

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

Article 16

OPEN SPACE COMMUNITIES (OSC)

Section 16.01 Purpose

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to "Open Space Communities" (OSC) under this Article, more effectively encourage the preservation of the Township's natural resources including farmland and sensitive environmental areas, and the Township's rural character. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the OSC is proposed to be located, so that the remainder of the site can be preserved as open space or for agricultural use.

Section 16.02 Applicability

Property may be developed under the provisions of this Article where such property is in a district in which OSCs are authorized, according to Table 10-2.

Section 16.03 Review and Approval Process

OSC's 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 preliminary and final site plan, and conformance to the requirements and standards of this Article, except as provided below:

1. **Recording of Approval Action:** 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 OSC plan unless a change is approved by the Planning Commission. In addition, 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 Township Clerk.
2. **Permit Issuance:** Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a land use permit for the OSC.
3. **Conventional Plan:** At the time the applicant submits a site plan for the OSC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the conventional development standards of the zoning district in which it is located. This plan shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall be the determining body regarding the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSC proposal.
 - a. The conventional plan referenced in subsection (3) need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered by the Planning Commission if it determines that it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (3) above.

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Section 16.04 Approval Standards

A. Approval Standards: No application for an OSC 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 16.05, OSC Design Standards
4. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
5. The OSC proposal shall support the intent of this Article as defined in Section 16.01.

Section 16.05 Design Standards:

A. Regulatory Flexibility: To encourage flexibility and creativity consistent with the OSC concept, departures from the conventional regulations of the zoning district may be permitted, subject to review and approval by the Planning Commission. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and lot area requirements. However, in no case shall an OSC's design features exceed the following:

1. Permitted Principal Uses:
 - a. Conservation Districts: Residential condominium subdivisions and residential platted subdivisions, and the associated required open space as provided by this Article.
 - b. Residential Districts: Residential condominium subdivisions, residential platted subdivisions, and multiple family developments, and the associated required open space as provided by this Article. However, in no case shall the number of multiple family dwelling units exceed thirty percent (30%) of the total number of dwelling units in the OSC.
2. Number of Lots/Dwellings: The number of dwellings and lots in an OSC shall not exceed the number attainable by the Conventional Plan.
3. Building Setbacks in the A-1 District: All buildings in the A-1 District shall be set back the following minimum distances:
 - a. Along OSC parcel perimeter, adjacent to a road outside of the OSC parcel: One hundred feet (100) feet, except where the Planning Commission finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering, in which case such setback may be reduced to no less than seventy (70) feet. The Planning Commission may increase the minimum setback to a maximum of two-hundred (200) feet where the OSC is to include lots of less than one (1) acre in area and the Planning Commission finds such increased setbacks are necessary to ensure compatibility with adjacent land uses.
 - b. Along OSC parcel perimeter, but not adjacent to a road: Fifty (50) ft.
 - c. Along a road inside of the OSC parcel: Twenty-five (25) ft.
 - d. Along lakes, ponds, rivers, streams, and wetlands: One hundred (100) ft.
 - e. No dwelling shall be located within ten (10) feet of a side lot line or forty (40) feet of a rear lot line. Where such lot lines serve as perimeter boundary lines of the OSC parcel, subsection (a) and (b) above shall apply.
4. Minimum Lot Area
 - a. Conservation Districts: The minimum lot area for a dwelling in an OSC in a Conservation District shall be one (1) acre except where such dwelling is to be served by public sewer, in which case the minimum lot area shall be 20,000 sq. ft.
 - b. Residential Districts: The minimum lot area for a dwelling in an OSC in a Residential District shall be 21,780 sq. ft. except where such dwelling is to be served by public sewer, in which case the minimum lot area shall be one-half (1/2) of the conventional minimum lot area for the district, according to Table 10-4.

B. Guarantee of Open Space: An OSC shall include permanently dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Planning Commission

on the approved site plan. Further subdivision of open space land or its use for other than conservation, or agricultural uses or preservation in an undeveloped state, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Planning Commission that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Zoning Administrator and the land uses continue as approved in the open space development.

1. A minimum of fifty percent (50%) of the OSC parcel shall be designated as permanent open space, except where the OSC is located in a Residential District, in which case a minimum of fifteen percent (15%) of the OSC parcel shall be designated as permanent open space.
2. Any structure(s) or building(s) accessory to the permanently dedicated open space may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total required dedicated open space area in the A-1 District, and twenty percent (20%) in a Residential District.
3. Dedicated open space may include flood plain areas, but the minimum required dedicated open space shall not include lot areas and required yard setback areas, roads and road rights-of-way, public rights-of-way, year-round submerged lands, and wetlands in excess of thirty percent (30%) of the required dedicated open space provided such wetlands are not year-round submerged.
4. All land within a development that is not devoted to a building, dwelling unit, required yard, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. This provision shall not prohibit the inclusion of non-residential buildings, required yards, accessory uses, vehicle access, vehicle parking, a roadway, or other approved land improvement in the designated common land.
5. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Planning Commission 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 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 to the authorized uses 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 OSC concept as presented in this Article. Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - c. Provide standards for scheduled maintenance of the open space.
 - d. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

C. Utilities and Storm Water Management:

1. The OSC shall provide for underground installation of all utilities.
2. An OSC permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for appropriate storm water management, including the construction of necessary storm water facilities. The storm water system may include the establishment of detention or retention basins, and associated infrastructure. The storm water management plan shall rely upon natural systems to the greatest extent possible and preserve the quality and integrity of such systems, rather than systems that encourage unnecessary topographic

alternations, erosion, heightened impurities directed to surface and ground water systems, and similar negative impacts.

4. Fire protection measures shall be provided in all OSCs which provide public water, and in OSCs which are generally characterized by lots of approximately one half (1/2) acre or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

E. Access and Circulation:

1. Access: The nearest edge of any entrance or exit drive for a OSC shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). All dwellings within an OSC shall gain access from an interior road within the OSC.
2. Non-motorized Circulation: A non-motorized circulation system may be required along one side of, or all of, the internal roads of the OSC to ensure safe non-motorized travel. The exact location and alignment of the pedestrian ways shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Pedestrian circulation networks shall assure ease of access from residences to the designated open space areas.

F. Natural Features: The development 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. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The Planning Commission may also require a minimum of twenty five (25) foot wide undisturbed open space setback from the edge of any, lake, pond, river, stream or wetland; provided that the Planning Commission may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

G. Preservation of Road Corridor Character in A-1 District: The development shall be designed to promote the effective preservation of the existing character along the public road frontages that the OSC abuts, to the extent such frontage areas are characterized by open space areas, significant vegetation, environmental resources, and/or scenic views, through, the retention of such features by building setbacks, strategic placement of dedicated open space, proposed native planting screens, and/or other means.

H. Scheduled Phasing:

1. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

End of Article 16