

**WATSON TOWNSHIP  
ORDINANCE PRIVATE ROAD AMENDMENT 11072024-1**

**PRIVATE ROAD AMENDMENTS**

**PRIVATE ROAD AMENDMENTS**

**WHEREAS,**

**NOW THEREFORE,** be it ordained by the Township Board of the Watson Township, in the State of Michigan, as follows:

**SECTION 1:**        **APPROVAL** “5.04 Area And Density Regulations” of the Watson Township Zoning Code is hereby *approved* as follows:

**BEFORE APPROVAL**

5.04 Area And Density Regulations

Buildings and structures shall not be erected or enlarged unless the following requirements are provided and maintained:

- (a) *Front Yard.* For parcels on having frontage on a "state highway", "county primary" or "county local road", as classified on the Official Road Map of Allegan County, the minimum required front yard building setback shall be 50 feet Buildings and structures existing at the date of adoption of this Ordinance amendment which have a front yard building setback of less than 50 feet shall be permitted to expand, provided such expansion is no closer to the street right of way line than the existing building or structures. For all lots and parcels having frontage on any "other road" as classified on the Official Road Map of Allegan County or on any private street, there shall be a front yard building setback of not less than thirty (30) feet except that the provisions of Section 20.04 (e) shall apply to lots developed on private streets Corner lots and double frontage lots shall comply with the front yard requirements of each street (ref. Section 22.11). (*Amended Ord. 2007-2Z, effective 12-25-07*)
- (b) *Side Yard.* For all principal buildings, there shall be a minimum side yard of seven (7) feet from any side lot line and a combined total of at least twenty (20) feet for the two side yards. Buildings on corner lots shall maintain a setback of thirty (30) feet from the right-of-way lines along each street.
- (c) *Rear Yard.* There shall be a rear yard of not less than twenty-five (25) feet.
- (d) *Lot Area.* (*Amended Ord 2000-4Z, 5/23/00*)
  - (1) *Minimum Lot Area.* For all dwelling units in the A-1 District, the minimum lot area shall be 43,560 square feet (1 acre).
  - (2) *Exempt Parcels.* Any parcel or tract of land containing a minimum of 40 acres may be used for a single family residence and permitted agricultural activities and is exempt from the maximum lot area requirements outlined in sub-

paragraph 5.04(d) below.

- (3) *Maximum Lot Area.* For non-exempt parcels intended to support residential dwellings, the maximum lot area shall be 87,120 square feet (2 acres). This maximum area requirement may only be exceeded under the following circumstances:
  - a. An increased lot area is needed to accommodate a septic system as required by the Allegan County Health Department, or
  - b. An increased lot area is a result of minor property line adjustments enabling the logical use of a natural or other existing physical feature as a property boundary. Such increased lot area may not be of sufficient size to enable the creation of an additional conforming and otherwise buildable lot by a subsequent land division.
  - c. An increased lot area is necessary to achieve required yard areas and setbacks adjacent to a dwelling or outbuilding and/or a grouping of buildings such as a farmstead already existing as of the effective date of this amendment.
  - d. The tract is the remnant parent parcel.
- (4) For all lots and parcels of less than 40 acres that are created after March 23, 2000, the calculation of minimum lot area as required herein shall exclude areas devoted to public street right of way or private streets easements.
- (e) *Lot Width and Frontage.* Every lot created to support a dwelling unit, either farm or non-farm, shall have a minimum lot width throughout the entire parcel of two hundred (200) feet, provided that any lot existing as of March 21, 1991 may have a minimum lot width throughout the entire parcel of not less than one hundred fifty (150) feet. The required lot width and frontage shall abut a public road or street established and dedicated prior to the effective date of this amendment. (*Amended Ord. 2000-4Z, 5/23/00*)
- (f) *Driveways.* The driveway serving a lot shall be at least eighty (80) feet from the intersection of two or more roads.
- (g) *Streets.* Private streets and public streets constructed and dedicated for the express purpose of creating and providing access to non-farm residential parcels are prohibited in this district. The provision shall not be construed to prevent the extension of a County local road, as described in Section 4 of Act 51 of 1951, in existence as of the effective date of this ordinance. (*Amended Ord. 2000-4Z, 5/23/00*)

## AFTER APPROVAL

### 5.04 Area And Density Regulations

Buildings and structures shall not be erected or enlarged unless the following requirements are provided and maintained:

- (a) *Front Yard.* For parcels on having frontage on a "state highway", "county primary" or "county local road", as classified on the Official Road Map of Allegan County, the minimum required front yard building setback shall be 50 feet Buildings and structures existing at the date of adoption of this Ordinance amendment which have a front yard

building setback of less than 50 feet shall be permitted to expand, provided such expansion is no closer to the street right of way line than the existing building or structures. For all lots and parcels having frontage on any "other road" as classified on the Official Road Map of Allegan County ~~or on any private street~~, there shall be a front yard building setback of not less than thirty (30) feet except that the provisions of Section 20.04 (e) shall apply to lots developed on private streets Corner lots and double frontage lots shall comply with the front yard requirements of each street (ref. Section 22.11). (*Amended Ord. 2007-2Z, effective 12-25-07*)

- (b) *Side Yard.* For all principal buildings, there shall be a minimum side yard of seven (7) feet from any side lot line and a combined total of at least twenty (20) feet for the two side yards. Buildings on corner lots shall maintain a setback of thirty (30) feet from the right-of-way lines along each street.
- (c) *Rear Yard.* There shall be a rear yard of not less than twenty-five (25) feet.
- (d) *Lot Area.* (*Amended Ord 2000-4Z, 5/23/00*)
  - (1) *Minimum Lot Area.* For all dwelling units in the A-1 District, the minimum lot area shall be 43,560 square feet (1 acre).
  - (2) *Exempt Parcels.* Any parcel or tract of land containing a minimum of 40 acres may be used for a single family residence and permitted agricultural activities and is exempt from the maximum lot area requirements outlined in subparagraph 5.04(d) below.
  - (3) *Maximum Lot Area.* For non-exempt parcels intended to support residential dwellings, the maximum lot area shall be 87,120 square feet (2 acres). This maximum area requirement may only be exceeded under the following circumstances:
    - a. An increased lot area is needed to accommodate a septic system as required by the Allegan County Health Department, or
    - b. An increased lot area is a result of minor property line adjustments enabling the logical use of a natural or other existing physical feature as a property boundary. Such increased lot area may not be of sufficient size to enable the creation of an additional conforming and otherwise buildable lot by a subsequent land division.
    - c. An increased lot area is necessary to achieve required yard areas and setbacks adjacent to a dwelling or outbuilding and/or a grouping of buildings such as a farmstead already existing as of the effective date of this amendment.
    - d. The tract is the remnant parent parcel.
  - (4) For all lots and parcels of less than 40 acres that are created after March 23, 2000, the calculation of minimum lot area as required herein shall exclude areas devoted to public street right of way or private streets easements.
- (e) *Lot Width and Frontage.* Every lot created to support a dwelling unit, either farm or non-farm, shall have a minimum lot width throughout the entire parcel of two hundred (200) feet, provided that any lot existing as of March 21, 1991 may have a minimum lot width throughout the entire parcel of not less than one hundred fifty (150) feet. The required lot width and frontage shall abut a public road or street established and dedicated prior to the effective date of this amendment. (*Amended Ord. 2000-4Z, 5/23/00*)

- (f) *Driveways*. The driveway serving a lot shall be at least eighty (80) feet from the intersection of two or more roads.
- (g) *Streets*. Private streets and public streets constructed and dedicated for the express purpose of creating and providing access to non-farm residential parcels are prohibited in this district. The provision shall not be construed to prevent the extension of a County local road, as described in Section 4 of Act 51 of 1951, in existence as of the effective date of this ordinance. (*Amended Ord. 2000-4Z, 5/23/00*)

**SECTION 2:**        **APPROVAL** “6.04 Area Regulations” of the Watson Township Zoning Code is hereby *approved* as follows:

## BEFORE APPROVAL

### 6.04 Area Regulations

No building, lot or structure, nor any enlargement thereof, shall be hereafter erected (or created) except in conformance with the following yard, lot area, and building coverage requirements.

