

HOUSE BILL No. 5703

March 24, 2004, Introduced by Rep. Ruth Johnson and referred to the Committee on Land Use and Environment.

A bill to amend 1943 PA 184, entitled
"Township zoning act,"
by amending section 40 (MCL 125.310), as amended by 2001 PA 177,
and by adding section 16i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16i. (1) Beginning 6 months after the effective date
2 of the amendatory act that added this section, each township with
3 a zoning ordinance shall provide in the zoning ordinance that the
4 township board and a proprietor may enter a written agreement
5 authorizing the proprietor to create bonus parcels or bonus
6 condominium units if the proprietor does either of the following,
7 in return for the bonus parcels or bonus condominium units:

8 (a) Makes a capital improvement.

9 (b) Pays to the township a fee. The township shall deposit
10 fees collected under this subdivision in a restricted fund to be

1 used exclusively for capital improvements.

2 (2) A written agreement under subsection (1) shall specify
3 all of the following:

4 (a) The number of bonus parcels or bonus condominium units
5 that may be created.

6 (b) The capital improvement, if any, to be made by the
7 proprietor under subsection (1)(a) and the conditions for making
8 the capital improvement.

9 (c) The amount of the fee, if any, under subsection (1)(b)
10 and conditions for the payment of the fee.

11 (3) An agreement under subsection (1) does not require a
12 rezoning of the land.

13 (4) Section 12 does not apply to a zoning ordinance amendment
14 adopted to comply with subsection (1).

15 Sec. 40. (1) As used in this act:

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

24 (b) "Airport" means an airport licensed by the Michigan
25 department of transportation, bureau of aeronautics under section
26 86 of the aeronautics code of the state of Michigan, 1945 PA 327,
27 MCL 259.86.

1 (c) "Airport approach plan" means a plan, or an amendment to
2 a plan, adopted under section 12 of the airport zoning act, 1950
3 (Ex Sess) PA 23, MCL 259.442, and filed with the township zoning
4 board under section 151 of the aeronautics code of the state of
5 Michigan, 1945 PA 327, MCL 259.151.

6 (d) "Airport layout plan" means a plan, or an amendment to a
7 plan, that shows current or proposed layout of an airport, that
8 is approved by the Michigan aeronautics commission, and that is
9 filed with the township zoning board under section 151 of the
10 aeronautics code of the state of Michigan, 1945 PA 327,
11 MCL 259.151.

12 (e) "Airport manager" means that term as defined in section
13 ~~10~~ 2 of the aeronautics code of the state of Michigan, 1945
14 PA 327, MCL ~~259.10~~ 259.2.

15 (f) "Airport zoning regulations" means airport zoning
16 regulations under the airport zoning act, 1950 (Ex Sess) PA 23,
17 MCL 259.431 to 259.465, for an airport hazard area that lies in
18 whole or part in the area affected by a zoning ordinance under
19 this act.

20 (g) "Bonus condominium units" means residential condominium
21 units in excess of the number of residential condominium units
22 that would otherwise have been allowed on the developable land
23 area under the zoning ordinance.

24 (h) "Bonus parcels" means residential development parcels in
25 excess of the maximum number of residential development parcels
26 that would otherwise have been allowed on the developable land
27 area under the zoning ordinance.

1 (i) "Capital improvement" means land, an interest in land, or
2 a structure located anywhere in the township and used to provide
3 a public service that will benefit residents of the land
4 developed by the proprietor. Capital improvement may include,
5 but is not limited to, all of the following, as determined by the
6 township board:

7 (ii) Schools, police stations and other law enforcement
8 offices, correctional facilities, fire stations, hospitals,
9 libraries, government administration buildings, and buildings
10 housing ambulance or rescue services or other government
11 services.

12 (iii) Infrastructure for communication systems; mass transit
13 systems; electric utilities; public health and sanitation; water
14 supply wells, storage, or treatment; sewage or storm water
15 collection, treatment, and disposal; solid waste collection,
16 disposal, or recycling; flood control; or shoreline protection.

17 (iv) Parks, open space, and recreational facilities; roads,
18 streets, highways, and alleys; airports; railways; harbor
19 facilities; sidewalks; bicycle paths; road or path lighting
20 systems; traffic signals; or bridges.

21 (v) "Condominium unit" means that term as defined in section
22 4 of the condominium act, 1978 PA 59, MCL 559.104.

23 (k) ~~-(g)-~~ "Conservation easement" means that term as defined
24 in section 2140 of the natural resources and environmental
25 protection act, 1994 PA 451, MCL 324.2140.

26 (l) "Developable land area" means the maximum combined area
27 that could lawfully be developed on the proprietor's land.

1 **(m)** ~~-(h)-~~ "Development rights" means the rights to develop
2 land to the maximum intensity of development authorized by law.

3 **(n)** ~~-(i)-~~ "Development rights ordinance" means an ordinance,
4 which may comprise part of a zoning ordinance, adopted under
5 section 31.

6 **(o)** ~~-(j)-~~ "Greenway" means a contiguous or linear open space,
7 including habitats, wildlife corridors, and trails, that link
8 parks, nature reserves, cultural features, or historic sites with
9 each other, for recreation and conservation purposes.

10 **(p)** ~~-(k)-~~ "Intensity of development" means the height, bulk,
11 area, density, setback, use, and other similar characteristics of
12 development.

13 **(q)** ~~-(l)-~~ "Other eligible land" means land that has a common
14 property line with agricultural land from which development
15 rights have been purchased and that is not divided from that
16 agricultural land by a state or federal limited access highway.

17 **(r)** ~~-(m)-~~ "PDR program" means a program under section 32 for
18 the purchase of development rights by a township.

19 **(s)** **"Parcel" means that term as defined in section 102 of the**
20 **land division act, 1967 PA 288, MCL 560.102.**

21 **(t)** ~~-(n)-~~ "Population of" a specified number means the
22 population according to the most recent federal decennial census
23 or according to a special census conducted pursuant to section 7
24 of the Glenn Steil state revenue sharing act of 1971, 1971
25 PA 140, MCL 141.907, whichever is the more recent.

26 **(u)** **"Proprietor" means a proprietor as defined in section 102**
27 **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, 1978 PA 59, MCL 559.106.

3 (v) ~~-(e)-~~ "Undeveloped state" means a natural state
4 preserving natural resources, natural features, or scenic or
5 wooded conditions; agricultural use; open space; or a similar use
6 or condition. Land in an undeveloped state does not include a
7 golf course but may include a recreational trail, picnic area,
8 children's play area, greenway, or linear park. Land in an
9 undeveloped state may be, but is not required to be, dedicated to
10 the use of the public.
11 (2) This act shall be known and may be cited as the "township
12 zoning act".