

ARTICLE 1600  
Conservation Subdivision Design

§ 208-1601.Purpose.

A. It is the intent and purpose of this article to provide a means for the logical and efficient development within the Conservation Residential (CR) and Suburban Residential (SR) zoning districts while maintaining the district's natural character. The use of this desired development approach in these areas is an important component of the implementation of the land use and conservation objectives of the adopted 2006 Marshall Township Comprehensive Plan. The districts in which this type of development is strongly encouraged are characterized by their highly sensitive environmental features. Therefore, the following provisions have been devised and implemented to permit the logical development of only those lands within the district that are most suitable for development while, at the same time, creating a comprehensive greenway system for passive recreation uses and/or for the preservation of natural resources. A conservation subdivision shall be designed with the following objectives to satisfy the intent of this article and the required design provisions and procedures included in Article 300 of the Subdivision and Land Development Ordinance:

1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
4. To provide for a diversity of lot sizes and building densities, to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
5. To implement adopted township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;
6. To permit clustering of houses and structures on less environmentally sensitive soils so as to reduce the amount of infrastructure,
7. To implement adopted land use, transportation, and community policies, as identified in the Marshall Township Comprehensive Plan;
8. To protect areas of the township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
9. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood greenway, and with a strong neighborhood identity.
10. To provide for the conservation and maintenance of open land within the township to achieve the above-mentioned goals and for active or passive recreational use by residents;
11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and

12. To conserve scenic views and elements of the township's natural resources character, and to minimize perceived density, by minimizing views of new development from existing roads.
- B. In order to achieve these purposes, this Article provides for flexibility in designing new residential subdivisions by allowing two forms of "by-right" development referred to as "options", as summarized below:
  1. Option One: Cluster Properties, providing for residential uses at the density permitted as calculated per requirements included in 208-1604.
  2. Option Two: Country Properties, providing for large lots at very low densities.

§ 208-1602. Applicability.

- A. Conservation Subdivision Design may be utilized for any major subdivision within the Conservation-Residential (CR) and Suburban Residential (SR) Zoning Districts; provided that Option Two, Country Properties, shall only be available to subdivisions within the Conservation Residential District.
- B. Conservation Subdivision Design shall be required when forty (40%) percent or more of a proposed tract for development in the Conservation Residential (CR) or Suburban Residential (SR) zoning districts contains slopes of 15% or greater, according to the two (2') contour map required by the Subdivision and Land Development Ordinance.
- C. Exemptions: minor subdivisions in which there are no new required streets shall be exempt from the provisions of this article.

§ 208-1603. Uses Permitted within Conservation Subdivisions. **[Amended 5/12/2008 by Ord. No. 389]**

A. Principal Uses

1. Single Family Dwellings
2. Greenway Land
3. Agriculture
4. Forestry
5. Outdoor Recreation Areas
6. Essential Services

B. Accessory Uses

1. Accessory uses shall be permitted on the same lot customarily incidental to any permitted use and not conducted as an independent principal use as indicated in 208-302.

§ 208-1604.Density Determination. [Amended 5/12/2008 by Ord. No. 389]

- A. Density Factors: for purposes of calculating density under the Cluster Option, the following density factors shall be applied:
  - 1. Conservation Residential (CR) District: 1.00
  - 2. Suburban Residential (SR) District: 2.25
- B. Adjusted Tract Area Approach: Determination of the maximum number of permitted dwelling units on any given property under the Cluster Option shall be based upon the Adjusted Tract Area of the site. The Adjusted Tract Area equals the gross tract area minus the constrained land (described below) calculated in accordance with the worksheet included in Appendix C.
  - 1. Constrained land equals the sum of the following:
    - (a) All land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing rights-of-way of utility lines;
    - (b) All land under existing private streets;
    - (c) Wetlands: multiply the acreage of designated wetlands by 1.0;
    - (d) Floodway: multiply the acreage within the floodway by 1.0;
    - (e) Floodplains: multiply the non-wetland portion of the 100-year floodplain by 0.50;
    - (f) Steep Slopes: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80;
    - (g) Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.40.
  - 2. If a portion of the tract contains more than one natural feature subject to a density factor, that acreage shall be subject to the most restrictive density factor.
  - 3. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from developable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract area.
  - 4. Permitted Dwelling Units: The maximum number of permitted dwelling units equals the Adjusted Tract Area multiplied by the density factor, rounded to the lower number.
- C. Country Lot Option: The maximum density shall be one dwelling unit per four (4) acres, calculated on the gross tract acreage.

