

CHARTER TOWNSHIP OF WATERFORD APPLICATION FOR SITE PLAN REVIEW

Staff Use Only Case No. _____ Assigned _____

Development Services Department
 5200 Civic Center Drive
 Waterford, MI 48329-3773
 (248) 674-6238

Applicant Name: _____

Applicant Address: _____
Street Address City State ZIP Code

Applicant Contact Information: _____
Phone Number Fax Number Email Address

Project Name: _____

Site Address/General Location: _____

Parcel ID No.: _____ **Total Site Acreage:** _____

Zoning (check applicable district):

- R-1/1A/1B/1C
 R-1D
 R-1E
 R-M1
 R-M2
 PL
 CR
 O-1
 O-2
 C-1
 C-3
 C-4
 C-UL
 C-UB
 HT-1
 HT-2
 M-1
 M-2

Proposed Use of Subject Property:

- | | | |
|--|--|---|
| <input type="checkbox"/> Commercial Fueling Establishment | <input type="checkbox"/> Commercial Service Establishment | <input type="checkbox"/> Commercial Storage Establishment |
| <input type="checkbox"/> Elder Care Facility | <input type="checkbox"/> Entertainment Establishment | <input type="checkbox"/> Manufacturing Establishment |
| <input type="checkbox"/> Medical Establishment | <input type="checkbox"/> Multiple-Family Residential Project | <input type="checkbox"/> Office Establishment |
| <input type="checkbox"/> Rental Establishment | <input type="checkbox"/> Resale Establishment | <input type="checkbox"/> Restaurant Establishment |
| <input type="checkbox"/> Retail Establishment | <input type="checkbox"/> Single-Family Residential Project | <input type="checkbox"/> Vehicle Dealer Establishment |
| <input type="checkbox"/> Vehicle Repair Facility | | |
| <input type="checkbox"/> Other Use Description (as defined in Waterford Township Zoning Ordinance Section 1-007) | | |

All persons having ownership interest in above-referenced property must sign this document to authorize the filing of the application. Ownership interest includes owners, all parties in land contracts, and all parties in purchase agreements. Additional signature pages may be attached for owners exceeding four in number.

	<u>NAME (Print)</u>	<u>ADDRESS</u>	<u>TYPE OF OWNERSHIP INTEREST</u>	<u>SIGNATURE</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

!!! IMPORTANT NOTICE !!!

No site plan review will occur until this application is fully complete and submitted with the required number of site plans, the fee assessment process is completed, and all fees paid.

Charter Township of Waterford Planning Commission/Zoning Board of Appeals Consent to Property Inspection

Development Services Department
5200 Civic Center Drive
Waterford, MI 48329-3773
(248) 674-6250

I (WE), the undersigned have made application to the Charter Township of Waterford for land use matters to be considered and decisions made by the:

Planning Commission

Zoning Board of Appeals

that will affect use of our property identified below. In order to enable the members of such decision-making body to make an informed decision on our request, I (WE), do hereby consent to allow the members of the decision-making body to inspect the subject property up to the date of the meeting of the decision-making body at which such body issues its final decision on MY (OUR) request, provided that such inspections are limited to:

- gathering information specific to the requested action,
- typical hours of daily human activity, unless specified otherwise below, and
- the following restrictions:

Address of Subject Property

Parcel I.D. Number(s)

NOTE: Any and all persons having ownership interest in the above described property MUST sign this application in the presence of a notary.

Subscribed and sworn to before me this _____

day of _____, _____

Notary Public

My commission expires: _____

State of Michigan, County of _____

Property Owner: _____

Driver's License No.: _____

Birth Date: _____

Property Owner: _____

Driver's License No.: _____

Birth Date: _____

Additional signature pages may be attached for owners exceeding two in number.

(ARTICLE IV, SECTION 4-003 cont.)

9. Minor changes to a site plan may be approved by the Zoning Official if the change meets all requirements of this Zoning Ordinance and will not significantly alter or conflict with a condition of site plan approval. The Zoning Official shall place such findings on the Planning Commission consent agenda and shall certify such findings in writing to be entered as part of the official active site plan record.
10. For proposed developments requiring off-site easements for access, parking, utility or drainage installations, a copy of the signed and recorded off-site easement or easements shall be furnished to the Zoning Official prior to site plan approval for drive access and parking easements and prior to construction plan approval for utility and drainage easements.
11. Prior to final site plan approval, required approvals by the applicable street agency of drive locations, stormwater drainage outlets, acceleration/deceleration lanes and turning lanes, and all other improvements in the public right-of-way must be obtained and verified in writing.

