

Article 14 Site Plan Review [P-1]

Section 14.1 Intent

Site plan review is required to provide Kenockee Township the opportunity to review the proposed use of a site and site upgrades/changes to existing sites in relationship to surrounding uses, accessibility, pedestrian and vehicular circulation, street traffic, off-street parking, general drainage, environment characteristics, and other elements which may affect the public health safety, general welfare, and harmony with the Zoning Ordinance and plans. [P-2] [G-1]

Section 14.2 Uses Requiring Review

- A. A site plan shall be submitted for all new construction, structural alteration, or substantial change in use, as determined by the Planning Commission, for all principal permitted uses, excluding single family homes , for all Special Land Uses in every district, and for any other use which requires an off-street parking lot. [P-4 & P-3]

Table 14-1: Site Plan Review Requirements

	New Construction	Expansion/ Change	Change in Use
Single family dwelling on an existing lot	Building Permit	Building Permit	Building Permit
All other permitted uses	Site Plan Review with PC	Site Plan Review Minor(if it does not exceed 500 sqft or 10% of the existing building size whichever is less– Admin Review Major – PC Review	Zoning Permit
Special land use	Site Plan Review with PC	Site Plan Review with PC	Site Plan Review with PC
Subdivision	See subdivision control ordinance.		
Condominium	Site Plan Review with PC.		
Parking lot	Site Plan Review with PC	Admin Review existing expands less than 25%	N/A
Residential accessory building	Zoning Permit	Zoning Permit	Zoning Permit
All other uses accessory building	Site Plan Review Minor – Admin Review Major – PC Review	Zoning Permit Minor – Admin Review Major – PC Review	Zoning Permit
Signs	PC Review	PC Review	N/A

Section 14.3 Required Site Plan Review Information**A. Application Form Contents**

1. Applicant's name and address.
2. Name, address, municipality, and phone number of: [G-1]
 - a. Firm or individual who prepared site plan.
 - b. Legal owner of property.
 - c. Applicant (including basis of representation).
3. Name of the proposed development.
4. Property address or parcel number and complete legal description. [G-1]
5. Dimensions of land, width, length, acreage, and frontage. [G-1]
6. Existing land use and zoning of adjacent properties. [P-5]
7. Proposed use of land.

B. Site Plan Drawings - Required Contents

1. Location map showing site in relation to nearest major intersection.
2. A scale of not less than one inch equals twenty feet (1" = 20') if the developed portion of the subject property is five (5) acres or less, and one inch equals one hundred feet (1" = 100') if over five (5) acres. [G-1]
3. Date and north point.
4. All aisles, drives, and parking areas (include the number of spaces in each). [G-1]
5. Screening and/or protective walls.
6. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys, and easements. [G-1]
7. Types of facing materials to be used on structures.
8. Elevations (front, sides, and rear views) of all sides of the building(s). [G-1]
9. A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.
10. Seal of registered Architect, Landscape Architect, Land Surveyor, or Civil Engineer who prepared the plan. In cases of minor structural alterations where professional services are not required, additions of three hundred (300) square feet or less, or for changes in the use of existing buildings, the Planning Commission may waive this requirement.
11. Density calculations (for multiple family projects).
12. Existing buildings or improvements on the site and on all property adjacent to the site that are within one hundred (100) feet. [G-1] [P-6]
13. Designation of units by type of buildings.

14. Interior sidewalks and sidewalks within right-of-way.
15. Exterior lighting locations, methods of shielding them from projecting onto adjoining property, and photometric plan.
16. Trash receptacle location and method of screening.
17. Landscape plan. Including the proposed planting size, species, and location. [P-6]
18. Drive or street approaches including acceleration, deceleration, and passing lanes, if appropriate. [G-1]
19. All utilities located on or serving the site.
20. Loading and unloading area.
21. Total floor area.
22. Designation of fire lanes.
23. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels, and other data of all such equipment or machinery.
24. Location and extent of development of recreation areas, where necessary.
25. Existing and proposed contours shall be provided at an interval of one (1) foot. These shall clearly indicate the proposed Grading and Drainage Plan and shall identify any areas of reclaimed or filled land. All uses shall detain storm water so that the run-off from the property occurs at not more than an agricultural run-off rate.
26. Address location on building (minimum 6-inch numbers). [G-1]
27. List of all required permits from federal, state, and local level that apply to the project.
28. Other information determined necessary by the Planning Commission to determine compliance with the Zoning Ordinance.
29. The Planning Commission may waive any information requirements if determined it is not necessary to verify compliance with the Zoning Ordinance.

