



Legislation Text

File #: 11-1385, **Version:** 1

An Ordinance to Amend Sections 3:62 and 3:67 of Chapter 42, Open Space and Parkland Preservation, of Title III of the Code of the City of Ann Arbor (Ordinance No. ORD-11-25) Attached for your review and action are amendments to Chapter 42, Open Space and Parkland Preservation, of the Code of the City of Ann Arbor which:

- Expand the Greenbelt District Boundary one mile to the west and one mile south in Lodi Township, and one mile to the east in Salem Township.
- Permit a parcel of land that is adjacent to the Greenbelt Boundary and adjacent to a parcel under the same ownership within the Greenbelt District to be considered.

The Greenbelt Advisory Commission recommended approval of the proposed amendments at their September 14, 2011 meeting to increase the boundary in these specific Townships in recognition of the fact that Lodi Township has partnered with the City on purchase of conservation easements in their Township, and Salem Township has recently passed a PDR Ordinance, and allocated \$200,000 for land preservation.

By expanding the boundary in these Townships, there is the potential for more partnerships to leverage the City's Open Space and Parkland Preservation millage funds. The area of expansion is also adjacent to the areas identified in the Strategic Plan as focus areas for the Greenbelt.

The Townships are in support of the expansion.

Attachments: Lodi Support Resolution, 2011-10-08 SE Michigan Conservancy Letter of Support and Greenbelt Expansion 2011 Map

Prepared by: The Conservation Fund

Sponsored by: Carsten Hohnke

ORDINANCE NO. ORD-11-25

First Reading: November 10, 2011

Published: December 8, 2011

Public Hearing: December 5, 2011

Effective: December 18, 2011

OPEN SPACE AND PARKLAND PRESERVATION EXPAND THE GREENBELT DISTRICT BOUNDARIES

An Ordinance to Amend Sections 3:62 and 3:67 of Chapter 42, Open Space and Parkland Preservation, Title III of the Code of the City of Ann Arbor to Expand the Greenbelt District Boundaries

The City of Ann Arbor ordains:

Section 1. That Section 3:62 of Chapter 42 and the District Map, which, under the provisions of Section 3:62

(13) accompanies Chapter 42 and made a part of Chapter 42, of Title III of the Code of the City of Ann Arbor be amended to read and describe the Greenbelt District as follows:

3:62. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section unless the context in which they are used specifically indicates otherwise:

(1) *Agricultural rights* means an interest in and the right to use and possess land for the purposes and activities related to open space, natural habitat, horticultural and other agricultural use or open space character.

(2) *Agricultural use* means substantially undeveloped land devoted to the production of plants and animals useful to humans, including fruits, nuts, vegetables, greenhouse plants, berries, herbs, flowers, seeds, nursery stock, grasses, Christmas trees and lumber, forages and sod crops, grains and feed crops, dairy and dairy products, livestock (including breeding and grazing), poultry and poultry products and other similar uses and activities.

(3) *Application* means the documentation and information submitted to the City by a landowner on the approved application form offering to sell, donate or otherwise grant to the City a conservation easement, development rights or title to greenbelt district land.

(4) *City* means the City of Ann Arbor.

(5) *Code* means the Ann Arbor City Code.

(6) *Conservation easement* means a non-possessory interest in real property, which is acquired in accordance with MCL 324.2140 et seq. for the purpose of retaining and enhancing agriculture, preserving natural, scenic or open space values of real property; restricting or preventing the development or improvement of the land for purposes other than agricultural production; or other like or similar purposes.

(7) *Development* means an activity that materially alters or affects the existing conditions or use of any land in a manner that is inconsistent with agricultural use or open space character.

(8) *Development rights* means an interest in and the right to use, divide or subdivide land for any and all residential, office, commercial, research, industrial, or other use, purposes or activities including intensive animal husbandry operations, not incident to agricultural use or open space character.

(9) *Other eligible land* means land that has a common property line with agricultural land from which development rights have been purchased and that is not divided from that agricultural land by a state or federal limited access highway

(10) *Fair market value purchase* means transfer of full ownership to the City based on a qualified appraisal.

(11) *Full ownership* means fee simple title.

(12) *Greenbelt advisory commission* means the commission formed pursuant to this chapter to advise the City Council in the selection of greenbelt district lands.