SECTION 4-004. SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS**1. Change of Use Review.****A. Purpose and Intent.**

- (1) In conjunction with **Sections 4-001** through **4-003**, change of use review and approval shall be required for any change in use on all or a part of a zoning lot in any zoning district which specifically requires site plan review and all of the following conditions exist:
 - (A) There is a Township approved site plan for the zoning lot.
 - (B) No physical expansion or substantial improvements are being proposed to the buildings, structures, or use areas on the zoning lot. Interior remodeling of existing buildings identified on the approved site plan and intended to accommodate a proposed change of use are exempt from this condition.
 - (C) Use of the zoning lot is proposed to be changed from the permitted use classification identified in the approved site plan to another permitted use classification.
- (2) Change of use review and approval shall be required for all wireless communication facilities collocations in accordance with **Section 2-600.8**.

B. Submission and Review Process.

- (1) The prospective applicant(s) discusses the general elements of the proposed improvements with the Zoning Official's office staff to ensure that application is made for the proper review process. The applicant(s) may request a pre-application review meeting with the Zoning Official and Township Engineer to discuss and understand the applicability of Zoning Ordinance requirements. The Zoning Official and Township Engineer are under no obligation to provide review comments of any draft plan during this or subsequent pre-application review meetings with a prospective applicant(s).
- (2) The Zoning Official and Township Engineer may require the prospective applicant(s) to submit their application documents and fees before making such review comments.
- (3) The applicant(s) obtains change of use site plan review application and fee requirements from the office of the Zoning Official.
- (4) The applicant(s) submits fee, completed application forms and related documentation in the quantity specified by the Zoning Official.
- (5) The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
- (6) Once a complete set of application materials is received, the Zoning Official shall conduct a change of use review.
- (7) All change of use reviews shall be placed on the Planning Commission consent agenda. The Planning Commission may, at its discretion, request to review and comment on any change of use request prior to the issuance of approval by the Zoning Official.

(ARTICLE IV, SECTION 4-004.1.B cont.)

- (8) If the Zoning Official finds that the approved site plan for the subject zoning lot possesses the parking capacity needed to serve the proposed change of use, and if the approved site plan provides appropriate buffering and screening between the proposed change of use and adjacent uses, then the Zoning Official shall grant written approval of the requested change of use, outlining the reasons for such approval in the form and manner prescribed by the Zoning Official. If the Zoning Official finds that the approved site plan does not possess the parking capacity needed to serve the proposed change of use or does not provide for appropriate buffering and screening between the proposed change of use and the adjacent uses, then the Zoning Official shall require minor site plan review.
- (9) Before granting approval, or as a condition of approval, of a change of use, the Zoning Official may require the submission of an updated site plan containing information now required by this Zoning Ordinance.
- (10) If the decision of the Zoning Official is that the requested change of use will require minor site plan review, the applicant(s) shall apply for and receive an approved final site plan before using the subject zoning lot for the requested change of use. The Zoning Official may adjust the total review fees so that an applicant(s) shall not pay for two separate review processes for one project and shall only pay a total fee commensurate with the most extensive review process required for final approval of the proposed project.
- (11) In those cases where the Zoning Official has granted approval of a change of use, the Zoning Official shall keep a written record of the change of use approval for the record and provide one copy to the applicant(s).
- (12) Upon receipt of the change of use approval, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

2. Minor Site Plan Review.

A. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, minor site plan review and approval shall be required for all land development projects on a zoning lot in any zoning district which specifically requires site plan review and one or more of the following conditions exist:

- (1) A zoning lot was improved prior to the Township's site plan review requirements and therefore is not governed by an approved site plan and a change of use is proposed.
- (2) All new commercial, office and industrial projects on zoning lots less than one (1) acre in size.
- (3) Any addition or alteration to an existing building resulting in an increase of interior floor area or exterior use area on a zoning lot governed by an approved site plan which requires a building permit.
- (4) Any existing parking area proposed to be changed to an impervious surface and/or exterior storage area proposed for construction or expansion.
- (5) Any addition to, or modification of the landscaping, fence wall, or perimeter fence wall on a zoning lot governed by an approved site plan.
- (6) All attached wireless communication facilities considered permitted uses in accordance with **Section 2-600.2**.
- (7) All municipal, county, state, federal, and other governmental agency projects that are a permitted principal use.
- (8) A change of use that is not eligible for approval under **Section 4-004.1.A**.

