

ARTICLE 12 DEVELOPMENT OPTIONS

12.1 BASE DENSITY

The maximum permitted density of a planned development shall be based on the underlying Zoning District. For the purposes of calculating the base density permitted on any parcel of land, one of the following shall apply:

- A.
 - 1. Gross buildable area shall be calculated by subtracting from the gross parcel area the following:
 - a. existing public utility easements
 - b. existing public right of ways
 - c. high risk erosion areas
 - d. that part of a flood plain where flood waters are expected to have a destructive current
 - e. areas not suitable for on-site sewage disposal
 - f. areas having a slope greater than twenty-five percent (25%).
 - 2. The buildable area of a parcel shall be determined by reducing the gross buildable area by twenty percent (20%) as an allowance for road right of way purposes.
 - 3. The buildable area of a parcel shall then be divided by the minimum parcel size of the underlying Zoning District(s).
- B. Alternatively, the applicant may provide a yield plan, demonstrating the density that could be realized with a conventional subdivision layout, in compliance with all applicable standards of the underlying Zoning District(s) and accounting for all constraints set out in A above.

12.2 OPEN SPACE PRESERVATION DEVELOPMENTS

12.2.1 Purpose

The open space zoning provisions of the Michigan Zoning Enabling Act are intended to encourage the grouping of dwellings on smaller lots, on a smaller portion of an undeveloped tract of land, in order to preserve the remainder of the tract as open space. This Section is intended to implement the open space zoning provisions in certain Zoning Districts as a permitted use, subject to appropriate qualifying conditions.

12.2.2 Eligibility

Open space preservation developments are a permitted use within the AG Districts, subject to compliance with the standards of this Section.

12.2.3 Standards

- A. The development proposed is a single family planned residential development as defined by this Ordinance.
- B. An open space preservation development shall be permitted when a landowner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots.
- C. The residential density of an open space preservation development shall not exceed the base residential density calculated in accordance with Section 12.1 above.
- D. Developed lands shall occupy no more than fifty percent (50%) of the parent parcels buildable area.
- E. A minimum of fifty percent (50%) of the parent parcel shall be set aside as permanently protected open space. This area shall include at least fifty percent (50%) of the parcels buildable area.
- F. The provisions of this Section may be implemented by reducing the minimum lot area and lot width standards of Section 10.7 by not more than fifty percent (50%), provided that the minimum lot area requirement shall not exceed one (1) acre unless otherwise required by the County Health Department.
- G. The minimum setback provisions of Section 10.7 shall continue to apply to all parcels created under the provisions of this Section.
- H. Development under this option shall not be dependent upon the establishment of a public sewer or public water supply system.
- I. County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall apply.
- J. Restrictions for shared water access specified under Section 6.27 shall apply to open space preservation developments.

12.3 PLANNED RESIDENTIAL DEVELOPMENTS

12.3.1 Purpose

It is the purpose of this Section to encourage more imaginative and livable housing environments within the AG District through a planned reduction of the individual lot area requirements for that District, provided the base residential density for each such district is not exceeded and the objectives and standards of this Section are satisfied.

12.3.2 Eligibility

Planned residential developments may be permitted as a special use within the AG District, in accordance with Article 11 and subject to compliance with the objectives and standards of this Section.

12.3.3 Objectives

- A. To permit flexibility in the regulation of residential development.
- B. To encourage innovation in the design and layout of residential developments.
- C. To encourage the conservation of natural features and resources.
- D. To encourage the protection of usable open space.
- E. To encourage a more livable residential environment through efficient and aesthetic use of open space.

12.3.4 Standards

- A. The application proposed is a planned residential development as defined by this Ordinance.
- B. A planned residential development may be permitted when a landowner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots.
- C. A planned residential development site shall be not less than twenty (20) acres in area.
- D. The development will be compatible with adjacent land uses and the natural environment.
- E. The development is warranted by the design of open space and/or additional amenities made possible by the proposal.
- F. The residential density of a planned residential development shall not exceed the base residential density calculated in accordance with Section 12.1 above.
- G. Uses within a planned residential development shall be limited to those residential uses permitted by the underlying Zoning District.
- H. Developed lands shall occupy no more than seventy percent (70%) of the parent parcels buildable area.
- I. A minimum of thirty percent (30%) of the parent parcel shall be set aside as permanently protected open space. This area shall include at least twenty-five percent (25%) of the parcels buildable area. In no case shall the protected open space be less than the amount of land gained through the reduction of lot sizes.
- J. Any open space must be located, sized and dedicated in a manner acceptable to the Township.
- K. Any improvements required to the open space must be undertaken and completed by the applicant prior to their dedication to the Township or other appropriate body, as determined by the Township.
- L. The provisions of this Section may be implemented by reducing the minimum lot area and lot width standards of Section 10.7 by not more than fifty percent (50%), provided that the minimum lot area requirement shall not exceed one (1) acre unless otherwise required by the County Health Department.

- M. The minimum setback provisions of Section 10.7 shall continue to apply to all parcels created under the provisions of this Section.
- N. Development under this option shall not be dependent upon the establishment of a public sewer or public water supply system.
- O. Mackinaw County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall apply.
- P. Restrictions for shared water access specified under Section 6.27 shall apply to open space preservation developments.

