

ORDINANCE NUMBER 50
AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE
(RESIDENTIAL CLUSTER OPTION)

MANCHESTER TOWNSHIP ORDAINS THAT THE MANCHESTER TOWNSHIP ZONING ORDINANCE BE AMENDED AS FOLLOWS:

Section One: That section 16.14 of the Manchester Township Zoning Ordinance be amended to read as follows:

SECTION 16.14 - Residential Cluster Option

The intent of this Section is to permit the development of one-family residential options which, through design innovation will provide an alternative means for development of single-family within the AR, LR and UR districts.

A. Purpose - The cluster development provision has the following purposes:

1. to preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land;
2. to preserve open space for the use of residents of the subdivision or to the Township at large, and to concentrate such open spaces in locations and of such size and shape as to be accessible, usable and maintainable;
3. to encourage creative approaches to the design and development of residential areas;
4. to permit economy of the required improvements;
5. to permit variety in the size and shape of residential lots;
6. to permit flexibility in the location and grouping of residential buildings; and
7. to permit flexibility in the layout of site condominiums and residential subdivisions.

This cluster option is to be applied to a parcel of land within an AR, LR and UR districts; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations.

B. Pre-Application Conferences

1. A potential applicant for a Residential Cluster Option shall request a pre-application conference with Township officials prior to filing said application. The request shall be made to the Planning Commission chair-person who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Planning Commission chair-person shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process, such as but not limited to Township Consultants, County Road Commission Engineer, County Health Department, and County Drain Commission.
2. The purpose of the conference is to inform Township and other officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township and other agencies in terms of the proposed development. To this end the applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.
3. Statements made in the conference shall not be legally binding commitments.

B. General Regulations - Cluster development is permitted in the AR, LR and UR districts, subject to all regulations, except as specifically modified in this Section.

C. Minimum Area - The minimum parcel area for a cluster development shall be forty (40) acres in the AR, LR, and UR districts.

D. Permitted Uses - All permitted, accessory, and conditional uses as listed in the AR, LR and UR districts are permitted.

E. Density of Development - The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district involved.

The land area used in the residential density calculation shall include public and private road rights-of-way, existing and proposed, that are located within the proposed subdivision but shall not include any existing right-of-way of any boundary roads of the subdivision.

The horizontal surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating density if at least fifty (50) percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible to residents of the residential development.

Land areas to be used in calculating gross residential densities shall be delineated on the preliminary site plan and final site plan so that the acreage and density computations can be confirmed.

F. Open Space Requirements

- 1.** All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, a utility easement or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. Grading shall be minimal, with the intent to use existing topography.
- 2.** When completed, a development shall have at least fifty (50) percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for outdoor recreational purposes harmonious with peaceful uses in and surrounding the development; Such open space shall not include the yard areas adjacent to buildings.
- 3.** An additional density increase of ten (10) percent of dwelling units for residential uses may be allowed in the discretion of the Township Board based upon a demonstration by the applicant that not less than sixty (60) percent of the total area of the property shall be permanently reserved for open space (which may include outdoor recreational use), and that the set back from existing roads is at least one-hundred (100) feet.

FG. Area, Placement and Height Regulations - The regulations for the AR, LR and UR districts as provided in SECTIONS 5.0, 6.0 and 7.0 may be modified as follows for single-family dwellings and their accessory structures only:

- 1. Minimum lot area** - As approved by the Washtenaw County Health Department.
- 2. Minimum lot width** - 25 feet at the existing or proposed street line.
- 3. Maximum ground floor coverage** -Not applicable.
- 4. Maximum floor area ratio** -Not applicable.
- 5. Minimum yards:**

Side yards, Adjacent dwelling structures shall be a minimum of twenty-five (25) feet apart. Perimeter property lines existing prior to Residential Cluster designation shall meet setback requirements of zoning district existing prior to Residential Cluster designation.

Rear yard, 15 feet.