- (a) *Front Yard*. For parcels having frontage on a "state highway", "county primary" or "county local road" as classified on the Official Road Map of Allegan County, the minimum required front yard building setback shall be 50 feet. Buildings and structures existing at the date of adoption of this Ordinance amendment which have a front yard building setback of less than 50 feet shall be permitted to expand provided such expansion is no closer to the street right of way line than the existing building or structures. For all lots and parcels having frontage on any "other road" as classified on the Official Road Map of Allegan County or on any private street there shall be a front yard building setback of not less than thirty (30) feet except that the provisions of Section 20.04 (e) shall apply to lots developed on private streets. Corner lots and double frontage lots shall comply with the front yard requirements of each street (ref. Section 22.11). (*Amended Ord. 2007-2Z, effective 12-25-07*)
- (b) *Side Yard*. There shall be a total side yard of not less than twenty (20) feet; provided however, that no yard shall be less than seven (7) feet.
- (c) *Rear Yard*. There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than fifty (50) feet.
- (d) *Lot Area*. Unless a lot is an existing legal lot of record created prior to October 23, 2007 the minimum lot area for all uses created in this district shall be five acres (217,800 square feet) excluding area devoted to street right of way. (*Amended Ord. 2007-3Z, effective 10-23-07*)
- (e) *Lot Width*. All lots shall have a minimum width of three hundred (300) feet as measured at the point of building setback and in any event within one hundred feet (100) of the street on which it has frontage. The minimum lot width required at the street frontage of a cul-de-sac or curvilinear street shall be seventy-five (75) feet. The

required lot width shall abut a public road or street. (*Amended Ord. 2007-3Z, effective 10-23-07*)

- (f) *Existing Lots of Record.* Any lot classified as a legal conforming lot of record prior to (the effective date) shall continue to be classified as a legal conforming lot of record even though its lot area, lot width and/or street frontage does not comply with the above lot area, lot width and street frontage requirements. (*Amended Ord. 2007-3Z, effective 10-23-07*)

(*Editor's note:* Lots of record are considered conforming in lot area if the minimum lot area for lots created between the above effective date and **May 23, 2000** is 43,560 square feet excluding area dedicated to public and private street right-of-way. The minimum required lot area for lots created between **May 23, 2000** and March 21, 1991 must be at least 43,560 square feet including area dedicated to public or private street right-of-way. Lots created prior to March 21, 1991 are considered conforming if they contain a minimum lot area of 15,000 square feet, excluding area dedicated to public or private street right-of-way. From a lot width standpoint, any lot created prior to May 23, 2003 having a lot width of at least 100 feet and lot frontage that is at least 50 feet, is considered conforming.)

- (g) *Driveways.* Driveways serving a lot shall be at least eight (80) feet from the intersection of two or more roads.

## AFTER APPROVAL

### 6.04 Area Regulations

No building, lot or structure, nor any enlargement thereof, shall be hereafter erected (or created) except in conformance with the following yard, lot area, and building coverage requirements.

- (a) ~~*Front Yard.* For parcels having frontage on a "state highway", "county primary" or "county local road" as classified on the Official Road Map of Allegan County, the minimum required front yard building setback shall be 50 feet. Buildings and structures existing at the date of adoption of this Ordinance amendment which have a front yard building setback of less than 50 feet shall be permitted to expand provided such expansion is no closer to the street right of way line than the existing building or structures. For all lots and parcels having frontage on any "other road" as classified on the Official Road Map of Allegan County or on any private street there shall be a front yard building setback of not less than thirty (30) feet except that the provisions of Section 20.04 (c) shall apply to lots developed on private streets. Corner lots and double frontage lots shall comply with the front yard requirements of each street (ref. Section 22.11).~~ *Front Yard.* The minimum required front yard building setback shall be 50 feet. Buildings and structures existing at the date of adoption of this Ordinance amendment which have a front yard building setback of less than 50 feet shall be permitted to expand provided such expansion is no closer to the street right of way line than the existing building or structures. Corner lots and double frontage lots shall comply with the front yard requirements of each street (ref. Section 22.11). (*Amended Ord. 2007-023-2Z, effective 12-11-25 18-0724*)

- (b) *Side Yard*. There shall be a total side yard of not less than twenty (20) feet; provided however, that no yard shall be less than seven (7) feet.
- (c) *Rear Yard*. There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that in the case of lakefront lots, the rear yard shall be not less than fifty (50) feet.
- (d) *Lot Area*. Unless a lot is an existing legal lot of record created prior to October 23, 2007 the minimum lot area for all uses created in this district shall be five acres (217,800 square feet) excluding area devoted to street right of way. (*Amended Ord. 2007-3Z, effective 10-23-07*)

(1) Road Frontage Parcels. Parcels with less than 5 acres (217,800 square feet) of area may be created, provided that they meet the following requirements:

- a. The parent parcel must be at least 5 acres in area.
  - b. The parcel in question shall be no less than 1 acre in area.
  - c. The parcel in question shall have at least 100 feet of frontage on a public roadway.
  - d. The number of lots allowable under this section shall be based on the area of the parent parcel., as described in Section 6.09.
- (e) ~~*Lot Width*. All lots shall have a minimum width of three hundred (300) feet as measured at the point of building setback and in any event within one hundred feet (100) of the street on which it has frontage. The minimum lot width required at the street frontage of a cul-de-sac or curvilinear street shall be seventy-five (75) feet. The required lot width shall abut a public road or street.~~ *Lot Width*. All lots shall have a minimum width of three hundred (300) feet as measured at the point of building setback, except as described in Section 6.04.4.1. The minimum lot width required at the street frontage of a cul-de-sac or curvilinear street shall be seventy-five (75) feet. The required lot width shall abut a public road or street. (*Amended Ord. 2007-3Z, effective 10-23-07* ~~*Amended Ord. 2007023-2Z, effective 1211-2518-0724*~~)
  - (f) *Existing Lots of Record*. Any lot classified as a legal conforming lot of record prior to (the effective date) shall continue to be classified as a legal conforming lot of record even though its lot area, lot width and/or street frontage does not comply with the above lot area, lot width and street frontage requirements. (*Amended Ord. 2007-3Z, effective 10-23-07*)

**(Editor's note:** Lots of record are considered conforming in lot area if the minimum lot area for lots a created between the above effective date and **May 23, 2000** is 43,560 square feet excluding area dedicated to public and private street right-of-way. The minimum required lot area for lots created between **May 23, 2000** and March 21, 1991 must be at least 43,560 square feet including area dedicated to public or private street right-of-way. Lots created prior to March 21, 1991 are considered conforming if they contain a minimum lot area of 15,000 square feet, excluding area dedicated to public or private street right-of-way. From a lot width standpoint, any lot created prior to May 23, 2003 having a lot width of at least 100 feet and lot frontage that is at least 50 feet, is considered conforming.)

