

# ITEM 3 - Proposed Zoning Ordinance Changes to Version 4.1

## Change general wording “CZO” to “Cluster Housing”.

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~~Conservation-Clustered Housing~~ **Zoning Option(CZO):** A residential development option that allows for variations in development regulations (development standards) in order to permanently preserve open space, encourage continued agricultural activities and retain the Township's rural character.

**Dedicated Open Space:** That part of a Clustered Housing CZO site or parcel which is dedicated to permanent recreation, agricultural, wildlife management and open space uses pursuant to an [irrevocable conveyance](#).

**Residential Component:** That part of a Clustered Housing CZO site, exclusive of [dedicated open space](#), which is dedicated to residential and customary accessory uses.

### **CONSERVATION-Clustered Housing ZONING OPTION**

#### SECTION XIII.1 PURPOSE AND INTENT

The purpose of ~~the Clustered Housing~~Conservation Zoning Option(~~CZO~~) is to provide landowners a residential development alternative with an opportunity to achieve [dedicated open space](#) and preservation of the Township's rural character.

It is the intent of the Clustered Housing is~~CZO~~ to allow home sites which are sensitive to the natural environment and are compatible with the existing rural character in Glen Arbor Township. In order to insure compatibility with the existing rural character, homes should be sited in order to blend with the landscape with minimal exposure to roads and [highways](#). They should fit the natural contour of the land and preserve the elements of rural, cultural and historic character.

~~Conservation-The Clustered Housing~~ Zoning Option is intended to implement the Glen Arbor Township Master Plan by:

- A. Planning residential developments to protect the Township's rural character and appearance;
- B. Making rural development compatible with the natural environment and preserving natural features and land forms (topography, steep slopes, [ridge lines](#), drainage ways, shorelines, open meadows, wetlands, lakes ponds, dunes, tree lines and woodlands);
- C. Providing permanent open space for present and future generations of Township residents;
- D. Protecting scenic views of prominent features; and,
- E. Limiting curb cut accesses to the public road network to minimize accident potential.

### **SECTION XIII.2 SCOPE**

~~Conservation-~~**The Clustered Housing** Zoning Option (~~CZO~~) is permitted in the Agricultural and Residential Districts. Conservation Zoning Option is permitted in subdivisions and site condominiums. No more than one unit will be allowed within 150 feet of any lake or river for each 100 feet of water frontage.

### **SECTION XIII.3 DEVELOPMENT & DENSITY REQUIREMENTS FOR CLUSTERED HOUSING~~CZO~~**

- A. The land owner/applicant shall specify the intended use of the open space lands and the intent to make an [irrevocable conveyance](#) and access of said open space.
- B. Where more than one [driveway](#) is permitted, they shall either access to different public roads or be spaced not less than 1,000 feet apart as measured between driveway centerlines.
- C. Lots for houses shall make the best use of natural topography along with existing and new vegetation to minimize the visibility of structures from existing roads, and have minimal impact on altering existing open fields or woodlands. Residential structures located within 1000 feet of existing public roads shall not front directly onto these public roads.
- D. Holding tanks and [central septic systems](#) may be located in the open space.
- E. The developer is responsible for the installation of [central septic systems](#) and all other utilities. All utilities must be installed underground.
- F. In the Agricultural District the 200 foot road frontage per lot requirement will be eliminated to achieve the desired clustered unit density.

**SECTION XIII.4 MINIMUM PARCEL SIZES**

The developer is responsible for the installation of all utilities. All utilities must be installed underground. In all cases, the minimum parcel size must be calculated as a contiguous parcel of land.