B. Submission and Review Process.

- (1) The prospective applicant(s) discusses the general elements of the proposed improvements with the Zoning Official's office staff to ensure that application is made for the proper review process. The applicant(s) may request a pre-application review meeting with the Zoning Official and Township Engineer to discuss and understand the applicability of Zoning Ordinance requirements. The Zoning Official and Township Engineer are under no obligation to provide review comments of any draft plan during this or subsequent pre-application review meetings with a prospective applicant(s).
- (2) The Zoning Official and Township Engineer may require the prospective applicant(s) to submit their application documents and fees before making such review comments.
- (3) The applicant(s) obtains minor site plan review application and fee requirements from the office of the Zoning Official. The applicant(s) can choose to have their plan reviewed through the major site plan review process, at the fee established for minor site plan review.
- (4) The applicant(s) submits completed application forms, preliminary plan, and related documentation in the quantity specified by the Zoning Official.

(ARTICLE IV, SECTION 4-004.2.B cont.)

- (5) The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
- (6) Once a complete set of application materials are received, the Zoning Official and Township Engineer shall calculate the review fees for the submitted application.
- (7) The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds.
- (8) All minor site plan reviews shall be placed on the Planning Commission consent agenda. The Planning Commission may, at its discretion, request to review and comment on any minor site plan request prior to the issuance of approval by the Zoning Official.
- (9) The Zoning Official, Township Engineer, Public Works Official, Fire Chief, Police Chief, and all other required government agencies identified by the Zoning Official shall conduct a preliminary plan review.
- (10) The Zoning Official shall collect and transmit to the applicant(s) all revisions and comments recommended and received from the Township and other governmental agencies. The applicant(s) shall be responsible for ensuring that the revised preliminary plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the preliminary plan is in such form as to undergo final site plan review; the Zoning Official may require Planning Commission review of a preliminary plan to complete this step of the process.
- (11) The Zoning Official and Township Engineer shall conduct a final site plan review.
- (12) The applicant(s) may obtain construction plan review application and fee requirements from the office of the Building Official and submit for construction plan review by the Building Official at this step or any step hereafter. However, final approval of a construction plan cannot be given or building permits issued until after the Zoning Official issues the approved final site plan.
- (13) The Zoning Official and Township Engineer verify that the final site plan complies with all Zoning Ordinance requirements.
- (14) The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).
- (15) Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

3. Major Site Plan Review.

A. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, major site plan review and approval shall be required for all land development projects on a zoning lot in any zoning district which specifically requires site plan review and one or more of the following conditions exist:

- (1) All new commercial, office and industrial projects on zoning lots one (1) acre or larger in size.
- (2) All mobile home, multiple-family, site condominium, and other residential dwelling land development projects involving more than two dwelling units. (Note: Single-family platted subdivision projects are excluded from consideration under this Section and instead shall be reviewed in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**.)
- (3) All municipal, county, state, federal, and other governmental agency projects proposed in areas that are not a principal permitted use.
- (4) A review required by the Zoning Official or Township Engineer for any lot or acreage split which results in the creation of a public or private street. The review process, if required, will occur after approval of the proposed split in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**.
- (5) All wireless communication facilities that require special approval.

