

**ARTICLE VII**  
**CD CLUSTER RESIDENTIAL DEVELOPMENT DISTRICT**  
**(OPEN SPACE PRESERVATION)**

**Section 7.01 - Intent.** The Cluster Residential Development (overlay) District is an alternative development process from the traditional zoning regulations governing residential development as required by Section 4f of the City and Village Zoning Act, P.A. 207 of 1921, as amended. Specifically, the Article provides the option for a developer or land owner to develop the same number of dwelling units as authorized by the underlying zoning district regulation on eighty (80) percent, or less (at the discretion of the local municipality), of the property where such undeveloped portion of the property is dedicated as open space in perpetuity.

**Section 7.02 - Open Space Defined.** Open space for the terms of this Ordinance is defined as land other than streets, roads, driveways, parking areas, building lots, landscaped yard areas immediately surrounding building and structures and any other portion of the property not left in (or restored) with natural vegetative cover (or left for agricultural production uses) greater than twenty-five (25) feet wide and running continuous and contiguous throughout the proposed cluster development, except for the crossing of streets, roads and walkways.

**Section 7.03 - Relationship to Underlying Zoning Regulations.** The Cluster Residential Development (overlay) District option for land development is allowable for use on any vacant and undeveloped parcel of land located within an R-1A, R-1B, R-2 and R-3 Residential Zoning District having minimum of two (2) acres of land area.

- A. **Uses Permitted by Right and Special Use Permit.** Any use permitted by right and any use permitted by special use permit allowable by the terms of the underlying zoning district in which the property is located shall be permitted within a cluster development provided any special use permit shall be issued in accordance with the terms of this Ordinance.
- B. **Applicable Gross Density.** The gross density of development of the subject property shall be determined by dividing the minimum lot size required by the underlying zoning district in which the property is located into the gross square feet of the property to be developed; mathematically rounded upward to the higher whole number.
- B. **Setback, Lot Frontage and Building Height Provisions.** All cluster developments shall provide a front, rear and side yard setback around the perimeter of the property line equal to the minimum requirements of the underlying zoning district in which the property is located. The lot frontage of the cluster development shall (unless varied by the Board of Appeals) conform to the minimum lot frontage requirement of the underlying zoning district in which the property is located. Building height requirements shall conform to the requirement of the underlying zoning district in which the property is located.
- C. **Public Water and Wastewater Requirements.** No cluster development shall be approved which does not provide on-site public water and wastewater service to all habitable buildings and structures.

**Section 7.04 - Site Plan and Rezoning Approval Requirements.** An application for cluster development approval shall be accompanied with a site plan which shall be processed in accordance with Article XXI. Approval of a cluster development is a rezoning of the subject property designating the property as an Cluster Development (overlay) District.

**Section 7.05 - Plat of Subdivision or Condo Subdivision Plan (Exhibit C) Requirement.** All cluster developments shall be recorded as a Plat of Subdivision pursuant to the Michigan Land Division Act, P.A. 87 of 1997, as amended (formally the Michigan Subdivision Control Act) or as a Subdivision Plan (Exhibit C to the Master Deed) pursuant to the requirements of the Michigan Condominium Act, P.A. 58 of 1978, as amended.

**Section 7.06 - Permanent Open Space Requirements.** Permanent open space, for the terms of this Ordinance, shall mean permanently undeveloped by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land, in a form acceptable to the Planning Commission and Village Council. In acceptance of the plat/plan of subdivision, pursuant to the Michigan Land Division or Condominium Act, the Planning Commission and Village Council shall consider the form of management and maintenance of the open space and apply such conditions to the approval of the Plat of Subdivision or

Plan of Subdivision to assure that such open space shall be properly managed and maintained in perpetuity and that the conservation easement, deed restrictions or condominium dedication shall be adequately monitored and enforced by the organization or entity holding title to the easement or property rights of the designated open space.

**Section 7.07 - Incentive Bonus Density for Increased Open Space.** The Planning Commission may approve upon request by the developer and upon finding the proposed plan increases the amount of open space beyond twenty (20) percent of the total lot area, an increase in the number of units allowable by the terms of the underlying zoning district. The increase in the number of units shall not exceed fifty (50) percent of the gross density, the total number of units allowable by the terms of the underlying zoning district.

**Section 7.08 - Variances Due to Unique Site Conditions.** Upon a finding by the Planning Commission that a particular property proposed for development as a cluster development has significant natural features; specifically topography, plant and/or animal habitat, wetlands, or agricultural production uses, the Planning Commission may recommend the strict terms of this section of the Ordinance be waived by the Board of Appeals for the purpose of protecting and preserving the unique and significant natural features of the property.

**Section 7.09 - Zoning Map Designation.** Upon approval of a Cluster Development pursuant to this Article, the Village Clerk shall indicate the subject property on the Official Zoning Map as a Cluster Development (overlay) District by designating the property "CD" and including the data of the rezoning approval in the record of maps amendments.