Criteria	Applicable Zoning Districts				
	R I	R II	R III	R IV	Ag & R VI
Minimum parcel size under single ownership in square feet.	90,000	180,000	270,000	360,000	786,000
Minimum unit size with <a href="#">central septic system</a> in feet.	40 X 70	40 X 70	40 X 70	50 X 100	50 X 100
On-site drain fields or <a href="#">central septic systems</a> .	applies to all districts				
Underground utilities Electricity, telephone, cable TV, and gas.	applies to all districts				
Maximum number of <a href="#">driveways</a> per 20 acre or less parcel.	2	2	2	2	3
Minimum <a href="#">dedicated open space</a> land.	20 %	40 %	40 %	40 %	80 %
Maximum <a href="#">dedicated open space</a> for developed recreational use.	30%	20%	20%	20%	20%

**SECTION XIII.5 DETERMINING THE NUMBER OF DWELLING UNITS**

The number of allowable dwelling units shall be calculated based on the total acreage of the site or parcel. Maximum density shall be calculated as follows:

- A. The number of dwelling units allowed for ~~Conservation~~ **the Clustered Housing** Zoning Option shall be calculated by dividing the gross square footage of the parcel by the number of square feet required for one dwelling unit in the underlying district.
- B. When the end density calculation results in a whole number of units plus a fractional portion of a unit, the fractional portion shall be rounded to an additional whole number when its decimal equivalent is equal or greater to .50 or larger. When the fractional portion decimal equivalent is less than .50, it shall be rounded down leaving the whole number unchanged.

**SECTION XIII.6 BASE ZONING REGULATIONS AND SITE VARIATION**

No part of Conservation Zoning Option may be appealed to the Zoning Board of Appeals. This shall not preclude an individual lot owner from seeking a [variance](#) following approval of a ~~an~~

Clustered Housing CZO, provided such variance does not involve alterations to open space or regulatory modifications as shown on the approved Clustered Housing CZO site plan.

### **SECTION XIII.7 PERMITTED USES FOR RESIDENTIAL COMPONENT OF CLUSTERED HOUSING CZO**

The residential component of the Clustered Housing CZO, as distinguished from dedicated open space, shall permit the following principal and accessory uses. Dedicated open space uses shall be permitted in accordance with SECTION XIII.8. In the RI, RII, RIII, RIV, RVI, and Agricultural uses in the residential component shall be as permitted by the underlying zoning district. A minimum barrier setback of twenty (20) feet shall be provided between residential units in RI, RII, RIII and RIV. A minimum barrier setback of fifty (50) feet shall be provided between the Agricultural District and RVI components.

### **SECTION XIII.8 OPEN SPACE REQUIREMENTS**

- A. MINIMUM OPEN SPACE DEDICATION REQUIRED. The required amount of dedicated open space shall be as specified in SECTION XIII.4. Said land shall be used for parks, recreation, conservation, wildlife management uses or preserved in an undeveloped state.
- B. AREAS NOT CONSIDERED AS DEDICATED OPEN SPACE. The following areas shall not be included in the dedicated open space:
  - 1. The area of any public road right-of-way either existing or proposed to be dedicated to the public.
  - 2. Land that is devoted to residential lots.
  - 3. Land area that is retained by an individual(s) and is not available for use in common with other owners or the residents except that agricultural lands which are the subject of an irrevocable conveyance shall be allowed to be counted as dedicated open space.
- C. LOCATION. Dedicated open space may be centrally located or located to preserve significant natural features and/or agricultural activities. Open space dedicated to public use shall have access to a public road or have access via an easement.
- D. CONNECTIONS. Dedicated open space may either be a single contiguous area or separate area connected by paths or walkways. Connections to adjacent open space, public land or already existing or planned pedestrian/bike paths may be required.
- E. ALLOWABLE STRUCTURES. Any structure(s) or building(s) accessory to a recreation or conservation use may be erected within the dedicated open space, subject to the approved Clustered Housing CZO site plan. The accessory structure(s) or building(s) shall not exceed, in the aggregate area, one percent (1%) of the maximum dedicated open space allowed for developed recreational use as stated in SECTION XIII.4.
- F. WATER SYSTEMS & DRAIN FIELDS. Water Systems and drain fields for waste treatment systems serving the residential units may be located in the open space if provided for in site plan.
- G. IRREVOCABLE CONVEYANCE. Dedicated open space may be set aside by the owner/applicant by irrevocable conveyance as shall be agreed upon between the Township and the applicant. Irrevocable conveyance shall include recorded deed restrictions, protective covenants and conservation easements per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 399.251). The irrevocable conveyance shall insure that dedicated open space uses shall

be permanently protected as agreed upon between the applicant and the Township.  
Such conveyance shall:

