

Article 22: Single Family Cluster Housing

Amendments:

ARTICLE XXII

SINGLE FAMILY CLUSTER HOUSING

PURPOSE

The purpose of the Single Family Cluster Housing Option is to permit optional methods of development and arrangement of single family structures on parcels less than forty (40) acres gross area in the R-1-E, R-1-H, R-1-S, R-1 and R-2 single family residential districts, which provide for design alternatives compatible with existing and future adjacent single family subdivisions, and which meet one or more of the following characteristics:

1. The parcel contains natural assets such as large stands of trees, rolling topography, swale areas, flood, plains or wetlands which would be in the best interest of the community to preserve and would otherwise be substantially destroyed if developed under traditional subdivision requirements.
2. Because of the parcel's peculiar configuration, it would be difficult to develop under traditional subdivision requirements.
3. Because of the parcel's particular relationship to thoroughfare and/or collector roads and existing circulation patterns for abutting subdivisions, it would be difficult to develop under traditional subdivision requirements.
4. Because of the parcel's particular relationship to a limited access highway, development under the cluster option would result in a more suitable living environment than could be achieved under strict adherence to traditional subdivision requirements.

SEC. 22.1 STATEMENT OF PRINCIPLES

Single Family Cluster Housing is an optional method of development which may be permitted only after a public hearing, review and recommendation by the Planning Commission, and approval by the Township Board of Trustees, and upon finding that the proposed cluster housing development reflects the following basic principles:

1. The proposal is in conformity with the spirit and intent of the Cluster Housing Option as established in the purpose Section of this Article.
2. The vehicular circulation system planned for the proposed development will be in the best interest of the public health, safety and welfare in regards to the overall circulation of the community, egress/ingress to the site, vehicular turning movements related to street intersections and street gradient, site distance and potential hazards to the normal flow of traffic.

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In reviewing the proposed interior circulation system for the proposed project, the Planning Commission shall determine the necessity for public roads and the potential future extension of such roads to adjacent properties.

All interior roads, both public and private, shall be constructed in compliance with existing construction standards as adopted by the Wayne County Department of Public Services for residential streets. The Planning Commission and/or Township Board may waive this requirement after review and recommendation by the Township Planner and Township Engineer, provided the proposed waiver will not materially impair the intent and purpose of this Ordinance or the public interest.

3. The proposed units, circulation, layout, parking facilities and any open space or recreation activity areas are designed and located in a manner that ensures the stability of existing or future conventional single family residential properties in the area.
4. Proposed landscape plantings, fences, walls and/or open space areas are appropriate and of sufficient size, height and quantity to insure that the proposed development will not be objectionable to nearby existing or future conventional single family residential properties by reason of noise, fumes or flash of lights from automobiles, or exterior lighting; nor will it interfere with an adequate supply of light and air, increase the danger of fire or otherwise endanger the public safety.
5. The proposed development will not adversely impact the capability of public services and facilities in the area or the Township as a whole.

SEC. 22.2 APPLICATION

Application for approval shall be made by the titleholder or titleholders of any parcel where use of the Cluster Housing Option is contemplated. The application shall be accompanied by a fee determined by Township Board resolution to cover the cost of evaluating the application.

SEC. 22.3 APPLICATION INFORMATION

Application for approval shall contain the following information:

1. Survey and Site Analysis

- (a) A metes and bounds survey and legal description of the acreage comprising the proposed Cluster Housing Development, including a disclosure of mineral rights ownership.
- (b) Topographic survey, including natural and manmade features at a scale of one inch equals fifty feet (1"=50'), with a contour interval not to exceed two (2) feet.
- (c) Site analysis, which identifies the character, structure and potential of the site as it relates to this Article, including areas adjacent to the subject property and

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sufficient information about the nearby properties, so that a determination can be made by the Planning Commission and Board as to the impact of the proposed Cluster Housing development on the general planning area in which it is located. The analysis shall include as a minimum the following:

- 1) Adjacent Land Uses: Indicate type and impact on adjoining lands, direction and distance to community facilities; show transportation routes related to site.
 - 2) Drainage: Natural watershed (direction), drainage swales and swamp areas.
 - 3) Soils: Depth of topsoil and type of soils.
 - 4) Vegetation: Locate and identify existing tree masses, locate and identify specimen plant material and indicate type of ground cover.
 - 5) Existing Conditions: Structures, utilities and circulation.
 - 6) Special Features: Lakes, streams, ponds, floodplains and wetlands, dramatic views and significant natural, archeological, historical or cultural features.
2. Documentation related to the Purpose and Statement of Principles Sections of this Article indicating why this parcel should be considered for development under the Cluster Housing Option.
 3. General Development Plan: A plan of sufficient detail to define the proposed location of buildings, parking, interior circulation, landscape areas and method of handling storm water run-off, sanitary sewer and water facilities. (Scale 1"=50' minimum).
 4. Proposed method of ownership.
 5. General concept of the building types to be used, including typical architectural elevations of proposed residential dwellings.
 6. A parallel plan conforming to all applicable requirements of a conventional residential development demonstrating the number of residential units or lots that could be developed following the requirements of the zoning district without the cluster option.
 7. Any other pertinent information deemed necessary by the Planning Commission or Township Board to make a determination concerning the desirability of applying the provisions of this Article.

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22.4 PUBLIC HEARING REQUIREMENTS (as amended on 9/30/07)

At least one (1) public hearing shall be held by the Planning Commission on a proposed Cluster Housing Development in order to acquaint the public and adjoining property owners with the proposal prior to finishing of detailed plans and specifications by the petitioner. Notice of the hearing shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall:

1. Describe the nature of the Cluster Housing request.
2. Indicate the property which is subject of the Cluster Housing request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the Cluster Housing request will be considered.
4. Indicate when and where written comments will be received concerning the request.

SEC. 22.5 PLANNING COMMISSION RECOMMENDATION

The Planning Commission shall review the proposed cluster housing development for conformance with the provisions of this Ordinance, the intent and purpose of this Article, the statement of principles listed in Section 22.1 and its compatibility with adjacent uses of land, the natural environment, and the capability of public services and facilities affected by the proposed Cluster.

Within a reasonable time following the public hearing, the Commission shall recommend to the Township Board of Trustees approval, denial or approval with conditions of the Cluster Option. The Commission’s recommendations shall be forwarded to the Township Board of Trustees stating the Commission’s findings, recommendations and any recommended conditions of approval.

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SEC. 22.6 TOWNSHIP BOARD ACTION

Upon receipt of the recommendations of the Commission, the Township Board shall review the application, recommendations, and may approve, approve with condition, or deny the application.

SEC. 22.7 DISAPPROVAL BY TOWNSHIP BOARD

If the Township Board denies the request to apply the provisions of the Cluster Housing Option to the parcel of land as described in the survey submitted with the application, it shall record the decision and the basis for the decision in the meeting minutes. In the case of a denial, development of the subject property can be made only in accordance with the provisions of the Zoning Ordinance for the district where the property is located.

SEC. 22.8 APPROVAL BY TOWNSHIP BOARD

If the Township Board of Trustees approves the request to apply the provisions of the Cluster Housing Option to the parcel of land as described in the survey submitted with the application, it shall record the decision and the basis for the decision in the meeting minutes.

Approval by the Board shall confer approval to develop the parcel of land described in the application under the conditions and requirements of the Cluster Housing Option. Such approval shall be further subject to the following:

1. Cluster Option approval shall not constitute approval of a preliminary plat, final plat, final site plan or final site condominium plan.
2. Approval Period: Said approval by the Township Board of Trustees shall grant the applicant a period of one (1) year and six (6) months from the date of Cluster Housing Option approval to submit and receive final site plan or final site condominium plan approval (dependent upon the method of ownership proposed), and to submit a contract for approval to the Township Board.
3. Extensions of Cluster Housing Option approval may be granted by the Township Board upon written request of the applicant and upon showing of good faith and effort by the applicant. Failure to request such extension shall be deemed an abandonment of the proposed Cluster Housing Development.
4. Approval of the final site plan or final condominium site plan and approval of a Cluster Housing Option contract by the Township Board is a prerequisite for issuance of a building permit by the Department of Building and Code Enforcement.

SEC. 22.9 CONTRACT REQUIREMENTS

SEC. 22.6	TOWNSHIP BOARD ACTION
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Prior to final site plan, final plat, or final condominium site plan approval, or in conjunction with the respective submissions, the applicant shall submit to the Planning Commission for recommendation and to the Township Board for approval, a proposed contract setting forth the conditions upon which approval of the Cluster Housing Development is based. The contract, after review by the Planning Commission and approval by the Township Board, shall be entered into between the Township and the developer. Said contract shall provide:

1. The manner of ownership of the land, including mineral rights.
2. The manner of the ownership and of the dedication of the open land.
3. The restrictive covenants required for membership rights and privileges, maintenance and obligation to pay assessments for the open land.
4. The stipulations pertaining to commencement and completion of the phases of the development, to construction, installation, repairs and maintenance of improvements, to obligations for payment of any costs, expenses or fees planned or reasonably foreseen, and to the manner of assuring payment of obligations.
5. Provisions for the Township to effect construction, installation, repairs and maintenance and use of public utilities, storm and sanitary sewers and drainageways, water, streets, sidewalks and lighting, and of the open land and improvements thereon, and any other conditions of the plan, and the manner for the assessment, and enforcement of assessments for the costs, expenses, or fees incidental thereto against the applicant, or the future owners or occupants of the Cluster Housing Development.
6. The final site plan, final condominium site plan or final plat shall be incorporated by reference and as exhibits.
7. Provisions reasonably and necessarily intended to protect public health, safety, or general welfare of neighboring residents or the Township as a whole, to address any conditions of approval, or to further the purpose and intent of this Article.

SEC. 22.10 GENERAL CONDITIONS

The option allows for development of detached and attached one family dwelling clusters in the R-1-E, R-1-H, R-1-S, R-1, R-M and R-2 Residential Districts.

1. Clustering of the dwelling units shall be in a manner which preserves the basic amenities normally found in single family residential neighborhoods, while allowing for innovative site layout, and a potential increase of common open space.
2. Each dwelling unit shall be provided with a private exterior entrance, with visual and physical separation from adjacent dwelling units.
3. The method by which dwelling units may be attached shall be limited to the following:
 - (a) A common party wall in the garage portion of the unit only.

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- (b) Obscuring walls, architectural screens fencing or similar elements designed to create a private outdoor area.
 - (c) A common party wall between individual dwelling units, which defines interior living or storage space, provided that the exterior design of the building is compatible with existing single family structures located in the general area in architectural style, size, overall floor area and height, and that the structure complies with acoustic control standards as established by the Chief Building Official for Cluster Housing.
4. Where the proposed cluster development abuts an existing conventional single family subdivision or land zoned for single family use, the Planning Commission shall ensure that an orderly transition occurs in one of the following manners:
- (a) Detached single-family dwellings, subject to the standards of the Schedule of Regulations for the particular zoning district.
 - (b) Open or recreation space.
 - (c) Sufficient change of topography.
 - (d) Buffer plantings of sufficient size, character, density and quantity to adequately provide for an orderly transition.
 - (e) Any other means the Planning Commission finds to be consistent with the spirit and intent of this Ordinance and the objectives of this Article.
5. Attached dwelling units shall be subject to the following:
- (a) The maximum number of units which may be attached shall be four (4) units.
 - (b) The exterior design of the structures shall be compatible with existing single family structures located in the general area of the project in regards to architectural style, size, overall floor area and height.
 - (c) Variety in the design of individual units shall be provided by the use of design details which do not appear to be continuous or repetitious. A building pattern which is repetitious throughout the project shall not be permitted.
6. All buildings shall be set back a minimum of forty (40) feet from the street setback line for a major thoroughfare [projected right-of-way one hundred twenty (120) feet] or collector road [projected right-of-way eighty-six (86) feet]. The Planning Commission may reduce this requirement to allow development consistent with existing or future single family developments along the major thoroughfare or collector road.

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7. All buildings shall be set back a minimum of forty-two (42) feet from the edge of any internal private street providing general circulation through the site. A minimum setback of twenty-five (25) feet shall be provided on drives whose primary purpose is to serve as access for only a few units. The Planning Commission on the basis of the Site Plan shall determine which streets provide general circulation and those which serve only a few units. All buildings shall be setback a minimum of twenty-five (25) feet from the right-of-way of any internal public street.

8. Yard and Building Separation Standards

The requirements of Article 20, Schedule of Regulations applicable for minimum lot size and yard requirements shall not apply under the Cluster Housing Option. The arrangement of buildings, distances between buildings and intended use of yard areas shall be reviewed by the Planning Commission. Yard requirements and minimum separation distances between buildings shall be provided as follows:

- (a) Separation between Detached Dwelling Units. A minimum of ten (10) feet shall be provided between each detached unit except that the distance between garages or between a garage and living area may be reduced to six (6) feet with Planning Commission approval. The applicant shall clearly indicate the intended use of outdoor and indoor areas and proposed elevations facing each other. Where the space between units is intended for use as outdoor living space, the separation shall be a minimum of twenty (20) feet.
- (b) Separation between Dwelling Clusters. Minimum spacing between clusters shall be determined by the number of living units that are arranged in any cluster group, as shown in the following table:

