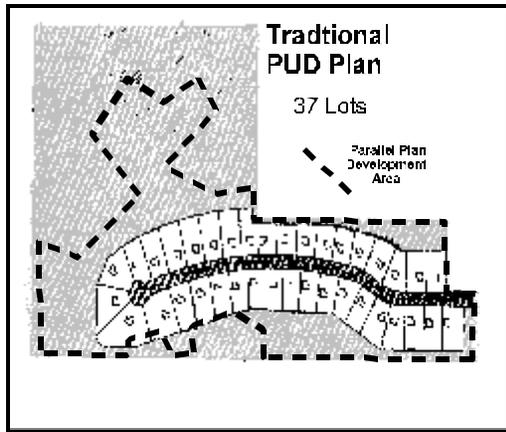


# Principles of Open Space Development Richland Township



## 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 local governments provide zoning regulations related to “open space preservation.” The provisions of the law do not apply to communities 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” 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?

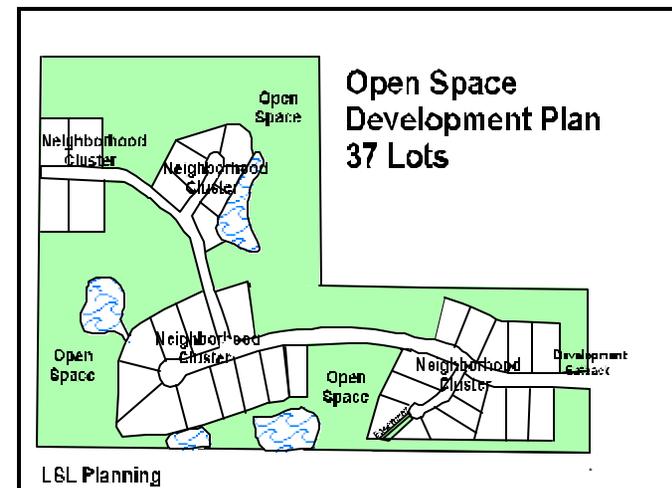
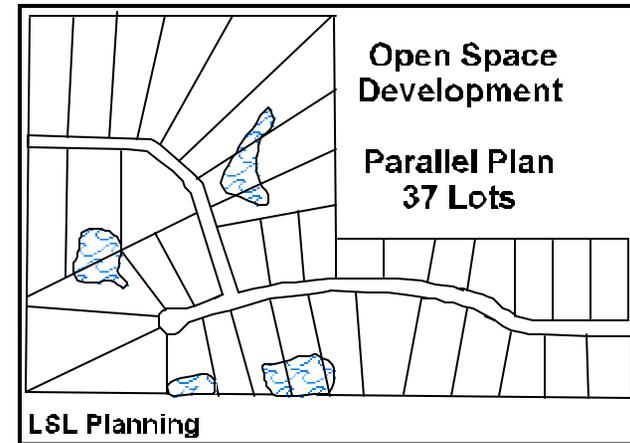
The underlying principle of Open Space Development is that it allows the same overall amount of development that is permitted under existing zoning, but concentrates development inside pockets of land so that the remainder can be preserved as usable open space. Open space regulations are relatively easy 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



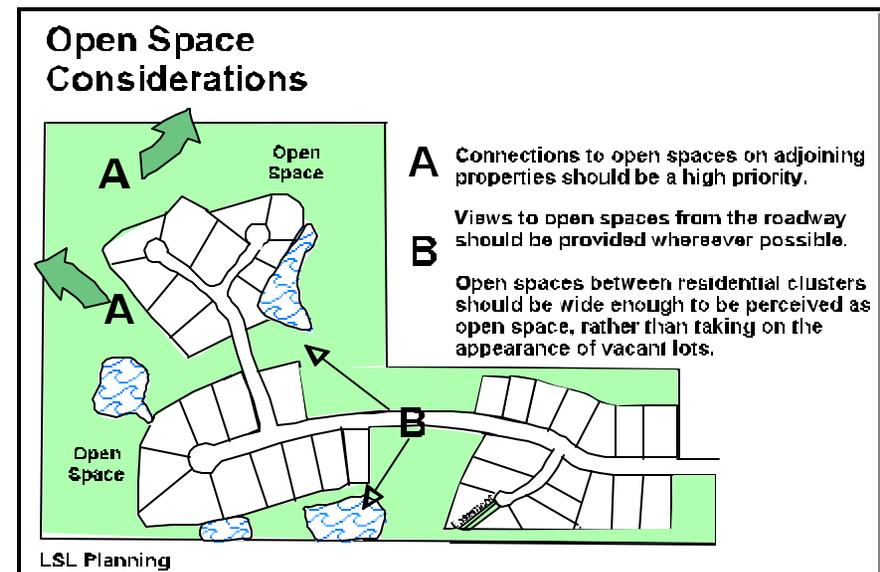
simply on the basis of a mathematical formula, the applicant is required to submit a “parallel plan” which provides the community with a feasible development plan showing the number of homes that could reasonably be placed on the site using conventional development regulations.

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 bonus densities for more creative layouts would be an appropriate response.

