

HOUSE BILL No. 4659

June 2, 2015, Introduced by Reps. McCready, Rendon, Kesto and Schor and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1263 (MCL 380.1263), as amended by 2006 PA 276.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1263. (1) The board of a school district shall not build
2 a school upon a site without having prior title in fee to the site,
3 a lease for not less than 99 years, or a lease for not less than 50
4 years from the United States government, or this state, or a
5 political subdivision of this state.

6 (2) The board of a school district shall not build a frame
7 school on a site for which it does not have a title in fee or a
8 lease for 50 years without securing the privilege of removing the
9 school.

10 (3) The governing board of a public school shall not design or
11 build a school building to be used for instructional or

1 noninstructional school purposes or design and implement the design
2 for a school site unless the design or construction is in
3 compliance with 1937 PA 306, MCL 388.851 to 388.855a. The
4 superintendent of public instruction has sole and exclusive
5 jurisdiction over the review and approval of plans and
6 specifications for the construction, reconstruction, or remodeling
7 of school buildings used for instructional or noninstructional
8 school purposes. ~~and, subject to subsection (4), of THE~~
9 **SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE LOCAL ZONING AUTHORITY**
10 **HAVE CONCURRENT JURISDICTION OVER** site plans for those school
11 buildings. **THE LOCAL ZONING AUTHORITY SHALL EXERCISE ITS**
12 **JURISDICTION OVER SITE PLANS IN THE MANNER PROVIDED UNDER**
13 **SUBSECTION (4).**

14 ~~(4) Unless the site is located within a city or village, the~~
15 **THE** governing board of a public school shall not build or expand a
16 ~~high school building~~ on a site without first **OBTAINING ZONING**
17 **APPROVAL FROM THE LOCAL ZONING AUTHORITY AND** submitting the site
18 plan to the local zoning authority for ~~administrative review as~~
19 ~~provided under this subsection.~~ **REVIEW AND APPROVAL.** Not later than
20 60 days after receiving ~~the~~ **A** site plan, the local zoning authority
21 shall respond to the governing board with either a written notice
22 that the local zoning authority ~~concurs with~~ **APPROVES** the site plan
23 or with written ~~suggested changes to~~ **REQUIREMENTS TO CONFORM** the
24 site plan **TO LOCAL ORDINANCES.** If the local zoning authority does
25 not respond to the governing board ~~with either of these options,~~
26 **WITHIN THIS TIME PERIOD,** the governing board shall be considered to
27 have received a written notice of ~~concurrence~~ **APPROVAL OF THE SITE**

1 **PLAN** from the local zoning authority. ~~If there are written~~
2 ~~suggested changes, then not later than 45 days after receiving the~~
3 ~~written suggested changes, the governing board shall respond to the~~
4 ~~local zoning authority with a revised site plan that incorporates~~
5 ~~the changes or with an explanation of why the changes are not being~~
6 ~~made. This subsection applies to expansion of a high school~~
7 ~~building only if the expansion will result in the square footage of~~
8 ~~the high school building being increased by at least 20%. This~~
9 ~~subsection does not apply to temporary structures or facilities~~
10 ~~that are necessary due to unexpected enrollment increases and that~~
11 ~~are used for not more than 2 years.~~

12 ~~—— (5) If mutually agreed by the governing board and the local~~
13 ~~zoning authority, the time periods in subsection (4) may be~~
14 ~~extended.~~

15 ~~—— (6) The communication required under subsection (4) between a~~
16 ~~governing board and a local zoning authority is for informational~~
17 ~~purposes only and does not require the governing board to make any~~
18 ~~changes in its site plan. Once the process prescribed under~~
19 ~~subsection (4) is complete, this section does not require any~~
20 ~~further interaction between the governing board and a local zoning~~
21 ~~authority.~~

22 ~~—— (7) A local zoning authority shall not charge a governing~~
23 ~~board a fee for the process prescribed under subsection (4) that~~
24 ~~exceeds \$250.00 for an administrative review or \$1,500.00 for total~~
25 ~~costs incurred by a local zoning authority under subsection (4) for~~
26 ~~the specific project involved.~~

27 (5) ~~(8)~~ As used in this section, ÷

1 ~~—— (a) "High school building" means any structure or facility~~
2 ~~that is used for instructional purposes, that offers at least 1 of~~
3 ~~grades 9 to 12, and that includes an athletic field or facility.~~

4 ~~—— (b) "Local~~ **"LOCAL** zoning authority" means the **LOCAL UNIT OF**
5 **GOVERNMENT THAT IS EXERCISING** zoning authority ~~for~~ **WITHIN** the
6 jurisdiction in which the construction or expansion of a high
7 school building is to occur. **WHERE THE PROPERTY AT ISSUE IS LOCATED.**

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.