NUMBER OF LIVING UNITS PER CLUSTER	MINIMUM DISTANCE BETWEEN CLUSTERS (feet)
1 Unit Cluster and a 1 Unit Cluster	10.0
1 Unit Cluster and a 2 Unit Cluster	15.0
1 Unit Cluster and a 3 Unit Cluster	20.0
1 Unit Cluster and a 4 Unit Cluster	25.0
2 Unit Cluster and a 2 Unit Cluster	20.0
2 Unit Cluster and a 3 Unit Cluster	25.0
2 Unit Cluster and a 4 Unit Cluster	30.0
3 Unit Cluster and a 3 Unit Cluster	30.0
3 Unit Cluster and a 4 Unit Cluster	40.0
4 Unit Cluster and a 4 Unit Cluster	40.0

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- (c) Planning Commission Modifications. After review of the proposed plan and the proposed use of yard areas and arrangement of buildings, the Planning Commission may require additional setbacks or separation distances between buildings or clusters of buildings to ensure that the intent of this Ordinance is carried out and the public health, safety and welfare of the community is adequately served.

(as amended 10/25/07)

- (d) The minimum building setback in a Single Family Cluster shall be 50 feet from any perimeter property line or street setback line of the development parcel. However, based on factors such as lack of impacts on adjacent sites or the particular relationship of the building(s) to the side and/or rear property line, the Planning Commission may reduce the required building setbacks from any side or rear property line. In no case shall be building setback be less than 35 feet.
- (e) Where a building in a Single Family Cluster sides to the right-of-way of a road, the minimum building setback from the street setback line shall be equal to the front yard setback for the abutting zoning district, if one of the abutting districts fronting the same road is zoned single family residential. In no case shall the building setback be less than 25 feet.

9. Where the proposed cluster development abuts a designated thoroughfare and/or collector road, the Planning Commission shall ensure that the treatment along said roads is compatible with existing or future single family developments in the area, and that an orderly transition occurs in one of the following manners:

- (a) Detached single family dwellings, subject to the standards of the Schedule of Regulations for the particular zoning district.
- (b) Open or recreation space.
- (c) Sufficient change of topography.
- (d) Buffer plantings of sufficient size, character, density and quantity to adequately provide for an orderly transition.
- (e) Mounding or berming of sufficient size, height and slope to insure proper maintenance of the area and to adequately provide for an orderly transition.
- (f) Any other proposed means the Planning Commission finds to be consistent with the spirit and intent of this Ordinance and the objectives of this Article.

10. Architectural Standards

The following minimum architectural design and exterior wall finish materials standards are intended to encourage greater design variety, encourage greater variety and interest in the design of individual buildings, minimize repetition of design elements between

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neighboring structures, avoid design monotony within neighborhoods and prohibit the use of materials that are less permanent or are not consistent with a residential appearance.

Residential structures in a Cluster Housing development shall be subject to the following, unless otherwise determined by the Planning Commission:

- (a) **Facade Materials.** A minimum of forty (40) percent of the exterior vertical surface of the principal building façades shall be finished with brick, stone or similar decorative masonry materials approved by the Planning Commission.
 - (b) **Other Elements.** Other architectural elements intended to increase architectural variety, interest and reduce monotony in building design may be required by the Planning Commission. Such elements may include variation of the location and design of building entries, garage door orientation, porches, window openings, roof design and pitch, building materials, etc.
 - (c) **Planning Commission Modifications.** The Commission shall have the authority to vary the specific requirements of this subsection upon determination that alternative designs, materials or other architectural elements would be in accordance with the Purpose and Statement of Principles Sections of this Article.
11. **Covenants and Restrictions or Master Deed:** Architectural standards required as conditions of Cluster Housing development approval shall be included in the covenants and restrictions and/or master deed of the development.
 12. **Open spaces** shall include all-weather pedestrian paths to permit convenient access for residents. Access easements connecting local streets within the cluster development to open spaces shall have a minimum width of ten (10) feet.

SEC. 22.11 PERMITTED DENSITIES

The area used in computing overall density shall be the gross site area including any dedicatable interior right-of-way less than eighty-six (86) feet in width and twenty-five percent (25%) of the water area of water located wholly within the boundaries of the parcel. Permitted dwelling unit density shall be further subject to the following:

1. Planning Commission Modifications

The Planning Commission may vary the percentage of water area to be used in the density calculation upon determination that such a decrease or increase would be within the spirit and intent of the Cluster Option as established in the Purpose Section and the overall projection would be in harmony with the existing and proposed land patterns of adjacent properties and the general planning area.

