



# HOUSE BILL No. 4176

January 17, 1995, Introduced by Reps. Middleton and Bobier 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title of Act No. 207 of the Public Acts of  
 2 1921, as amended, being sections 125.581 to 125.592 of the  
 3 Michigan Compiled Laws, is amended and sections 13, 14, 15, 16,  
 4 17, 18, 19, and 20 are added to read as follows:

5 TITLE

6 An act to provide for the establishment in cities and vil-  
 7 lages of districts or zones within which the use of land and  
 8 structures and the height, area, size, and location of buildings  
 9 may be regulated by ordinance, and for which districts regula-  
 10 tions shall be established for the light and ventilation of those  
 11 buildings, and for which districts or zones the density of popu-  
 12 lation may be regulated by ordinance; to designate the use of  
 13 certain state licensed residential facilities; to provide by  
 14 ordinance for the acquisition by purchase, condemnation, or oth-  
 15 erwise of private property that does not conform to the regula-  
 16 tions and restrictions of the various zones or districts pro-  
 17 vided; to provide for the administering of this act; to provide  
 18 for amendments, supplements, or changes in zoning ordinances,  
 19 zones, or districts; to provide for conflict with the state hous-  
 20 ing code or other acts, ordinances, or regulations; ~~and~~ to pro-  
 21 vide sanctions for the violation of this act; TO PROVIDE FOR LAND  
 22 MANAGEMENT PLANS; TO PROVIDE FOR DISTRICTS CLASSIFIED ON THE  
 23 BASIS OF AVAILABILITY OF SERVICES AND FACILITIES; TO AUTHORIZE  
 24 THE TRANSFER OF DEVELOPMENT RIGHTS; TO AUTHORIZE THE ESTABLISH-  
 25 MENT OF AUTHORITIES TO PURCHASE AND HOLD DEVELOPMENT RIGHTS; TO  
 26 GRANT THE POWER OF EMINENT DOMAIN; TO AUTHORIZE THE PURCHASE OF

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 (i) 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 (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 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 (i) ENSURING CONSISTENCY WITH THE CITY OR VILLAGE MASTER  
17 PLAN.

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

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

25 (3) 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".