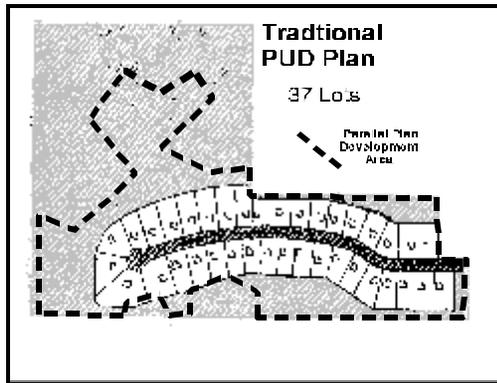


Principles of Open Space Development Barry County



Going from "Cluster" to "Open Space" Development

The principle of "cluster development" was devised in the mid-to-late 1970s as a means to make housing more affordable during a time of high interest rates that placed some people out of the market for a new home. Clustering units allowed for less street length and shorter utility lines, which lowered development costs. Over time, however, as economic conditions improved and more people had access to a wide variety of housing, the concept moved away from "cluster" to "open space" development. This style of development placed less emphasis on affordable housing and more on the preservation of open spaces and enhancement of neighborhoods. Open space development offered an alternative to the traditional subdivision look and introduced the use of open space as a design element.



The view driving down the street will simply be that of manicured lawns, cars in driveways, and homes neatly lined up side by side.

Even though more land developers were becoming aware of the need to preserve open space, some of the design elements that make neighborhoods livable places were being left behind. In many projects a large percentage of the site was preserved as open space, but many residents were unable to take advantage of those open spaces and found themselves instead in a traditional subdivision row of houses lining the street. As an example, the "Traditional PUD Plan" shown here provides almost no access or even views of those open spaces for most of the lots. As a result, the Open Space Development concept has been less attractive to home buyers seeking a rural environment.

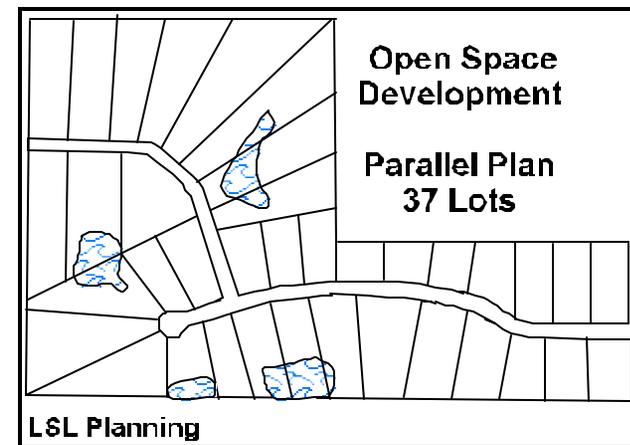


The Open Space Preservation Act

In 2001, the Michigan legislature passed legislation mandating that counties which administer zoning ordinances provide zoning regulations related to “open space preservation.” The provisions of the law do not apply to entities that had open space provisions in their ordinances prior to October 1, 2001. However, the regulations must have been used by at least one residential project that permanently preserved at least 50 percent of the land within the development for townships.

The provisions apply to a “qualified” county, township, city or village. To be “qualified” the community must have a zoning ordinance, a population of 1,800 or more, and have residentially zoned land with a minimum lot size of one-half acre (2 units per acre) without public sewer, or 14,520 square feet (3 units per acre) with public sewer.

The open space provisions are to be provided as an “option” to the land owner. Regulations added to the ordinance must provide a minimum of 50 percent open space in townships and that the open space be permanently protected from development by some legal means that assures its preservation. Two other provisions require that the development not be dependent on an extension of either public water or public sewer systems (unless those systems would otherwise be required even without the open space option), and that the affected land had not already been developed under an open space provision. The open space preservation provisions do not override any applicable ordinances or laws related to groundwater protection or approval of sanitary sewer disposal systems where public systems are unavailable.



The act broadly defines open space (“undeveloped state”) with a golf course as the only specific exclusion from consideration as open space.

What is Open Space Development?