C. Sign Information

Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of site plan review or at a later date. The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later, if the applicant chooses. The applicant must provide the required information located in Section 11.15

Section 14.4 Procedures

- A. Site plan submittals with the required number of copies are required to be submitted to Kenockee Township at least thirty (30) days prior to the regular Planning Commission meeting. Required information with the submittal includes:

1. A complete application form, with original signatures including legal owner of the property.
 2. Proof of ownership.
 3. The required fee, as established by the Township Board
 4. One digital copy, nine (9) 11" by 17" size sheets and two (2) 36" by 24" size sheets of the completed site plan. P-11] [G-1]
- B. The site plan may be forwarded to the Township Planner, Township Engineer, and Township Attorney. [P-3] [G-1]
- C. **Administrative Review.** The process for administrative review of a site plan shall involve submittal of the site plan and required application form and fee to the Zoning Administrator. The Zoning Administrator shall review the site plan in accordance with the same standards used by the Planning Commission for a full site plan. Information requirements may be waived by the Zoning Administrator if he or she determines they are not necessary to verify compliance with this Ordinance's requirements. [G-1]
- D. **Planning Commission Review.** The Planning Commission shall make a determination based on the requirements and standards of this Ordinance and review letter from those who were submitted site plans such as the Zoning Administrator, Community Planner, Township Engineer, and/or Township Attorney to approve, approve with conditions, postpone a decision, or deny approval of the plan. If approved, any conditions shall be made part of the motion to approve and documented in the Planning Commission's minutes, a copy of which shall be provided to the applicant. [P-9] [G-1]
- E. **Final submittal.** Once the site plan has been approved through the administrative site plan review process or Planning Commission, the final number of copies to be submitted include two (2) 36" by 24" sized sheet, one (1) 11" by 17", and digital copy of the submitted material. [P-11] [G-1]

Section 14.5 Criteria For Site Plan Approval

The Planning Commission shall use the following criteria in evaluating a site plan submittal: [G-1]

- A. Has the required information been furnished in sufficiently complete and understandable form to verify compliance with the Kenockee Township Zoning Ordinance and other applicable codes or Ordinances? [G-1]
- B. Are there ways in which the configuration of uses and structures can be changed which would improve the impact of the development on the surrounding character of the area, and on the community, while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and proposed use and structures?
- C. The extent to which natural features and characteristics of the land will be preserved; the regard given to existing large trees, natural groves, water courses, and similar natural features that would add attractiveness to the property and environs if they were

preserved; the preservation of the natural drainage system, natural buffering, and other techniques for preservation and enhancement of the physical environment.

- D. Whether traffic access to the site is such that vehicular congestion or other impairment of traffic may result from access to and from the site. When evaluating traffic impact, the Planning Commission will examine such factors as driveway/street location(s), driveway spacing, internal circulation, parking layout, and pedestrian safety. The Planning Commission shall have a goal of limiting the number of driveways and curb cuts on a public street to the minimum number for safe and efficient ingress and egress.
- E. Whether the development of the site is such that it does not serve as a physical barrier or detriment to the development of adjacent land.
- F. Whether the location of activities on the site, including the arrangement of buildings and parking areas is such that activities may create noise, odor, excess light, or other nuisances that would be a detriment to existing or future uses of abutting lands. [P-8] [G-1]