- (g) *Driveways*. Driveways serving a lot shall be at least eight (80) feet from the intersection of two or more roads.
- (h) *Private Roads*. Private Roads shall be subject to the standards of Chapter 20.

**SECTION 3:**        **APPROVAL** “6.08 Land Divisions And Building Lots” of the Watson Township Zoning Code is hereby *approved* as follows:

## **BEFORE APPROVAL**

### 6.08 Land Divisions And Building Lots

- (a) The number of parcels, lots or building sites created to support building development within the A-2 District shall be limited. *Except as indicated below* the maximum number created from or within any parent parcel or parent tract shall be less than or equal to the same number permitted under Section 108 of the State Land Division Act, PA 288 of 1967 as amended. This limitation extends to platted subdivision lots created under the State Land Division Act as well as lots or building sites created under the State Condominium Act (Act 59 of 1978). For the purpose of this ordinance, the parcels or building sites that are permitted shall be those which, together with any previous divisions of the same parent parcel or parent tract subsequent to March 31, 1997, result in a number of parcels or building sites no greater than the sum of the following, as applicable: *(Amended Ord. 2007-3Z, effective 10-23-07)*
- (1) Two (2) lots or parcels for the first 10 acres or fraction thereof in the parent parcel or parent tract, plus; *(Amended Ord. 2007-3Z, effective 10-23-07)*
    - a. One (1) additional lot or parcel for each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, for up to a maximum of eleven (11) additional parcels.
  - (2) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, one (1) additional lot or parcel.
  - (3) For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 lots or parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:
    - a. Because of the establishment of one or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.
    - b. One of the resulting parcels comprises not less than 60% of the area of the parent parcel or parent tract
  - (4) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of lots or parcels permitted if the parcel is accessible.
  - (5) A parcel or tract created by an exempt split or a division may be further partitioned or split if all of the following requirements are met:
    - a. Not less than 10 years have elapsed since the parcel or tract was recorded.
    - b. The partitioning or splitting results in not more than the following number of lots or parcels, whichever is less:

1. Two lots or parcels for the first 10 acres or fraction thereof in the parcel or tract plus one additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.
2. Seven lots or parcels, or if one of the lots or parcels resulting from the division comprises not less than 60% of the area of the parcel or tract being split then 10 parcels may be created.

*(Added Ord 2000-4Z, 5/23/00)*

## AFTER APPROVAL

### 6.08 Land Divisions And Building Lots

- (a) The number of parcels, lots or building sites created to support building development within the A-2 District shall be limited. *Except as indicated below* the maximum number created from or within any parent parcel or parent tract shall be less than or equal to the same number permitted under Section 108 of the State Land Division Act, PA 288 of 1967 as amended. This limitation extends to platted subdivision lots created under the State Land Division Act as well as lots or building sites created under the State Condominium Act (Act 59 of 1978). For the purpose of this ordinance, the parcels or building sites that are permitted shall be those which, together with any previous divisions of the same parent parcel or parent tract subsequent to March 31, 1997, result in a number of parcels or building sites no greater than the sum of the following, as applicable: *(Amended Ord. 2007-3Z, effective 10-23-07)*
  - (1) Two (2) lots or parcels for the first 10 acres or fraction thereof in the parent parcel or parent tract, plus; *(Amended Ord. 2007-3Z, effective 10-23-07)*
    - a. One (1) additional lot or parcel for each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, for up to a maximum of eleven (11) additional parcels.
  - (2) ~~For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, one (1) additional lot or parcel.~~
  - (3) ~~For a parent parcel or parent tract of not less than 20 acres, the division may result in a total of 2 lots or parcels in addition to those permitted by subsection (2) if 1 or both of the following apply:~~
    - a. ~~Because of the establishment of one or more new roads, no new driveway accesses to an existing public road for any of the resulting parcels under subsection (2) or this subsection are created or required.~~
    - b. ~~One of the resulting parcels comprises not less than 60% of the area of the parent parcel or parent tract~~
  - (4) ~~A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of lots or parcels permitted if the parcel is accessible.~~
  - (5) ~~A parcel or tract created by an exempt split or a division may be further partitioned or split if all of the following requirements are met:~~
    - a. ~~Not less than 10 years have elapsed since the parcel or tract was recorded.~~

- b. ~~The partitioning or splitting results in not more than the following number of lots or parcels, whichever is less:~~
- ~~1. Two lots or parcels for the first 10 acres or fraction thereof in the parcel or tract plus one additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.~~
  - ~~2. Seven lots or parcels, or if one of the lots or parcels resulting from the division comprises not less than 60% of the area of the parcel or tract being split then 10 parcels may be created.~~

~~(Added Ord 2000-4Z, 5/23/00)~~

| <u>Parent Parcel size<br/>(acres)</u> | <u>Allotted Building Lots<br/>created by land divisions</u> | <u>Parent Parcel size<br/>(acres)</u> | <u>Allotted Building Lots<br/>created by land divisions</u> |
|---------------------------------------|-------------------------------------------------------------|---------------------------------------|-------------------------------------------------------------|
| <u>Less than 9.99</u>                 | <u>2</u>                                                    | <u>80.00 to 89.99</u>                 | <u>10</u>                                                   |
| <u>10.00 to 19.99</u>                 | <u>3</u>                                                    | <u>90.00 to 119.99</u>                | <u>11</u>                                                   |
| <u>20.00 to 29.99</u>                 | <u>4</u>                                                    | <u>120 to 159.99</u>                  | <u>12</u>                                                   |
| <u>30.00 to 39.99</u>                 | <u>5</u>                                                    | <u>160 to 199.99</u>                  | <u>13</u>                                                   |
| <u>40.00 to 49.99</u>                 | <u>6</u>                                                    | <u>200 to 239.99</u>                  | <u>14</u>                                                   |
| <u>50.00 to 59.99</u>                 | <u>7</u>                                                    | <u>240 to 279.99</u>                  | <u>15</u>                                                   |
| <u>60.00 to 69.99</u>                 | <u>8</u>                                                    | <u>280 to 319.99</u>                  | <u>16</u>                                                   |
| <u>70.00 to 79.99</u>                 | <u>9</u>                                                    | <u>320 or Greater</u>                 | <u>12 ((Lot Area in Acres –<br/>120)/40)</u>                |

**SECTION 4:**        **APPROVAL** “12.01 Purpose And Applicability” of the Watson Township Zoning Code is hereby *approved* as follows:

#### BEFORE APPROVAL

##### 12.01 Purpose And Applicability

Act No. 177 of the Public Acts of Michigan of 2000 ("Act 177") requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit "open space preservation" developments.

Under these regulations, a landowner has the option to retain at least 50% of the property as open space and to place dwellings on the remaining portion. The number of dwellings cannot be more than the number which would be permitted on the land without the open space preservation regulations. The purpose of this Article is to adopt open space preservation provisions consistent with the requirements of Act 177.

Unless otherwise amended, this Chapter shall only apply to single family residential open space preservation projects in the A-1, A-2, LRD and R-1 Zoning Districts.