Some of the following 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.

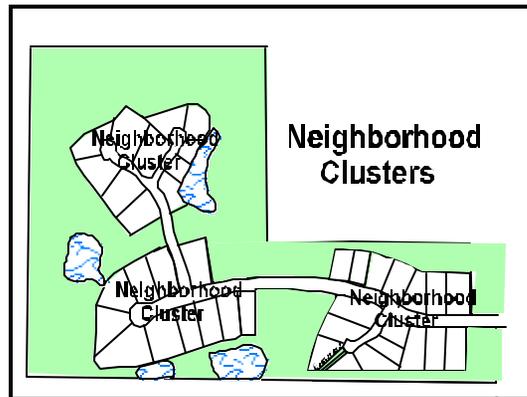
## PRINCIPLES OF OPEN SPACE DEVELOPMENT

- 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.



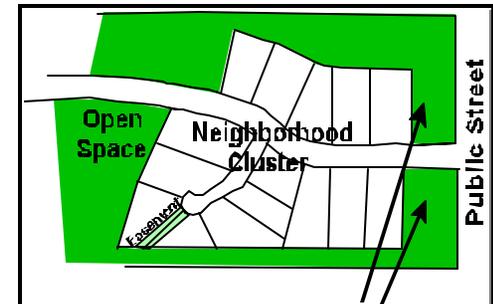
- Open space should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways should be a high priority. Such areas should be large enough 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.

- 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.



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

- 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

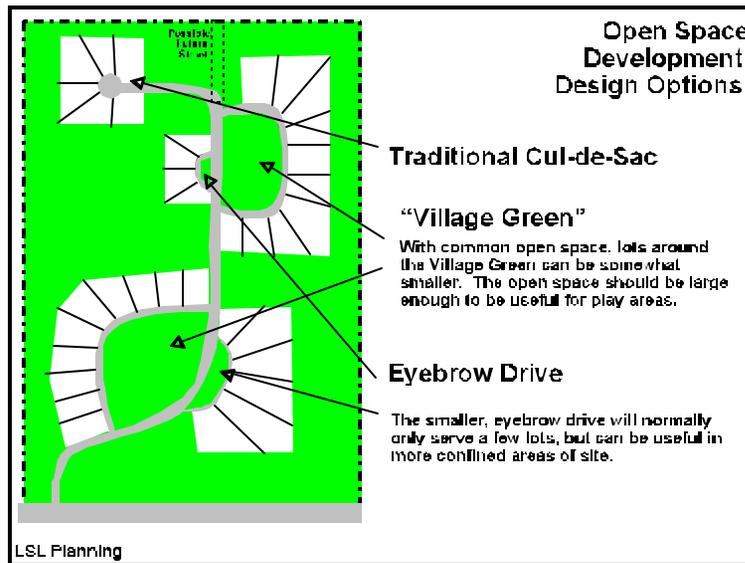


entry points, with large boulevards, flagpoles, and other artificial elements can detract from the rural, natural character of the area.

- 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

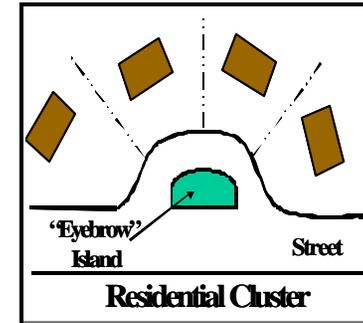
There are many alternatives to the traditional curvilinear street and cul-de-sac arrangements that have tended to dominate suburban residential design in the past decades. In some respects, elements of creative design are returning to concepts that helped create strong neighborhoods, such as common open spaces and clearly identified boundaries.



- Traditional cul-de-sacs may still perform a useful function but their use should have a specific purpose, such as reaching a corner of the development site, or other similar use. Even though cul-de-sac lots have a significant marketing advantage, the other designs discussed here can also provide similar advantages.
- 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 Regulations

The following pages contain ordinance provisions from the Richland Township zoning ordinance which permit open

space developments in and overlay district in the "AB", "A-1", "A", and "A-2" districts.

Open Space Development regulations can be implemented in a variety of ways. One simple approach is to allow Open Space Developments as permitted uses in selected residential zoning districts. They may also be reviewed as planned unit developments or as a separate overlay zoning districts. The general requirements are nearly the same. The key differences in the methods will be the approval processes. Allowing Open Space Developments as permitted uses may be the most attractive to developers in that the review process is limited to a site plan review.

The Richland Township Zoning Ordinance is hereby amended by the addition of a new Section 14B to read as follows:

## SECTION 14B "OSP" OPEN SPACE PRESERVATION OVERLAY DISTRICT

### A. Statement of Purpose.

The establishment of this overlay district is to satisfy the requirements of P.A. 177 of 2001 (commonly referred to as the Open Space Preservation Act). It requires that qualified townships provide, at the option of the landowner, for the clustering of residential units on a portion of the property provided that fifty percent (50%) or more of the land is preserved in permanent open space. This overlay district shall be a development option for landowners within the following districts: "AB", "A-1", "A" and "A-2".