Section 14.6 Conditions of Site Plan Approval

- A. As part of an approval of any site plan, the Planning Commission may impose any additional conditions or limitations as may be necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- B. Conditions may also be imposed to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards, and necessary to meet the intent and purpose of this Article.
- C. The conditions imposed on approval of a site plan run with the property and not with the owner of such property.
- D. A record of conditions imposed shall be recorded in the minutes attached to the approved site plan and maintained by the Township. The conditions shall remain unchanged unless an amendment to the site plan is approved by the Planning Commission.
- E. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated.
- F. There is a reasonable connection between the condition imposed and the impact it is mitigating. P-12]

Section 14.7 Approval Valid For One (1) Year

- A. Upon approval of a site plan by the Planning Commission, a building permit shall be requested by the petitioner within twelve (12) months or the site plan shall be declared to be invalid. Upon receipt of a building permit, reasonable construction shall be commenced within six (6) months, and reasonably continued, or the site plan and

building permit shall be declared to be invalid, unless the petitioner requests an extension and obtains a renewed building permit from the Building Inspector. [16-21] [G-1]

- B. Upon written application prior to expiration, the Planning Commission may authorize an extension of the time limit of the site plan approval for up to an additional one (1) year. The extension shall be based on evidence that the development has a likelihood of commencing construction within the extension period or changes to the surrounding area. The Planning Commission may require compliance with any amendment to the Zoning Ordinance since the site plan was originally approved. [P-10] [P-3] [G-1]

Section 14.8 Amendment to Approval Plans [P13]

Amendments to the approved site plan may occur only under the following circumstances:

- A. **Minor Changes.** Prior to making any change to an approved site plan/administrative site plan the applicant or property owner shall notify the Zoning Administrator of any desired change. The Zoning Administrator shall review the request and determine whether the requested change is minor or major. The following shall be considered minor changes: [G-1]
1. Movement of a building or buildings by no more than five (5) feet, provided all setback, parking, landscaping, and other site requirements are still met. [G-1]
 2. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on an equal or greater basis.
 3. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/ bicycle paths, but not the addition of new driveways.
 4. Changes required or requested by the Township, county, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. [G-1]
 5. Situations the Zoning Administrator deems similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
 6. A building addition that is five hundred (500) square feet or an increase of ten 10 percent or greater than the original building.
 7. Changes that increase the building's usable floor area, occupancy load, or capacity by more than 25 percent.
- B. Parking lots are expanded by more than 25 percent. **Major Changes.** All other changes not considered minor shall be considered a major change requiring a new application for site plan review.

Section 14.9 Condominiums**A. Intent**

The intent of these requirements is to ensure that all single family detached condominiums are developed in compliance with accepted planning and engineering standards applicable to similar forms of development as reflected in the Ordinances and requirements of Kenockee Township and state or county laws and regulations. Single family attached condominiums may be allowed as a permitted use in the R Residential, Agricultural, and Open Space zoning districts.

B. Submission Requirements.

All single family detached condominium plans shall be submitted for review as required by Section 16.9 of this Ordinance and Section 66 of the Condominium Act, and the plans shall include the following additional information: [P-14]

1. Name, address, and telephone number of all persons, firms, corporations, and partnerships that have an interest in the land with a description of their interest (fee simple, land contract, purchaser, or optionee). [G-1]
2. A survey of the condominium subdivision site.
3. A survey or drawing delineating all natural features on the site including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands, and woodland areas. [G-1]
4. The location size, shape, area, and width of all condominium units and common elements, together with a maintenance plan, if applicable, and the location of all proposed streets. [G-1]
5. A generalized plan for the provision of utilities and drainage systems.
6. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project, including the Bylaws of the homeowners' association. [G-1]
7. A utility plan showing all sanitary sewer, water, and storm drainage improvements, showing all public or private easements for the installation, repair, and maintenance of all utilities. [G-1]
8. A street construction and paving plan for all streets within the proposed condominium plan and maintenance plan for parking areas and driveways.
9. A storm drainage and storm water management plan, including all line, swales, drains, basins, and other facilities.

