



SENATE BILL No. 779

November 30, 1995, Introduced by Senators DUNASKISS and HONIGMAN and referred to the Committee on Local, Urban and State Affairs.

A bill to amend sections 30510 and 30512 of Act No. 451 of the Public Acts of 1994, entitled
"Natural resources and environmental protection act,"
as added by Act No. 59 of the Public Acts of 1995, being
sections 324.30510 and 324.30512 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 30510 and 30512 of Act No. 451 of the
2 Public Acts of 1994, as added by Act No. 59 of the Public Acts of
3 1995, being sections 324.30510 and 324.30512 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 30510. A local unit of government, in establishing a
6 zoning ordinance, in addition to the authority and requirements
7 of this part, shall conform to the township rural zoning act, Act
8 No. 184 of the Public Acts of 1943, being sections 125.271 to
9 125.301 of the Michigan Compiled Laws, or the county rural zoning

1 enabling act, Act No. 183 of the Public Acts of 1943, being
2 sections 125.201 to 125.232 of the Michigan Compiled Laws,
3 INCLUDING THE VARIANCE REQUIREMENTS OF THOSE ACTS. Any conflict
4 shall be resolved in favor of the provisions of this part. The
5 powers granted under this part shall be liberally construed in
6 favor of the local unit or the department exercising them, in
7 such manner as to promote the orderly preservation or enhancement
8 of the values of the rivers and related land resources and their
9 use in accordance with a long-range comprehensive general plan to
10 ensure the greatest benefit to the state as a whole.

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

20 (2) The department shall promulgate a zoning rule to imple-
21 ment this part. The rule shall include procedures for receiving
22 and acting upon applications ~~from local units of government or~~
23 ~~landowners~~ for change of boundaries or change in permitted uses
24 in accordance with ~~sections 71 to 87~~ CHAPTER 4 of the adminis-
25 trative procedures act of 1969, Act No. 306 of the Public Acts of
26 1969, being sections 24.271 to 24.287 of the Michigan Compiled
27 Laws. A LOCAL UNIT OF GOVERNMENT, A LANDOWNER, OR AN AGENCY

1 ACTING UNDER SECTION 4 OF THE UNIFORM CONDEMNATION PROCEDURES
2 ACT, ACT NO. 87 OF THE PUBLIC ACTS OF 1980, BEING SECTION 213.54
3 OF THE MICHIGAN COMPILED LAWS, MAY APPLY FOR THE CHANGE. An
4 aggrieved party may seek judicial review ~~in accordance with and~~
5 ~~subject to the provisions of sections 101 to 106~~ UNDER CHAPTER 6
6 of Act No. 306 of the Public Acts of 1969, being sections 24.301
7 to 24.306 of the Michigan Compiled Laws.

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

16 Section 2. This amendatory act shall not take effect unless
17 Senate Bill No. 778

18 of the 88th Legislature is enacted into law.