

## **CHAPTER 4    AGRICULTURAL - RURAL RESIDENTIAL DISTRICT (ARR)**

### **SECTION 4.10 INTENT**

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#### **A. INTENT**

The intent of this zoning district is to protect productive and prime farmland, preserve natural resources, encourage agritourism, maintain low residential densities, allow for alternative sources of energy, and protect rural character. The ARR zoning district is currently home to many of the Township's farming and agribusiness operations. One of the primary purposes is to reduce the potential conflicts between agricultural and non-agricultural uses by limiting the density of residential uses that can occur within the zoning district. This zoning district also allows for limited civic and recreational uses. Characteristics of lands zoned ARR include open space, fields, farmland, and lower-density residential developments in areas that are not conducive to pedestrian or bicycle travel. Public water and sewer service is generally not anticipated to serve this area in the foreseeable future.



#### **B. PURPOSE**

This section includes the dimensional requirements for lots and the requirements for the location and size of principal buildings and structures.

### **SECTION 4.20 REQUIREMENTS**

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#### **A. LAND USE**

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

#### **B. BUILDING REQUIREMENTS**

See Chapter 16 for all building requirements.

#### **C. DIMENSIONAL REQUIREMENTS**

1. **Lots.** All residential lots shall meet the minimum area, dimensional, and width requirements of Table 4.20 C. Lots shall not be created or changed in size or dimension except in conformance with these requirements and Section 4.30.
2. **Buildings.** All placement of buildings shall conform to the minimum dimensional and sizing requirements listed in Table 4.20 C.
3. **Accessory Buildings.** See Section 18.20.

| TABLE 4.20 C: ARR DISTRICT DIMENSIONAL REQUIREMENTS |                                 |                                                |
|-----------------------------------------------------|---------------------------------|------------------------------------------------|
| <b>Lot Requirements</b>                             |                                 |                                                |
| Min. Lot Area (see Section 3.30 D)                  |                                 | 2 acres                                        |
| Min. Lot Width (see Section 3.30 D)                 |                                 | 200 ft.                                        |
| <b>Residential Principal Buildings</b>              |                                 |                                                |
| Max. Building and Structure Height                  | Height (see Section 3.20 A & C) | 35 ft.                                         |
|                                                     | Stories (see Section 3.20 B)    | 2.5 stories                                    |
| Min. Dwelling Unit Area (see Section 3.20 D)        | One (1) Story Dwelling          | 1,080 s.f.                                     |
|                                                     | Two (2) Story Dwelling          | 650 s.f. first story and 550 s.f. second story |
| Min. Bldg. Width of any Side (see Section 3.20 E)   |                                 | 24 ft.                                         |
| Min. Setbacks (see Section 3.40)                    | Front                           | 60 ft.                                         |
|                                                     | Street Side                     | 60 ft.                                         |
|                                                     | Side                            | 15 ft.                                         |
|                                                     | Rear                            | 50 ft.                                         |
| <b>Non-Residential Principal Buildings</b>          |                                 |                                                |
| Max. Building and Structure Height                  | Height (see Section 3.20 A & C) | 35 ft.                                         |
|                                                     | Stories (see Section 3.20 B)    | 2.5 stories                                    |
| Min. Setbacks (see Section 3.40)                    | Front                           | 60 ft.                                         |
|                                                     | Street Side                     | 60 ft.                                         |
|                                                     | Side                            | 50 ft.                                         |
|                                                     | Rear                            | 50 ft.                                         |

## SECTION 4.30 OPEN SPACE DEVELOPMENT OPTION

### A. PURPOSE

The Zoning Enabling Act (Act 110 of 2006) requires that a zoned township having a population of 1,800 or more and having undeveloped land zoned for residential development must adopt provisions in its zoning ordinances known as “open space preservation” provisions. Therefore, the provisions of this section are intended to permit land, satisfying specified criteria, to be developed, at the option of the landowner, with the same number of dwellings otherwise permitted under existing ordinances, laws and rules on the entire land area; but on a portion of the land, not exceeding 50 percent, while preserving the remaining land, at least 50 percent, as permanent open space.

### B. APPLICABILITY

Only ARR-zoned lands qualify for the open space development option.

### C. GENERAL REQUIREMENTS

1. **Restriction.** The open space preservation option provided shall not have previously been exercised with respect to the same land.
2. **Permitted Uses.** Only those land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this section.

**D. REVIEW**

1. **Procedure.** The open space development option shall be reviewed concurrently with the preliminary plat process and preliminary condominium process. If the land is to be divided by a metes and bounds survey, the Planning Commission shall review the application as a site plan.
2. **Submittal Requirements.** In addition to the requirements of the applicable approval process, an application for the development of land under the provisions of this section shall also include the following:
  - a. A parallel plan prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning, if the open space preservation option was not exercised. The parallel plan may be conceptual in nature, but shall be technically feasible shall include at least the following information:
    - i. Date, north arrow, and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the site plan illustrating the proposed development using the clustering option permitted by this Chapter.
    - ii. Location of streets and driveways.
    - iii. Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
    - iv. Location of stormwater retention or detention basins, community sewage treatment systems, individual septic systems, community water supply facilities, and individual wells, as applicable, necessary to serve a development under the Parallel Plan and which would not be located within any public road right-of-way or private road easement, or on buildable lots.
    - v. The parallel plan shall illustrate all unbuildable land, which shall include lakes, streams, detention ponds, and other wetlands, public utility easements, floodplains, slopes of 20 percent or greater, and other similar features that limit or prevent the construction of buildings or roads.
  - b. A copy of the conservation easement, plat dedication, restrictive covenant, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space required by this section in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this Chapter. The legal instrument shall:
  - c. Indicate the proposed permitted use(s) of the undeveloped open space.
    - i. Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures, or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures, or similar improvements that are approved by the Planning Commission.
    - ii. Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.
    - iii. Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
  - d. A site plan for a proposed development using the open space preservation option shall include the following information:

- i. Date, north arrow, and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the parallel plan.
- ii. The site plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
- iii. The site plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for clustered development, and the percentage of each, as compared to the total site acreage.
- iv. The site plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed dwelling lots on the site plan shall not exceed the number of lots on the parallel plan, as approved by the Planning Commission.

**E. DETERMINATION OF THE NUMBER OF LOTS**

If the Planning Commission determines the number of dwellings illustrated on the parallel plan exceeds the number that could feasibly be developed on the land under the existing zoning classification without the open space preservation option, the applicant shall submit a revised site plan for the open space preservation option reflecting the permitted number of dwellings, as determined by the Planning Commission.

**F. STANDARDS FOR APPROVAL**

If a site plan satisfies all other applicable requirements and the requirements of this section, the Planning Commission shall approve the plan.

**G. MINIMUM OPEN SPACE**

At least 50 percent, but no more than 60 percent of the land proposed for development under the provisions of this subsection shall remain in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township Planning Commission. The following areas shall not constitute open space:

1. The area within all public street rights-of-way.
2. The area within all private street easements.
3. Any easement for overhead utility lines, unless adjacent to open space.
4. The area within a platted lot, site condominium unit, or metes and bounds parcel.
5. Off-street parking and/or loading areas.
6. Golf courses, swimming pools, and clubhouses.
7. Community drain fields.
8. Fifty (50) percent of the area of detention ponds.

## H. STANDARDS FOR OPEN SPACE

The following standards shall apply to the open space required pursuant to this section:

1. **Reasonable Use.** A portion of the open space shall be reasonably usable by the residents of the land for passive recreational uses, such as hiking or picnicking, and may include: a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use, or other use which the Planning Commission determines is substantially similar to these uses.
2. **Access and Rules.** The open space shall be available for all residents of the development, subject to reasonable rules and regulations, and shall be located to provide reasonable access to all residents. Safe and convenient pedestrian access points from the interior of the development shall be provided. The open space may, but is not required to be, dedicated for public use.
3. **Waterfront Priority.** If the land contains a lake, stream, or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
4. **Significant Natural Resources.** Open space shall be located to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands, or agricultural land.
5. **Screening of Street Frontage.** As possible, a portion of the open space shall be located along the public street frontage abutting the land to help reduce the view of homes from the adjacent roadway and to preserve the rural character.
6. **Connectivity.** To the extent feasible, open space shall be linked with adjacent open spaces, public parks, bicycle paths, and pedestrian paths.

## I. DEVELOPMENT REQUIREMENTS

1. **Structures within Open Space.** Designated open space areas shall not contain structures, except as may be specifically authorized by the Planning Commission upon determining the structure is accessory to the function of the open space. Examples of structures that may be authorized include: park or playground equipment, gazebos, or agricultural structures.
2. **Compliance with Zoning District.** Development under the open space preservation option shall comply with all requirements of this Ordinance and the zoning district in which the land is located, except setback, width, and area requirements, which may be modified to achieve the purpose of preserving open space.
3. **Uniform Lot Size.** All residential lots in the developed portion of the site shall be as uniform in area as reasonably practicable, unless otherwise approved by the Planning Commission.
4. **Building Envelopes.** The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located, maximize the available open space, preserve existing natural features, and retain the rural character of the Township to the extent possible.
5. **Required Frontage.** Each lot shall have a minimum of 30 feet of frontage measured at the road right-of-way or easement line.
6. **Lot Width.** Each lot shall have a minimum width equal to at least one-half the width required for the zoning district in which the land is located, unless otherwise approved by the Planning Commission.
7. **Non-Dwelling Unit Structures.** Lots containing non-dwelling structures, such as a clubhouse and accessory building or related amenities, shall be subject to all requirements of this section applicable to lots containing dwellings and all other requirements of this Ordinance and other Township ordinances. However, the Planning Commission may, in its discretion, permit the enlargement of a lot containing a non-dwelling structure to reasonably accommodate it.

8. **Grading.** Grading within the development shall comply with the following requirements:

- a. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required.
- b. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.
- c. Grading shall be planned and carried out to avoid erosion, pollution, flooding or other adverse effects upon the land and nearby waterways; and to minimize the overall environmental impact on the property due to loss of vegetation, slopes, natural features, wildlife habitat, and views.

J. **OTHER LAWS**

The development of land under this subsection is subject to all other applicable Township ordinances, state and federal laws, rules, and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.