C. Review

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, the plans for all single family detached condominiums shall require approval by the Planning Commission before units may be sold or site improvement initiated. The review process shall consist of the following two steps:

1. Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the

Kenockee Township Zoning Ordinance and Master Plan. Plans submitted for preliminary review shall include information specified in Items 1 through 5 of the Submission Requirements. [G-1]

2. Final Plan Review. Upon receipt of the Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans, Master Deed, and Bylaws and apply for Final Review by the Planning Commission. Final plans shall include information as required by Items 1 through 9 of the Submission Requirements. Engineering plans shall be reviewed by the Township Engineer and the Master Deed and Bylaws shall be reviewed by the Township Attorney. Further, such plans shall be submitted for review and comment to all applicable local, county, and state agencies as may be appropriate. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans. [G-1]

D. District Requirements [G-1]

The development of all single family detached condominiums shall observe the applicable height, bulk, density, and area requirements of Article 4###, including but not limited to setbacks, minimum public road frontage and minimum floor area requirements of the district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided, pursuant to Land Division Act, P.A. 591 of 1996, as amended. For purposes of this Section, each single family detached condominium unit shall be deemed a separate "lot". [G-1]

E. Design Standards

All design standards shall comply with applicable state, county, and Township requirements, except that:

1. All proposed streets shall be designed and paved with asphalt or concrete or other similar material, if any, in accordance with public road requirements of the St. Clair County Road Commission; it shall also be dedicated to the public. Street connections shall be required, where necessary, to provide continuity to the public road system.
2. The condominium plan shall include that all standard and reasonable public utility easements be dedicated to Kenockee Township, or to such other governmental entity as the Township may direct, to enable the installation, repair, and maintenance of all necessary or standard public utilities. Appropriate construction of sanitary waste disposal and water systems of facilities and easements therefor shall be provided for, in accordance with applicable state, county, and Township standards. All reasonably necessary storm drainage and management systems shall be constructed and provided for, including but not limited to dedications of public and private easements as may be reasonably necessary, culverts, ditching, and other appurtenances as may be reasonably necessary. If a private utility system is established, a co-signer who is responsible is required. [P-16] [G-1]
3. The developer shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be places

underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township Engineers or other designated person and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor. [G-1]

F. Final Acceptance [G-1]

The Township shall also require all the appropriate inspections. After construction of the condominium project, an as-built of the completed site is to be submitted to the Township for review by the Township Engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said as-built has been reviewed and accepted by the Township. [G-1]

Section 14.10 Open Space Preservation Development (Residential Clustering Option) [16-30]

A. Statement of Purpose

The purpose of this Section is to provide an optional mechanism for development of single-family residences, where permitted, which assists in meeting the following goals: Maintain the character of the area, maintain an image of open space, permanently preserve open space and natural resources, protect a portion of lands for agriculture and farming, and achieve a balance between farming, open space and residential growth. Specifically, Kenockee Township recognizes:

1. That the preservation of wetlands, woodlands, open space, and agricultural land in the Township is necessary to the conservation of local, state, and national economic resources and is necessary, not only to the maintenance of the economy of the state, but also for the assurance of desirable living conditions for present and future residents of the Township. [G-1]
2. That the discouragement of unnecessary conversion of open space and agricultural land to urban uses is a matter of public interest and will be of benefit to the Township residents overall in that it will discourage noncontiguous urban development patterns, which unnecessarily increase the costs of services to community residents.
3. That development under the open space preservation development option provisions of this Section is a primary goal of the Township. Development under the provisions of this option is intended to provide the preferred alternative to lot splitting or conventional subdivision or site condominium development in many areas of the Township.

4. That single-family residential developments approved through this development method shall: [G-1]
 - a. Maintain the Township's open space and rural or semi-rural settings;
 - b. Allow greater flexibility and encourage a more creative approach to residential development;
 - c. Preserve the Township's natural resources, including woodlands, wetlands, floodplains, prime agricultural land, and similar natural assets;
 - d. Create a more desirable living environment through the preservation and conservation of the natural character of open fields, stands of trees, wetlands, brooks and streams, farmland, and other similar assets; [G-1]
 - e. Provide open space that directly benefits the residents of the development and the Township; and
 - f. Protect the rural character of the district, retain rural vistas by requiring optimum setbacks of residential development from rural highways and improve traffic safety by prohibiting direct access from individual home sites to such highways. [G-1]

