

ARTICLE XV-A
OPEN SPACE CLUSTER DEVELOPMENT OPTION
(Ord. 11-02)

SECTION 15A.01 INTENT

The open space cluster development option is intended to permit, with Township approval, development of areas throughout the township which shall be substantially in accord with the goals and objectives of the Dundee Township Master Plan. It is the intent of this section to offer an alternative to conventional development through the use of Planned Unit Development legislation, as authorized by Section 16c of the Township Zoning Act (Public Act 184 of 1943), as amended) for the purpose of:

1. Encouraging the use of land in accordance with its character and adaptability;
2. Allowing innovation and greater flexibility in design;
3. Assuring the permanent preservation of natural, agricultural, social, cultural and historic resources;
4. Providing open space and recreational facilities within a reasonable distance of all residents of the development;
5. Provide complete non-motorized circulation to, from and within the development;
6. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts;
7. Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and,
8. Ensure various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

SECTION 15A.02 ELIGIBILITY CRITERIA

To be eligible for open space cluster development consideration, the applicant must present a proposal for residential development that meets each of the following:

1. **Recognizable Benefits.** An open space cluster development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as preservation of farmland, woodlands and open space, particularly along major thoroughfares, buffering development from streams and wetlands, extensive landscaping, unique site design features, aesthetic improvements and provision of buffers between incompatible uses.

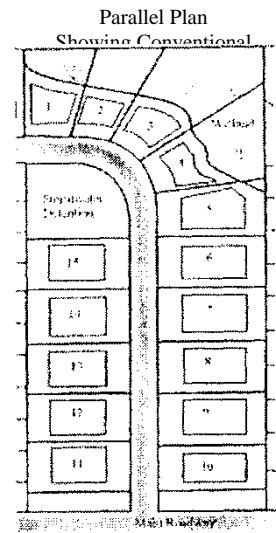
2. **Qualification Requirements.** The proposed development shall provide at least one (1) of the following open space benefits:
 - a. *Significant Natural Assets.* The site contains significant natural assets such as woodlands, significant views, natural drainage ways, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats, which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development.
 - b. *Recreation Facilities.* If the site lacks natural features, it can qualify if the development will preserve existing or provide new recreation facilities and open spaces to which all residents of the development shall have reasonable access. Such facilities include areas such as parks, passive recreational facilities, soccer fields, ball fields, pathways or similar facilities, but excluding golf courses. The design and development of recreational facilities shall not adversely impact to natural features, with the intent to place a higher priority on natural features preservation.
 - c. *Agriculture.* A site can qualify if the development will preserve the required open space for agricultural and agricultural buffering purposes.
3. **Guarantee of Open Space.** Usable open space shall be provided and the applicant shall guarantee that all open space portions of the development will be maintained in the manner approved, as required herein.
4. **Cohesive Neighborhood.** The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the development.
5. **Unified Control.** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient document of ownership or control in the form of agreements, contracts, covenants, and/ or deed restrictions that indicate that the development will be completed in its entirety as proposed.
6. **Master Plan.** The proposed development shall be consistent with and further the implementation of the Township Master Plan.

SECTION 15A.03 DWELLING DENSITY

1. **Density Determination by Parallel Plan:** The number of dwelling units allowable within an open space cluster development shall be determined through preparation of a "parallel plan." The applicant shall prepare, and present to the Township for review, a parallel plan for the project that is consistent with State,

County and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size, lot width and setbacks as normally required by the underlying zoning district, public roadway improvements and contain an area which conceptually would provide sufficient area for storm water detention.

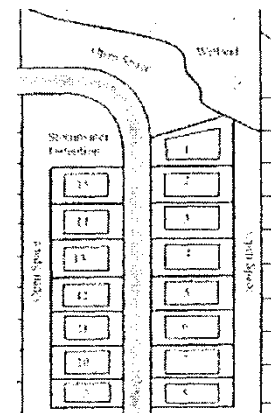
2. **Density Determination:** The Township shall review the design and determine the number of lots that could be feasibly constructed with the underlying zoning following the parallel plan. This number, as determined by the Township, shall be the maximum number of dwelling units allowable for the open space cluster development. The regulatory flexibility of an open space cluster development may be allowed to cluster the dwellings on smaller lots or mix housing types, provided the overall density shall not exceed that determined in the parallel plan, unless a density bonus is provided under subsection 3 below.