## AFTER APPROVAL

### 12.01 Purpose And Applicability

Act No. 177 of the Public Acts of Michigan of 2000 ("Act 177") requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit "open space preservation" developments.

Under these regulations, a landowner has the option to retain at least 50% of the property as open space and to place dwellings on the remaining portion. The number of dwellings cannot be more than the number which would be permitted on the land without the open space preservation regulations. The purpose of this Article is to adopt open space preservation provisions consistent with the requirements of Act 177.

Unless otherwise amended, this Chapter shall only apply to single family residential open space preservation projects in the ~~A-1, A-2,~~LRD and R-1 Zoning Districts.

**SECTION 5:            APPROVAL** “12.06 Development Requirements” of the Watson Township Zoning Code is hereby *approved* as follows:

## BEFORE APPROVAL

### 12.06 Development Requirements

- (a) *Water and Sanitary Sewer*. Open Space Preservation projects shall be served by either public or community water and sanitary sewer OR by private wells and septic systems subject to the approval of the Allegan County Health Department or Michigan Department of Environmental Quality (DEQ).
- (b) *Minimum Lot Sizes and Setbacks*. In order to accommodate both the required open space and the number of lots permitted according to the Existing Zoning Plan, the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation project is located.
  - (1) The minimum lot sizes shall be required unless it is demonstrated that a waiver is required:

|                                 | <b>Target*<br/>Minimum Lot Size</b> | <b>Minimum Lot Width*</b> |
|---------------------------------|-------------------------------------|---------------------------|
| A-1, A-2, R-1 and LRD Districts | 20,000 square feet                  | 90 feet                   |

\* Conventional lot size requirements are reduced by more than 50% in order to allow the developer to achieve the same number of lots as allowed under the existing zoning and still set aside 50% of the parcel as open space. Where it is shown by soil borings that the allowed number of lots could meet Health

Department approval but the above target minimums cannot be achieved on each lot, the Planning Commission may waive the minimum lot size or lot width requirement on a lot-by-lot basis.

(Amended Ord. 2007-3Z, effective 10-23-07)

(2) The minimum front, side and rear yard setback standards are as follows:

|                      |                                                                                                                                 |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Front Yard:          | 30 feet                                                                                                                         |
| Side Yard:           | 7 feet minimum one side/20 feet total for both sides                                                                            |
| Rear Yard:           | 25 feet                                                                                                                         |
| Accessory Buildings: | The setback requirements for accessory buildings shall be the same as the requirements established for the underlying District. |

- (c) *Access to New Streets.* Unless specifically waived by the Planning Commission, all lots created within an Open Space Preservation Project must have frontage on a new public or private street created for the development or an adjacent residential development. Creation of strip or linear lots along existing public primary and secondary roads will be discouraged within Open Space Preservation Projects. Exceptions may be granted for adjacent corner lots and double frontage situations where each lot also has frontage and access on an internal public street or a private street constructed to Township standards.
- (d) *Compliance with Zoning District.* Unless otherwise permitted by the provisions of this Chapter, the development of land under this Chapter shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located.
- (e) *Maximum Number of Lots.* The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the Existing Zoning Plan approved by the Planning Commission under Section 12.03.
- (f) *Perimeter Lots.* Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation development be designed and constructed with lot sizes and setbacks or open space buffers on the perimeter that will create transitional net densities reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- (g) *Sidewalks.* The Planning Commission may require sidewalks in accordance with the Township's Site Condominium Ordinance and Subdivision Control Ordinance.
- (h) *Grading.* Grading shall comply with the following requirements:
- (1) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and

angles of cut-and-fill slopes and the shape thereof.

- (2) All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission.

- (i) *Subsequent Rezoning of Designated Open Space Areas.* Subsequent to the approval of an Open space Preservation Project under this Chapter, the Township shall rezone the designated open space areas accordingly (*Amended Ord. 2007-3Z, effective 10-23-07*).

## AFTER APPROVAL

### 12.06 Development Requirements

- (a) *Water and Sanitary Sewer.* Open Space Preservation projects shall be served by either public or community water and sanitary sewer OR by private wells and septic systems subject to the approval of the Allegan County Health Department or Michigan Department of Environmental Quality (DEQ).
- (b) *Minimum Lot Sizes and Setbacks.* In order to accommodate both the required open space and the number of lots permitted according to the Existing Zoning Plan, the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation project is located.
  - (1) The minimum lot sizes shall be required unless it is demonstrated that a waiver is required:

|                                             | <b>Target*<br/>Minimum Lot Size</b> | <b>Minimum Lot Width*</b> |
|---------------------------------------------|-------------------------------------|---------------------------|
| <del>A-1, A-2</del> , R-1 and LRD Districts | 20,000 square feet                  | 90 feet                   |

\* Conventional lot size requirements are reduced by more than 50% in order to allow the developer to achieve the same number of lots as allowed under the existing zoning and still set aside 50% of the parcel as open space. Where it is shown by soil borings that the allowed number of lots could meet Health Department approval but the above target minimums cannot be achieved on each lot, the Planning Commission may waive the minimum lot size or lot width requirement on a lot-by-lot basis.

(*Amended Ord. 2007-3Z, effective 10-23-07*)

- (2) The minimum front, side and rear yard setback standards are as follows:

|             |                                                      |
|-------------|------------------------------------------------------|
| Front Yard: | 30 feet                                              |
| Side Yard:  | 7 feet minimum one side/20 feet total for both sides |
| Rear Yard:  | 25 feet                                              |

|                      |                                                                                                                                 |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Accessory Buildings: | The setback requirements for accessory buildings shall be the same as the requirements established for the underlying District. |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------|

- (c) *Access to New Streets.* Unless specifically waived by the Planning Commission, all lots created within an Open Space Preservation Project must have frontage on a new public or private street created for the development or an adjacent residential development. Creation of strip or linear lots along existing public primary and secondary roads will be discouraged within Open Space Preservation Projects. Exceptions may be granted for adjacent corner lots and double frontage situations where each lot also has frontage and access on an internal public street or a private street constructed to Township standards.
- (d) *Compliance with Zoning District.* Unless otherwise permitted by the provisions of this Chapter, the development of land under this Chapter shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located.
- (e) *Maximum Number of Lots.* The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the Existing Zoning Plan approved by the Planning Commission under Section 12.03.
- (f) *Perimeter Lots.* Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation development be designed and constructed with lot sizes and setbacks or open space buffers on the perimeter that will create transitional net densities reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- (g) *Sidewalks.* The Planning Commission may require sidewalks in accordance with the Township's Site Condominium Ordinance and Subdivision Control Ordinance.
- (h) *Grading.* Grading shall comply with the following requirements:
- (1) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
  - (2) All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission.
- (i) *Subsequent Rezoning of Designated Open Space Areas.* Subsequent to the approval of an Open space Preservation Project under this Chapter, the Township shall rezone the designated open space areas accordingly (*Amended Ord. 2007-3Z, effective 10-23-07*).