B. Eligibility under the Michigan Zoning Enabling Act (PA 33 of 2008 as amended) [G-1]

To utilize this development option, a site without public sewer service shall be located within a zoning district that has a one half (1/2) acre [21,280 sq. ft.] or larger minimum lot size or a site with public sewer service shall be located within a zoning district that has a one third (1/3) acre [14,520 sq. ft.] or larger minimum lot size. In Kenosha Township, the Open Space Preservation Development (Residential Clustering) Option shall be a principal permitted use in the AG, OS, R, and RM Districts. [G-1]

C. Method of Land Division [G-1]

Home sites may be developed under this option as a subdivision, conventional condominium, a site condominium, or land division.

D. Open Space Retained [G-1]

To the greatest extent possible, all the natural features of the property such as large trees, natural groves, wetlands, floodplains, watercourses, natural drains, stream channels, and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved. Retained open space and other protected resource areas shall be reasonably contiguous (not fragmented). [G-1]

1. Primary Conservation Areas. This category consists of:

- a. Wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding twenty-five (25%), and soils subject to slumping. These sensitive lands are deducted from the total parcel acreage to produce the "Adjusted Tract Acreage," on which density shall be based (for both conventional and conservation subdivisions). (These areas

are deducted because as a rule they would not be buildable lands under traditional development.) [G-1]

- b. Land that would be required for street rights-of-way (a minimum 10% of the net tract area) and land under permanent easement prohibiting future development (Co. Drain easements, existing and planned public road ROW's, utility easements, etc.) shall also be deducted.

2. Secondary Conservation Areas [G-1]

In addition to the Primary Conservation Areas, at least fifty (50%) percent of the remaining land shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site.

This category typically includes all or part of the following kinds of resources: mature woodlands, significant wildlife habitat areas, prime farmland, historic, archaeological, scenic views into the site from public roads.

3. Protected areas shall be outside the boundaries of the proposed lots.

E. Method of Preservation [G-1]

The areas in open space, recreation, agriculture, or commons shall be perpetually protected from development. The open space shall be preserved using one or a combination of the following methods, subject to the review and approval of the Township Attorney and the Township Planning Commission:

1. Homeowners' Association (HOA). Title to the open space lands and other protected resource areas may be held by a homeowners' association with a required participation of all residents within the development. If an HOA is to hold title, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected. [G-1]
2. Protective Covenants. The covenants of the subdivision may include the preservation of lands within them. The exact locations of the open space and other protected resource areas shall be defined within this document. These covenants shall also state the types of uses that would be allowed in such open spaces and other protected areas. Covenants may be used with a homeowners' association but a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected. [G-1]
3. Condominium Association. All elements that are reserved for open space and other protected resource areas shall be preserved as common elements as shown on the site plan, except those areas that may be dedicated to a unit of government. Any alteration to the open space and other protected areas under common element status shall require the submittal of a new site plan and approval by the appropriate bodies. If a condominium association is to hold title to any open space and/or other protected areas, a recognized independent conservation organization

shall be granted a conservation easement(s) covering all land areas to be protected.

