

**ARTICLE 8
OPEN SPACE PRESERVATION (OSP) OPTION**

SECTION 8.00 INTENT

The intent of open space development is to provide a procedure for residential development that will result in concentrated and enhanced living environments. OSP development can permit more economical residential development and encourage a variety of architectural types and styles for residential dwellings. It will provide a basis for ingenuity and originality in residential lot and street design and development and will preserve open space to serve recreational, scenic, and public service purposes. The provisions have been modified in compliance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

SECTION 8.01 OSP APPROVAL PROCEDURE

An OSP development shall be constructed in accordance with a subdivision plan, condominium plan, or land division plan.

- A. Parallel Plan.** Applicants shall submit a parallel plan, a location map, a topography map, an aerial photo, a concept plan and other such information as is necessary, and shall seek advice from and confer with the Tyrone Township Planning Commission, prior to formal submission of a preliminary subdivision plat or condominium plan or land division application.
- B. Preliminary Plan.** A preliminary subdivision plat, condominium plan or land division application shall be filed and processed in accordance with the procedures set forth in this ordinance and in the Tyrone Township Subdivision Control Ordinance or Land Division Ordinance, as may be appropriate, and otherwise required by these separate Ordinances.
- C. Site Plan Compliance.** All condominium plans shall conform to the plan preparation requirements, review and approval procedures, and design, layout and improvement standards in Section 21.43.
- D. Land Division Compliance.** All land division applications shall comply with the requirements of the Land Division Ordinance in addition to the requirements of this Zoning Ordinance.

- E. Impact Assessment.** In addition to submitting the other materials required by this Ordinance, a developer may be required to submit an Impact Assessment according to Section 23.04 in this Ordinance if such an assessment is determined to be necessary in the sole opinion of the Planning Commission.
- F. Zoning Ordinance Compliance.** All information shall be submitted in accordance with the procedures of this Zoning Ordinance.

SECTION 8.02 CLUSTER DEVELOPMENT OPTION

Development under the CDO development option is permitted only in the FR, RE, R-1, R-2, and LK-1 zoning districts, and is subject to approval of the Township Planning Commission and Township Board, provided the requirements contained in this ordinance are satisfied. Cluster development included in PUD Districts shall be limited to those circumstances where the Planning Commission and Township Board find the proposed cluster development will provide open space benefits in the development of single family detached dwellings in a planned unit development.

- A. Reserved.**
- B. Arterial or Collector Road.** Each development utilizing CDO provisions shall have at least one (1) property line abutting an arterial or collector road. Access routes for the cluster development shall be provided to the arterial or collector road(s) in accordance with the published design standards of the American Association of State Highway and Transportation Officials (AASHTO).
- C. Number of Dwelling Units.** The total number of dwelling units permitted in the cluster development shall be determined by dividing the total land area of the subdivision by the minimum lot area required for the applicable zoning district before lot area modification.
- D. Sanitary Sewer Requirements.**
 - 1. RE and R-1 Zoning Districts.** Cluster development will only be permitted when community septic systems or public sanitary sewer systems are available to serve all lots at the reduced lot size.
 - 2. R-2 and LK-1 Zoning Districts.** Sanitary sewer service must be available for any development utilizing cluster development. In the event that sanitary sewer is not available to service proposed dwellings, cluster development shall not be allowed.

E. Modification of Requirements. Modification of lot area, width and yard setback requirements.

1. Lots may be reduced in area below the lot size required by the residential zoning district in which the subdivision is located. Lot area reductions may be up to fifty (50) percent in the FR, RE, R-1, R-2, and LK-1 Districts according to the following schedule:

Zoning District	Minimum Lot Area in Zoning District	Proposed Minimum Lot Area with Cluster Option	Minimum Open Space Required per Proposed Lot with Cluster Option
FR	3 acres	1.5 acres	1.5 acres
RE	1.75 acres	0.875 acre	0.875 acre
R-1	1 acre	0.5 acre	0.5 acre
R-2	21,780 sq. ft.	10,890 sq. ft.	10,890 sq. ft.
LK-1	21,780 sq. ft.	10,890 sq. ft.	10,890 sq. ft.

2. All land remaining after lot area reductions shall be preserved and maintained in perpetuity for its scenic value or for recreation and conservation purposes. Such open space shall be protected to remain as open space by a conservation easement, plat dedication, restrictive covenant, or other legal mechanism that runs with ownership of the land.
3. Front yard setbacks may be staggered to provide for a variety in the size of such yards, subject to review and approval of such a design by the Planning Commission. The minimum average setback distance shall not be less than the front yard setback requirement for the applicable district.

F. Public Sewer. When the development is located in an area served by public sewers, the design, construction and connection to the public sewer shall conform to the requirements of Tyrone Township, Livingston County, and the Genesee County District Sewer associated with the specific district where the development will be located.

SECTION 8.03 OPEN SPACE PRESERVATION DESIGN STANDARDS

Open space preservation areas shall be provided in compliance with the provisions of Section 21.51. All open space areas preserved under these provisions must meet the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. In particular, open space

areas must be preserved in an undeveloped state as defined in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, which excludes golf course development on open space preserved by these provisions.

SECTION 8.04 CLUSTER DEVELOPMENT PROCEDURES FOR SUBMITTAL

- A. Individual lots, buildings streets, and parking areas shall be designed and situated to minimize alteration of the natural site features.
- B. The usefulness of open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.
- C. Open space shall include irreplaceable natural features located on the parcel such as, but not limited to, stream beds, significant stands of trees, and individual trees of significant size.
- D. Isolated steep slopes shall be preserved when open flatter land is available for development.
- E. Open space intended for recreation or public use shall be easily accessible to pedestrians. Accessibility shall meet the need of the handicapped older citizens.
- F. The suitability of open space intended for scenic value and purposes shall be determined by its visibility from a significant number or units or buildings.
- G. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- H. Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from the view of buildings, and to lessen the area devoted to motor vehicle access.
- I. Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise and traffic.

SECTION 8.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- Article 2: Definitions
- Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site, etc.
- Article 23: Site Plan Review and Project Evaluation Report
- Article 24: Private Road and Shared Private Driveway Standards
- Article 25: Off-Street Parking and Loading Regulations
- Article 27: Outdoor Advertising and Sign Regulations
- Ord. 16: Subdivision Control Ordinance
- Ord. 25: Land Division Ordinance

REVISIONS:

- 2007 APRIL - Intent
- 2007 DECEMBER - 8.02; 8.02.D and E as part of LK-1 revision.
- 2012 MAY - Removed PUD from 8.02.
- 2018 MARCH - Revised Section 8.00 & 8.03 to reference Michigan Zoning Enabling Act, 8.02.A, D, and E, to address open space elimination.