

HOUSE BILL No. 5029

July 11, 2001, Introduced by Reps. Kolb, Ruth Johnson and Richardville and referred to the Committee on Land Use and Environment.

A bill to amend 1921 PA 207, entitled
"City and village zoning act,"
by amending section 20 (MCL 125.600), as amended by 2000 PA 383,
and by adding section 4f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 4F. (1) BEGINNING 6 MONTHS AFTER THE EFFECTIVE DATE OF
2 THE AMENDATORY ACT THAT ADDED THIS SECTION, EACH CITY OR VILLAGE
3 WITH A ZONING ORDINANCE SHALL PROVIDE IN THE ZONING ORDINANCE
4 THAT A PROPRIETOR OF LAND ZONED FOR RESIDENTIAL DEVELOPMENT MAY
5 DEVELOP A PERCENTAGE OF THE DEVELOPABLE LAND AREA SPECIFIED IN
6 THE ZONING ORDINANCE, BUT NOT MORE THAN 50%, WITH THE SAME NUMBER
7 OF DWELLING UNITS THAT COULD OTHERWISE BE DEVELOPED ON THE ENTIRE
8 DEVELOPABLE LAND AREA IF BOTH OF THE FOLLOWING APPLY:

1 (A) THE LAND IS ZONED AT A DENSITY EQUIVALENT TO 2 OR FEWER
2 DWELLING UNITS PER ACRE, OR, IF THE LAND IS SERVED BY A PUBLIC
3 SEWER SYSTEM, 3 OR FEWER DWELLING UNITS PER ACRE.

4 (B) THE PROPRIETOR ENSURES THAT A PERCENTAGE OF THE LAND
5 AREA SPECIFIED IN THE ZONING ORDINANCE, BUT NOT LESS THAN 50%,
6 WILL REMAIN IN AN UNDEVELOPED STATE BY MEANS OF A CONSERVATION
7 EASEMENT, PLAT DEDICATION, RESTRICTIVE COVENANT, OR OTHER LEGAL
8 MEANS THAT RUNS WITH THE LAND.

9 (2) A PROPRIETOR'S EXERCISE OF THE OPTION PROVIDED UNDER
10 SUBSECTION (1) DOES NOT REQUIRE A REZONING OF THE LAND.

11 (3) THE PROTEST PETITION PROVISIONS OF SECTION 4 DO NOT
12 APPLY TO A ZONING ORDINANCE AMENDMENT ADOPTED TO COMPLY WITH
13 SUBSECTION (1).

14 (4) THE ZONING ORDINANCE PROVISIONS REQUIRED BY SUBSECTION
15 (1) SHALL BE KNOWN AND MAY BE CITED AS THE "OPEN SPACE
16 PRESERVATION" PROVISIONS OF THE ZONING ORDINANCE.

17 Sec. 20. (1) As used in this act:

18 (a) "Agricultural land" means substantially undeveloped land
19 devoted to the production of plants and animals useful to humans,
20 including forage and sod crops; grains, feed crops, and field
21 crops; ~~dairy and~~ dairy products; poultry and poultry products;
22 livestock, including breeding and grazing of cattle, swine, and
23 similar animals; berries; herbs; flowers; seeds; grasses; nursery
24 stock; fruits; vegetables; Christmas trees; and other similar
25 uses and activities.

26 (b) "Airport" means an airport licensed by the Michigan
27 department of transportation, bureau of aeronautics under section

1 86 of the aeronautics code of the state of Michigan, 1945 PA 327,
2 MCL 259.86.

3 (c) "Airport approach plan" means a plan, or an amendment to
4 a plan, adopted under section 12 of the airport zoning act, 1950
5 (Ex Sess) PA 23, MCL 259.442, and filed with the commission
6 appointed to recommend zoning regulations for the city or village
7 under section 151 of the aeronautics code of the state of
8 Michigan, 1945 PA 327, MCL 259.151.

9 (d) "Airport layout plan" means a plan, or an amendment to a
10 plan, that shows current or proposed layout of an airport, that
11 is approved by the Michigan aeronautics commission, and that is
12 filed with COMMISSION APPOINTED TO RECOMMEND ZONING REGULATIONS
13 FOR the city or village ~~zoning commission~~ under section 151 of
14 the aeronautics code of the state of Michigan, 1945 PA 327, MCL
15 259.151.

16 (e) "Airport manager" means that term as defined in section
17 10 of the aeronautics code of the state of Michigan, 1945 PA 327,
18 MCL 259.10.

19 (f) "Airport zoning regulations" means airport zoning regu-
20 lations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL
21 259.431 to 259.465, for an airport hazard area that lies in whole
22 or part in the area affected by a zoning ordinance under this
23 act.

24 (G) "CONDOMINIUM UNIT" MEANS THAT TERM AS DEFINED IN SECTION
25 4 OF THE CONDOMINIUM ACT, 1978 PA 59, MCL 559.104.

1 (H) "CONSERVATION EASEMENT" MEANS THAT TERM AS DEFINED IN
2 SECTION 2140 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
3 PROTECTION ACT, 1994 PA 451, MCL 324.2140.

4 (I) "DEVELOPABLE LAND AREA" MEANS THE MAXIMUM COMBINED AREA
5 OF THE RESIDENTIAL LOTS, PARCELS, OR SITE CONDOMINIUM UNITS THAT
6 COULD LAWFULLY BE DEVELOPED ON THE LAND.

7 (J) ~~(g)~~ "Development rights" means the rights to develop
8 land to the maximum intensity of development authorized by law.

9 (K) ~~(h)~~ "Development rights ordinance" means an ordinance,
10 which may comprise part of a zoning ordinance, adopted under
11 section 13.

12 (L) ~~(i)~~ "Intensity of development" means the height, bulk,
13 area, density, setback, use, and other similar characteristics of
14 development.

15 (M) "LOT" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE
16 LAND DIVISION ACT, 1967 PA 288, MCL 560.102.

17 (N) ~~(j)~~ "Other eligible land" means land that has a common
18 property line with agricultural land from which development
19 rights have been purchased and that is not divided from that
20 agricultural land by a state or federal limited access highway.

21 (O) "PARCEL" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE
22 LAND DIVISION ACT, 1967 PA 288, MCL 560.102.

23 (P) ~~(k)~~ "PDR program" means a program under section 14 for
24 the purchase of development rights by a city or village.

25 (Q) "PROPRIETOR" MEANS A PROPRIETOR AS DEFINED IN SECTION 2
26 OF THE LAND DIVISION ACT, 1967 PA 288, MCL 560.102, OR A

1 DEVELOPER AS THAT TERM IS DEFINED IN SECTION 6 OF THE CONDOMINIUM
2 ACT, 1959 PA 78, MCL 559.106.

3 (R) "SITE CONDOMINIUM" MEANS CONDOMINIUM UNIT CONSISTING OF
4 A SINGLE FAMILY RESIDENCE, INCLUDING THE STRUCTURE, AND SURROUND-
5 ING LAND.

6 (S) "UNDEVELOPED STATE" MEANS A NATURAL STATE PRESERVING
7 NATURAL RESOURCES, NATURAL FEATURES, OR SCENIC CONDITIONS, OR IN
8 AN AGRICULTURAL, FARMING, OPEN SPACE, WOODED, OR SIMILAR USE OR
9 CONDITION. LAND IN AN UNDEVELOPED STATE DOES NOT INCLUDE A GOLF
10 COURSE BUT MAY INCLUDE A RECREATIONAL TRAIL, PICNIC AREA, OR
11 CHILDREN'S PLAY AREA.

12 (2) This act shall be known and may be cited as the "city
13 and village zoning act".