

6.05 "OSP" Open Space Preservation Overlay District

6.05-1 Intent of District

The establishment of this overlay district is to satisfy the requirements of Section 506 of the Michigan Zoning Enabling Act (2006 PA 110). It requires that qualified townships provide, at the option of the landowner, for the clustering of residential units on a portion of the property provided that fifty percent (50%) or more of the land is preserved in permanent open space. This overlay district shall be a development option for landowners within the following districts: "AGOS", "AG" and, with respect to land served by a public sewer system, "RS" and "RMH".

6.05-2 Permitted Uses

All permitted residential uses within the underlying district are permitted within the "OSP" Overlay District. At the landowner's option, one family dwellings and (where permitted in the underlying district) two-family dwellings shall be permitted within residential clusters subject to the following:

- A. Application Procedure.
 1. An application shall be filed identifying the landowner's desire to exercise the open space preservation development option. With the application, the landowner shall submit a comparison plan that adheres to site development requirements for one-family and/or two-family dwellings in the underlying zoning district. This can be in the form of a proposed plat establishing lots, a land division plan creating parcels or a planned unit residential development creating sites and/or units. This comparison plan shall determine the number of dwelling units that can be developed within the open space preservation plan. This comparison plan and the number of dwellings units shall be finalized by the Planning Commission during site plan review and approval.
 2. A site plan shall be submitted for review and approval by the Planning Commission. It shall be titled "Open Space Preservation Plan" and a copy of the comparison plan shall be included with the site plan. The site plan shall also contain the following additional information:
 - a. The date, north arrow, and scale. The scale shall not be less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.

- b. All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
- c. The location and dimension of all existing and proposed drives, sidewalks, curb openings, signs (showing sign height and, if the sign is a high-rise sign, the base elevation of the sign), exterior lighting, parking areas (show dimensions of a typical parking space), unloading areas, and recreation areas.
- d. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
- e. The name and address of the property owner or petitioner.
- f. The location and type of drainage, sanitary sewers, storm sewers, and other utility mains and facilities including location of interior and exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater.
- g. A summary schedule should be affixed, if applicable, which gives the following data:
 - (1) The number of dwelling units proposed, to include the number, size and location (by code if necessary) of one-bedroom units, two-bedroom units, mobile home sites, etc.
 - (2) The residential area of the site in acres and in square feet, including breakdowns for any subareas or staging areas (excluding all existing rights-of-way).
- h. Existing and proposed contour shall be shown on all site plans (two [2] feet intervals minimum) as may be required by the Township Engineer.
- i. The location of existing wetlands on the site, soil characteristics of the site at least to the detail provided to the U.S. Soil Conservation Service, water bodies, watercourses and floodplains.

3. The Planning Commission shall review the site plan and determine compliance with the ordinance standards for: a) requirements within the underlying zoning district; and b) requirements within this overlay district. They may approve the site plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the ordinance standards.
4. The applicant shall submit a timeline for development and identify any phases that may require further Township review and approval. The Planning Commission may impose conditions on this development timeline and the required open space in each phase shall not be less than 50% of the land area for that phase.

B. Conditions for Approval.

The required conditions shall be based upon the layout and design of the dwelling units and preservation of the open space as follows:

1. Layout/Design Provisions. The layout and design of the dwelling units shall be in a manner that achieves the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It shall balance what is economically feasible for efficient cluster development with the need to preserve the character of the area. Individual parcels, lots or sites within the residential cluster shall meet the following:
 - a. (Lot) Width: The parcels, lots, or sites (units) shall have a minimum lot width of no less than fifty percent (50%) of the minimum lot width requirement within the underlying district or seventy-five (75) feet, whichever is greater.
 - b. (Lot) Area: The parcels, lots, or sites (units) shall have a minimum lot area of no less than twenty-five percent (25%) of the minimum lot area requirement within the underlying district or 7,500 square feet, whichever is greater.
 - c. (Lot) Coverage: The parcels, lots or sites (units) shall have a maximum lot coverage of twenty-five percent (25%).

d. Floor Area: The minimum floor area for the dwelling unit shall meet the minimum standard within the underlying district.

e. Yard/Setback: The dwelling units shall meet the following setback provisions:

Front: Fifty percent (50%) of the underlying district but no less than thirty (30) feet.

Side: Fifty percent (50%) of the underlying district but no less than ten (10) feet.

Rear: Fifty percent (50%) of the underlying district but no less than twenty (20) feet.

2. Open Space Provisions. The intent of this overlay district is to preserve the character of the area consistent with that of the underlying district. In order to achieve this intent, the following conditions shall apply:

a. In order to comply with the Act, the following definition shall be used to describe the nature of the open space to be preserved:

Undeveloped State: A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to use of the public.

b. The applicant shall provide documentation of the means to preserve the open space, whether in the form of a conservation easement, deed restriction or similar method approved by the Planning Commission, and the party responsible for maintenance of the open space area. If proposed for dedication to the public, a letter of support from the public entity, indicating acceptance and responsibility for maintenance, shall be included with the application. A single entity, such as a private

association, non-profit organization or a public body, shall have responsibility for maintaining the land in permanent open space.

- c. No part of the parcels, lots or sites shall be counted toward the open space, nor any land devoted to roadways or other impervious surfaces, other than those of a recreational nature (such as bike paths, tennis or basketball courts, or for pavilions or picnic shelters).
- d. The open space, with the exception of active agricultural land use, shall be arranged in a manner so that it is contiguous and accessible by residents within the residential cluster. It shall also be arranged to connect to other open space areas on adjoining properties and/or connected to possible pedestrian or non-motorized trails.
- e. The Planning Commission may consider the preservation of those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.

6.05-3 Conditional Uses

No conditional uses permitted within the underlying zoning district shall be allowed unless such use is processed separately under the provisions for conditional uses in Section 7.10.

6.05-4 Site Development Regulations

The following regulations are based upon the relationship of the residential cluster(s) and the restricted open space to the adjoining properties, including the road right-of-way:

A. Cluster Setback.

The placement of any residential cluster, inclusive of lots or sites, shall be setback no less than fifty (50) feet from any abutting property line adjoining the open space preservation parcel and not less than one hundred (100) feet from any road right-of-way adjoining the open space preservation parcel. This area may be included within the calculated open space.

B. Access.

Access to the dwelling units within the residential cluster may be in the form of a public road or private road, with any private road adhering to the requirements in Section V.C. of the Tompkins Township Subdivision/Site Condominium Ordinance if the residential cluster is part of a plat or site condominium or, if the residential cluster is not part of a plat or site condominium, the requirements in Section 4.11 of the Ordinance.