



SENATE BILL No. 1194

October 2, 1996, Introduced by Senators MC MANUS, SCHUETTE, BENNETT, SCHWARZ, KOIVISTO, STEIL, NORTH, ROGERS, EMMONS and GAST and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend sections 30506, 30507, 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 324.30506, 324.30507, and 324.30512 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 30506, 30507, and 30512 of Act No. 451
2 of the Public Acts of 1994, as added by Act No. 59 of the Public
3 Acts of 1995, being sections 324.30506, 324.30507, and 324.30512
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 30506. Before designating a river as a natural river
6 area, the department shall conduct public hearings in the county
7 seat of any county in which a portion of the designated natural
8 river area is located. Notices of the hearings shall be

1 advertised at least twice, not less than 30 days before the
2 hearing, in a newspaper having general circulation in each such
3 county and in at least 1 newspaper having general circulation in
4 the state and 1 newspaper published in the Upper Peninsula.
5 ADDITIONALLY, THE DEPARTMENT SHALL NOTIFY, IN WRITING, ALL OWNERS
6 OF PROPERTY ALONG THE RIVER WHOSE PROPERTIES ARE WITHIN THE NATU-
7 RAL RIVER AREA.

8 Sec. 30507. After designation of a river or portion of a
9 river as a natural river area and following the preparation of
10 the long-range comprehensive plan, the department may determine
11 that the uses of land along the river, ~~except within~~ OUTSIDE
12 the limits of an incorporated municipality, ~~shall~~ MAY be con-
13 trolled by zoning contributing to accomplishment of the purposes
14 of this part and the natural river plan. County and township
15 governments are encouraged to establish these zoning controls and
16 additional controls as may be appropriate, including, but not
17 limited to, building and subdivision controls. The department
18 may provide advisory, planning, and cooperative assistance in the
19 drafting of ordinances to establish these controls. If the local
20 unit does not ~~, within 1 year after notice from the department,~~
21 ~~have in full force and effect a zoning ordinance or interim~~
22 ~~zoning ordinance established under authority of the acts cited in~~
23 ~~section 30510, the department, on its own motion, may~~ WISH TO
24 ESTABLISH THESE ZONING CONTROLS, THE LOCAL UNIT OF GOVERNMENT
25 MAY, BY APPROVAL OF A RESOLUTION OF THE LEGISLATIVE BODY OF THE
26 LOCAL UNIT OF GOVERNMENT, REQUEST THAT THE DEPARTMENT promulgate
27 a zoning rule in accordance with section 30512 TO ESTABLISH

1 ZONING CONTROLS WITHIN THE JURISDICTION OF THAT LOCAL UNIT OF
2 GOVERNMENT. ~~A zoning rule may also be promulgated if the~~
3 ~~department finds that an adopted or existing zoning ordinance~~
4 ~~fails to meet adequately guidelines consistent with this part as~~
5 ~~provided by the department and transmitted to the local units~~
6 ~~concerned, does not take full cognizance of the purposes and~~
7 ~~objectives of this part, or is not in accord with the purposes of~~
8 ~~designation of the river as established by the department.~~ THIS
9 SECTION DOES NOT AFFECT ANY EXISTING ZONING AUTHORITY OVER LAND
10 DESCRIBED IN THIS SECTION.

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~~ UPON THE REQUEST OF A LOCAL UNIT OF GOVERNMENT
21 UNDER SECTION 30507, THE department shall promulgate a zoning
22 rule to ESTABLISH ZONING CONTROLS WITHIN THAT LOCAL UNIT OF GOV-
23 ERNMENT TO implement this part. The rule shall ~~include proce-~~
24 ~~dures for receiving and acting upon applications from local units~~
25 ~~of government or landowners for change of boundaries or change in~~
26 ~~permitted uses in accordance with sections 71 to 87 of~~ BE
27 PROMULGATED PURSUANT TO the administrative procedures act of

1 1969, Act No. 306 of the Public Acts of 1969, being sections
2 ~~24.271~~ 24.201 to ~~24.287~~ 24.328 of the Michigan Compiled
3 Laws. An aggrieved party may seek judicial review in accordance
4 with and subject to the provisions of sections 101 to 106 of Act
5 No. 306 of the Public Acts of 1969, being sections 24.301 to
6 24.306 of the Michigan Compiled Laws.

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