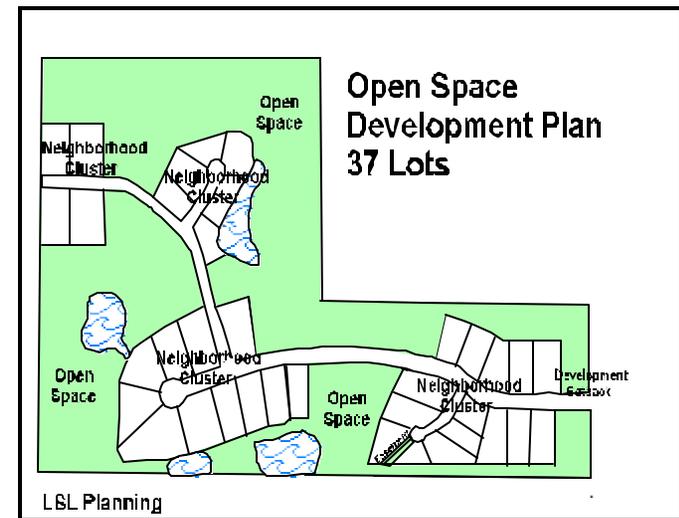
The underlying principle of Open Space Development is that it allows the same overall amount of development that is permitted under existing zoning, but concentrates development inside pockets of land so that the remainder can be preserved as usable open space. Open space regulations are relatively easy to administer, allow rural landowners to realize the full development potential of their property, and permanently protect substantial natural open spaces.

At the same time, Open Space Development allows the preservation of open space without large public expenditures (to purchase development rights), and allows communities to recognize and preserve sensitive natural areas without adopting overly restrictive land use regulations.

Sites lacking significant natural elements, such as flat farm fields, offer a more challenging design problem. It is difficult to apply many of the open space principles to large open areas, uninterrupted by trees or topography. Emphasis on these sites should be on creating neighborhood clusters, separated by open spaces, and in ensuring that the open spaces are sufficiently large and in a useable shape.

Development Density

The allowed density of an Open Space Development is based on the existing residential district. However, rather than computing density



simply on the basis of a mathematical formula, the applicant is required to submit a “parallel plan” which provides the community with a feasible development plan showing the number of homes that could reasonably be placed on the site using conventional development regulations.

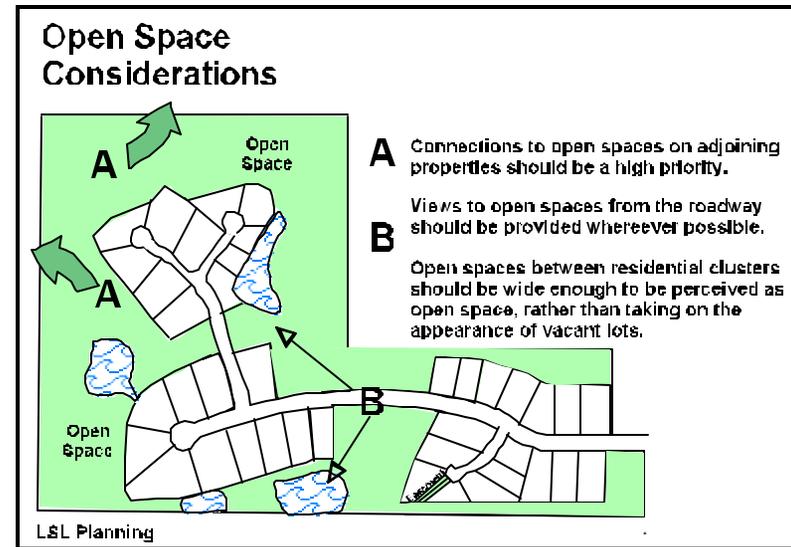
To properly implement Open Space Development regulations, it is necessary to require applicants to submit detailed information regarding the presence of natural features, topographic conditions, and other site characteristics that might affect the layout of the development. Significant views may also be highlighted that might contribute to the character of the development. The additional requirements placed on applicants and the desire for more creative design can increase development costs of individual projects. Accordingly, offering flexibility for more creative layouts are offered in the county’s regulations.

The following design principles are provided to help guide land owners and developers. Some principles will be more applicable to sites that have significant areas of natural features or other areas worthy of preservation. Other principles will apply more directly to properties with large open spaces, such as fields that were cleared for farming.

