

COUNTY ZONING ACT (EXCERPT)
Act 183 of 1943

***** 125.232 THIS SECTION IS REPEALED BY ACT 110 OF 2006 EFFECTIVE JULY 1, 2006 *****

125.232 Development rights ordinance providing for PDR program; specifications; consistency with plan; conveyance; notice of application for purchase of development rights; requirements for purchase.

Sec. 32. (1) A development rights ordinance shall provide for a PDR program. Under a PDR program, the county purchases development rights, but only from a willing landowner. A development rights ordinance providing for a PDR program shall specify all of the following:

- (a) The public benefits that the county may seek through the purchase of development rights.
 - (b) The procedure by which the county or a landowner may by application initiate a purchase of development rights, which shall include city, village, or township approval if required under subsection (5).
 - (c) The development rights authorized to be purchased subject to a determination under standards and procedures required by subdivision (d).
 - (d) The standards and procedure to be followed by the county board of commissioners for approving, modifying, or rejecting an application to purchase development rights including the determination of all of the following:
 - (i) Whether to purchase development rights.
 - (ii) Which development rights to purchase.
 - (iii) The intensity of development permitted after the purchase on the land from which the development rights are purchased.
 - (iv) The price at which development rights will be purchased and the method of payment.
 - (v) The procedure for ensuring that the purchase or sale of development rights is legally fixed so as to run with the land.
 - (e) The circumstances under which an owner of land from which development rights have been purchased under a PDR program may repurchase those development rights and how the proceeds of the purchase are to be used by the county.
- (2) If the county has a zoning ordinance, the purchase of development rights shall be consistent with the plan referred to in section 3 upon which the zoning ordinance is based.
- (3) Development rights acquired under a PDR program may be conveyed only as provided pursuant to subsection (1)(e).
- (4) The county shall notify each city, village, or township in which is located land from which development rights are proposed to be purchased of the receipt of an application for the purchase of development rights and shall notify each such city, village, or township of the disposition of that application.
- (5) The county shall not purchase development rights under a development rights ordinance from land subject to a city, village, or township zoning ordinance unless all of the following requirements are met:
- (a) The development rights ordinance provisions for the PDR program are consistent with the plan upon which the city, village, or township zoning is based.
 - (b) The legislative body of the city, village, or township adopts a resolution authorizing the PDR program to apply in the city, village, or township.
 - (c) As part of the application procedure for the specific proposed purchase of development rights, the city, village, or township provides the county with written approval of the purchase.

History: 1943, Act 183, Imd. Eff. Apr. 17, 1943;—CL 1948, 125.232;—Am. 1996, Act 569, Eff. Mar. 31, 1997.

Compiler's note: Act 79 of 1929, referred to in this section, is CL 1929, §§ 2642 to 2651.