

CONSERVATION SUBDIVISION WITH DENSITY BONUS

SECTION 8.3 CONSERVATION DEVELOPMENT

SECTION 8.3.1 CONSERVATION DEVELOPMENTS

The purpose of Conservation Development is to preserve large tracts of land in an undeveloped state, in order to maintain the rural landscape and environmental resources of Acme Township by allowing flexible development as an alternative to conventional development. Conservation Developments allow dwelling units to be sited on those portions of a property most suitable for development, while leaving substantial portions in an undeveloped state. Conservation Developments also may include a variety of lot sizes ranging from large farm or estate lots to small village lots. Conservation Developments result in the preservation of contiguous open space and important environmental resources, while allowing compact development, more walkable neighborhoods, and more flexibility than conventional developments. Conservation Developments must satisfy the general standards in Section 8.1 and the specific requirements of Section 8.3.

SECTION 8.3.2 REQUIREMENTS

- (1) **Density Calculation.** The maximum density allowed for residential dwelling units is calculated by a formula based upon the "includible" acreage of the property.
 - a. If 30% or less of the parcel (or parcels) to be developed is wetlands, all of the acreage is includible in the density calculation. If more than 30% of the property is wetlands, 50% of the wetland acreage in excess of 30% shall be subtracted to determine includible acreage. For example, if a 100 acre parcel contains 40 acres of wetlands, the includible acreage would be 95 (30 acres of wetlands is included, but 50% of the additional 10 acres of wetlands is subtracted).
 - b. To determine the gross number of allowable residential dwelling units on the site, divide the includible acreage by the applicable minimum lot area in the district. Fractional dwelling units shall be rounded up if .5 or greater and rounded down if less than .5. This shall be the basis for calculations in (c) below.
 - c. The number of dwelling units allowed in (b) above shall automatically increase by 20% for Conservation Developments. The density may also increase by 5% for every 10% increment of land protected by conservation easement in excess of the 50% minimum established in Subsection (5) below. For example, if the result of the calculation in (b) is 10 dwelling units, an automatic 20% increase in density is earned, yielding a maximum of 12 dwelling units. If the landowner preserves 70% of the land, an additional dwelling unit would be allowed, with a total number of allowable dwelling units of 13. If the landowner preserves 90% of the land, 14 dwelling units would be allowed.
 - d. For parcels that are located within more than one district, calculations shall be made separately for the portion of the parcel in each district. This density may then be combined and distributed anywhere within the parcel, provided that the plan protects open space with conservation value (see Section 8.3.8 (1)).
- (2) **Uses.** All uses otherwise permitted in the respective Zoning District(s) may be allowed in a Conservation Development. In the R-1, R-2 and R-3 zoning districts, the allowable dwelling units may be configured as single-family, duplex, or multi-family residences. In the A-1 zoning district, the allowable dwelling units may be configured as single-family or duplex dwellings. In addition, common facilities for recreation, meetings, social gatherings, dining, and accommodations for guests of the residents

may be permitted. Child care facilities, recreation centers and community centers are also permitted in an approved Conservation Development.

- (3) **Parcel Size Qualification.** There shall be no minimum parcel size to qualify for a Conservation Development.
- (4) **Minimum Lot Size.** The minimum size for lots within a Conservation Development shall be as required by the Grand Traverse County Health Department.
- (4) **Minimum Land Preserved in Undeveloped State.** All Conservation Developments shall preserve at least 50% of the parcel(s) in their undeveloped state. The requirements for preserving such land are described in Section 8.3.8.
- (5) **Arrangement of Lots or Sites.**
 - a. Lots or site shall be arranged in a manner that protects land of conservation value (see Conservation Analysis requirements in Section 8.3.8 below) and facilitates pedestrian and bicycle circulation.
 - b. Side lot lines shall be essentially at right angles to straight roads and radial to curved roads.
 - c. Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed four (4) times the width as measured at the building line.
 - d. Corner lots shall have extra width to permit appropriate building setback from both roads or orientation to both roads.
 - e. Lots shall contain a landscaped easement at least twenty (20) feet wide along any public or private road to restrict access to the public or private road, to minimize noise, and protect outdoor living areas.
 - f. Lots extending through a block and having frontage on two local roads shall be prohibited.
- (6) **Minimum Yard Requirement.** All lots shall maintain the following minimum yard sizes:
 - a. Front Yard: Thirty (30) feet for all dwellings within the A-1 zoning district. Twenty (20) feet for all structures within the R-1, R-2 and R-3 zoning districts.
 - b. Side Yard: Ten (10) feet for all structures within the A-1 zoning district. Five (5) feet for all structures within the R-1, R-2 and R-3 zoning districts.
 - c. Rear Yard: Twenty-five (25) feet for all structures within the A-1 zoning district. Fifteen (15) for all structures within the R-1, R-2 and R-3 zoning districts.
 - d. In no event shall the setback standards in this subparagraph result in a setback requirement greater than the minimum yard setbacks required in Section 6.11.1 of this ordinance.

