

Article 15 FARMLAND and NATURAL AREA CONSERVATION TRACTS (FNACT)

Section 15.01 Purpose

It is the purpose of this Article to provide opportunities for a limited number of residences on lots of less area and width than normally required by Table 10-4 for the A-1 District, in association with large tracts of land, where the balance of the land is to be preserved in perpetuity for farmland and/or natural conservation purposes. It is the purpose of this Article to encourage the preservation of farmland and natural area tracts by minimizing the consumption of acreage necessary for each home site and thereby maximize the amount of contiguous land available for such farmland and preservation purposes. This Ordinance classifies such a development and preservation option as a Farmland and Natural Areas Conservation Tract (FNACT). A FNACT differs from an Open Space Community (OSC, see Article 16) in that a FNACT permits comparatively fewer residences and reflects a stronger farmland and natural area conservation theme while the focus of an OSC is to permit comparatively small residential communities and neighborhoods within an open space and rural character preservation setting.

Section 15.02 Applicability

Land may be developed under the provisions of this Article where the land to be used for home sites and farmland and/or conservation purposes is in an A-1 District, consists of a minimum of twenty (20) acres, and includes a minimum frontage distance of six hundred sixty (660) feet along a public road. This 660' standard shall be met without reliance on frontages of two (2) or more roads.

Section 15.03 Review and Approval Process

A. FNACTs are permitted as special land uses only, and their review and approval shall follow the same procedures and requirements for special land uses under Article 5 including the approval of a site plan, and conformance to the requirements and standards of this Article, except as provided below:

1. Recording of Approval Action and Permit Issuance: The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved FNACT plan unless a change is approved by the Township according to this Ordinance. All deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Zoning Administrator. Upon approval of the FNACT application including a site plan, and upon receipt of the recorded documents, the Zoning Administrator shall issue a land use permit for the FNACT.
2. Site Plan Information: An application for a FNACT shall include the same information specified in Section 4.03(D) except where the Planning Commission finds such information to be unnecessary in making a sound decision regarding the approval and construction of the project. However, except where the Planning Commission finds unique conditions associated with the project, it shall not be necessary to submit plans regarding residential accessory buildings; landscaping or screening; building elevations; or grading, storm drainage and storm water management plans if no road is proposed.

Section 15.04 Approval Standards

A. **Approval Standards**: No application for an FNACT shall be approved except upon a finding that the following standards have been met:

1. Section 4.04, Site Plan Approval Standards
2. Section 5.06, Special Land Use Approval Standards

3. Section 15.01: The FNACT proposal shall support the purpose of this Article as defined in Section 15.01.
4. Section 15.05, FNACT Design Standards
5. Unified Control: The land area subject to conservation restrictions shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for ensuring the continued conservation of such area according to the approved restrictions. The applicant shall provide sufficient documentation of ownership or control in the form of covenants, deed restrictions and/or other legal means that ensure the continued conservation of such areas.

Section 15.05 Design Standards:

A. Development Standards: Lots and dwellings comprising a FNACT shall comply with all requirements of this Ordinance, including provisions regarding potable water, sewage disposal, driveway locations, and the site development standards of Table 10-4, except where otherwise provided under this Section.

B. Permitted Principal Uses: Single family detached dwellings, agriculture, and open spaces dedicated to the conservation of natural areas.

C. Number of Lots/Dwellings: The number of new dwellings and lots in a FNACT shall not exceed the number attainable as though the parcel were developed with home sites of a minimum of five (5) acres in area, and three-hundred thirty (330) feet of existing road frontage as of the effective date of this Ordinance.

D. Residential Lots

1. Minimum Lot Area: One (1) acre.
2. Minimum Frontage: One hundred ninety-eight (198) feet, but in no case shall the frontage distance be less than one-quarter (1/4) of the depth of the lot.
3. Minimum Dwelling Setbacks: Minimum front, side, and rear yard setbacks shall be the same as those for the R-1 District according to Table 10-4, except that in no case shall a dwelling be closer than thirty (30) feet from the perimeter boundary of the FNACT tract along the dwelling's side yard nor closer than sixty (60) feet from the perimeter boundary of the FNACT tract along the dwelling's rear yard.

E. Access: The site plan for the FNACT shall include, in the reasonable discretion of the Planning Commission, an acceptable means of vehicular and non-vehicular access to that portion of the FNACT dedicated to conservation purposes.

F. Preservation of Natural Features: The FNACT shall be designed to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats. The site plan shall reflect conformance with all county, state and federal regulations regarding such natural features including, but not limited to, the Michigan Department of Environmental Quality and the Ingham County Drain Commissioner.

G. Guarantee of Conservation Area: An FNACT shall include permanently dedicated conservation areas consistent with Section 15.01. The conservation area shall forever remain a conservation area, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of conservation areas or its use for other than agricultural uses or preservation in an undeveloped state, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township that all conservation portions of the FNACT will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners to commitments made as a part of the proposal.

1. No buildings or structures shall be permanently or temporarily established in the conservation area except where expressly authorized by an approved site plan.
2. The conservation area shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non profit land trust, or a conservation easement established per the State of Michigan Conservation and Historic

Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall indicate the allowable use(s) of the dedicated open space and shall assure that the open space will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated open space shall comply with the approved site plan. Changes or improvements to the open space are prohibited except where the Planning Commission approves a revised site plan upon finding that the applicant's proposed changes shall not alter the essential character of the open space or undermine the purpose and spirit of the FNACT concept as presented in this Article.

End of Article 15