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2. **Exclusions**

The following shall be excluded from the area used in computing overall density:

- (a) Dedicated or dedicatable interior and exterior right-of-way equal to eighty-six (86) feet in width or greater. This shall be determined by the established street setback lines, in the case of existing streets.
- (b) Water area which is not wholly within the boundaries of the parcel to be developed.

- 1. The following gross densities may be permitted:

ZONING DISTRICT	MAXIMUM NUMBER OF DWELLING UNITS PER ACRE
R-1-E	0.86
R-1-H	1.70
R-1-S	3.05
R-1	5.00
R-2	9.40

SEC. 22.12 AMENDMENT, TERMINATION AND REVOCATION

Final approval by the Township Board of the Cluster Housing Option contract, and approval of the final site plan, final plat, or final condominium site plan by the Planning Commission, signifies the completion of the Cluster Housing development application process. The applicant shall comply with all conditions and requirements of the approved Cluster Housing Option contract and final site plan or final condominium site plan, which shall remain unchanged except upon the mutual consent of the Township and the landowner.

1. **Compliance Required**

Once an area has been included within the final site plan, final plat, or final condominium site plan approved for a Cluster Housing Development, no development may take place in such area nor may any use thereof be made except in accordance with said plan, or in accordance with a Board approved amendment thereto, unless the plan is terminated as provided herein.

2. **Amendment**

An approved Cluster Housing contract and final site plan, final plat, or final condominium site plan may be amended in the same manner provided in this Article for approval of the original Plan and Contract

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3. Termination

An approved contract and final site plan, final plat, or final condominium site plan for a Cluster Development may be terminated by the applicant prior to any development within the Cluster Housing Development involved by filing with the Township Clerk and recording in the Wayne County Records an affidavit so stating. The approval of the contract and final site plan, final plat, or final condominium site plan for the Cluster Housing Development shall terminate upon said recording. No approved contract and final site plan, final plat, or final condominium site plan shall be terminated after any development commences, except with the approval of the Township Board and of all parties of interest in the land, except as outlined below.

4. Revocation

A Cluster Housing Option approval may be revoked by the Township Board in any case where the conditions of such approval have not been or are not being complied with. If it is determined that the conditions of the approval are not being met, the Chief Building Official shall issue an immediate stop work order and communicate in writing his actions to the applicant and to the Township Board with reason therefore. The Township Board shall give the applicant notice of its intention to revoke such approval at least ten (10) days prior to review of said approval by the Board. After conclusion of such review the Township Board may revoke such approval if it finds that a violation in fact exists and has not been remedied prior to such hearing.

END OF ARTICLE 22.

THE FOLLOWING INFORMATION DOCUMENTS HISTORY OF REVISIONS TO THIS ARTICLE SINCE ITS ADOPTION ON JUNE 7, 2004

Charter Township of Plymouth Zoning Ordinance No. 99
Article 22: Single Family Cluster Housing
Amendments:

ALL AMENDMENTS TO
ARTICLE XXII (22)

Charter Township of Plymouth Zoning Ordinance No. 99

Article 22: Single Family Cluster Housing

Amendments:

ALL AMENDMENTS TO ARTICLE XXII (22)

The following language was amended (added) on 10/25/07 (section 22.10.8)

- (d) The minimum building setback in a Single Family Cluster shall be 50 feet from any perimeter property line or street setback line of the development parcel. However, based on factors such as lack of impacts on adjacent sites or the particular relationship of the building(s) to the side and/or rear property line, the Planning Commission may reduce the required building setbacks from any side or rear property line. In no case shall be building setback be less than 35 feet.

- (e) Where a building in a Single Family Cluster sides to the right-of-way of a road, the minimum building setback from the street setback line shall be equal to the front yard setback for the abutting zoning district, if one of the abutting districts fronting the same road is zoned single family residential. In no case shall the building setback be less than 25 feet.

The following language was amended on 9/30/07

SEC. 22.4 PUBLIC HEARING REOUIREMENTS

A public hearing shall be held by the Planning Commission on a proposed Cluster Housing development in order to acquaint the public and adjoining property owners with the proposal prior to finishing of detailed plans and specifications by the petitioner. Notice of the hearing shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individual partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

1. Describe the nature of the Cluster Housing request.
2. Indicate the property which is subject of the Cluster Housing request.
3. State when and where the Cluster Housing request will be considered.

Charter Township of Plymouth Zoning Ordinance No. 99

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4. Indicate when and where written comments will be received concerning the request.