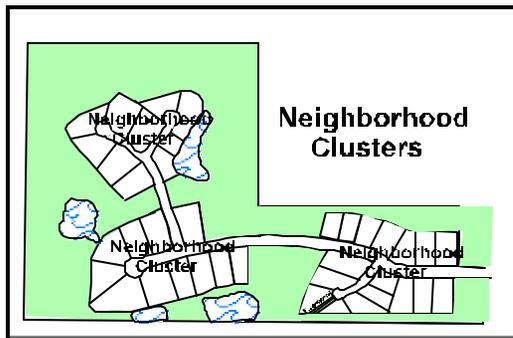
PRINCIPLES OF OPEN SPACE DEVELOPMENT

- The intent of Open Space Development regulations is to allow flexibility in layout to avoid affecting wildlife habitat areas or scenic features of the rural landscape, such as large rock formations, wetlands, hill crests, and mature tree-stands. Adequate open space protection, through deed restrictions, donation to land conservancies, or other permanent preservation measures must be provided to the community.
- Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation. Having connected open space “corridors” can provide routes of travel for wildlife and help ensure their survival.

- Septic systems or water systems may be located outside individual lot areas, through easements within protected open space. Community water and sewer systems serving all or part of the development may be encouraged through the use of bonus density provisions.
- Open space should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways should be a high priority. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. They may, however, incorporate trails or other internal pedestrian circulation paths.



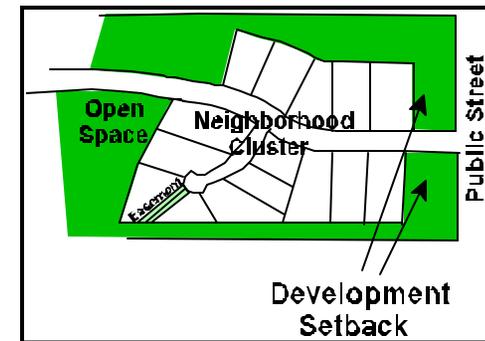
- The Open Space Development should be designed with due regard for views from roadways as well as lots within the development.
- The location of open space around the perimeter of the development should also consider adjoining properties. If other Open Space Developments have been approved on adjacent properties, linking open spaces between the two can create areas large enough to support wildlife and enhance the other benefits of open space.





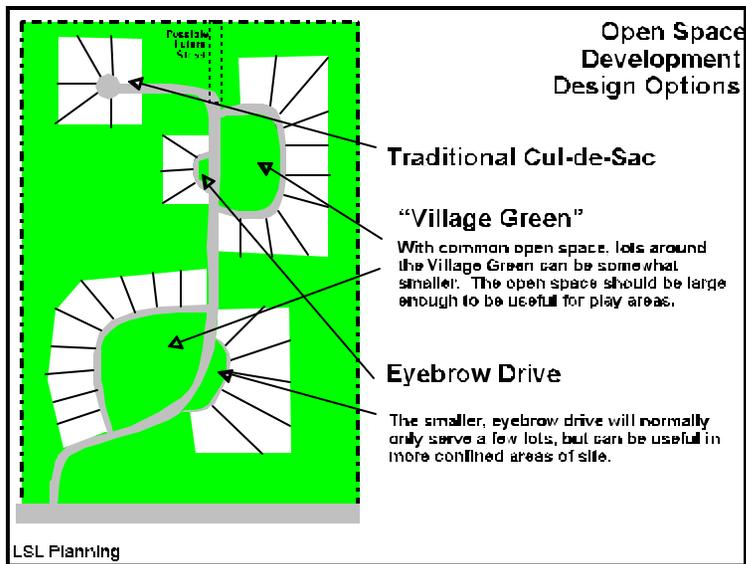
Highly artificial landscaped entries can detract from the rural character of the area.

- Lots should be clustered in small groups (perhaps from four to ten lots in smaller developments, to as many as 15-20 in larger developments), with open space between clusters. Emphasis should be on the creation of smaller, more cohesive neighborhoods, as opposed to long linear stretches of homes. Creating these small clusters helps promote a sense of community. Larger expanses of open space should be used to separate the neighborhoods.
- Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
- A “development setback” should be included that provides a substantial open space area between existing access roadways and the building sites within the project. The development setback area should remain in as natural a state as possible, with only the street and necessary utilities



requiring land disturbance.

