

**ORONOKO CHARTER TOWNSHIP
COUNTY OF BERRIEN STATE OF
MICHIGAN**

ORDINANCE NO. 62

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF ORONOKO, BERRIEN COUNTY, MICHIGAN, BY THE REGULATION OF OPEN SPACE PRESERVATION IN REGARD TO RESIDENTIAL DEVELOPMENT.

THE CHARTER TOWNSHIP OF ORONOKO ORDAINS:

SECTION 1. TITLE

This Ordinance shall be known and cited as the Open Space Preservation Zoning Ordinance.

SECTION 2. OPEN SPACE PRESERVATION:

(A) In order to comply with Section 16(h), as added to the Township Zoning Act by Public Act 177 of 2001, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules on not more than 50% of the land, if all of the following apply:

1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.

2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this ordinance would also depend upon such an extension.

4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

(B) The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

1. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16(h) of the Township Zoning Act as added by 2001 Public Act 177 (MCL 125.286h).

2. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, *et seq.*).

3. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.

4. Rules relating to suitability of ground water for on-site water supply for land not served by public water.

5. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

As used in this section, the term "undeveloped" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, green way, or linear park.

SECTION 3. VALIDITY

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid, if any.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its final publication.

Dated: 11th of December, 2002.

Proposed by Township Board Trustee David Maquera

Supported by Township Board Trustee Robert Pagel

Roll Call Vote:

Ayes: Suzanne Renton, Robert Pagel, Rae Holman, David Maquera, Philipp Riess, David Ladd, Ernest Hildebrand.

Nays: None

Abstain: None.

Motion Carried

ORDINANCE DECLARED ENACTED:

The foregoing Ordinance was enacted by the Charter Township of Oronoko, State of Michigan, on the 10th day of December, 2002, and entered by its Supervisor and Clerk on said date.

TOWNSHIP SUPERVISOR
Ernest Hildebrand

TOWNSHIP CLERK
Suzanne Renton

First published in the *Journal Era* on 27th day of November, 2002.

Final publication in *Journal Era* on 11th day of December, 2002, after passage by Charter Township Board at its meeting on the 10th, day of December, 2002.