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11-15-00

TOWNSHIP OF ARMADA

MACOMB COUNTY, MICHIGAN

AMENDMENT OF TOWNSHIP OF ARMADA ZONING ORDINANCE

ORDINANCE NO. 113 -31

TITLE

An Ordinance amending the Township of Armada Zoning Ordinance, being Ordinance No. 113, as amended, to add as a principle permitted use in the R-1 Residential-Agricultural District, Open Space and Farmland Communities, and setting forth the criteria, site requirements, and standards therefore, and repealing any and all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ARMADA
MACOMB COUNTY, MICHIGAN ORDAINS:

SECTION 1. AMENDMENTS

The Armada Township Zoning Ordinance, being Ordinance No. 113, as amended, of the Township of Armada Ordinances is amended as follows:

Sub-section 1.1

Section 401 is hereby repealed and the following substituted therefor:
Section 401. Permitted Uses

- A. Single-family dwelling units.
- B. Open Space and Farmland Communities as regulated by Section 324 OPEN SPACE AND FARMLAND COMMUNITIES.
- C. General and specialized farming and agricultural activities, including the raising or growing of crops, livestock, poultry, bees, and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops or animals, products and foodstuffs, until consumed on the premises or until moved to an off-premise place of collection, distribution or processing, and for the incidental sale of the crops, products and foodstuffs raised or grown on said parcel or in said building or structure.
- D. Raising or growing of plants, trees, shrubs, horticulture and nursery stock, and any building or structure used for such raising or growing, and for the

storage of equipment and materials necessary for such raising or growing.

- E. The growing, stripping and removal therefrom of sod, provided that said lot or portion thereof shall be re-seeded after stripping, but within one planting season.
- F. The keeping of horses, cows, or similar animals, for riding, show or personal use, but not for the purpose of remuneration or sale, shall be permitted only on a lot or parcel of two (2) acres or more. One (1) additional acre is required for each animal after the first.

Dogs and cats are governed by the regulations of Section 1010. Fowl and small animals may be permitted only on a parcel of land of at least two (2) acres, provided that all such fowl or animals are penned or corralled and that such enclosure is not located within fifty (50) feet of any said lot line or within one hundred (100) feet of any adjacent dwelling. Horses or other such livestock shall be fenced in or otherwise prevented from roaming at-large off the premises. The above regulations do not apply to bona fide farms as defined in Article II.

- G. Farm or Fish Ponds. Prior to the issuance of a building permit for a farm pond, the applicant shall submit a plot plan to the Building Inspector illustrating the location of the pond suitable to demonstrate compliance with the regulations of this Section:

1. All approved ponds shall be on a contiguous parcel of at least two (2) acres.
2. Soils removed to create the pond must remain on the site. In the event the owner wishes to sell or transport the excavated materials off the site, he shall conform with the requirements of Section 1012 of this Ordinance.
3. Ponds shall only be of an excavation type, as defined by the Soil Conservation Service (SCS) engineering standards, and all ponds shall be constructed to the SCS standards (see circular 378 of the Soil Conservation Service).
4. No commercial activities, including public (paid or unpaid) fishing, shall be allowed, unless the provisions of Section 1011 have been met.
5. The pond and any incidental structures and uses shall be a minimum distance of one hundred (100') feet to the property line of abutting

lands and/or public rights-of-way.

6. Ponds shall be provided with a drainage system to protect adjacent properties from water overflows.
- H. Public, parochial and private elementary, intermediate schools and/or high schools offering courses in general education, not operated for a profit.
- I. Township Municipal Buildings and uses.
- J. Roadside stands and home occupations, as defined in Article II, provided that such home occupations are conducted entirely within the dwelling unit (does not include accessory buildings and does not require internal or external alterations or separate entrances).
- K. Private swimming pools, subject to the regulations of Section 321.
- L. Accessory buildings, structures and uses customarily incidental to any of the above uses, when located on the same property and in accordance with Section 304.
- M. In the case of an existing house fire or tornado or similar act of God, the Township Board may permit the temporary occupancy of a mobile home or trailer. The permit shall be for six (6) months, with extensions to a maximum of two (2) years, as long as progress is being made in the reconstruction. All other uses of mobile homes, trailers, tents, and similar structures in this district, either as temporary or permanent dwelling units, are expressly prohibited.
- N. Type I Home Occupation, as defined in Article II, Number 35. If there is a question as to whether the home occupation is a principal permitted use, then such use shall be submitted as a special approval land use.

