

HOUSE BILL No. 5883

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

A bill to amend section 16 of Act No. 183 of the Public Acts of 1943, entitled as amended

"The county rural zoning enabling act,"

being section 125.216 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16 of Act No. 183 of the Public Acts of
2 1943, being section 125.216 of the Michigan Compiled Laws, is
3 amended to read as follows:

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

1 not conform with ~~the provisions of~~ the zoning ordinance or
2 amendment.

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

11 (3) THE COUNTY BOARD OF COMMISSIONERS SHALL NOT PROHIBIT A
12 PERSON FROM REBUILDING A NONCONFORMING STRUCTURE ON A LOT ON
13 WHICH A NONCONFORMING STRUCTURE WAS DESTROYED BY FIRE, STORM, OR
14 OTHER SIMILAR ACT. UNLESS OTHERWISE PROVIDED BY THE COUNTY BOARD
15 OF COMMISSIONERS, THIS SUBSECTION DOES NOT PERMIT A PERSON TO
16 BUILD A STRUCTURE THAT VIOLATES 1 OR MORE ZONING ORDINANCES TO A
17 GREATER DEGREE THAN, OR IN A MANNER DIFFERENT FROM, THE EARLIER
18 NONCONFORMING STRUCTURE.

19 (4) ~~(3)~~ A county may acquire, by purchase, condemnation,
20 or otherwise private property or an interest in private property
21 for the removal of nonconforming uses. The cost and expense, or
22 a portion of the cost and expense, of acquiring the private prop-
23 erty may be paid from general funds or assessed to a special dis-
24 trict in accordance with the applicable statutory provisions
25 relating to the creation and operation of special assessment dis-
26 tricts for public improvements in counties. The elimination of
27 nonconforming uses and structures in a zoning district is

1 declared to be for a public purpose and for a public use. The
2 county board of commissioners may institute and prosecute pro-
3 ceedings for condemnation of nonconforming uses and structures
4 under the power of eminent domain in accordance with Act No. 149
5 of the Public Acts of 1911, as amended, being sections 213.21 to
6 213.41 of the Michigan Compiled Laws, or any other applicable
7 statute.