1. Describe and illustrate the proposed uses of the dedicated open space.
  2. Provide the Township with discretion on how to control and manage:
    - (a) The dumping or storing of any material, equipment or refuse;
    - (b) Activities that may increase the risk of soil erosion or damage to vegetation.
  3. Provide for maintenance and standards for scheduled maintenance by those parties having an ownership or use interest in the dedicated open space.
  4. Provide for the assumption of maintenance by the Township if the dedicated open space land is inadequately maintained or is determined by the Township to be a public nuisance. The conveyance shall also provide for recovering the maintenance costs from the parties having an ownership or use interest in the dedicated open space, should the Township need to assume maintenance responsibilities.
- H. OWNERSHIP. Dedicated open space shall be owned, administered and maintained by one of the following or similar entities at the discretion of the original landowner, except that Glen Arbor Township ownership is also discretionary with the Township.
1. Conveyance to:
    - (a) A homeowners association.
    - (b) A condominium association.
    - (c) A private conservation organization.
    - (d) Glen Arbor Township.
  2. Transfer of easements to Glen Arbor Township or to a private conservation organization.
- I. PERMITTED USES OF DEDICATED OPEN SPACE. The use of the dedicated open space shall be as agreed upon between the applicant and the Glen Arbor Township Planning and Zoning Commission and as shown on the approved site plan and described in the irrevocable conveyance. In agreeing to a dedicated open space use, careful consideration shall be given to the need for compatibility between the residential community and the Township in the uses; except that no more than 20% of the dedicated open space shall be used for developed recreational uses such as, but not limited to: golf related activities, baseball and /or soccer fields, tennis courts and/or basketball courts, pools, etc.
- J. CHANGE IN USE OF DEDICATED OPEN SPACE. Dedicated open space shall be used as shown in the approved site plan. Any change in the use of the dedicated open space must be reviewed and approved by the Glen Arbor Township Zoning and Planning Commission and the Glen Arbor Township Board.
- K. ENFORCEMENT OF DEDICATED OPEN SPACE REQUIREMENTS. Whichever conveyance and ownership structure is employed, the Township Board or Zoning Administrator shall be responsible for enforcement of the terms of the dedicated open space agreement.

### **SECTION XIII.9 CLUSTERED HOUSING CZO APPLICATION AND APPROVAL PROCEDURES**

- A. PRE-APPLICATION CONFERENCE. Prior to submission of a formal application for Clustered Housing CZO, the applicant shall request a pre-application conference with the Zoning Administrator. The purpose of the meeting will be to inform the Zoning

Administrator of the applicant's intent and to determine whether the minimum eligibility requirements for ~~an CZO~~**Clustered Housing** are satisfied. In order to demonstrate intent, the applicant shall provide the following information:

1. A map of the proposed **Clustered Housing CZO** site showing the property boundaries with dimensions, adjacent roads, topography, non-buildable areas, site size and existing zoning.
  2. A sketch plan showing a general layout of how the applicant intends to use the property (lot locations, roads, etc.). This plan must demonstrate at least the minimum eligibility requirements, the intended use of the [dedicated open space](#), and the method of dedication.
  3. A written statement indicating that the applicant intends to meet the minimum eligibility and density requirements, and such other information as will illustrate the applicant's intent. If the Zoning Administrator determines that the sketch plan satisfies the minimum eligibility requirements, the applicant may submit a formal **Clustered Housing CZO** Site Plan application.
- B. Clustered Housing CZO APPLICATION AND APPROVAL.** The **Clustered Housing CZO** shall be processed in accordance with **Error! Reference source not found.**, Site Plan Review. Approval is subject to meeting the requirements as set forth in the Glen Arbor Township Parcel Division Ordinance. Approval shall be by a majority vote of the members of the Glen Arbor Township Planning and Zoning Commission.
- C. PHASING.** If the site plan is approved, the landowner may, from time to time, and at the landowner's discretion, split off lots in accordance the Land Division Act, Public Act 288 of 1967, as amended, provided such splits are consistent with the approved site plan.