4. Fee Simple Dedication to a Unit of Government. The open space lands are dedicated to a unit of government (Township, village, city, school district, county, state, or federal, etc.). This dedication may have provisions within it that state that in no way shall the unit of government be obligated to any cost due to the acquisition, and that the municipality has ample access to all areas of the open space for adequate maintenance purposes should they ever be needed. There shall also be deed restrictions preventing the unit of government from selling the property or using it for development purposes. If dedication to the Township or another governmental body is to be used, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.
 5. Conservation Easements. The easement over the open space lands and other protected resource areas shall be held by a legal owner/holder, such as a conservation agency, and that owner shall have the right to enforce any aspect of the easement. The easement shall state the uses that are allowed within the open space areas and other protected resource areas and which uses are disallowed. The agreement shall be as specific as possible as to what is allowed and where it is allowed to take place. If the easement is granted to any party other than a recognized independent conservation organization, the easement shall be co-signed by a recognized independent conservation organization to ensure a checks and balance system. Whichever organization holds the legal rights to the easement, they shall visit the site a minimum of once per year to inspect and record any violations that may be occurring within the open space areas and other protected resource areas and create and file a report of what is observed.
 6. Public Trust. The open space lands and other protected resource areas may be dedicated to a public trust. This shall include the accompaniment of money with it to provide funds for the trust to conduct annual surveys on the land to turn into state agencies which may require these reports. The two entities shall enter into an agreement which states that the trust, whose only purpose is to protect open lands and other protected resource areas, shall protect these spaces within the development.
 7. Conveyance of Any Un-used Development Rights. Any unused development rights of the subject property may be conveyed to a unit of government or a conservation agency while allowing present and future owners of the open space lands to continue to maintain farming activities or open lands for their own use but permanently giving up the right to ever develop it.
- F. Density Limit (Yield Plan) [G-1]

The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area less primary conservation areas as defined in the paragraphs under D.1. above, divided by the minimum lot area set forth in the schedule of regulations for the

district involved. The permitted density may be modified if a density bonus(es) is approved by the Planning Commission. [G-1]

G. Density Bonus [G-1]

1. General. To encourage developers to utilize this development option where a large amount of open space is permanently preserved instead of conventional forms of land division where little or no usable open space remains, the Planning Commission may permit the number of dwelling units to be increased by up to thirty percent (30%) depending upon the physical characteristics of the site and upon a determination by the Commission that the plan is well designed and that proposed development complies in all respects with the intent and purpose of this Section, provided all other requirements of this Section are met. [G-1]

Proceeds from the sale of bonus lots are to be used to provide a conservation endowment (50%) and to provide an incentive (50%) to the developer. Spending from this conservation endowment fund shall be restricted to interest from such fund and shall be used to offset continuing open space monitoring and maintenance costs.

2. Public Access. To encourage appropriate and desirable lands to be set aside for public access to a portion of the site, a bonus of one (1) additional potential lot may be granted to the developer in exchange for a written and recorded easement to a unit of government for each five (5) acres of public access land provided.

[Note: Land for connecting public paths or trails and adjoining buffer areas are one type of public access that may be desired. Public access to or along water bodies may be desired. Historic, archaeological, or cultural features, rare or unusual plants, or habitats are examples of other potential candidate resources for public access.]

Fifty (50 %) percent of the proceeds from the sale of the bonus lot(s) shall be set aside for a public access endowment. The interest from the endowment shall be used to cover the additional public liability insurance requirements and cover other protection, maintenance, and inspection costs.

H. Minimum Lot Size [G-1]

The conventional minimum lot area and width requirements set forth in the Schedule of Regulations shall not apply. The minimum lot area and width shall be large enough for anticipated rural or very low density suburban household activities and shall also be determined by land area and distances required to comply with yard and setback requirements and County Health Department on-site sewage disposal and well requirements (including isolation distances and sufficient land area for replacement septic fields).

I. Frontage on Internal Road [G-1]

All lots shall front only upon a road which is internal to the development. No lots may be created which front upon existing public roads.

J. Road Standards [G-1]

All internal roads shall be designed and constructed to meet all requirements of the St. Clair County Road Commission (SCCRC) and as may be set forth in the Township Subdivision Regulations or the Township Site Condominium requirements. All internal roads shall be dedicated to the SCCRC, be accepted, and be incorporated into the SCCRC road system.

K. Clustered Home Sites [G-1]

1. General Evaluation Criteria [G-1]

- a. Protects and preserves all floodplains, wetlands, and steep slopes.
- b. Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and creates sufficient buffer areas.
- c. If development must be located on open fields or pastures because of greater constraints in all other parts of the site dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads.
- d. Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters.
- e. Designs around existing tree lines and hedgerows between fields or meadows, and minimizes impacts on large woodlands (greater than 5 acres).
- f. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
- g. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- h. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern.
- i. Designs around and preserves sites of historic, archaeological, or cultural value, their environs, and their related features (e.g. stones walls, earthworks, and burial grounds). [G-1]
- j. Protects rural roadside character.
- k. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species, shade trees, and flowering shrubs with high wildlife conservation value. [G-1]
- l. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- m. Includes a safe internal pedestrian circulation system, ideally connected to community pedestrian/bicycle system. The system must be integrated with open space, recreation, preservation areas, and provide convenient access from home sites.