- Entryways to open space developments may also have a significant effect on the character of the project as well as the general area. Elaborate, artificial, landscapes designed as entry points, with large boulevards, flagpoles, and other artificial elements can detract from the rural, natural character of the area.
- If a sign is included in the development plan, it should be unobtrusive and constructed as part of the overall landscape. Plastic, internally lighted signs should be avoided.



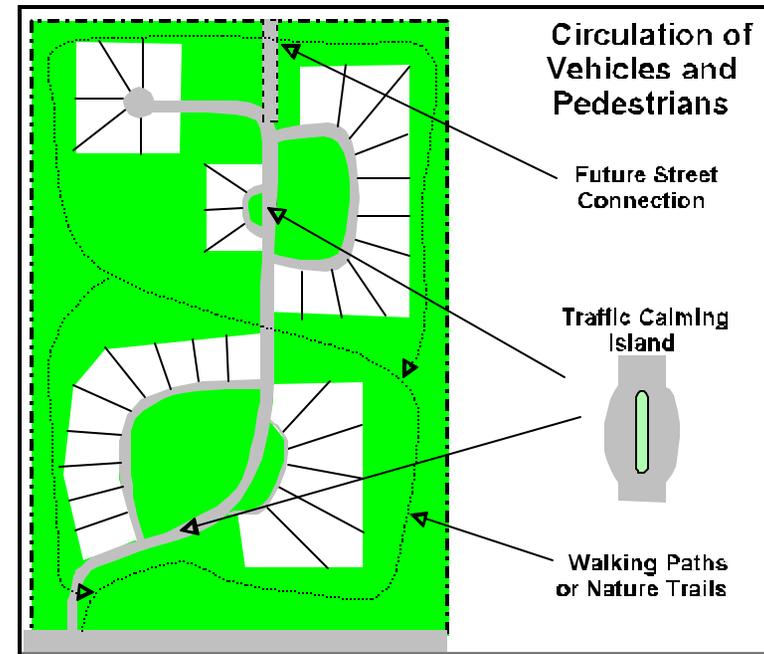
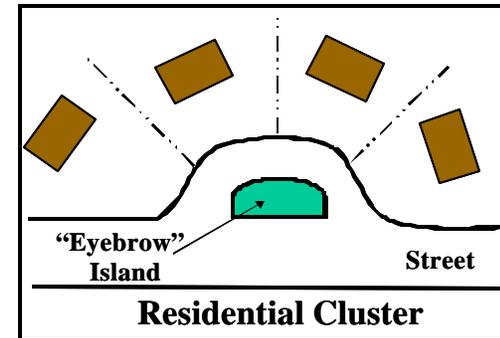
Design Options



- The variety of layouts for lots and streets are numerous, but should emphasize easy access and clear views to open spaces and natural areas from many points within the development. They may range from very formal arrangements, with large, internal open space “town squares” to the more informal “eyebrow” lots.
- A “Village Green” can be created by routing a short street segment from the main collector street. The Green may either be actively use for recreation, or it may be

used to isolate and preserve significant natural features.

- “Eyebrows” are driveways or marginal access roads that provide an internal link to the main road. This may involve the use of a small island off the main street (see illustration). In effect, this is a down-scaled version of the Village Green layout, but generally serves a smaller number of homes.
- Consideration of traffic patterns for both vehicles and pedestrians is also important. Nature and walking trails provide an attractive element to an Open Space Development, but must be planned and constructed carefully in order to be functional and remain in character with the area. Trail materials must be durable to avoid future maintenance issues. Materials such as wood chips, while natural, require frequent replenishment.
- Whenever possible, the main road serving the development should have as few homes fronting it as



possible.

- Longer road segments may include traffic “calming” elements in the roadway to help avoid excessive speeds and promote safety.

