

## Section 719.130 – Open Space Preservation Option

- A. Intent – The Open Space Preservation Option aims to promote the long-term preservation of open space and natural features, as well as the provision of recreation and open space areas, as outlined in P.A. 177 of 2001.
- B. Eligibility Requirements—In areas served by municipal sewers, eligible properties shall be zoned for three (3) or fewer dwelling units per acre (AG and R districts). In areas not served by municipal sewers, eligible properties shall be zoned for two (2) or fewer dwelling units per acre (AG, R, and RM zoning districts).
- C. Density – Land meeting the above eligibility requirements may be developed with the same number of dwelling units on a portion of the site, but not more than 50%, that could otherwise be developed under existing ordinances, laws, and rules on the entire land area, as determined by the approving body.
  1. Density shall be calculated as follows: A parallel plan shall be submitted to the approving body to establish the maximum permitted density. A parallel plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the Township. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan, including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands, and similar features. The approving body shall determine that a parallel plan is acceptable once it meets all applicable Township ordinance requirements and, based on the plan, determine the number of dwelling units permitted under the Open Space Preservation Option. A separate review fee for the parallel plan shall be submitted with the application.
- D. Design Requirements
  1. A minimum of fifty (50%) percent of the gross site area shall be preserved as permanent open space in an undeveloped state.
  2. Permanent open space shall include important natural, environmental, agricultural, and/or cultural features, such as:
    - a. steep slopes,
    - b. wetlands, floodplains, natural water courses,

- c. woodlands and wildlife habitats
- d. scenic views,
- e. agricultural or equestrian components,
- f. historical structures, and historical or archeological sites,
- g. recreational pathways and facilities,
- h. buffers from major thoroughfares and more intensive land uses,
- i. similar features acceptable to the approving body.

3. Under the Open Space Preservation Option, the minimum lot size and width shall be according to the following table unless the approving body determines that a smaller minimum lot size shall be necessary to comply with the requirements of P.A. 177 of 2001. In such cases, the approving body may modify lot area and lot width requirements to assist in the creation of open space if the Applicant can demonstrate approval of reduced lot area and width from the County Health Department. In those instances where lot sizes are reduced in accordance with the Open Space Preservation Option, yard requirements for a given lot shall be governed by the zoning district that has minimum lot area and width standards that correspond to the dimensions of the typical lot within the development.

DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM SETBACK				NET BUILDABLE AREA
			FRONT	REAR	LEAST SIDE	TOTAL OF TWO SIDES	
AG, Land divisions without sewer	1.0 acre	120'	50'	50'	20'	40'	21,040
AG, subdivision or condominium	0.5 acre	120'	40'	30'	15'	30'	10,035
R without sewer	0.5 acre	120'	40'	30'	15'	30'	10,035
R with sewer	7500 sq. ft.	75'	25'	20'	10'	25'	2,750
RM without sewer	0.5 acre	120'	40'	30'	15'	30'	10,035

\* The minimum lot area is subject to approval by the Macomb County Health Department for onsite sewage disposal.

4. Open space areas shall be accessible to all lots in the development, either directly from a pathway system or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted access to agricultural implements, farming equipment, or other necessary access for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.
5. Preserved open space shall be connected with adjacent open space, public land, and existing or planned pedestrian/bicycle paths, where feasible, as determined by the approving body.
6. Homes shall be visually screened from view along existing roadway corridors in order to reduce visual impact and the appearance of a compact subdivision in a rural area. A minimum 100-foot buffer area along existing county and State roads shall be maintained for the entire development frontage. Only access to new internal roadways shall be permitted to bisect this buffer area. The buffer shall be landscaped or maintained in its natural vegetative state if it provides an equivalent level of screening and will count as part of the required minimum open space.

#### B. Open Space Maintenance

1. All open space shall remain perpetually undeveloped using a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land.
2. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel before acceptance by the approving body.
3. All open space agreements which involve donations of land to the Township, or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development.

#### C. Review Process

1. All proposed Open Space Preservation Option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium etc.) and in accordance with the development standards in this Section and other applicable ordinances.

2. All open space preservation option plans shall include a resource inventory that contains the following:
  - a. All floodplains, wetlands, and water bodies
  - b. A woodland analysis identifying all significant woodlands.
  - c. All wildlife habitat areas
  - d. An analysis of on-site and topography to identify limitations to development.
  - e. An analysis of the cultural features of the site, such as scenic views, historic structures, patterns of original farm fields, fences or stone walls, recreational uses, archeological sites, and the like.