### B. Permissible Uses.

All permitted residential uses within the underlying district are permitted within the "OSP" Overlay District. At the landowner's option, single family dwellings shall be permitted within residential clusters subject to the following:

### 1. Application Procedure.

(a) An application shall be filed identifying the landowner's desire to exercise the open space preservation development option. With the application, the landowner shall submit a comparison plan that adheres to site development requirements for the underlying zoning district. This can be in the form of a proposed plat establishing lots, a land division plan creating parcels or a planned unit residential development creating sites and/or units. This comparison plan shall determine the number of dwelling units that can be developed within the open space preservation plan. This comparison plan and the number of dwellings units shall be finalized by the Planning Commission during site plan review and approval.

(b) A site plan, adhering to all of the requirements under Section 18A, shall be submitted for review and approval by the Planning Commission. It shall be titled "Open Space Preservation Plan" and a copy of the comparison plan shall be included with the site plan. A copy of these documents shall also be

submitted by the applicant to the Kalamazoo County Human Services Department for its review and a copy of their report shall be submitted by the applicant to the Planning Commission.

(c) The Planning Commission shall review the site plan and determine compliance with the ordinance standards for: a) site plan review; b) requirements within the underlying zoning district; and c) requirements within this overlay district. They may approve the site plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the ordinance standards.

(d) The applicant shall submit a timeline for development and identify any phases that may require further Township review and approval. The Planning Commission may impose conditions on this development timeline and the required open space in each phase shall not be less than 50% of the land area for that phase.

## 2. Conditions for Approval.

The required conditions shall be based upon the layout and design of the dwelling units and preservation of the open space as follows:

(a) Layout/Design Provisions. The layout and design of the dwelling units shall be in a manner that achieves the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It shall balance what is economically feasible for efficient cluster development with the need to preserve the character of the area. Individual parcels, lots or sites within the residential cluster shall meet the following:

- (1) (Lot) Width: The parcels, lots, or sites (units) shall have a minimum lot width of no less than fifty percent (50%) of the minimum lot width requirement within the underlying zone or seventy-five (75) feet, whichever is greater.

(2) (Lot) Area: The parcels, lots, or sites (units) shall have a minimum lot area of no less than twenty-five percent (25%) of the minimum lot area requirement within the underlying zone or 7,500 square feet, whichever is greater.

(3) (Lot) Coverage: The parcels, lots or sites (units) shall have a maximum lot coverage of twenty-five percent (25%).

(4) Floor Area: The minimum floor area for the dwelling unit shall meet the minimum standard within the underlying zone.

(5) Yard/Setback: The dwelling units shall meet the following setback provisions:

Front: Fifty percent (50%) of the underlying zone but no less than thirty (30) feet.

Side: Fifty percent (50%) of the underlying zone but no less than ten (10) feet.

Rear: Fifty percent (50%) of the underlying zone but no less than twenty (20) feet.

Height: The building height shall not exceed the maximum building height requirement within the underlying zone.

(b) Open Space Provisions. The intent of this overlay district is to preserve the character of the area consistent with that of the underlying zone. In order to achieve this intent, the following conditions shall apply:

(1) In order to comply with the Act, the following definition shall be used to describe the nature of the open space to be preserved:

Undeveloped State: A natural state preserving natural

resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to use of the public.

(2) The applicant shall provide documentation of the means to preserve the open space whether in the form of a conservation easement, deed restriction or similar method approved by the Planning Commission, and the party responsible for maintenance of the open space area. If proposed for dedication to the public, a letter of support from the public entity, indicating

acceptance and responsibility for maintenance, shall be included with the application. A single entity, such as a private association, non-profit organization or a public body,

shall have responsibility for

maintaining the land in permanent

open space.

(3) No part of the parcels, lots or sites shall be counted toward the open space, nor any land devoted to roadways or other impervious surfaces, other than those of a recreational nature (such as bikepaths, tennis or basketball courts, or for pavilions or picnic shelters).

(4) The open space, with the exception of active agricultural land use, shall be arranged in a manner so that it is contiguous and accessible by residents within the residential cluster. It shall also be arranged to connect to other open space areas on adjoining properties and/or connected to possible pedestrian or non-motorized trails.

(5) The Planning Commission may consider the preservation of those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.

C. Special Exception Uses.

No special exception uses permitted within the underlying zoning district shall be allowed unless such use is processed separately under the provisions for

special exception uses in Section 18.

D. Site Development Regulations.

The following regulations are based upon the relationship of the residential cluster(s) and the restricted open space to the adjoining properties, including the road right-of-way:

1. Cluster Setback.

The placement of any residential cluster, inclusive of lots or sites, shall be setback no less than fifty (50) feet from any abutting property line adjoining the open space preservation parcel and not less than one hundred (100) feet from any road right-of-way adjoining the open space preservation parcel. This area may be included within the calculated open space.

2. Access.

Access to the dwelling units within the residential cluster may be in the form of a public road or private road, with any private

road adhering to the standards under Section 19.P.4. If the residential cluster is made up of no more than two (2) dwelling units, a joint driveway may be utilized, provided the joint driveway adheres to the standards under Section 19.P.3.