

CHAPTER XIII B

Open Space Zoning Ordinance Provision

Section 13B.01 Open Space Preservation. In order to comply with Section 16(h), as added to the Township Zoning Act by Public Act 177 of 2001, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

- (1) 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.
- (2) not less than 50% of the land area 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.
- (3) 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 development option provided by this provision would also depend upon such an extension
- (4) the development option provided pursuant to this section has not previously been exercised with respect to the subject property.

Section 13B.02. The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

- (1) The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16h of the Township Zoning Act as added by 2001 Public Act 177 (MCL I 25286h).
- (2) The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
- (3) Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
- (4) Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- (5) Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

Section 13B.03. As used in this section, the term “undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.