

HOUSE BILL No. 5623

February 26, 2004, Introduced by Reps. Tobocman, Hunter and Meisner and referred to the Committee on Land Use and Environment.

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
2 as the land or structure existed at the time of the enactment of
3 the **zoning** ordinance affecting that land or structure, may be
4 continued, except as otherwise provided in this act, although
5 that 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~~
10 ~~establishing terms for the resumption, restoration,~~
11 ~~reconstruction, extension, or substitution of nonconforming uses~~

1 ~~or structures~~ or for the termination or removal of nonconforming
 2 uses and structures after a period of amortization. For the
 3 purposes of this section, different classes of nonconforming use
 4 may be established in the ordinance with different regulations
 5 applicable to each class.

6 (3) In addition to the power granted in this section, a city
 7 or village may acquire by purchase, condemnation, or otherwise
 8 private property or an interest in private property for the
 9 removal of nonconforming uses and structures, except that the
 10 property shall not be used for public housing. The legislative
 11 body may provide that the cost and expense of acquiring private
 12 property be paid from general funds, or the cost and expense or a
 13 portion thereof be assessed to a special district. The
 14 elimination of nonconforming uses and structures in a zoned
 15 district as provided in this act is ~~declared to be~~ for a public
 16 purpose and for a public use. The legislative body may institute
 17 and prosecute proceedings for the condemnation of nonconforming
 18 uses and structures under the power of eminent domain in
 19 accordance with the ~~provisions of a city or village charter~~
 20 ~~relative to condemnation or in accordance with Act No. 149 of~~
 21 ~~the Public Acts of 1911, as amended, being sections 213.21 to~~
 22 ~~213.41 of the Michigan Compiled Laws~~ **uniform condemnation**
 23 **procedures act, 1980 PA 87, MCL 213.51 to 213.75**, or any other
 24 applicable ~~statute~~ law.