**SECTION 6:**        **APPROVAL** “20.01 Purpose” of the Watson Township Zoning Code is hereby *approved* as follows:

#### BEFORE APPROVAL

#### 20.01 Purpose

The purpose of this section is to provide the regulations for construction, improvement and maintenance of private roads. The regulation of private roads is declared to be a public purpose and necessary for year around access by fire, police and like emergency vehicles. It is further recognized that if such roads are not constructed, improved or maintained in accordance with certain minimum standards, such roads frequently become impassable and otherwise pose a threat to the health, safety and welfare of the residents who would find use of the roadway essential. Private roads may be permitted under the following provisions, unless otherwise provided in all zoning districts, except the A-1 Agricultural Conservation District (*Added 8/10/95, Ord. 95-3Z*) (*Amended Ord. 2000-4Z, 5/25/00*)

## AFTER APPROVAL

### 20.01 Purpose

~~The purpose of this section is to provide the regulations for construction, improvement and maintenance of private roads. The regulation of private roads is declared to be a public purpose and necessary for year around access by fire, police and like emergency vehicles. It is further recognized that if such roads are not constructed, improved or maintained in accordance with certain minimum standards, such roads frequently become impassable and otherwise pose a threat to the health, safety and welfare of the residents who would find use of the roadway essential. Private roads may be permitted under the following provisions, unless otherwise provided in all zoning districts, except the A-1 Agricultural Conservation District~~The purpose of this section is to provide the regulations for construction, improvement and maintenance of private roads. The regulation of private roads is declared to be a public purpose and necessary for year around access by fire, police and like emergency vehicles. It is further recognized that if such roads are not constructed, improved or maintained in accordance with certain minimum standards, such roads frequently become impassable and otherwise pose a threat to the health, safety and welfare of the residents who would find use of the roadway essential. (*Added 8/10/95, Ord. 95-3Z*) (*Amended Ord. 2000*~~23-4Z~~*, 5/25/00*11/18/24)

**SECTION 7:        APPROVAL** “20.04 General Standards” of the Watson Township Zoning Code is hereby *approved* as follows:

## BEFORE APPROVAL

### 20.04 General Standards

- (a) A private road shall be located within a private road easement and the easement shall intersect with a public road. The easement shall not be less than sixty-six (66) feet in width at any point if it serves residential, non-commercial or non-industrial uses, or less than eighty-six (86) feet wide at any point if it serves commercial or industrial uses. Any dead-end easement that exceeds two hundred (200) feet in length, shall widen such that there is a minimum radius at the terminus of sixty (60) feet for residential, non-commercial or non-industrial use and seventy-five (75) feet for commercial and industrial use.

- (b) *Maximum Length.* Unless otherwise limited by the provisions of paragraph c) below, the length of a single access or dead end street shall be limited to 2640 lineal feet of roadway. The measurement shall be made from the point where the centerline of the private street intersects with the public street right-of-way line, then along the centerline of the private roadway to the street end point most distant from the public right of way. Note: The length measurement is not a sum total of bifurcated segments. (Amended Ord. 2007-2Z, effective 12-25-07)
- (c) The maximum number of lots situated on a road, or combination of roads, having only one common point of access to a state highway or county primary or county local road shall not exceed fifty (50). Such limitation shall apply in the event of whether or not the streets are dedicated to public or are private roads or a combination of public and private. (Amended Ord. 2007-2Z, effective 12-25-07)
- (d) Lots having access to the private road easement shall have frontage on the private road which is at least equal to the minimum required for public street access in the zoning district in which the lot is located.
- (e) For each corner lot, double frontage lot or other development area having fronting on a county local or county primary street which also fronts or is served by a new private street approved under this section, a building setback of 80 feet, as measured from the public street right of way is required. The first 50 feet of the setback area from the public right of way shall be established and maintained by the property owner or development association as a landscape buffer easement containing natural or planted trees and shrubbery and capable of effectively screening buildings and yard areas from the public street. The balance of the required 80 foot setback area may be established as customary front yard area pertaining to the lot within which water wells, septic systems and customary landscaping is permitted but where above ground structures are prohibited. Provisions for the continuation and maintenance of the 50 foot landscape buffer easement shall be contained in the Road Maintenance provisions required under Section 20.06. (Amended Ord. 2007-2Z, effective 12-25-07)
- (f) The Private road shall be given a street name that is not the same or similar to any other street name in the County. A street sign bearing the street name given the private road meeting Allegan County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public road.
- (g) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three (3) inches in height.

## AFTER APPROVAL

### 20.04 General Standards

- (a) Private roads may be permitted under the following provisions, unless otherwise provided in all zoning districts, except the A-1 Agricultural Conservation District and DOS Designated Open Space District, where private roads are prohibited.
- (b) A private road shall be located within a private road easement and the easement shall intersect with a public road. The easement shall not be less than sixty-six (66) feet in

width at any point if it serves residential, non-commercial or non-industrial uses, or less than eighty-six (86) feet wide at any point if it serves commercial or industrial uses. Any dead-end easement that exceeds two hundred (200) feet in length, shall widen such that there is a minimum radius at the terminus of sixty (60) feet for residential, non-commercial or non-industrial use and seventy-five (75) feet for commercial and industrial use.

- (c) *Maximum Length.* Unless otherwise limited by the provisions of paragraph c) below, the length of a single access or dead end street shall be limited to ~~2640~~1,320 lineal feet of roadway. The measurement shall be made from the point where the centerline of the private street intersects with the public street right-of-way line, then along the centerline of the private roadway to the street end point most distant from the public right of way. Note: The length measurement is not a sum total of bifurcated segments. (Amended Ord. 2007-2Z, effective 12-25-07)

- (d) ~~The maximum number of lots situated on a road, or combination of roads, having only one common point of access to a state highway or county primary or county local road shall not exceed fifty (50). Such limitation shall apply in the event of whether or not the streets are dedicated to public or are private roads or a combination of public and private.~~ The maximum number of lots situated on a road, or combination of roads, having only one common point of access to a state highway or county primary or county local road shall not exceed fifty (50) in the R-1, R-2, and LRD Districts, and sixteen (16) in the A-2 District. Such limitation shall apply in the event of whether or not the streets are dedicated to public or are private roads or a combination of public and private. (Amended Ord. ~~2007-23-2Z~~, effective ~~11/18/24~~12-25-07)
- (e) ~~Lots having access to the private road easement shall have frontage on the private road which is at least equal to the minimum required for public street access in the zoning district in which the lot is located.~~ Lots having access to the private road easement shall have frontage on the private road which is at least equal to the following:

- (1) A-1 and DOS Districts: Private Roads Prohibited
- (2) A-2 District: 300 feet
- (3) R-1 District: 90 feet, except where otherwise specified in this Ordinance.
- (4) R-2 District: 85 feet, except where otherwise specified in this Ordinance.
- (5) LDR District: 100 feet, except where otherwise specified in this Ordinance.
- (6) C-1 District: 200 feet
- (7) I-1 District: 100 feet

- (f) For each corner lot, double frontage lot or other development area having fronting on a county local or county primary street which also fronts or is served by a new private street approved under this section, a building setback of 80 feet, as measured from the public street right of way is required. The first 50 feet of the setback area from the public right of way shall be established and maintained by the property owner or development association as a landscape buffer easement containing natural or planted trees and shrubbery and capable of effectively screening buildings and yard areas from the public street. The balance of the required 80 foot setback area may be established as customary front yard area pertaining to the lot within which water wells, septic systems and customary landscaping is permitted but where above ground structures are prohibited. Provisions for the continuation and maintenance of the 50 foot landscape buffer easement shall be contained in the Road Maintenance provisions required under

Section 20.06. (*Amended Ord. 2007-2Z, effective 12-25-07*)

- (g) The Private road shall be given a street name that is not the same or similar to any other street name in the County. A street sign bearing the street name given the private road meeting Allegan County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public road.
- (h) A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three (3) inches in height.