12.4 PLANNED UNIT DEVELOPMENTS

12.4.1 Purpose

This section recognizes that it may be desirable to modify certain restrictions of this Ordinance in the context of an innovative, efficient, planned development. The rationale for this departure from normal policy is that this Ordinance is drafted primarily to regulate discrete, individually proposed uses. Whenever it can be demonstrated that the needs of the community will be better served by a private plan which combines multiple structures or uses on one or more contiguous parcels, it may be desirable to allow implementation of such a plan without formal amendment of this Ordinance.

Approval shall not be granted to a planned unit development where such use is already permitted and appropriately regulated by the provisions of this Ordinance, or where approval is sought primarily to avoid the imposition of standards and regulations of existing zoning classifications rather than to achieve the objectives of this section.

12.4.2 Eligibility

- A. Planned unit developments may be permitted within any Zoning District, as a special use, in accordance with the provisions of Article 11 and subject to compliance with the objectives and standards of this Section.
- B. A planned unit development may be permitted when a landowner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots.
- C. The proposed planned unit development is on a self-contained parcel that is at least ten (10) acres in gross area and the area available for development (net acreage) shall not be less than one-half (1/2) the gross acreage.

- D. Each use contemplated in the planned unit development is listed as a permitted use or a special use in the Zoning District in which the planned unit development is located.
- E. The applicant must demonstrate that the planned unit development will result in a recognizable and substantial benefit to the ultimate users and occupants of the project and to the community, where such benefit would not otherwise be feasible or likely. Such benefit may include, but are not limited to, the protection of important natural features, wildlife areas, the provision of appropriately located and desirable open space, the provision of a mix of housing units and types and/or land uses, and/or innovation in design and project configuration not otherwise permitted by this ordinance.

12.4.3 Standards

- A. The application proposed is a planned unit development as defined by this Ordinance.
- B. The development is consistent with the Clark Township Master Plan.
- C. The development will be compatible with adjacent land uses and the natural environment.
- D. The conservation of natural features and fragile lands, and the preservation of important community resources, shall be required.
- E. The development is warranted by the design of open space and/or additional amenities made possible by the proposal, or it can be demonstrated that the needs of the community will be better served by a private plan which combines multiple structures or uses on one or more contiguous parcels.
- F. Existing important natural, historical and architectural features within the development site shall be preserved and incorporated into the development project.
- G. The density proposed represents the maximum number of housing units or principal structures which would otherwise be permitted by the underlying Zoning District, based on the buildable area calculation set out in Section 12.1 above.
- H. The provisions of this Section may be implemented by reducing the minimum lot area and lot width standards of Section 10.7 by not more than fifty percent (50%), provided that the minimum lot area requirement shall not exceed one (1) acre unless otherwise required by the County Health Department.

- I. In addition to altering minimum lot area and lot width standards of the underlying zoning district, the Township may also waive, wholly or in part, any usable floor area requirement, setback, or maximum height, specified by the restrictions of the respective Zoning District, if doing so results in:
1. Additional public property in the development and/or public easement on property in the development that is acceptable to the Township, and/or
 2. Public park land, developed in or near the development, that is of sufficient size and appropriately located so as to provide significant public benefit, and/or
 3. Some other public value to the Township.
- J. If a proposed use in a planned unit development is a retail trade, finance, insurance or real estate service, or other similar service and is not listed as a permitted use or a special use in the respective district in which the planned unit development is proposed, the use may still be a part of the planned unit development if the following conditions are met:
1. Operation of the use will be conducted entirely within an enclosed building except for parking, signs, arrival and departure of merchandise or supplies and other activities incidental thereto which are not permanent in nature.
 2. All outside accessory and work areas will be enclosed by a solid wall.
 3. The principal structure will be six-hundred (600) square feet in building area or larger.
 4. The total interior floor area of all principal and accessory structures does not exceed three thousand (3,000) square feet.
- The provisions of this section shall not apply to any of the Les Cheneaux islands unless the proposed use is permitted by the underlying zoning district.
- K. Development under this option shall not be dependent upon the establishment of a public sewer or public water supply system.
- L. County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall apply.
- M. Restrictions for shared water access specified under Section 6.27 shall apply to open space preservation developments.

12.5 PROCEDURE

12.5.1 Open Space Preservation Development

Open space preservation developments are permitted uses within the AG District.

12.5.2 Planned Residential Development

Planned residential developments are permitted as special uses within the AG District. The review and approval of a planned residential development shall take place in accordance with the provisions of Article 11, subject also to the provisions of this Article.

12.5.3 Planned Unit Development

A planned unit development is permitted as a special use in any Zoning District. The review and approval of a planned unit development shall take place in accordance with the provisions of Article 11, subject also to the provisions of this Article.

12.6 PHASING

Where any project under this Article is proposed for development in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area. The Planning Commission shall approve the phasing plan for any project and may, as a condition of approval, require such phasing as it feels necessary to secure the public benefits of the proposed development and the objectives of this section.

12.7 AMENDMENTS

Amendments to an open space preservation development, a planned residential development or a planned unit development shall be handled in the same manner as the initial application. Minor, non-substantive changes to a special use permit may, however, be made to the special use permit by mutual agreement between the Township and the applicant without further public hearing, if done prior to the issuance of an occupancy permit for the use affected by such change. Such minor amendments shall require the approval of the Zoning Administrator only, unless the Zoning Administrator refers such changes to the Planning Commission for review and decision. Once referred to the Planning commission, all decisions concerning such revision shall be made only by resolution of the Planning commission.