

Conditional Rezoning

Recent amendments to the zoning acts for city/villages (PA 579), townships (PA 578) and counties (PA 577) to allow “Conditional Rezoning” had planners across Michigan scrambling to learn what the impacts of this new legislation might be. Simply written, and very short, the new legislation authorized Michigan’s communities to enter into zoning agreements. Introduced in September 2004 and effective early this year, the legislation states: An owner of land may voluntarily offer in writing, and the unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

The Michigan Association of Planning has long supported the concept of “Conditional Rezoning”, and it has been an element of our legislative policy platform for several years. Planners in Michigan provided frankly mixed commentary on this new authorization. Many felt that the brevity of the new law would allow communities much leeway in their consideration of development proposals; others felt the law would not offer enough protection to communities in that standards for use were absent from the legislation.

As Representative Chris Ward, who introduced the legislation, and saw it through to approval, began to hear from the trenches that the legislation might not be as well received as he had hoped, he brought together various stakeholders to identify the deficiencies and determine how to best address them.

Planner’s who were hesitant about the legislation expressed that the lack of clear guidelines for using Conditional Rezoning was a concern. To resolve this, Rep Ward called together a working group, headed up by attorneys from the Michigan Townships Association, and including representatives from the realtors, homebuilders, municipal attorneys, and Michigan Association of Planning members Steve Langworthy and Mark Wyckoff.

The mission of the group was to develop a model ordinance that would provide guidance as they entered into Conditional Rezoning (the preferred name is actually conditional rezoning, and the model ordinance reflects this preference).

It is not known at this time whether changes will be made to the Public Acts. A working group was convened on May 24 in Representative Ward’s office, and the stakeholders reviewed the model ordinance and some proposed changes to the law.

MAP will convene a small working group to develop a policy position on this issue.