

SENATE BILL No. 504

May 20, 2003, Introduced by Senators BRATER, BASHAM, SCOTT, CLARK-COLEMAN and EMERSON and referred to the Committee on Natural Resources and Environmental Affairs.

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.
10 (c) Is supported by competent, material, and substantial

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1 evidence on the record.

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

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

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

16 **Sec. 23c. An option to purchase property is not a basis for**
17 **standing in a judicial proceeding challenging either of the**
18 **following:**

19 (a) An ordinance adopted under this act.

20 (b) An order, determination, or decision of an officer,
21 agency, board, or commission, the board of appeals, or the
22 township board under this act or under an ordinance adopted under
23 this act.