

# HOUSE BILL No. 5203

September 21, 2005, Introduced by Reps. Tobocman, Kathleen Law, Hopgood, Bieda, Clemente, Kolb, Murphy, Cheeks and Lemmons, III and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1921 PA 207, entitled  
"City and village zoning act,"  
by amending section 3a (MCL 125.583a).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3a. (1) The lawful use of land or a structure exactly as  
2       the land or structure existed at the time of the enactment of the  
3       **ZONING** ordinance affecting that land or structure ~~—~~ may be  
4       continued, except as otherwise provided in this act, although that  
5       use or structure does not conform with the ordinance.

6       (2) The ~~legislative body~~ **ZONING ORDINANCE** may provide ~~by~~  
7       ~~ordinance~~ for the resumption, restoration, reconstruction,  
8       extension, or substitution of nonconforming uses or structures  
9       ~~upon terms and conditions provided in the ordinance. In~~

~~establishing terms for the resumption, restoration, reconstruction,~~  
~~extension, or substitution of nonconforming uses or structures OR~~  
**FOR THE TERMINATION OR REMOVAL OF NONCONFORMING USES AND STRUCTURES**  
**AFTER A PERIOD OF AMORTIZATION. FOR THE PURPOSES OF THIS SECTION,**  
different classes of nonconforming use may be established in the  
ordinance with different regulations applicable to each class.

(3) In addition to the power granted in this section, a city  
or village may acquire by purchase, condemnation, or otherwise  
private property or an interest in private property for the removal  
of nonconforming uses and structures, except that the property  
shall not be used for public housing. The legislative body may  
provide that the ~~cost and~~ expense of acquiring private property  
be paid from general funds, or the ~~cost and~~ expense or a portion  
thereof be assessed to a special district. The elimination of  
nonconforming uses and structures in a zoned district as provided  
in this act is ~~declared to be~~ for a public purpose and for a  
public use. The legislative body may institute and prosecute  
proceedings for the condemnation of nonconforming uses and  
structures under the power of eminent domain ~~in accordance with~~  
~~the provisions of a city or village charter relative to~~  
~~condemnation or in accordance with Act No. 149 of the Public Acts~~  
~~of 1911, as amended, being sections 213.21 to 213.41 of the~~  
~~Michigan Compiled Laws~~ **PURSUANT TO THE UNIFORM CONDEMNATION**  
**PROCEDURES ACT, 1980 PA 87, MCL 213.51 TO 213.75, or any other**  
applicable ~~statute~~ **LAW.**