SECTION 15A.04 AREA AND BULK REGULATIONS

1. **Lot Sizes:** Lot areas and width may be reduced below the minimum requirements of the underlying zoning district, provided that the open space within the development equals or exceeds the total area of lot size reduction.
2. **Regulatory Flexibility:** The setback requirements of the underlying zoning district shall be used as guidelines for the open space cluster development plan. To encourage flexibility and creativity consistent with the intent of the open space cluster development regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance. A table shall be provided on the site plan that specifically details all deviations and any regulatory modification. Deviations shall only be approved through a finding by the Township that the deviation will result in a higher quality of development than would be possible using conventional zoning standards. Only those deviations consistent with the intent of this Ordinance shall be considered.

Clustered Open Space Plan



SECTION 15A.05 OPEN SPACE REQUIREMENTS

1. **Common Open Space:** All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation or agriculture.

2. **Amount of Open Space:** An open space cluster development shall maintain a minimum of 50% of the gross area of the site as dedicated open space held in common ownership.
3. **Areas Not Considered Open Space:** The following land areas are not calculated as dedicated open space for the purposes of meeting the requirements of Section 15A.05.2:
 - a. Area proposed as single family residential lots or site condominiums,
 - b. Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
 - c. The area of any road right-of-way or private road easement, and
 - d. Any submerged land area of a pond, lake or stream, provided protected wetlands and storm water detention ponds designed to function and appear as natural wetland may be counted as open space.
4. **Open Space Location:** Common open space shall be planned in locations visible and accessible to all in the open space cluster development (i.e. centrally located and not isolated corners of the development). The common open space may either be centrally located, along the road frontage of the development, located to preserve significant natural features, located to buffer adjacent farmland or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
 - a. The open space along the exterior public roads shall have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.
 - b. Open space shall be situated to maximize the preservation of any existing site woodlands.
 - c. A minimum one-hundred (100) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
 - d. A minimum one-hundred fifty (150) foot wide open space buffer shall be maintained between residential lots and any adjacent parcel occupied by a agricultural use.
 - e. Where adjacent land includes open space or pathways, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be interconnection to allow pedestrian movement between neighborhoods.

Open Space Protection: The dedicated open space shall be set aside in perpetuity by the developer through an irrevocable conveyance that is found acceptable to the Township Attorney, such as a conservation easement. The conservation easement shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another one. The conservation easement shall provide the following;

- f. Allowable use(s) of the dedicated open space shall be indicated. The Township may require the inclusion of open space restrictions that prohibit the following:
 - 1) Dumping or storing of any material or refuse;
 - 2) Activity that may cause risk of soil erosion or threaten any living plant material;
 - 3) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 - 4) Use of motorized off-road vehicles;
 - 5) Cutting, filling or removal of vegetation from wetland areas;
 - 6) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- g. Require that the dedicated open space shall be maintained by parties who have an ownership interest in the open space. Standards for scheduled maintenance of the open space shall be provided. The conservation easement shall provide for maintenance to be undertaken by the Township in the event that the open space is not adequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the owners of the open space.
- h. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Township Board approval, based upon a recommendation by the Planning Commission, provided such change shall not diminish compliance with the requirements of this ordinance.
- i. Nothing herein shall prevent the conveyance of open space to a public agency for recreational or conservation use.