**SECTION 8:**            **APPROVAL** “20.06 Road Maintenance” of the Watson Township Zoning Code is hereby *approved* as follows:

#### BEFORE APPROVAL

##### 20.06 Road Maintenance

The applicant(s) and/or owner(s) of the proposed private road shall provide to the Township a record-able or recorded road maintenance agreement, access easement agreement, and deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable degree in which to serve the parties having an interest in the private road. These documents shall contain the following provisions.

- (a) A method of initiation and financing of such road and/road easements in order to keep the road in a reasonably good and usable condition.
- (b) A workable method of apportioning the costs of maintenance and improvements.
- (c) A statement that the roadway is privately owned and will not be maintained by the public, is not intended to become public and is not eligible to be considered for public acceptance unless the road is brought up to the standards of the Allegan County Road Commission at the owner's expense.
- (d) A statement that if repairs and maintenance are not made to keep the roadway in safe and good condition, such condition shall be considered in violation of this ordinance and further that upon due notice the Township Board may take legal action to bring the road up to Township standards and assess the owners of parcels on the road for the improvements, plus all other direct administrative and legal.
- (e) A notice that the Township will be held harmless for any personal or property damage claims stemming from accidents occurring on or in connection with the private road.
- (f) Easements to the public for purposes of utilities and emergency and other public vehicles for whatever public services are necessary.
- (g) A provision that owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress use shall include

use by family, guests, invitees, tradesman, and others bound to or returning from any of properties having a right to use the road.

## AFTER APPROVAL

### 20.06 Road Maintenance

The applicant(s) and/or owner(s) of the proposed private road shall provide to the Township a ~~record-able or~~ recorded road maintenance agreement, access easement agreement, and deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable degree in which to serve the parties having an interest in the private road. These documents shall contain the following provisions.

- (a) A method of initiation and financing of such road and/road easements in order to keep the road in a reasonably good and usable condition.
- (b) A workable method of apportioning the costs of maintenance and improvements.
- (c) A statement that the roadway is privately owned and will not be maintained by the public, is not intended to become public and is not eligible to be considered for public acceptance unless the road is brought up to the standards of the Allegan County Road Commission at the owner's expense.
- (d) A statement that if repairs and maintenance are not made to keep the roadway in safe and good condition, such condition shall be considered in violation of this ordinance and further that upon due notice the Township Board may take legal action to bring the road up to Township standards and assess the owners of parcels on the road for the improvements, plus all other direct administrative and legal.
- (e) A notice that the Township will be held harmless for any personal or property damage claims stemming from accidents occurring on or in connection with the private road.
- (f) Easements to the public for purposes of utilities and emergency and other public vehicles for whatever public services are necessary.
- (g) A provision that owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress use shall include use by family, guests, invitees, tradesman, and others bound to or returning from any of properties having a right to use the road.

**SECTION 9:**        **APPROVAL** “28.01 Purpose” of the Watson Township Zoning Code is hereby *approved* as follows:

## BEFORE APPROVAL

### 28.01 Purpose

The intent of this Chapter is to achieve an alternative development pattern to the pervasive rural subdivision using planned unit development (PUD) procedures as authorized under Section 16c of the Township Zoning Act, being Act 184 of 1943 as amended. These

provisions encourage greater innovation and offer more flexibility in the design of open space/cluster residential developments than can be achieved under the provisions of the underlying **A-2 Rural Conservation and R-1 Low Density Residential Districts**. They are intended to preserve the rural character of the land by promoting the creation of compact residential clusters that are encompassed and veiled by open space and less intensive land uses. The Conservation Subdivision Planned Unit Development provisions allow variation from permitted lot density, lot area and width standards for lots in single family residential developments in exchange for improved open space, enhanced screening and buffering techniques and amenities and other design considerations such as single loaded streets that will enhance the rural quality of life.

Land use goals and objectives for the Township which may be better accomplished through the use of the Conservation Subdivision Development provisions include the following:

- (a) The provision of meaningful buffers between agricultural land and operations and more intensive residential development
- (b) The conservation and preservation of woodlands and sensitive environmental areas such as wetlands in the Township and to otherwise minimize the disturbance of woodlands, steep slopes, ridgelines, wetlands and stream corridors in the design of new development.
- (c) To facilitate the continued use of farmland while accommodating residential development that will not over capacitate the soil, aquifers and roadways.
- (d) To recognize the value of and to facilitate the creation of facilities such as golf courses, man-made lakes, equestrian facilities and other passive, non-motorized recreational facilities within residential developments in concert with undeveloped open space for the use of residents in the development.
- (e) Greater accessibility to natural areas and developed open space and recreation land by their inclusion within new developments as common areas.

## AFTER APPROVAL

### 28.01 Purpose

The intent of this Chapter is to achieve an alternative development pattern to the pervasive rural subdivision using planned unit development (PUD) procedures as authorized under Section 16c of the Township Zoning Act, being Act 184 of 1943 as amended. These provisions encourage greater innovation and offer more flexibility in the design of open space/cluster residential developments than can be achieved under the provisions of the underlying **~~A-2 Rural Conservation and R-1 Low Density Residential Districts~~**. They are intended to preserve the rural character of the land by promoting the creation of compact residential clusters that are encompassed and veiled by open space and less intensive land uses. The Conservation Subdivision Planned Unit Development provisions allow variation from permitted lot density, lot area and width standards for lots in single family residential developments in exchange for improved open space, enhanced screening and buffering techniques and amenities and other design considerations such as single loaded streets that will enhance the rural quality of life.

Land use goals and objectives for the Township which may be better accomplished through

the use of the Conservation Subdivision Development provisions include the following:

- (a) The provision of meaningful buffers between agricultural land and operations and more intensive residential development
- (b) The conservation and preservation of woodlands and sensitive environmental areas such as wetlands in the Township and to otherwise minimize the disturbance of woodlands, steep slopes, ridgelines, wetlands and stream corridors in the design of new development.
- (c) To facilitate the continued use of farmland while accommodating residential development that will not over capacitate the soil, aquifers and roadways.
- (d) To recognize the value of and to facilitate the creation of facilities such as golf courses, man-made lakes, equestrian facilities and other passive, non-motorized recreational facilities within residential developments in concert with undeveloped open space for the use of residents in the development.
- (e) Greater accessibility to natural areas and developed open space and recreation land by their inclusion within new developments as common areas.

**SECTION 10:**        **APPROVAL** “28.04 Items Submitted For Review” of the Watson Township Zoning Code is hereby *approved* as follows:

#### BEFORE APPROVAL

##### 28.04 Items Submitted For Review

- (a) The applicant shall submit an application for a Conservation Subdivision PUD project along with a review fee as established by the Watson Township Board.
- (b) *Conservation Subdivision Plan.* The applicant shall submit three (3) sets of the Conservation Subdivision Plan drawn at a minimum scale of 1"= 200' which shall include information required by Section 14.03 of this Ordinance as appropriate for single family residential developments, and the following information:
  - (1) The location, extent and physical character of areas and/or parcels devoted to preserved open space.
  - (2) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Yield Plan, as approved by the Planning Commission.
  - (3) The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
  - (4) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
  - (5) If the development will not be served by public sanitary sewer, the applicant shall submit documentation from the Allegan County Health Department that

the soils are suitable for on site septic systems.

