

HOUSE BILL No. 5882

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

A bill to amend section 16 of Act No. 184 of the Public Acts of 1943, entitled as amended
"The township rural zoning act,"
being section 125.286 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16 of Act No. 184 of the Public Acts of
2 1943, being section 125.286 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 16. (1) The lawful use of LAND OR a ~~dwelling, build-~~
5 ~~ing, or structure and of land or a premise as existing and~~
6 ~~lawful~~ STRUCTURE EXACTLY AS THE LAND OR STRUCTURE EXISTED at the
7 time of enactment of a zoning ordinance ~~—~~ AFFECTING THAT LAND
8 OR STRUCTURE or, in the case of an amendment of ~~an~~ A PERTINENT
9 ordinance, then at the time of the amendment, may be continued

1 although the use does not conform with the ordinance or
2 amendment.

3 (2) The township board shall provide in a zoning ordinance
4 for the completion, restoration, reconstruction, extension, or
5 substitution of nonconforming uses upon reasonable terms set
6 forth in the zoning ordinance. In establishing terms for the
7 completion, restoration, reconstruction, extension, or substitu-
8 tion of nonconforming uses different classes of nonconforming
9 uses may be established in the ordinance with different require-
10 ments applicable to each class.

11 (3) THE TOWNSHIP BOARD SHALL NOT PROHIBIT A PERSON FROM
12 REBUILDING A NONCONFORMING STRUCTURE ON A LOT ON WHICH A NONCON-
13 FORMING STRUCTURE WAS DESTROYED BY FIRE, STORM, OR OTHER SIMILAR
14 ACT. UNLESS OTHERWISE PROVIDED BY THE TOWNSHIP BOARD, THIS SUB-
15 SECTION DOES NOT PERMIT A PERSON TO BUILD A STRUCTURE THAT VIO-
16 LATES 1 OR MORE ZONING ORDINANCES TO A GREATER DEGREE THAN, OR IN
17 A MANNER DIFFERENT FROM, THE EARLIER NONCONFORMING STRUCTURE.

18 (4) ~~(3)~~ A township may acquire, by purchase, condemnation,
19 or otherwise private property or an interest in private property
20 for the removal of nonconforming uses. The cost and expense, or
21 a portion ~~thereof~~ OF THE COST AND EXPENSE, of acquiring the
22 private property may be paid from general funds or assessed to a
23 special district in accordance with the applicable statutory pro-
24 visions relating to the creation and operation of special assess-
25 ment districts for public improvements in townships. The elimi-
26 nation of the nonconforming uses and structures in a zoning
27 district is declared to be for a public purpose and for a public

1 use. The township board may institute and prosecute proceedings
2 for condemnation of nonconforming uses and structures under the
3 power of eminent domain in accordance with Act No. 149 of the
4 Public Acts of 1911, as amended, being sections 213.21 to 213.41
5 of the Michigan Compiled Laws or other applicable statute.