- n. Provides open space that is reasonably contiguous. (Design and Management Handbook for Preservation Areas, by the Natural Land Trust is a good reference resource.)

2. Specific Criteria [G-1]

- a. Location of House Sites. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas (identified in D.1.a. above), but may be situated within 50 feet of Secondary Conservation Areas to provide buffering distances and afford enjoyable views. The building "footprint" of proposed residences may be changed in any direction by less than 50 feet without approval. Changes involving 50 feet or more may be changed with approval from the Planning Commission. [G-1]
- b. Street and Lot Layout. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fifteen percent (15%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the county and to facilitate easy access throughout the development. Single-loaded residential access streets may maximize the number of homes with enjoyment of open space views, but may require more land to be disturbed. [G-1]
- c. Lot Lines. These are generally drawn midway between adjacent house locations. Lots may be irregularly shaped, including L-shaped "flag-lots".

L. Setbacks [G-1]

Dwellings shall be located in compliance with all yard and setback requirements of the district in which they are located. Dwelling units and structures shall be set back a minimum of fifty (50') feet from any perimeter lot line of the parent parcel, except that they shall be set back at least two hundred fifty (250') feet from any existing public road right-of-way which borders the perimeter of the project site. Dwelling unit clusters shall be spaced an appropriate distance apart from another cluster, as determined by the Planning Commission, compatible with the surrounding community character and to discourage a suburban subdivision appearance. [G-1]

M. Landscaping [G-1]

To maintain the rural or very low density suburban character of the district, the frontage along the perimeter public road(s) shall be heavily landscaped to screen clustered home sites from view of the public to the greatest extent feasible. Scenic vistas from the perimeter public road(s) shall be maintained (and perhaps enhanced) to the greatest extent feasible. A landscape plan for such areas shall be reviewed and approved by the Planning Commission. Existing natural screens or new screens may be used. The Planning Commission may require the installation of a landscaped berm where necessary to meet the intent of this Section.

N. Sewage Disposal and Water Supply [G-1]

Use of on-site wells and septic systems are anticipated in Kenockee Township. However, community septic systems or package treatment plants and community wells in lieu of individual wells and septic fields may be permitted if approved by the County and/or State Health Department. Public water and sewage disposal systems shall not be extended to serve projects developed under this Section if the site lies beyond an urban services area boundary, as may be set forth within the Master Plan, except in such instances where such utilities already are located at the perimeter of the site.

Portions of the open space may be used, if approved by the Planning Commission and the County Health Department for individual or community wells, for underground drainage fields for individual or community septic systems and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten (10%) percent of the required minimum open space.

O. Pedestrian Linkages to Open Space [G-1]

To the greatest extent feasible, the open spaces should be located and interwoven with the dwelling unit clusters so as to be easily accessible to residents of the development, except in cases where the open space to be preserved is not intended for the use of the residents (as in the case of active farming or protection of endangered species). Linking pedestrian trails shall be provided within the open space(s).

P. Site Plan [G-1]

Approval under this Section requires that a site plan meeting the requirements of Section 16.33 be reviewed and approved by the Planning Commission. In addition to a site plan, the Planning Commission may require the submittal of additional documents as specified or called for herein.

Q. Site Condominium, Subdivision Approval, or Land Division [G-1]

A project approved under this Section shall also comply with all requirements of the Township, county, and state for a site condominium, subdivision, or land division as may be applicable, and shall follow all such steps and procedures for approval required therein. [Under the land division act, the number of permitted new divisions may be less than (thus limiting) what might otherwise be desired and permitted under this Section for optional Open Space Preservation Development.]