- (c) When a Conservation Subdivision development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Watson Township Subdivision Control Ordinance or the Watson Township Site Condominium Subdivision requirements of this Ordinance, as applicable.
- (d) *Yield Plan Required-Yield Plan Standards.* In addition to the information required above, the applicant must submit a separate "yield plan" for the purpose of determining the total number of lots or building sites that may be allowed in development.

The Yield Plan may be conceptual in nature but shall include at least the following information:

- (1) Date, north arrow and scale, which shall not be more than 1" = 200'.
- (2) Location of existing and proposed streets adjacent to and within the site capable of providing access to each lot. The street layout and right of ways shall be capable of meeting applicable Watson Township private street regulations or the platted street standards of the Allegan County Road Commission.
- (3) Yield Plan formulae. The yield plan shall indicate the location and layout of all lots, the lot area, lot width and street frontage for each lot and shall demonstrate compliance with the following minimums:

|                             | <b>A-2</b>                                                                   | <b>R-1</b>                                                                  | <b>A-1</b>                                                                   |
|-----------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>Minimum lot size</b>     | Two acres excluding street right of way                                      | One acre excluding street right of way                                      | 10 acres excluding street right of way                                       |
| <b>Minimum lot width</b>    | 150 feet within 100 feet of the street on which the lot would have frontage. | 100 feet within 100 feet of the street on which the lot would have frontage | 150 feet within 100 feet of the street on which the lot would have frontage. |
| <b>Minimum lot frontage</b> | 75 feet                                                                      | 50 feet                                                                     | 75 feet                                                                      |

- (4) For projects having land area in more than one eligible zoning district (A-1, A-2 and R-1 Districts) the total lot yield shall be based upon the sum of the yield plans developed for each zoned area.
- (5) For purposes of calculating total lot yield. A yield plan for A-1 properties may be developed, however, as part of the conservation subdivision development plan only preserved open space may be located in the A-1 zone.
- (6) If development under the Yield Plan will require the use of septic tanks and drain fields, the applicant shall submit preliminary documentation from the

Allegan County Health Department that the soils on each proposed lot are suitable for on site disposal systems and capable of supporting the number of lots included in the yield plan.

- (7) The Yield Plan shall take into consideration environmentally sensitive land and un-buildable land. This shall include slopes of 20% or greater, regulated and unregulated wetlands, lakes, ponds, public utility easements, floodplains, and other similar features which limit or prevent or obstruct construction of buildings and roads. When devising a yield plan and calculating the number of developable lots, up to 50% of the area consisting of designated wetlands, streams, flood plains, slopes in excess of 20%, existing ponds or lakes, or other bodies of water, may be included in the lot area calculations.

## AFTER APPROVAL

### 28.04 Items Submitted For Review

- (a) The applicant shall submit an application for a Conservation Subdivision PUD project along with a review fee as established by the Watson Township Board.
- (b) *Conservation Subdivision Plan.* The applicant shall submit three (3) sets of the Conservation Subdivision Plan drawn at a minimum scale of 1"= 200' which shall include information required by Section 14.03 of this Ordinance as appropriate for single family residential developments, and the following information:
  - (1) The location, extent and physical character of areas and/or parcels devoted to preserved open space.
  - (2) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Yield Plan, as approved by the Planning Commission.
  - (3) The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
  - (4) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
  - (5) If the development will not be served by public sanitary sewer, the applicant shall submit documentation from the Allegan County Health Department that the soils are suitable for on site septic systems.
- (c) When a Conservation Subdivision development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Watson Township Subdivision Control Ordinance or the Watson Township Site Condominium Subdivision requirements of this Ordinance, as applicable.
- (d) *Yield Plan Required-Yield Plan Standards.* In addition to the information required above, the applicant must submit a separate "yield plan" for the purpose of determining the total number of lots or building sites that may be allowed in development.

The Yield Plan may be conceptual in nature but shall include at least the following information:

- (1) Date, north arrow and scale, which shall not be more than 1" = 200'.
- (2) Location of existing and proposed streets adjacent to and within the site capable of providing access to each lot. The street layout and right of ways shall be capable of meeting applicable Watson Township private street regulations or the platted street standards of the Allegan County Road Commission.
- (3) Yield Plan formulae. The yield plan shall indicate the location and layout of all lots, the lot area, lot width and street frontage for each lot and shall demonstrate compliance with the following minimums:

|                             | <b>A-2</b>                                                                              | <b>R-1</b>                                                                  | <b>A-1</b>                                                                   |
|-----------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>Minimum lot size</b>     | <del>Two acres excluding street right of way</del>                                      | One acre excluding street right of way                                      | 10 acres excluding street right of way                                       |
| <b>Minimum lot width</b>    | <del>150 feet within 100 feet of the street on which the lot would have frontage.</del> | 100 feet within 100 feet of the street on which the lot would have frontage | 150 feet within 100 feet of the street on which the lot would have frontage. |
| <b>Minimum lot frontage</b> | <del>75 feet</del>                                                                      | 50 feet                                                                     | 75 feet                                                                      |

- (4) For projects having land area in more than one eligible zoning district (A-1, A-2 and R-1 Districts) the total lot yield shall be based upon the sum of the yield plans developed for each zoned area.
- (5) For purposes of calculating total lot yield. A yield plan for A-1 properties may be developed, however, as part of the conservation subdivision development plan only preserved open space may be located in the A-1 zone.
- (6) If development under the Yield Plan will require the use of septic tanks and drain fields, the applicant shall submit preliminary documentation from the Allegan County Health Department that the soils on each proposed lot are suitable for on site disposal systems and capable of supporting the number of lots included in the yield plan.
- (7) The Yield Plan shall take into consideration environmentally sensitive land and un-buildable land. This shall include slopes of 20% or greater, regulated and unregulated wetlands, lakes, ponds, public utility easements, floodplains, and other similar features which limit or prevent or obstruct construction of buildings and roads. When devising a yield plan and calculating the number of developable lots, up to 50% of the area consisting of designated wetlands, streams, flood plains, slopes in excess of 20%, existing ponds or lakes, or other bodies of water, may be included in the lot area calculations.

**SECTION 11:**        **APPROVAL** “28.06 Open Space Requirements” of the Watson Township Zoning Code is hereby *approved* as follows:

## BEFORE APPROVAL

### 28.06 Open Space Requirements

- (a) *Minimum Open Space.* A minimum of **fifty percent (50%)** of the land proposed for development under the provisions of this Chapter shall remain in a perpetually undeveloped state (i.e., "open space") by means of restrictions and other legal instruments that runs with the land.
- (1) *Common Ownership of Preserved Areas.* Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:
- a. That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
  - b. That a permanent organization for maintenance and management of such area would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
  - c. That the restrictions would be sufficient to assure the permanent preservation of the open space.
  - d. That the restrictions could be enforced by all property owners and by the Township.
- (2) *Preserved Areas Not Owned in Common.* Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:
- a. That the proposed manner of holding title to the preserved open land is acceptable to the Township.
  - b. That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
  - c. That the restrictions could be enforced by all property owners and by the Township.
- (b) *Areas Not Counted as Open Space.*
- (1) The area within all public or private road rights-of-way.
  - (2) Any easement for overhead utility lines and underground gas lines.
  - (3) The area within a platted lot, site condominium unit or metes and bounds parcel.
  - (4) Land occupied or to be occupied by a building or structure
  - (5) Off street parking areas.
  - (6) Detention and retention ponds created to serve the project.
  - (7) Proposed community drain fields.

