

**OPEN SPACE PRESERVATION
ZONING PROVISIONS**

House Bill 4995

Sponsor: Rep. Ruth Johnson

House Bill 5028

Sponsor: Rep. Randy Richardville

House Bill 5029

Sponsor: Rep. Chris Kolb

Committee: Tax Policy

Complete to 9-12-01

**A SUMMARY OF HOUSE BILL 4995 AS INTRODUCED 6-26-01 AND HOUSE BILLS
5028 AND 5029 AS INTRODUCED 7-11-01**

The bills would require counties, townships, cities, and villages with zoning ordinances to include certain open space preservation provisions in those ordinances within six months after the bills took effect. Those mandatory provisions would allow a proprietor of land that was zoned residential to develop up to one-half of the developable land area with the same number of dwelling units that could be otherwise be developed in the entire developable area provided that both the following conditions were met:

1) that a percentage of the land as specified in the zoning ordinance, but at least 50 percent, was to remain in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or by other legal means; and

2) that the land was zoned at a density equivalent to two or fewer dwellings per acre or, if the land was served by a public sewer system, three or fewer dwellings per acre.

House Bill 4995 would amend the Township Zoning Act (MCL 125.310 and 125.286h). House Bill 5028 would amend the County Zoning Act (MCL 125.240 and 216h). House Bill 5029 would amend the City and Village Zoning Act (MCL 125.600 and 125.584f).

Under the bills, a proprietor's exercise of the development option would not require a rezoning of land. Further, the open space preservation zoning ordinance amendments would not be subject to provisions in the law that allow township and county voters to file petitions forcing a referendum on the approval or rejection of zoning ordinances nor to the provision that allows city or village voters to file a protest petition requiring at least a two-thirds vote by the local legislative body to adopt zoning amendments.

The term “undeveloped state” would mean a natural setting preserving natural resources, natural features, or scenic conditions, or in an agricultural, farming, open space, wooded, or similar use or condition. The term would not include a golf course but could include a recreational trail, picnic area, or children’s play area.

Analyst: C. Couch

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.