

TOWNSHIP ZONING ACT (EXCERPT)
Act 184 of 1943

125.286h Qualified township zoning ordinances; option of landowner to develop land zoned for residential development; requirements; limitations; “qualified township” defined; zoning ordinance provisions cited as “open space preservation.”

Sec. 16h. (1) Subject to subsection (4) and section 12, beginning 1 year after the effective date of the amendatory act that added this section, each qualified township shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land specified in the zoning ordinance, but not more than 50%, that, as determined by the township, could otherwise be developed, under existing ordinances, laws, and rules, on the entire land area, if all of the following apply:

(a) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre, or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.

(b) A percentage of the land area specified in the zoning ordinance, but not less than 50%, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance.

(c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon such an extension.

(d) The option provided pursuant to this subsection has not previously been exercised with respect to that land.

(2) After a land owner exercises the option provided pursuant to subsection (1), the land may be rezoned accordingly.

(3) The development of land under subsection (1) is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

(4) Subsection (1) does not apply to a qualified township if both of the following requirements are met:

(a) Since on or before October 1, 2001, the township has had in effect a zoning ordinance provision providing for both of the following:

(i) Land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land that, as determined by the township, could otherwise be developed, under existing ordinances, laws, and rules, on the entire land area.

(ii) If the land owner exercises the option provided by subparagraph (i), the portion of the land not developed will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

(b) On or before the enactment date of the amendatory act that added this section, a land owner exercised the option provided under the zoning ordinance provision referred to in subdivision (a) with at least 50% of the land area remaining perpetually in an undeveloped state.

(5) As used in this section, “qualified township” means a township that meets all of the following requirements:

(a) Has adopted a zoning ordinance.

(b) Has a population of 1,800 or more.

(c) Has land that is not developed and that is zoned for residential development at a density described in subsection (1)(a).

(6) The zoning ordinance provisions required by subsection (1) shall be known and may be cited as the “open space preservation” provisions of the zoning ordinance.

History: Add. 2001, Act 177, Imd. Eff. Dec. 15, 2001.

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