§ 208-1605.Design Standards.

- A. When laying out lots in accordance with the Four-Step Process set forth in section 174-302(D) of the Subdivision and Land Development Ordinance, there shall be no disturbance of Primary Conservation Areas.
- B. All new dwellings shall meet the following setback requirements from off-site features:
  - 1. From all external road rights-of-way - 100 feet
  - 2. From all other tract boundaries - 50 feet
  - 3. From cropland or pasture land - 100 feet
  - 4. From active recreation areas such as courts or playing fields (not including tot-lots) - 150 feet
- C. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or buffering.
- D. Houselots shall generally be accessed from interior streets, rather than from roads bordering the tract.
- E. In subdivisions using the Cluster Option, 50% of the lots shall abut or be across a street from greenway land.

§ 208-1606.Greenway Land Requirements for Country Properties.

- A. Greenway lands in Country Property developments may be contained within the lots or may be set aside as undivided land with common rights of usage among the subdivision residents.
- B. Greenway lands contained within the lots shall be governed by the following:
  - 1. The building envelope (the area designated for construction activities and lawn area) for each lot shall be delineated on the plot plan at the time of subdivision or land development.
    - (a) The building envelope shall be a maximum of one (1) acre.
    - (b) All structures and accessory uses shall be contained within the building envelope
    - (c) Clearing and removal of trees outside the building envelope shall be limited to activities needed to provide access to the structures and for normal maintenance of the trees located within the area.
    - (d) Primary Conservation Areas shall not be permitted to be located within the building envelope and shall be protected through a conservation easement.

§ 208-1607. Greenway Land Requirements for the Cluster Option, Permitted Uses and Design Standards.

A. Greenway Land Requirements

1. Minimum Land Requirement for Greenways: The minimum amount of land required for greenways within a Cluster Conservation Subdivision shall be 40% of the Adjusted Tract Area determined in Section 208-1604(B) of this Article, plus the total acreage of constrained land calculated in Section 208-1604(B). A worksheet for calculating the minimum amount of Greenway Land is attached as Appendix D. The amount of acreage calculated under this section does not necessarily dictate the location of the Greenway Land to be set aside.

B. Uses Permitted within Greenway Areas

The following uses are permitted within greenway land areas:

1. Conservation of open land in its natural state (for example, woodland preserve, game preserve, wildlife sanctuary, fallow field, or managed meadow);
2. Agricultural and horticultural uses, including raising crops, and associated buildings, but excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations and any uses involving the raising of animals;
3. Woodlots, arboreta, and other similar silvicultural uses;
4. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than one-quarter of the minimum required greenway land.
5. Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.
6. Neighborhood greenway uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board.
7. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than 25% of the minimum required greenway land or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
8. Water supply systems and stormwater detention areas designed, landscaped, and available for use as an integral part of the Greenway.
9. Easements for drainage, access, sewer or water lines, or other public purposes;
10. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.

C. Greenway Design Standards

1. Greenway Land shall be laid out in general accordance with the Township's Natural Resource Composite Map (in the Comprehensive Plan) to ensure that an interconnected network of greenway will be provided. The required Greenway Land shall consist of a mixture of Primary Conservation Areas (PCAs), all of which must be included, and Secondary Conservation Areas (SCAs). The process for delineating Greenway Land is described in Section 174-302(D)(1) of the Subdivision Ordinance.
2. Fragmentation and narrow corridors of Greenway Land should be avoided. No area of Greenway Land shall be less than 10,000 square feet or less than twenty (20) feet in width.
3. Whenever possible, Greenway Land within the Conservation Subdivision should connect to existing or potential conservation areas on adjoining parcels.
4. Greenway Land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the township.
5. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural greenway buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is not wooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

D. Other Requirements

1. No portion of any building lot may be used for meeting the minimum required greenway land in the cluster option.
2. Pedestrian and maintenance access shall be provided to greenway land in accordance with the following requirements:
  - (a) Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of thirty-five (35) feet in width.
  - (b) Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

§ 208-1608.SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

- A. All applications for a conservation subdivision shall be governed by standards and procedures stated within Article 300, Section 174-302 of the Subdivision and Land Development Ordinance. In the event that there are conflicting requirements between the provisions of this Article and those stated within the Subdivision and Land Development Ordinance for major subdivisions, the stricter provisions of this Article shall prevail.