Sub-section 1.2

Section 24 is hereby added to Article 3, General Provisions, and will henceforth read as follows:

Section 24. Open Space and Farmland Communities.

A. Statement of Intent.

The purpose of this Section of the Zoning Ordinance is to allow and encourage alternative subdivision designs which preserve Armada

Township's character and environmentally sensitive elements, while providing housing communities that are desired by the community and the general public.

Open Space Communities shall promote the following objectives:

- Maintain the rural character of the Township.
- Maintain an image of open space within the Township.
- Preserve open space within the Township.
- Preserve natural resources within the Township.
- Preserve agriculture and farming within the Township.
- Achieve a balance between farming, open space and residential growth within the Township.

B. Site Criteria.

1. Location of Open Space Communities.

An open space community may be located in all residential districts.

2. Access.

The open space community shall have direct access to an approved public roadway.

3. Open Space Criteria.

In all open space communities, at least two of the following items must be present:

- Preservation of Natural Amenities – sites preserving a significant quantity of any of the following:
 - a. Organic Amenities: significant views and vistas, mature woodlands, wetland or lowland areas, prairie, bodies of open water (such as ponds, streams, natural drainage ways), wildlife habitat or corridors, and significant size trees (six to eight inches or more, measured five feet above the grade).
 - b. Non-organic Amenities: farmhouses (viable for restoration and/or preservation), fence lines (stone or wood), buildings or foundations of historical value.
- Provisions for Recreational Facilities – The submittal should include both passive and/or active recreation areas for residents within the open space community. Passive

recreation areas shall include areas such as pathway systems, common green areas of a substantial size, and open/preserved natural amenity areas, or other areas or uses consistent in nature. Active recreation areas shall include areas such as children play sets, sports fields (i.e., football, soccer, baseball), and other fitness areas that are consistent in nature.

- Creation of Natural Amenities -- These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain "unmanicured," allowing natural growth and processes to occur. These areas can take a number of forms, such as woodlands (interior street tree plantings shall not count for this requirement), wildflower or grass meadows, constructed wetlands (preferably extension to an existing), or other areas consistent in nature.
- Preservation of Agriculture -- Land uses, such as orchards, horse stables, active farms, or other similar agricultural uses, shall be preserved, where feasible or viable. In no way shall an intensive animal raising, slaughter house, or similar use be allowed within an open space community. A buffer shall be maintained between the agricultural use and the residential units.

All of the above-mentioned areas shall be accessible or open to all residents within the open space community, with the exception of farmland.

Under the open space community provision, **the net density shall be no greater than that normally permitted within that zoning district.** The maximum "density" shall be the maximum number of lots permitted by the approved Parallel Plan. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots which can be platted on the subject parcel.

C. Submission Requirements.

1. Parallel Plan.

A "parallel" or "yield plan" shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all State, County and Township Subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely

impact wetlands, flood plains or drainage ways, as regulated by Federal, State, County or local agencies.

It must be determined by the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the Open Space Community be denied or not constructed. If there is a question regarding water, septic, wetlands or flood plains, the Planning Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the yield plan shall be revised and resubmitted, minus that number of lots. Detailed Engineering is not required at this stage.

The Planning Commission may also waive the submission of a yield plan if it is determined that the number of housing units proposed for open space development is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission. Waivers may only be granted if it is determined by the Planning Commission that the proposed open space design will be a major benefit to the Township and achieve all the goals and objectives set forth in the:

- Armada Township Master Plan
- Armada Township Open Space Study
- Armada Township Open Space Community Zoning Ordinance

2. Site Analysis.

A Site Analysis Plan shall be submitted, showing the following site features:

- a. Wetlands, as determined by the Michigan Department of Environmental Quality
- b. Water areas, such as streams and ponds
- c. Woodlands and farmlands
- d. Soils and topography
- e. Drainage patterns and County drains

- f. Historic and cultural features
- g. Wildlife habitat corridors
- h. View sheds and view corridors
- i. Existing easements of record
- j. Existing and proposed rights-of-way
- k. Existing infrastructure
- l. Adjacent development within two hundred (200) feet

3. Conservation Areas Plan.

The combination of the site analysis elements noted above shall be used to outline the primary and secondary conservation areas. The primary conservation areas include areas where no development is to occur. The secondary conservation areas are areas where development can occur, but special care must be taken to minimize adverse impacts.