(ARTICLE IV, SECTION 4-004.3 cont.)**B. Submission and Review Process.**

- (1) The prospective applicant(s) discusses the general elements of the proposed improvements with the Zoning Official's office staff to ensure that application is made for the proper review process. The applicant(s) may request a pre-application review meeting with the Zoning Official and Township Engineer to discuss and understand the applicability of Zoning Ordinance requirements. The Zoning Official and Township Engineer are under no obligation to provide review comments of any draft plan during this or subsequent pre-application review meetings with a prospective applicant(s).
- (2) The Zoning Official and Township Engineer may require the prospective applicant(s) to submit their application documents and fees before making such review comments.
- (3) The applicant(s) obtains major site plan review application and fee requirements from the office of the Zoning Official. All plans shall be prepared to comply with the following general plan criteria:
 - (A) The development shall be compatible with planned development patterns as expressed in the Township's adopted Master Plan, be for a use permitted or granted special approval by the Planning Commission in the zoning district, comply with all the applicable requirements of the Zoning Ordinance and the **Waterford Code of Ordinances** as reviewed and decided by the appropriate Township Officials and government agencies to ensure as practicable as possible that the use shall not result in a negative impact on the surrounding area.
 - (B) The plans shall disclose, provide for and demonstrate compliance with the use of a site harmoniously and efficiently organized in relation to surrounding uses, the performance standards listed in **ARTICLE II, Division 2-2**, accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public utilities, stormwater management, protection of surface water and/or groundwater resources, topography, environmental characteristics, site vegetation and landscaping, screening and buffering, piling of plowed snow, provision of adequate access for emergency and public safety vehicles and equipment, exterior lighting, dumpster receptacles, exterior appliances, developmental characteristics and other site elements which may have an effect upon the public health, safety and general welfare, the Township Engineering Standards, the SPL Manual, and other applicable sections of this Zoning Ordinance and **Waterford Code of Ordinances** as determined by the Zoning Official, Township Engineer, or Building Official.
 - (C) The placement, size, and other features of proposed buildings, parking areas, driveways, landscaping, and other physical improvements of the site will preserve, to the extent possible, existing on-site natural features and vegetation such as trees, wooded areas, wetlands, natural groves, and terrain features, with tree and soil removal to be minimized.
 - (D) The dedication and/or restriction of open space, streets, or other lands for public, common or other designated use or purpose shall be absolute, not subject to reversion or possible future termination or modification without Township approval and shall be provided by an easement or other document acceptable to the Township Attorney and recorded at the Oakland County Register of Deeds prior to final site plan approval.
 - (E) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation throughout the site shall be provided.
 - (F) Plans prepared for condominium developments shall also be regulated by the requirements outlined in **Section 4-004.4**.
- (4) The applicant(s) submits completed application forms, concept plan, the conceptual review fee, and related documentation in the quantity specified by the Zoning Official.
- (5) The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
- (6) Once the conceptual review fee is paid and a complete set of application materials are received, the Zoning Official shall review the concept plan for compliance with the goals and objectives of the Master Plan, and prepare an analysis of how the concept plan meets the Master Plan goals and objectives for use by the Planning Commission in making its determination of compliance.
- (7) The Zoning Official schedules a conceptual review by the Planning Commission at its next available regularly scheduled public hearing meeting.

(ARTICLE IV, SECTION 4-004.3 cont.)

- (8) The Planning Commission shall be responsible for reviewing the concept plan and the analysis from the Zoning Official to determine the plan's compliance with the Master Plan and make any other determinations allowed or required by this Zoning Ordinance. If the Planning Commission finds that the concept plan complies with the Master Plan, it shall approve the concept plan without modifications. If the Planning Commission finds that the concept plan does not comply with the Master Plan in full or in part, it shall specifically identify where the concept plan is deficient in achieving the Master Plan goals and objectives. The Planning Commission may postpone the case to allow the applicant(s) time to revise the concept plan or deny the concept plan based on the identified deficiencies. In those cases where the Planning Commission finds that the concept plan does not comply with the Master Plan, it may require the applicant(s) to prepare and submit one (1) or more components of a development impact analysis report along with a revised concept plan for Planning Commission review and consideration before a final decision is made. Nothing in this subsection shall prevent the Planning Commission from approving a concept plan that does not comply with the Master Plan.
- (9) Planning Commission approval of a concept plan shall be valid for a period of one (1) year, within which final site plan approval must be obtained.
- (10) Once the concept plan has been approved, the applicant(s) shall submit the preliminary plan based on the approved concept plan and related documentation in the quantity specified by the Zoning Official.
- (11) Once a complete set of application materials are received, the Zoning Official and Township Engineer shall calculate the review fees for the submitted application.
- (12) The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds.
- (13) The Zoning Official, Township Engineer, Public Works Official, Fire Chief, and all other required government agencies identified by the Zoning Official shall conduct a preliminary plan review.
- (14) The Zoning Official shall collect and transmit to the applicant(s) all revisions and comments recommended and received from the Township and other governmental agencies. The applicant(s) shall be responsible for ensuring that the revised preliminary plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the preliminary plan is in such form as to undergo final site plan review.
- (15) The Zoning Official and Township Engineer shall conduct a final site plan review.
- (16) The applicant(s) may obtain construction plan review application and fee requirements from the office of the Building Official and submit for construction plan review by the Building Official at this step or any step hereafter. However, final approval of a construction plan cannot be given or building permits issued until after the Zoning Official issues the approved final site plan.
- (17) The Zoning Official and Township Engineer verify that the final site plan complies with all Zoning Ordinance requirements.
- (18) The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).
- (19) Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

