
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4995 (Substitute S-4 as reported by the Committee of the Whole)

Sponsor: Representative Ruth Johnson

House Committee: Tax Policy

Senate Committee: Farming, Agribusiness and Food Systems

CONTENT

The bill would amend the Township Zoning Act to require that qualified townships include "Open Space Preservation" provisions for residential development in their zoning ordinances. (A "qualified township" would be a township that had adopted a zoning ordinance, had a population of 1,800 or more, and contained undeveloped land zoned for residential development at a density described below.) The zoning ordinance would have to allow a land owner to develop land zoned as residential by, in effect, clustering residences on one portion of the land and leaving the remaining land perpetually in an undeveloped state. This requirement would apply one year after the bill's effective date.

Under the bill, a township zoning ordinance would have to state that the land owner could develop a portion of the land with the same number of dwelling units currently allowed on the whole parcel of land. The remaining percentage of land, as specified in the zoning ordinance but not less than 50%, would have to remain perpetually in an undeveloped state. Land developed in this way would be subject to other applicable ordinances, rules, and laws.

The bill also includes requirements that the land developed under the Open Space Preservation provisions be zoned at a density equivalent of two or fewer dwelling units per acre or, if the land were served by a public sewer system, three or fewer dwelling units per acre; that the development not depend on the extension of a public sewer or water system, unless other development of the land also would depend on such an extension; and that the land not already have been developed in a similar way.

The bill's ordinance requirement would not apply if, on or before October 1, 2001, a local unit had in effect a similar ordinance provision and a land owner had exercised the option provided under it. In addition, the requirement would be subject to Section 12 of the Act, which requires a referendum on a new zoning ordinance upon the submission of petitions containing signatures equal to at least 10% of the total vote cast in the township for all candidates for governor at the last general election. Further, the bill would change that percentage to 15%.

MCL 125.310 et al.

Legislative Analyst: C. Layman

FISCAL IMPACT

It is unlikely that the bill would have any significant fiscal impact on local units or State revenues. The bill could have some minimal impact on specific local units depending on whether undeveloped areas are appraised separately from homesteads or are taxed separately from homesteads (for instance, as nonhomestead property), and whether market demographics value smaller individual properties with common areas differently from larger individual properties with no common areas.

Date Completed: 11-7-01

Fiscal Analyst: D. Zin

[floor\hb4995](#)

Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.