Open Space Preservation Development Regulations

The following pages contain the Barry County Open Space Preservation Development provisions of the Zoning Ordinance. Open Space Development is considered a permitted use in the R-1, R-2, and A Zoning Districts. Allowing Open Space Developments as a permitted use is intended to be attractive to developers in that the review process is less complex than a planned unit development or other discretionary review process.

Open Space Regulations

The following language contains Barry County's Open Space Development regulations.

SECTION 4.46 – Open Space Communities (A-3-99 Effective 4-24-2000) (Amended A-6-2002, Effective 2-6-2003)

- A. Purpose – The purpose of this section is to offer an alternative to traditional subdivisions for the purpose of assuring the preservation of substantial open space

and other natural resources, allowing innovation and flexibility in the design of residential developments, facilitating the construction and maintenance of roads, utilities, and other public services in a more economical and efficient manner, providing for site development that maintains a low visual impact, particularly along the roadway and abutting properties, and encouraging a less sprawling form of development, thus preserving open space and natural features consistent with the county's rural character and ensuring compatibility

of design and use between neighboring properties.

B. Open Space Communities shall be permitted as a permitted use in the "A", "AR", "R-LS, "RL-1" and "CR" zoning districts providing the following regulations are met:

1. Each Open Space Community shall contain a minimum of five (5) acres:

a. A minimum of fifty percent (50%) of the gross area of the Open Space Community shall be designated as "Open Space".

1. Designated Open Space shall be set aside as common land for low impact recreation, conservation, or agricultural use, Community Septic Systems, or it can be preserved in a natural state.

a. Roads and road easements shall not be considered Open Space.

2. The yield plan will be reviewed by the Planning Director to determine the number of lots that could be created under the existing zoning requirements.

2. Any significant/sensitive environmental resources, including but not limited to; wetlands, woodlands, steep slopes, or prime agricultural land, shall be incl in the designated Open Space.
 3. Designated Open Space shall be set aside through an irrevocable conveyance such as recorded deed restrictions, covenants that run perpetually with the land, conservation easements, plat dedications or land trusts. The conveyance shall assure that the Open Space will be protected from all forms development and shall not be changed to another use.
2. An Open Space Community shall contain a
 3. The Planning Director will select all of the proposed approval lots to be evaluated by the Barry-Eaton Health Department to determine site suitability for home construction.
- a. Each selected site must be staked by the developer.
 - b. If any of the selected lots can not be approved by the Health Department, a new yield plan shall be submitted to the Planning Department with the necessary corrections.
 - c. All yield plans will be evaluated until all of the sites are approved by the Health Department.
4. The number of lots determined by the Planning Department in this review shall determine the maximum number of dwelling units allowable for the Open Space Community.
3. Residential development shall be confined to cluster areas established within the project site.

4. Cluster area design standards:
 - a. A minimum of two (2) and a maximum of twelve (12) dwelling units shall be permitted per cluster area.
 - b. Cluster areas shall be visually and physically separated from one another and roadways by open space buffer.
 - c. Cluster areas shall be designed to avoid a suburban subdivision appearance.
 - d. The minimum lot size shall be twenty one thousand seven hundred eighty (21,780) square feet.
 - e. Smaller lots may be considered in developments served by public utilities.
 - f. Community Septic Systems must be approved by the Health Department and the Township it is being proposed in.
5. Regulatory Flexibility: To encourage flexibility and creativity consistent with the objectives of the Open Space Community concept, the Planning Commission shall grant specific deviations from the dimensional requirements and private road standards set forth in the Zoning Ordinance. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of the Open Space Community and is not subject to a variance by the Zoning Board of Appeals.
 - a. Section 4.26 must be complied with in its entirety.
6. No lot in an Open Space Community shall have means of private ingress and egress directly onto a highway or county primary road.
7. All development plans submitted to the Planning Commission shall meet the conditions set forth in Section 4.13 of the Barry County Zoning Ordinance.

8. Review Standards:

- a. The Planning Commission may approve a preliminary site plan review.

At that time a preliminary zoning approval shall be recommended.

- b. Final approval shall be given only after the following agencies have reviewed and approved the plan.
 - 1. Barry Eaton Health Department
 - 2. Barry County Drain Commissioner
 - 3. The Department of Environmental Quality (DEQ)
 - 4. Road Commission (if applicable).

