



HOUSE BILL No. 5775

May 11, 2000, Introduced by Reps. Jamnick and LaForge and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 23a (MCL 125.293a) and by adding section 23c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23a. (1) The decision of the board of appeals
2 ~~rendered pursuant to~~ UNDER section 23 ~~shall be~~ IS final.
3 However, SUBJECT TO SECTION 23C, a person having an interest
4 affected by the zoning ordinance may appeal to the circuit
5 court. Upon appeal, the circuit court shall review the record
6 and decision of the board of appeals to ~~insure~~ ENSURE that the
7 decision MEETS ALL OF THE FOLLOWING REQUIREMENTS:
8 (a) Complies with the constitution and laws of the state.
9 (b) Is based upon proper procedure.

1 (c) Is supported by competent, material, and substantial
2 evidence on the record.

3 (d) Represents the reasonable exercise of discretion granted
4 by law to the board of appeals.

5 (2) If the court finds the record of the board of appeals
6 inadequate to make the review required by this section, or that
7 there is additional evidence ~~which~~ THAT is material and with
8 good reason was not presented to the board of appeals, the court
9 shall order further proceedings before the board of appeals on
10 conditions ~~which~~ THAT the court considers proper. The board of
11 appeals may modify its findings and decision as a result of the
12 new proceedings, or may affirm its original decision. The sup-
13 plementary record and decision shall be filed with the court.

14 (3) As a result of the review required by this section, the
15 court may affirm, reverse, or modify the decision of the board of
16 appeals.

17 SEC. 23C. (1) AN AGREEMENT TO PURCHASE PROPERTY CONTINGENT
18 ON AN ORDER, DETERMINATION, OR DECISION OF AN OFFICER, AGENCY,
19 BOARD, OR COMMISSION, THE BOARD OF APPEALS, OR THE TOWNSHIP BOARD
20 UNDER THIS ACT OR UNDER AN ORDINANCE ADOPTED UNDER THIS ACT IS
21 NOT A BASIS FOR STANDING IN A JUDICIAL PROCEEDING CHALLENGING
22 SUCH AN ORDER, DETERMINATION, OR DECISION.

23 (2) AN AGREEMENT TO PURCHASE PROPERTY CONTINGENT ON AN
24 AMENDMENT TO AN ORDINANCE ADOPTED UNDER THIS ACT IS NOT A BASIS
25 FOR STANDING IN A JUDICIAL PROCEEDING CHALLENGING AN ORDINANCE
26 ADOPTED UNDER THIS ACT.