(13) *Greenbelt district* is the land area surrounding the City of Ann Arbor in which the Greenbelt Advisory Commission shall exercise its powers as provided by this Chapter; the boundaries of which are hereby established and traverse the following townships as follows:

- a.) Lodi Township - that portion of land located within Sections 13-4 and 409-16, and 21-24, R5E, and lying East AND WEST of Zeeb Road and North of W. TEXTILE Pleasant-Lake Road.
- b.) Pittsfield Township - that portion of land located within Section 1, 12-24, and to the extent not incorporated within the City, Sections 6-8, R63, and lying North of Textile Road.
- c.) Scio Township - that portion of land located within Sections 1-4, 9-16, 21-28 and 33-36, R5E, and lying west of Zeeb Road.
- d.) Ann Arbor Township all that portion of land within Sections 1-8, 12-13, and to the extent not incorporated within the City, Sections 9-11, 14, 23-25, and 36, R6E, being all the land within the known and designated boundaries of the Township.
- e.) Superior Township- that portion of land located within Section 3-10, 15-22, and 27-34, R7E, and lying east of Prospect Road.
- f.) Webster Township - that portion of land located within Sections 21-28 and 33-36, R5E, and lying South of 5 Mile Road and west of Zeeb Road.
- g.) Northfield Township -that portion of land located within Sections 19-36, R6E, and lying South of 5 Mile Road.
- h.) Salem Township - that portion of land located within Sections 19-~~36~~22, and 27-34, R7E, and lying South of 5 Mile Road and west of Curtis Road.

and as shown on the district map which accompanies this chapter, and which, with all notations, references, and other information show thereon, shall be as much a part of this chapter as if fully described herein; and from which, applications for purchases of land and conservation easements will be considered.

(14) *Governmental agency* means the United States or any agency thereof, the State of Michigan or any agency thereof or any municipal corporation.

(15) *Open space character or open space use* means substantially undeveloped land devoted to (a) the maintenance or enhancement of natural processes (e.g. water quality, plant and wildlife habitat, groundwater recharge), (b) scenic enjoyment of the public or (c) otherwise satisfying the standards of sections 5:51 of the Code.

(16) *Owner* means the individual or individuals having fee simple title to the eligible land.

(17) *Parcel* means all property under a single ownership that is included in an application.

(18) *Parkland* means all property undeveloped and developed dedicated for the use of the public as a park.

(19) *Parks advisory commission* means the commission established by resolution of City Council to advise the City Council in the planning, selection, and management of parkland within and outside the City.

(20) *Permitted use* means any use contained within a conservation easement essential to the agricultural use or which does not alter the open space character or natural features of the land.

(21) *Qualified appraisal* means an appraisal done in conformance with the standards in Section 1:320 of the Code.

(22) *Residential development rights* means the right to sell portion of a parcel, or to construct a residence and related accessory buildings such as a garage or shed on a parcel, for residential uses not related to the agricultural use, open space character or natural features of the parcel.

(23) *Substantially undeveloped land* means land on which there is no more than one residential dwelling unit and related accessory buildings such as a garage or shed for each 40 acres of land. For parcels less than 40 acres in existence prior to the date of this chapter, and which cannot be joined to a larger contiguous parcel, substantially undeveloped land means land on which there is no more than 1 residential dwelling unit and related accessory buildings for the parcel.

Section 2. That Section 3:67 of Chapter 42 of Title III of the Code of the City of Ann Arbor be amended to read as follows:

3:67. - Greenbelt district land; description of greenbelt district.

Land and land rights voluntarily acquired under the provisions of this Ordinance shall include:

(1) Land outside the incorporated boundaries of the City of Ann Arbor within the Greenbelt District; except that a Parcel either dissected by the Greenbelt District boundaries, or contiguous to the Greenbelt District boundary and a parcel under the same ownership within the Greenbelt District as defined in Section 3:62(13) may be acquired in its entirety in the same manner under the provisions of this Ordinance as if the Parcel was within the Greenbelt District.

(2) Nothing in this Section alters or is intended to alter the designation of existing and future areas of the City under Section 5:10.1 of the Code as AG-agricultural-open space district.

Section 3. In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 4. This Ordinance shall take effect ten days after passage and publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of December 5, 2011.

Jacqueline Beaudry, City Clerk

Date

John Hieftje, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on December 8, 2011.

Jacqueline Beaudry, City Clerk