- Primary Conservation Areas -- flood plains, regulated wetlands, drainage ways, easements, 150-foot exterior road buffer, or other exceptional elements.
- Secondary Conservation Areas -- farmlands, woodlands, suspected or marginal wetlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views, etc.
- Buildable Areas -- areas that are not dedicated to primary conservation areas may be treated as buildable areas. Housing sites should be located so as to complement the conservation areas.

4. Open Space Plan.

An Open Space Plan, with the proposed housing layout shall not exceed the maximum number of housing units determined by the parallel/yield plan. The roads shall also be shown to provide interior access to all homes. At this stage, the drawings need not be engineered, only drawn to scale.

D. The Review Process.

- 1. The Planning Commission shall determine that the yield plan

submitted meets all applicable regulations of the State Subdivision Control Act and the Township Subdivision Regulations.

2. The Planning Commission shall confirm the accuracy and feasibility of the open space plan noted above and determine that all provisions of Section 324 have been met.
3. Planning Commission Determination.
 - a. Upon approval, the proprietor may undertake the process for Subdivision or Site Condominium approval, or Parcel Division per State Law and Township Ordinance.
 - b. Upon denial, the proprietor may either submit the yield plan or parallel plan for approval under the Subdivision or Site Condominium review process, or submit a new application for an open space community.

E. Site Design Requirements.

1. Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply.
2. Minimum Lot Size -- Lot sizes shall be determined by the State and County Health Departments' regulations or standards.
3. Minimum Yard Setbacks -- None.
4. Development Layout -- The development is encouraged to include roads that are single loaded, referring to homes along only one side of the street. This type of development will allow for a greater number of views and vistas onto the open space or farmland.
5. Minimum Exterior Road Buffer -- The developer shall preserve a minimum of a 150-foot buffer from the proposed right-of-way along any County Road or State Highway servicing the open space development.
6. Minimum Open Space -- A minimum of fifty (50%) percent of the gross land area shall be set aside for common open space uses.

Open Space shall be defined as follows: All areas within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyment of the

residents of the entire development for any of the following uses: recreation, forestry and/or open space conservation, community gardens, or agricultural uses. The open space requirements shall not be met by land uses such as golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot, or land area dedicated as limited commons.

7. Maximum Amount of Unbuildable Land Used as Open Space -- A maximum of fifty (50%) percent of the total open space allotment may be unbuildable land. Unbuildable land is considered to be land that is regulated by Michigan Department of Environmental Quality, or the Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body which has jurisdiction over land which cannot be used for the construction of housing.
8. Houses Abutting the Open Space -- A minimum of fifty (50%) percent of all dwelling units within the development shall abut or overlook the dedicated open space.
9. Access to Open Space -- Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
10. General Lot Character -- Flag lots or panhandle lots shall not be permitted within an open space community.
11. Natural Areas -- An undisturbed greenbelt shall be required around any natural feature or farmland preserved within the common open space areas.
12. Pedestrian Circulation -- Adequate pedestrian circulation shall be provided by the applicant for on-site circulation. Adequate access shall be provided to all open space/recreational spaces from the residential areas. "Nature paths or bike paths" are encouraged within the development. Paths provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the Planning Commission.
13. Garages -- A minimum of fifty (50%) percent of all dwelling units shall have side, rear, or alley entry garages, or other garage configurations not opening to the street. Garages that face the roadway shall not extend beyond the front plane of the house and are encouraged to be recessed at least five (5') feet from the front plane of the house.

14. Overall Architectural Character – A diversity of single-family housing styles, colors, and configurations are encouraged throughout the development.

