SHALL STATE THE TIME, DATE, AND PLACE OF THE HEARING, AND SHALL
22 INCLUDE A STATEMENT DESCRIBING THE PURPOSE OF THE AUTHORITY.
23 AFTER THE HEARING, THE COUNTY BOARD OF COMMISSIONERS MAY ADOPT AN
24 ORDINANCE ESTABLISHING THE AUTHORITY.

25 (3) EXCEPT AS PROVIDED IN THIS SUBSECTION, AN AUTHORITY
26 SHALL CONSIST OF 5 MEMBERS. THE MEMBERS SHALL INCLUDE THE COUNTY
27 TREASURER, AND 4 MEMBERS AT LARGE APPOINTED FOR 3-YEAR TERMS BY

1 THE COUNTY BOARD OF COMMISSIONERS. HOWEVER, IN A COUNTY
2 ORGANIZED UNDER ACT NO. 293 OF THE PUBLIC ACTS OF 1966, BEING
3 SECTIONS 45.501 TO 45.521 OF THE MICHIGAN COMPILED LAWS, OR ACT
4 NO. 139 OF THE PUBLIC ACTS OF 1973, BEING SECTIONS 45.551 TO
5 45.573 OF THE MICHIGAN COMPILED LAWS, THE MEMBERS SHALL INCLUDE
6 THE ELECTED COUNTY EXECUTIVE, APPOINTED CHIEF ADMINISTRATIVE
7 OFFICER, OR APPOINTED COUNTY MANAGER; THE COUNTY TREASURER; AND 3
8 MEMBERS AT LARGE APPOINTED FOR 3-YEAR TERMS BY THE COUNTY BOARD
9 OF COMMISSIONERS. IN ANY COUNTY, 1 OF THE MEMBERS AT LARGE SHALL
10 BE A REPRESENTATIVE OF DEVELOPMENT INTERESTS. A MEMBER AT LARGE
11 SHALL BE A RESIDENT OF THE COUNTY, SHALL HOLD OFFICE UNTIL HIS OR
12 HER SUCCESSOR IS APPOINTED, AND SHALL SERVE AT THE PLEASURE OF
13 THE COUNTY BOARD OF COMMISSIONERS. THE ORDINANCE CREATING THE
14 AUTHORITY MAY PROVIDE THAT THE COUNTY BOARD OF COMMISSIONERS
15 SHALL SERVE AS THE AUTHORITY BOARD. THE MEMBERS OF THE AUTHORITY
16 SHALL ELECT A CHAIRPERSON OF THE AUTHORITY. IF THE COUNTY HAS
17 ENTERED AN INTERGOVERNMENTAL AGREEMENT FOR THE CREATION OF A
18 JOINT AUTHORITY, THE AGREEMENT SHALL SPECIFY THE MEMBERSHIP AND,
19 IF APPLICABLE, THE MANNER OF APPOINTMENT OF AUTHORITY MEMBERS.

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

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

25 (A) MONEY PROVIDED BY THE COUNTY.

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

1 (C) GRANTS.

2 (D) DONATIONS.

3 (E) OTHER SOURCES APPROVED BY THE COUNTY BOARD OF
4 COMMISSIONERS.

5 (6) THE AUTHORITY MAY ACQUIRE BY PURCHASE OR CONDEMNATION
6 PURSUANT TO THE UNIFORM CONDEMNATION PROCEDURES ACT, ACT NO. 87
7 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 213.51 TO 213.77 OF
8 THE MICHIGAN COMPILED LAWS, DEVELOPMENT RIGHTS ON PROPERTY
9 LOCATED IN A SENDING ZONE IN THE COUNTY. TITLE TO THE DEVELOP-
10 MENT RIGHTS SHALL BE TAKEN AND HELD IN THE NAME OF THE COUNTY.

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

15 (A) UTILIZE THE DEVELOPMENT RIGHTS IN A RECEIVING ZONE IN
16 ACCORDANCE WITH THE ORDINANCE ADOPTED PURSUANT TO SECTION 33.

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

20 (8) THE PURCHASE AND SALE OF DEVELOPMENT RIGHTS BY THE
21 AUTHORITY SHALL BE AT FAIR MARKET VALUE, BASED UPON A BONA FIDE
22 APPRAISAL. UNLESS THE COUNTY BOARD OF COMMISSIONERS SERVES AS
23 THE AUTHORITY, THE PURCHASE AND SALE OF DEVELOPMENT RIGHTS BY THE
24 AUTHORITY SHALL BE SUBJECT TO APPROVAL BY THE COUNTY BOARD OF
25 COMMISSIONERS.