- (8) Existing lakes and other existing surface water features
- (c) *Standards for Open Space.* The following standards shall apply to the preserved open space required by this Chapter:
  - (1) *Features to Be Preserved.* In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
    - a. Significant natural stands of trees.
    - b. Natural habitat for wildlife.
    - c. Unusual topographic features.
    - d. Productive farmland.
    - e. Water or wetland areas.
  - (2) Not less than 60% of the minimum required open space shall be held in common.
  - (3) Within the A-2 and R-1 Districts the open space may include recreational trails, picnic areas, children's play areas, golf courses, community buildings or other use which, as determined by the Planning Commission, is substantially similar to these uses. Contiguous or Non-Contiguous open space located in the A-1 District may be established for purposes of agriculture, forestry hunting or habitat preservation and may not include developed recreational facilities.
  - (4) Unless specifically approved by the Planning Commission the open space held in common shall be available for all residents of the development, subject to reasonable rules and regulations and shall, where possible, be contiguous with other preserved or public open space.
  - (5) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space about the body of water.
  - (6) A portion of the open space shall either be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking or shall be left available for agricultural use.
  - (7) Small, disassociated open space fragments of less than 10,000 square feet may not be calculated in the minimum required open space unless it is characterized as unique or special by way of its ecological or recreational value. Open space held in common shall be located so as to be reasonably accessible to the residents of the open space development and where possible, shall be intertwined in a continuous fashion with the residential cluster. Safe and convenient pedestrian and emergency access points to the open space from the interior of the development shall be provided.
  - (8) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.

#### AFTER APPROVAL

## 28.06 Open Space Requirements

- (a) *Minimum Open Space.* A minimum of **fifty percent (50%)** of the land proposed for development under the provisions of this Chapter shall remain in a perpetually undeveloped state (i.e., "open space") by means of restrictions and other legal instruments that runs with the land.
- (1) *Common Ownership of Preserved Areas.* Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:
- a. That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
  - b. That a permanent organization for maintenance and management of such area would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
  - c. That the restrictions would be sufficient to assure the permanent preservation of the open space.
  - d. That the restrictions could be enforced by all property owners and by the Township.
- (2) *Preserved Areas Not Owned in Common.* Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:
- a. That the proposed manner of holding title to the preserved open land is acceptable to the Township.
  - b. That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
  - c. That the restrictions could be enforced by all property owners and by the Township.
- (b) *Areas Not Counted as Open Space.*
- (1) The area within all public or private road rights-of-way.
  - (2) Any easement for overhead utility lines and underground gas lines.
  - (3) The area within a platted lot, site condominium unit or metes and bounds parcel.
  - (4) Land occupied or to be occupied by a building or structure
  - (5) Off street parking areas.
  - (6) Detention and retention ponds created to serve the project.
  - (7) Proposed community drain fields.
  - (8) Existing lakes and other existing surface water features
- (c) *Standards for Open Space.* The following standards shall apply to the preserved open space required by this Chapter:
- (1) *Features to Be Preserved.* In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development.

Such features must include at least one of the following:

- a. Significant natural stands of trees.
  - b. Natural habitat for wildlife.
  - c. Unusual topographic features.
  - d. Productive farmland.
  - e. Water or wetland areas.
- (2) Not less than 60% of the minimum required open space shall be held in common.
- (3) Within the ~~A-2 and~~ R-1 Districts the open space may include recreational trails, picnic areas, children's play areas, golf courses, community buildings or other use which, as determined by the Planning Commission, is substantially similar to these uses. Contiguous or Non-Contiguous open space located in the A-1 District may be established for purposes of agriculture, forestry hunting or habitat preservation and may not include developed recreational facilities.
- (4) Unless specifically approved by the Planning Commission the open space held in common shall be available for all residents of the development, subject to reasonable rules and regulations and shall, where possible, be contiguous with other preserved or public open space.
- (5) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
- (6) A portion of the open space shall either be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking or shall be left available for agricultural use.
- (7) Small, disassociated open space fragments of less than 10,000 square feet may not be calculated in the minimum required open space unless it is characterized as unique or special by way of its ecological or recreational value. Open space held in common shall be located so as to be reasonably accessible to the residents of the open space development and where possible, shall be intertwined in a continuous fashion with the residential cluster. Safe and convenient pedestrian and emergency access points to the open space from the interior of the development shall be provided.
- (8) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.

**SECTION 12:**        **APPROVAL** “29.03 Repeal” of the Watson Township Zoning Code is hereby *approved* as follows:

BEFORE APPROVAL

29.03 Repeal

All other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

#### AFTER APPROVAL

##### 29.03 Repeal

~~All other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.~~ All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**SECTION 13:**        **ADOPTION** “29.04 Savings” of the Watson Township Zoning Code is hereby *added* as follows:

#### BEFORE ADOPTION

##### 29.04 Savings (Non-existent)

#### AFTER ADOPTION

##### 29.04 Savings(*Added*)

This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or cause of action of the Village, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

**SECTION 14:**        **ADOPTION** “29.05 Validity And Severability” of the Watson Township Zoning Code is hereby *added* as follows:

#### BEFORE ADOPTION

##### 29.05 Validity And Severability (Non-existent)

#### AFTER ADOPTION

##### 29.05 Validity And Severability(*Added*)

Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**SECTION 15:**        **APPROVAL** “29.04 Effective Date” of the Watson Township Zoning Code is hereby *approved* as follows:

BEFORE APPROVAL

29.04 Effective Date

This Ordinance was approved by the Township Board on \_\_\_\_\_ and is ordered to take immediate effect.

\_\_\_\_\_  
Township Supervisor

\_\_\_\_\_  
Township Clerk

AFTER APPROVAL

29.04 Effective Date

This Ordinance shall be effective seven (7) days from and after its adoption by the Watson Township Board and after its publication. YEAS: NAYS: ABSENT: THE ORDINANCE WAS DECLARED ADOPTED.

\_\_\_\_\_  
Kevin Travis, Supervisor  
Kelli Morris, Clerk I hereby certify the above Ordinance was published in a newspaper of local circulation on the \_\_\_\_\_.  
\_\_\_\_\_  
Kelly Morris, Clerk  
~~This Ordinance was approved by the Township Board on \_\_\_\_\_ and is ordered to take immediate effect.~~  
~~\_\_\_\_\_ Township Supervisor \_\_\_\_\_ Township Clerk~~

PASSED AND ADOPTED BY THE WATSON TOWNSHIP TOWNSHIP BOARD  
NOVEMBER 07, 2024.

|                 | <b>AYE</b> | <b>NAY</b>        | <b>ABSENT</b>     | <b>ABSTAIN</b>    |
|-----------------|------------|-------------------|-------------------|-------------------|
| Kevin Travis    | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |
| Tera Davis      | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |
| Michelle Harris | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |
| John Caras      | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |
| Kelli Morris    | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |

Presiding Officer

Attest

  
\_\_\_\_\_

Kevin Travis, Supervisor, Watson

Township

  
\_\_\_\_\_

Kelli Morris, Clerk, Watson Township