SECTION 15A.06 NATURAL FEATURES

1. **Limits of Tree Clearing:** The development shall be designed so as to preserve natural resources. The limits of tree clearing and grading shall be clearly shown on the preliminary site plan or plat.
2. **Animal or Plant Habitats:** If animal or plant habitats of significant value exist on the site, the Township, as a condition of approval, may require that the site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

SECTION 15 A . 0 7 LANDSCAPING

The following landscaping requirements shall be met in addition to other landscaping requirements contained in the Zoning Ordinance:

1. **Street Trees:** Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one canopy trees shall be provided on each side for every forty (40) feet of road. Existing trees to be preserved within ten (10) feet of the road right-of-way or easement may be credited towards meeting this requirement.
2. **Frontage Greenbelt:** A minimum one-hundred (100) foot deep greenbelt shall be maintained along the exterior public roads. This greenbelt shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage arranged in natural groupings. Preservation of existing trees within the greenbelt may be credited towards meeting the landscaping requirement.

SECTION 15A.08 DESIGN STANDARDS

1. **Residential Facades:** Residential facades shall not be dominated by garages; at least 40% of residential units shall have side entry garages or recessed garages where the front of the garage is at least five (5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the aesthetic of the development and minimize the aesthetic impact resulting from the close clustering of units allowed under these regulations.
2. **Site Elements:** Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area. Residential entrance signs and commercial signs shall be approved as part of the final open space cluster development.

SECTION 15A.09 AGREEMENT

The applicant shall submit an Agreement stating the conditions upon which approval is based, for review and approval by the Township Attorney. The Agreement, after review by the Planning Commission and approval by the Township Board shall be entered into between the Township and the applicant and be recorded with the County Register of Deeds. Approval shall be effective upon recording. Said agreement shall provide:

1. A survey of the acreage comprising the proposed development.
2. The manner of ownership of the developed land.
3. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
4. Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Township may require conveyances or other documents to be placed in escrow to accomplish this.
5. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
6. The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Township Board.
7. Provisions to ensure adequate protection or natural features.
8. The preliminary site plan shall be incorporated by reference and attached as an exhibit.

SECTION 15A.10 APPROVAL PROCESS

1. **Review Process:** An open space cluster development may be approved by the Township Board, based upon a recommendation by the Planning Commission following the review procedures and approval standards of this Chapter and the Township Subdivision Control Ordinance, where a subdivision is being proposed, or Article 16, Site Plan Review, if a condominium or multiple family development is being proposed.
2. **Public Hearing:** The Commission shall conduct at least one (1) public hearing for the purpose of receiving public comments on the proposed open space cluster development. Notification of the public hearing shall be the same as that required for special land uses in Section 15.2, Special Approval Procedures. At the public hearing, the Planning Commission shall review both the open space cluster development preliminary site plan and the parallel plan.

3. **Planning Commission Recommendation to the Board:** Following the public hearing the Commission shall review both the open space cluster development preliminary site plan and the parallel plan and make recommend to the Board approval, denial, or approval with conditions. The Commission shall state its reasons for such recommendation. The minutes containing the record of the public hearing and the Commission's recommendation shall be forwarded to the Board and to the applicant prior to the Board's consideration of the open space cluster development. The Planning Commission shall also concurrently make a recommendation to the Township Board regarding the tentative preliminary plat or preliminary site plan, as applicable.
4. **Conditions:** Reasonable conditions may be required with the special approval of an open space cluster development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Dundee Township Master Plan.
5. **Final Approvals:** Following preliminary approval, the application shall follow the procedures and requirements for final approvals following the subdivision or site plan review process, as applicable. All final site plans or final preliminary plats subsequently submitted shall conform with the preliminary open space cluster development plan, all conditions attached to preliminary approval and the requirements of this ordinance. Where the Planning Commission determines that changes to the final site plan or final preliminary plat significantly deviate from the preliminary open space cluster development plan, the Planning Commission shall conduct another public hearing and review the plan as an amended resubmission of the preliminary site plan under the standards of this chapter.
6. **County and State Approvals:** All lots that are not served by public water and sewer shall conform to the requirements of the Monroe County Health Department. Documentation of Health Department approval of all lots shall be provided prior to final site plan approval. Final plans shall be approved by the Monroe County Road Commission and the Monroe County Drain Commission prior to the Township Board granting final site plan approval.