SECTION 8.3.3 STREETS: All public streets within a Conservation Development shall be constructed so as to meet the requirements of the Grand Traverse Metro Fire Department standards.

SECTION 8.3.4 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS: Water Supply and Sewage Disposal Systems shall comply with all the requirements of Acme Township. If required by the Grand Traverse Metro Fire Department, an underground water tank for fire suppression shall be installed according to their standards.

SECTION 8.3.6 WETLAND AND FLOODPLAIN RESTRICTIONS: There shall be no development or modification of any kind within a wetland or floodplain area without there first having been issued an appropriate permit by the Michigan Department of Environmental Quality and/or an Earth Change Permit from the Grand Traverse County Soil Erosion Department as appropriate. Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Acme Township Planning Commission to be uninhabitable shall not be used for residential purposes or for uses that may in the judgment of the Acme Township Planning Commission increase the danger to health, life or property or increase the flood hazard. Such land

within a conservation development shall be set aside for other uses, such as parks or other open space.

SECTION 8.3.7 EROSION AND SEDIMENTATION: All development under this Section shall minimize erosion and sedimentation to the maximum practical extent. In circumstances where soil erosion control comes under the jurisdiction of Part 91 of the Natural Resources and Environmental Protection Act, MCL 324.9101, et seq., the developer shall submit a set of plans approved by the Soil Erosion Control Officer.

SECTION 8.3.8 LAND PRESERVATION REQUIREMENTS: The following requirements and procedures shall be used to preserve land in an undeveloped state as part of a Conservation Development.

- (1) The land identified for preservation in its undeveloped state must have "conservation value." Conservation value may include recreational, historic, ecological, agricultural, scenic or other natural resource value. The applicant shall prepare a conservation analysis consisting of inventory maps and an evaluation of the conservation value of the site's features. The conservation analysis shall, at a minimum, show all wetlands, flood plains, watercourses, ridge lines, forests, shorelines, seeps, and buffer or screening areas, and all other lands exhibiting conservation value. Examples of lands with conservation value include land in active agricultural use, contiguous mature forests, wildlife habitat, water bodies, areas designated for aquifer protection, land identified for conservation in the Master Plan, and scenic areas visible from public places. The conservation analysis shall describe the current and potential conservation value of all land on the site, and may recommend which land should be developed and which land should be protected as open space.
- (2) Land which is used for roads, storm water management basins, and required set-backs may not be counted towards the requirements for land preserved in an undeveloped state. Areas of open water, including lakes, ponds, and streams, may not be counted toward land preservation requirements, either. Land used for non-mechanized trails may be counted towards land preservation requirements.
- (3) The final determination as to which land has the most conservation value and should be protected in an undeveloped state shall be made by the Acme Township Board of Trustees, upon recommendation from the Planning Commission.
- (4) A perpetual conservation easement preserving the land in an undeveloped state and allowing use only for agriculture, recreation, protection of natural resources, or similar conservation purposes shall be granted to the Township or to a non-profit conservation organization approved by the Township Board. The conservation easement must be approved by the Township Board in order to fulfill the requirements of this ordinance. The Township Board may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded at the Register of Deeds.
- (5) A plat dedication with functionally equivalent restrictions may be substituted for a conservation easement for platted subdivisions. A plat dedication used for this purpose shall dedicate the land to the Township for public use, or to the owners of lots in the plat for common use. If the dedication is to the owners of the lots, the Township shall have a right to enforce the restrictions on use in the dedication.
- (6) Preserved land may be owned by a homeowners' association (HOA), private landowner(s), nonprofit organization, the Township, or another unit of government agreed to by the Township. Preserved land may not be divided.
- (7) If the preserved land is owned by an HOA, the following requirements apply:
 - (a) The HOA must be established before final approval.

- (b) Each lot owner must be required to be a member of, and pay fees to, the HOA for taxes, insurance, and maintenance of preserved land held in common. These requirements must be set forth in a recorded instrument.
 - (c) The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities.
- (8) Maintenance standards shall be established, enforceable by the Township against an owner of preserved land as a condition of development approval, to ensure that the preserved land is managed to preserve its conservation values and is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials.
- (9) If the Township Board finds that the provisions of the previous subsection are being violated, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Township shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties.

NOTES: Taken from Acme Township Zoning Ordinance, Grand Traverse County, Michigan