GH. Common Open Spaces and Facilities - Each square foot of excess land area resulting from the lot reductions provided in item E and F preceding, shall be dedicated to the common use of the owners and residents in the

development. The manner of dedication shall be approved by the Township Planning Commission. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.

These areas shall have a minimum area of four (4) acres and a minimum dimension of one hundred (100) feet. The location, size, and suitability for the intended uses of the dedicated open space lands, and shape of the dedicated areas shall be subject to approval by the Township Planning Commission. Such land areas shall not include as a part of the minimum acreage, bodies of water, swamps, or areas of excessive grades which make the land unusable for recreation; however, the area may be in a flood plain. The land areas shall be graded and developed so as to maintain natural drainage. If the open space area is to consist of two or more parcels, at least one parcel shall have the minimum area of four acres. The minimum dimension shall in all cases be one hundred (100) feet, and the location, size and shape of any parcel shall be subject to approval by the Township Planning Commission. A parcel divided by a drainage course, stream, or river shall be considered as one parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways.

The developer or subdivider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision and prior to final site plan review in a site condominium. Each common open space shall have a legal description, which shall include an accurate statement of land area, all of which shall be certified by a registered land surveyor.

HJ. Sewer and Water Services - Lots in cluster subdivision in the AR, LR and UR districts may each have an on-site well, septic tank, and drainfield, subject to issuance of permits therefore by the County Health Department. The Township Planning Commission may require that at least one side of each lot in the AR, LR and UR districts be adjacent to common open space, or may require such other lot layout pattern so as to permit inclusion of the common open space area as part of the land area needed for the drain field of each lot.

IJ. Procedures With Zoning Amendment - If the property included in the Cluster Development (hereafter referred to as CD designation) designation request must also be rezoned to the AR, LR and UR districts, the application to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat or preliminary site plan review. The application shall in this case include a waiver, signed by the applicant, that the time limit on review of a preliminary plat for tentative approval or review of a preliminary site plan may be extended to accommodate the time required to process the zoning amendment. The Township Board shall not give tentative approval to the preliminary plat until after it has approved the zoning amendment. With this exception the procedures set forth in item J, following, shall apply.

JK. Procedures Without Zoning Amendment - The applicant for approval of a preliminary plat or preliminary site plan shall at the same time, apply for a Cluster Development designation if such designation is desired. The application shall consist of a completed form, fees, and all information required for review of a preliminary plat submitted for tentative approval or the preliminary site plan. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance or preliminary site plan, as set forth in the Zoning Ordinance. If the Township Planning Commission approves the CD designation, it shall indicate same in its tentative approval of the preliminary plat or in approval of the preliminary site plan. The Township Supervisor shall record, and the Township Clerk shall attest, the CD designation on the Official Zoning Map within three (3) days of the date of final approval of the final plat by the Township Board or final site plan by the Planning Commission whichever is applicable. The recording on the official zoning map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.

KL. Calculations - All calculations and other information needed to review conformance of the plat or site condominium with the zoning Ordinance regulations shall be provided on the preliminary plat or site plan.

LM. Authority - The Township Planning Commission shall have the authority to approve or deny a request for a CD designation. The Planning Commission shall also have the authority to require changes in the size and shape of lots; in lot and street layout; location, size and shape of open areas and in other features of the design and character of a CD subdivision as proposed in a preliminary plat or a site condominium. This authority may be exercised by the Planning Commission when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site planning.

MN. Improvements - An irrevocable letter of credit may be required of the developer, at the discretion of the Planning Commission, for improvements regarding open space areas within the development. Agreement as to the required improvements for such open space areas shall be made by the developer and Township Board prior to the Board's tentative approval of the preliminary plat or developments requiring final site plan approval by the Planning Commission. Requirements for improvements may be modified as set forth in the Subdivision or Zoning Ordinance.

Section Two That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on November 11, 2002, and that members Macomber, Widmayer, Turk, Mann and Hakes voted in favor of adoption, none voted against.
2. A true copy of the ordinance was published in the Manchester Enterprise on November 21, 2002
3. The effective date of the ordinance is December 21, 2002.

Kathleen M. Hakes, Clerk