

## **ARTICLE 12A**

### **OPEN SPACE PRESERVATION**

In order to comply with Section 506 of the Michigan Zoning Enabling Act being Act 110 of 2006, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:  
*[amended 8-9-06]*

#### **12A.01 ELIGIBILITY**

- A.** In “R-1”, “R-2”, “R-3” and, with respect to lands served by a public sewer system, “R-4” zoning districts in the Township, a land owner may choose to apply for a land division(s), plat or site condominium under the below described Open Space Preservation option. Provided that no more than the same number of dwelling units allowed on the entire land area of the tract, under existing Township Zoning District Regulations, State Laws and Rules, may be created.
- B.** To Qualify for an Open Space Preservation land division, plat or site condominium option the land owner must: Sign and record either a conservation easement, plat dedication, restrictive covenant or other legal document that runs with the land and is agreeable to the Township Board, whereby the land owner shall agree to reserve at least 50% of the developable land area in a perpetual undeveloped state. Developable property shall not include areas under road or utility easements; wetlands as defined by the Clyde Township Wetland Ordinance; areas within the 100 year flood plain of a river, stream or county drain; areas under the normal high water mark of any lake. As used in this section the term “Undeveloped state” means 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, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public.

#### **12A.02 MINIMUM LOT REQUIREMENTS**

- A. MINIMUM LOT WIDTH AND DEPTH** – the minimum lot width and depth shall be equal to the minimum lot width required for the zoning district by this Ordinance.

- B. MINIMUM LOT AREA** – may not be less than half the required area of lots in the zoning district in which the property is located. Proof of buildability may require septic and well permits from the Allegan County Health Department.
- C. ACCESS** – all lots created under this section must have at least the required minimum width along a county road right-of-way or along an approved private road. Any division which, under other provisions of this ordinance, would require the creation of a private road in order to obtain the required road frontage may not be created with direct access to a county road or State highway but must front upon an approved private road as provided for in this ordinance.

### **12A.03**

### **APPLICATION**

- A. PLATS** – Applicant shall inform the Township Clerk in writing at the time of application for the preliminary plat if the landowner chooses to exercise the Open Space Preservation option.
- B. SITE CONDOMINIUMS** – Applicant shall indicate on the Zoning application form when submitting the preliminary site plan to the Zoning Administrator if the owner chooses to exercise the Open Space Preservation option.
- C. EXEMPT DIVISIONS UNDER THE STATE LAND DIVISION ACT** – Applicant shall indicate on the Land Division Application form if the owner chooses to exercise the Open Space Preservation Option, when submitting the application to the Zoning Administrator.