

HOUSE BILL No. 5881

June 18, 1990, Introduced by Rep. Varga and referred to the Committee on Urban Affairs.

A bill to amend section 3a 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, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of those buildings, and within 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 which 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 hereto; to provide for conflict with the state housing code or other acts, ordinances, or regulations; and to provide penalties for the violation of the terms of this act,"

being section 125.583a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3a of Act No. 207 of the Public Acts of
2 1921, being section 125.583a of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3a. (1) The lawful use of land or a structure exactly
5 as the land or structure existed at the time of ~~the~~ enactment
6 of ~~the~~ A ZONING ordinance affecting that land or structure OR,
7 IN THE CASE OF AN AMENDMENT OF A PERTINENT ORDINANCE, may THEN AT
8 THE TIME OF THE AMENDMENT, be continued, except as otherwise pro-
9 vided in this act, although that use ~~or structure~~ does not con-
10 form with the ordinance OR AMENDMENT.

11 (2) The legislative body may provide by ZONING ordinance for
12 the resumption, restoration, reconstruction, extension, or sub-
13 stitution of nonconforming uses or structures upon terms and con-
14 ditions provided in the ordinance. In establishing terms for the
15 resumption, restoration, reconstruction, extension, or substitu-
16 tion of nonconforming uses or structures, different classes of
17 nonconforming use may be established in the ordinance with dif-
18 ferent regulations applicable to each class.

19 (3) THE LEGISLATIVE BODY SHALL NOT PROHIBIT A PERSON FROM
20 REBUILDING A NONCONFORMING STRUCTURE ON A LOT ON WHICH A NONCON-
21 FORMING STRUCTURE WAS DESTROYED BY FIRE, STORM, OR OTHER SIMILAR
22 ACT. UNLESS OTHERWISE PROVIDED BY THE LEGISLATIVE BODY, THIS
23 SUBSECTION DOES NOT PERMIT A PERSON TO BUILD A STRUCTURE THAT
24 VIOLATES 1 OR MORE ZONING ORDINANCES TO A GREATER DEGREE THAN, OR
25 IN A MANNER DIFFERENT FROM, THE EARLIER NONCONFORMING STRUCTURE.

26 (4) ~~(3)~~ In addition to the power granted in this section,
27 a city or village may acquire by purchase, condemnation, or

1 otherwise private property or an interest in private property for
2 the removal of nonconforming uses and structures, except that the
3 property shall not be used for public housing. The legislative
4 body may provide that the cost and expense of acquiring private
5 property be paid from general funds, or the cost and expense or a
6 portion ~~thereof~~ OF THE COST AND EXPENSE be assessed to a spe-
7 cial district. The elimination of nonconforming uses and struc-
8 tures in a zoned district as provided in this act is declared to
9 be for a public purpose and for a public use. The legislative
10 body may institute and prosecute proceedings for the condemnation
11 of nonconforming uses and structures under the power of eminent
12 domain in accordance with the provisions of a city or village
13 charter relative to condemnation or in accordance with Act
14 No. 149 of the Public Acts of 1911, as amended, being sections
15 213.21 to 213.41 of the Michigan Compiled Laws, or any other
16 applicable statute.