F. Roadways.

1. Roadway Widths – Roadway surface and base standards shall conform to Macomb County Road Commission standards. The following minimum roadway widths and surfaces are established for an approved open space development in Armada Township:

Roadway Width Schedule

<u>Number of Homes</u>	<u>Road Width</u>	<u>Roadway Surface</u>
4 or less	16 feet	gravel or paved
5 - 25	18 feet	gravel or paved
26 - 55	24 feet	gravel or paved
56 and over	28 feet	paved

2. Cul-de-sac Design -- Cul-de-sacs shall be designed to allow for trees and landscaping within the interior area of the cul-de-sac. These areas may be planted with vegetation that is compatible with the plantings within the remainder of the development.

G. Dedication of Open Space.

The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:

1. A Conservation Easement, as established by the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
2. Master Deed, as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
3. Distribution, gift or sale of the development rights to all property owners within the Open Space Community.

The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space or farmland community. The Township Attorney shall review the conveyance

and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payment and collection.

H. Farmland Community.

1. Intent and Purpose.

The intent of this type of Open Space District is to preserve farmland and open space while permitting the farmer to develop a part of his property for residential housing. It is also recognized that some families wish to live in areas where they can be assured that farming and open space will remain as their neighbors. There are also farmers who wish to maintain farming on the more suitable parts of their land for themselves and future generations. This district is designed to accomplish these goals.

2. Requirements.

Sections A. through F. of this Open Space Communities Zoning District shall be met, except as modified below:

- a. If a Farmland Community is being proposed under this Section and less than thirty (30%) percent of the land is being developed for single family residential housing, a yield plan and provisions of Sections B.5. through B.9. will not be required.
- b. If the area for single-family residential development is greater than thirty (30%) percent, then all of the provisions of Sections B.5. through B.9. must be met.
- c. All lands not dedicated for residential dwelling units or their accessory uses, roadways, drainage, utility easements or common open space for the use of the residents shall be perpetually preserved and maintained as farmland, forestry, woodlots, meadows, or open space.
- d. The owner of the subject site as part of this Farming Community shall deliver and record the development rights for the farmland portion of the overall project equally to all the owners of the residential lots.

- I. Subdivision Plat, Site Condominiums, or Lot Division,

After, or in conjunction with, the Open Space or Farmland Community Approval noted in the previous sections, the petitioner must follow the regulations and procedures set forth in the Armada Township Subdivision Regulations, Site Condominium Ordinance or Lot Division Ordinance, and all applicable engineering standards of the Armada Township Land Development and Engineering Standards Ordinance.

SECTION 2. PENALTY.

Any person, who shall violate the provisions of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed five hundred (\$500) dollars or imprisonment in the Macomb County Jail not to exceed ninety (90) days, or both such fine and imprisonment.

SECTION 3 REPEAL OF CONFLICTING PROVISIONS.

All Resolutions, Ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict repealed.

SECTION 4 SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5. PUBLICATION

This Ordinance, or a summary thereof, shall be published in the Armada Times, a newspaper of general circulation in the Township of Armada, within Thirty (30) days after its adoption.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect Thirty (30) days from and after publication of a true copy, or a summary thereof, in the Armada Times, as provided by Section 5.

CERTIFICATE OF TOWNSHIP CLERK

I certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Armada, Macomb County, Michigan, at a meeting held on the 15 day of ~~October~~ ^{November} ^{11th}, A.D., 2000, and was approved for publication.

I further certify that the following Township Board Members were present at the meeting:

Joan Parnagian, Monica Job, Dennis LeMieux, Delphine Wrubel,

Margaret Ruthenberg

and the following Township Board members were absent:

(None)

I further certify that Member Job moved for the adoption of the Ordinance, and that motion was supported by Member Parnagian

I further certify that the following Township Board Members voted for the adoption of the Ordinance:

Joan Parnagian, Monica Job, Dennis LeMieux, Delphine Wrubel,

Margaret Ruthenberg

and that the following Township Board Members voted against adoption of the Ordinance:

(None)


MARGARET RUTHENBERG, CLERK
TOWNSHIP OF ARMADA

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Armada, do hereby certify that on Nov. 15, 2000, the foregoing Ordinance or Summary thereof was duly published in the Armada Times, a newspaper having general circulation within the Township of Armada.


MARGARET RUTHENBERG, CLERK
TOWNSHIP OF ARMADA