If clustering under land division is intended, documentation of the potential number of new parcels out of the parent parcel must be submitted.

R. Application and Approval Process [G-1]

1. Preliminary Approval. The applicant shall prepare and present the following exhibits to the Planning Commission for review and approval. The Planning Commission shall submit the applicant's exhibits to the Township Planner for a recommendation. As may be necessary or advisable, a recommendation from the Township Engineer may also be sought during the preliminary approval process.

- a. Applicant prepares and presents a "yield plan" for review and approval of the Planning Commission. The "yield plan" shall identify all primary conservation areas as defined in the paragraphs under D.1. above, and shall accurately demonstrate the maximum number of lots or parcels which could be created if the property was developed conventionally. [G-1]
 - b. Applicant submits conceptual preliminary plan with all basic existing and proposed land features and structures shown separately. Aerial photos and simple transparencies may be used. [G-1]
 - c. Applicant submits conceptual landscape plan with all basic existing and proposed topography and vegetation features shown separately. Photos and simple transparencies may be used. [G-1]
 - d. A site walkabout may be scheduled for the applicant, Planning Commissioner(s), and the local government's staff and/or consultants. [G-1]
2. Planning Commission site plan review procedures (see Section 14.4 are required in all eligible districts (AG, OS, R, and RM) for this principal permitted use. All required steps shall be scheduled with a determination of approval, approval with conditions, or disapproval to follow accordingly.
 3. Any legal instruments (easements, covenants, etc.) pertinent to the effectuating of the proposed open space preservation development must be reviewed and approved by the Township Attorney. Any approved easements, covenants, or other legal instruments which run with the land are to be recorded with the county Register of Deeds. No zoning compliance permit or building permit shall be issued until this has been accomplished.

Example:

Parcel Size: 80 acres (Not an ideal buildable parcel, but made more buildable)

Normal Zoning – Open Space Overlay District: 5.0 acre minimum lot size

Calculation of allowable number of lots:

80 acres = gross area

less 15% for internal roadways (12.0 acres)

less 2 acres for planned County Road ROW (parcel legal description running to the center of the road).

less 3.5 acres for a County Drain easement.

less 12.5 acres of regulated wetland, also 100 year floodplain, adjacent to county drain (a Primary Conservation Area)

80 – 12.0 acres – 2.0 acres – 3.5 acres – 12.5 acres = 50 acres [Adjusted Tract Acreage]

50 net acres/ 5.0 acre minimum lot size = 10.0

So...Ten (10) lots allowed [result of lot "yield plan"]

Adjusted Tract Acreage eligible for development minus 50% preservation = Net amount of land to be developed.

50 acres - 25 acres = 25 net acres [25 acres of Secondary Conservation areas to be permanently conserved:

15 acres on north side of parcel to be retained by original farm owner for farming together with adjacent 160-acre cropland. [G-1]

5 acres of upland woods and trout stream to be held in common by resident owners.

5 acres on east side to be dedicated for public access. See bonus below]

25 acres = net developable area

less 10% for roadway (reduced need)

25 x 0.90 = 22.5 net acres

Area per buildable home site:

22.5 net acres/ 10 allowable units

Typical home site = 2.25 acre*

Potential Bonus Lots

Allowable units X (maximum 30% bonus) = Potential Bonus Lots

10 X 0.30 = + 3.0 (fractions 1.5 & over rounded up)

Potential Total: 10 + 3 = 13 Lots*

Potential Bonus Lots

3 acres for 50 ft. buffer area surrounding portions of wetlands

+ 1.5 acres for county trailway

+ 0.5 acre for wetland observation site and interpretative displays

5.0 acres open to the general public (out of 15 acres of site conservation area.)

5 Acres Public Access = 1 Additional Bonus Lots

Potential Total 10 + 3 + 1 = 14 Lots*

22.5 net acres/ 14 allowable units

Typical home site = 1.6 acre*

* Note: Actual typical home site size may vary due to on-site conditions affecting well and septic placement as well as health department requirements. See paragraph N. for potential well and/or septic field placement option.