

ARTICLE 21

OPEN SPACE PRESERVATION/CLUSTERING DEVELOPMENTS

21.1 OPEN SPACE PRESERVATION/CLUSTERING DEVELOPMENT OPTION: This Article provides the requirements applicable to an innovative type of residential development recognized by the Schoolcraft Township Master Plan and the Michigan Zoning Enabling Act. Pursuant to Section 506 of the Michigan Zoning Enabling Act (2006 Public Act 110), notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements) land qualified for this development option 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, pursuant to the provisions of this Article.

21.2 LAND QUALIFIED FOR THIS DEVELOPMENT OPTION: Land is subject to the open space preservation/clustering development option provided by this Article only if all of the following apply:

1. The land is located in the RR Rural Residential District, or is otherwise zoned for residential development at a density equivalent to 2 or fewer dwelling units per acre; or, the land is served by a public sewer system and is located in the R-1 Medium Density Residential District, the R-2 Medium Density Residential District, or the R-3 Medium Density Residential District, or is otherwise zoned at a density equivalent to 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.

As used in this section the term "undeveloped state" 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, greenway, or linear park.

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 provision 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.

21.3 REVIEW PROCEDURES: A residential development proposed under this Article shall be submitted to the Planning Commission for review pursuant to the following procedures:

1. The applicant shall submit a hypothetical “standard” development plan showing the number of dwelling units/lots that could be developed on the subject property under existing ordinances, laws, and rules, if the applicant were to develop the subject property without exercising the open space preservation/clustering option under this Article of the Ordinance. The content of this hypothetical “standard” development plan shall meet the submission requirements for a tentative preliminary plat pursuant to Section 5.A.(1.-10.) of the Subdivision Development Ordinance (Ordinance No. 224, as amended).
2. The applicant shall submit a development plan for the proposed open space preservation/clustering development showing not more than the total number of dwelling units/lots that could otherwise be developed on the subject property pursuant to the hypothetical standard development plan. The content of this open space preservation/clustering development plan shall meet the submission requirements for a tentative preliminary plat pursuant to Section 5.A.(1.-10.) of the Subdivision Development Ordinance (Ordinance No. 224, as amended), and shall otherwise have sufficient information to enable the Planning Commission to determine whether the development complies with Section 506 of the Michigan Zoning Enabling Act and all other applicable laws and ordinances.
3. The Planning Commission shall review and approve an open space preservation/clustering development plan presented at the option of the landowner of the subject property upon determining:
 - A. The development complies with Section 506 of the Michigan Zoning Enabling Act, 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 506 of the Michigan Zoning Enabling Act (MCL 125.3506).
 - (2) The Land Division Act (MCL 560.101 et seq).
 - (3) The Subdivision Development Ordinance (Ordinance No. 224 as amended), the Land Division Ordinance (Ordinance No. 180, as amended), and any other 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 groundwater for on-site water supply for land not served by public water.
 - (5) Rules for on-site sewage disposal for land not served by public sewers.

- B. The applicant has submitted (or is required to submit as a condition of approval) an executed document in recordable form ensuring that the land area designated on the development plan to remain in an “undeveloped state” (not less than 50% of the land area of the subject property) will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other sufficient legal means that runs with the land. A recorded copy of this document shall be filed with the Zoning Administrator before any on-site construction of the development is commenced.