26 SEC. 35. (1) BY ORDINANCE, THE COUNTY BOARD OF
27 COMMISSIONERS OF A COUNTY MAY AUTHORIZE THE PURCHASE OF

1 DEVELOPMENT RIGHTS BY THE COUNTY TO ACHIEVE A PUBLIC PURPOSE OR
2 BENEFIT PERMITTED IN THE EXERCISE OF AUTHORITY UNDER THIS ACT.
3 THE COUNTY MAY PURCHASE THE DEVELOPMENT RIGHTS BY VOLUNTARY SALE
4 OR BY CONDEMNATION. THE ORDINANCE SHALL REQUIRE THAT, AS PART OF
5 THE DETERMINATION TO PURCHASE DEVELOPMENT RIGHTS, THERE SHALL BE
6 SPECIFIED THE DEVELOPMENT RIGHTS THAT WILL REMAIN ON THE PROPERTY
7 FROM WHICH THE DEVELOPMENT RIGHTS ARE TO BE TRANSFERRED AND THE
8 MEANS BY WHICH THE LIMITATION OF USE OF THE PROPERTY SHALL BE
9 LEGALLY FIXED AND SHALL RUN WITH THE LAND. THE ORDINANCE SHALL
10 SPECIFY ALL OF THE FOLLOWING RELATIVE TO THE PURCHASE OF DEVELOP-
11 MENT RIGHTS:

12 (A) THE PUBLIC PURPOSES OR BENEFITS THAT THE COUNTY MAY
13 SEEK.

14 (B) THE PROCEDURES BY WHICH A PURCHASE OF DEVELOPMENT RIGHTS
15 MAY BE INITIATED BY THE COUNTY OR BY A PROPERTY OWNER.

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

17 (D) THE STANDARDS TO BE USED BY THE COUNTY BOARD OF COMMIS-
18 SIONERS IN DETERMINING WHETHER TO PURCHASE DEVELOPMENT RIGHTS.

19 (E) THE STANDARDS TO BE USED BY THE COUNTY BOARD OF COMMIS-
20 SIONERS IN EVALUATING AND SPECIFYING THE DEVELOPMENT RIGHTS THAT
21 WILL REMAIN ON THE PROPERTY AFTER THE PURCHASE.

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

25 (2) IF A COUNTY ADOPTS AN ORDINANCE PURSUANT TO THIS SEC-
26 TION, A PERSON MAY PETITION THE COUNTY BOARD OF COMMISSIONERS FOR
27 THE PURCHASE OF DEVELOPMENT RIGHTS AND FOR THE ESTABLISHMENT OF A

1 SPECIAL ASSESSMENT DISTRICT TO PAY FOR ALL OR A PORTION OF THE
2 DEVELOPMENT RIGHTS. THE PETITION SHALL CONTAIN ALL OF THE
3 FOLLOWING:

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

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

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

11 (3) THE COUNTY BOARD OF COMMISSIONERS MAY PURCHASE DEVELOP-
12 MENT RIGHTS PETITIONED FOR UNDER SUBSECTION (2) IF THE COUNTY
13 BOARD OF COMMISSIONERS DETERMINES THAT THE PURCHASE OF THE DEVEL-
14 OPMENT RIGHTS WOULD ACCOMPLISH A PUBLIC PURPOSE OR BENEFIT SET
15 FORTH IN THE ORDINANCE AND WOULD BE IN THE BEST INTEREST OF THE
16 COUNTY. IF THE COUNTY BOARD OF COMMISSIONERS PURCHASES THE
17 DEVELOPMENT RIGHTS PETITIONED FOR UNDER SUBSECTION (2), THE
18 COUNTY BOARD OF COMMISSIONERS SHALL PROCEED WITH RESPECT TO THE
19 SPECIAL ASSESSMENTS IN THE MANNER PROVIDED BY LAW OR CHARTER FOR
20 FINANCING THE ACQUISITION OF PARK LANDS BY SPECIAL ASSESSMENTS.

21 (4) AN ORDINANCE ADOPTED UNDER THIS SECTION APPLIES IN ADDI-
22 TION TO OTHER LAWS AND ORDINANCES ADOPTED TO ACHIEVE SIMILAR
23 PURPOSES. THIS SECTION DOES NOT IMPLY THAT LAWS AND ORDINANCES
24 THAT DO NOT CONTEMPLATE CONSIDERATION BEING GIVEN FOR THE
25 ACHIEVEMENT OF THE PURPOSES OF THIS SECTION ARE INVALID.

26 SEC. 36. A ZONING ORDINANCE MAY REQUIRE DETAILED PLANS,
27 FEASIBILITY ANALYSIS, AND THE POSTING OF SECURITY TO ASSURE

1 CONCURRENCY AS A CONDITION TO THE ISSUANCE OF A BUILDING PERMIT
2 UNDER SECTION 11 OF THE STATE CONSTRUCTION CODE ACT OF 1972, ACT
3 NO. 230 OF THE PUBLIC ACTS OF 1972, BEING SECTION 125.1511 OF THE
4 MICHIGAN COMPILED LAWS. THE SECURITY MAY CONSIST OF CASH, A
5 LETTER OF CREDIT, OR A CORPORATE SURETY BOND IN THE FORM APPROVED
6 BY THE TOWNSHIP. A ZONING ORDINANCE MAY ALSO REQUIRE CONCURRENCY
7 AS A CONDITION TO THE ISSUANCE OF A CERTIFICATE OF USE AND OCCU-
8 PANCY UNDER SECTION 13 OF ACT NO. 230 OF THE PUBLIC ACTS OF 1972,
9 BEING SECTION 125.1513 OF THE MICHIGAN COMPILED LAWS.

10 SEC. 39. AS USED IN THIS ACT:

11 (A) "CONCURRENCY" MEANS AVAILABILITY TO PROPERTY OF SERVICES
12 AND FACILITIES SPECIFIED IN THE ZONING ORDINANCE AT THE LEVEL OF
13 SERVICE REQUIRED BY STANDARDS ESTABLISHED IN THE ZONING ORDINANCE
14 OR ESTABLISHED BY LAW, ORDINANCE, RULE, OR RESOLUTION OF A GOV-
15 ERNMENTAL ENTITY AND INCORPORATED BY REFERENCE IN THE ZONING
16 ORDINANCE.

17 (B) "DEVELOPMENT RIGHTS" MEANS THE DEVELOPMENT CAPACITY OF A
18 PROPERTY AS A DISTINCT INTEREST IN THE LAND OR WATER, OR BOTH,
19 TAKING INTO CONSIDERATION APPLICABLE LAWS, ORDINANCES, AND
20 REGULATIONS.

21 (C) "DEVELOPMENT RIGHTS BENEFIT" MEANS THE PROTECTION OF
22 NATURAL, SCENIC, AGRICULTURAL AND OPEN SPACE QUALITIES, THE
23 ENHANCEMENT OF SITES AND AREAS OF SPECIAL CHARACTER OR SPECIAL
24 HISTORICAL, CULTURAL, AESTHETIC, OR ECONOMIC INTEREST OR VALUE,
25 THE PROTECTION OF NATURAL RESOURCES, OR THE PROMOTION OF FLEXIBI-
26 LITY OF DESIGN OF AND CAREFUL MANAGEMENT OF LAND AND WATER.

1 (D) "GENERAL SERVICES DISTRICT" MEANS AN AREA THAT IS
2 CAPABLE OF PROVIDING REASONABLE OPPORTUNITIES FOR RURAL AND
3 SEMIRURAL RESIDENTIAL AND NONRESIDENTIAL ACTIVITIES AND DEVELOP-
4 MENT, BUT THAT IS CHARACTERIZED BY A PREDOMINANT LACK OF SERVICES
5 AND FACILITIES, INCLUDING, BUT NOT LIMITED TO, ROADS AND PUBLIC
6 WATER AND SEWER, THAT PROVIDE REASONABLE OPPORTUNITIES FOR URBAN
7 RESIDENTIAL AND NONRESIDENTIAL ACTIVITIES AND DEVELOPMENT.

8 (E) "PARTIAL URBAN SERVICES DISTRICT" MEANS AN AREA THAT
9 ONCE MET THE DEFINITION OF "GENERAL SERVICES DISTRICT", BUT THAT
10 IS DEMONSTRABLY NEEDED FOR THE ACCOMMODATION OF LONG-RANGE URBAN
11 POPULATION GROWTH REQUIREMENTS AND IS THE AREA MOST ADAPTABLE TO
12 THE EXTENSION OF SERVICES AND FACILITIES FROM IMMEDIATELY ADJA-
13 CENT AREAS.

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

18 (G) "TRANSFER OF DEVELOPMENT RIGHTS" MEANS THE TRANSFER OF
19 DEVELOPMENT RIGHTS FROM 1 OR MORE PROPERTIES IN A SENDING ZONE TO
20 1 OR MORE OTHER PROPERTIES IN A RECEIVING ZONE.

21 (H) "URBAN SERVICES DISTRICT" MEANS AN AREA CHARACTERIZED BY
22 A PREDOMINANT PRESENCE OF SERVICES AND FACILITIES THAT PROVIDE
23 REASONABLE OPPORTUNITIES FOR URBAN RESIDENTIAL AND NONRESIDENTIAL
24 ACTIVITIES AND DEVELOPMENT.

25 SEC. 40. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS "THE
26 COUNTY ZONING ACT".