4. Additional Regulations For Condominium Developments

- A. Additional Application Materials.** The preliminary plan and preliminary plan review for condominium developments (*See Condominium Development in Section 1-007*) shall include the condominium master deed (*See Condominium Development in Section 1-007*) and any other documents required by the Condominium Act, Public Act 59 of 1978, as amended, or to be recorded with the Oakland County Register of Deeds. Those documents shall be reviewed and approved with respect to all matters subject to regulation by the Township in accordance with this Zoning Ordinance and the **Waterford Code of Ordinances**.
- B. Site Plans for Expandable, Contractable, or Convertible Projects.** For expansion, contraction, or conversion of a condominium development to add or withdraw land, the new phase of the project shall undergo all steps of the major site plan review for approval.

(ARTICLE IV, SECTION 4-004.4 cont.)

C. Amendments to Master Deed, By-Laws, and Final Site Plans. The approval of the final site plan is also conferred upon the master deed and by-laws as related documents. Therefore, any amendment of a master deed, by-laws, or as-built survey which would have any direct or indirect effect upon any matter reviewed or approved under this Section, as determined by the Zoning Ordinance, shall be reviewed and approved by the Township Attorney prior to recordation. If the Township Attorney, in consultation with the Township Engineer and Zoning Official, determines that the proposed amendments are a substantial departure from the approved final site plan, then the amendment shall undergo the same plan review and approval process as the original approved documents. The Zoning Official shall receive copies of all recorded master deed, by-law, and condominium development plan documents prior to the issuance of a certificate of occupancy.

5. Open Space Preservation.

A. Purpose and Intent. The open space preservation option is intended to encourage the long-term preservation of open space and natural features in accordance with Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended. Property meeting the eligibility requirements of this subsection may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the Planning Commission, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this subsection.

B. Eligibility Requirements. The open space preservation option shall be applicable to zoning lots located within the R-1, Single Family Residential District that are served by municipal sewers as well as such zoning lots that are not served by municipal sewers. The provisions in this subsection shall supplement the existing regulations applicable to the R-1 zoning district in the event an eligible zoning lot is proposed for development using the open space preservation option provided in this subsection.

C. Review Process.

(1) All proposed open space preservation option developments shall be submitted and reviewed in accordance with **Section 4-004.3** and in accordance with the requirements of this subsection and other applicable ordinances.

(2) In addition to all other submittals and information required under this subsection, all open space preservation plans submitted to the Township shall include a natural features inventory and mitigation report.

D. Density Calculation. The density of dwelling units shall not exceed the density customarily developable in the R-1A Single Family Residential zoning district when developed with a conventional layout and with all applicable laws and ordinances being observed.

(1) A proposed open space preservation concept plan and a parallel concept plan shall be submitted in order to establish the maximum permitted density. The parallel concept plan shall depict development of the R-1 zoning lot under the conventional standards of the R-1A zoning district and the requirements of all other applicable state and municipal regulations and standards. The proposed open space preservation concept plan shall depict the proposed arrangement of dwelling units on the R-1 zoning lot with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary streets and street accessways, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on both the parallel concept plan and the proposed open space preservation concept plan, including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan, however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.

(2) The Planning Commission shall make the determination that a proposed open space preservation concept plan is acceptable once it meets all applicable Township ordinance requirements and, based on the comparative review of the parallel concept plan and proposed open space preservation concept plan, determine the number of units permitted under the open space preservation option provided in this subsection.

(ARTICLE IV, SECTION 4-004.5 cont.)

E. Design Requirements and Restrictions. The following design and application requirements shall apply to a proposed open space preservation development under this subsection. The design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**, and otherwise incorporated into a site plan in accordance with the requirements of **Section 4-004.3**.

- (1) A minimum of fifty (50) percent of the lot area shall be preserved as permanent open space in an undeveloped state in the manner set forth in subparagraph F, below.
- (2) Permanent open space shall include the most significant natural features on the zoning lot.
- (3) The applicant(s) for an open space preservation development shall be entitled to an approval under this subsection; provided, the following aspects of the proposed development plan shall be reviewed for approval by the Planning Commission:
 - (A) The bulk regulations established by the Planning Commission for the dwellings in an open space preservation development shall be reasonable and rationally related to the standards, requirements and intent of single family residential development permitted under this Zoning Ordinance to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width and setback requirements shall include the amount of open space, the density as determined by the Planning Commission under the proposed open space preservation concept plan, and the setbacks, minimum lot width, and maximum impervious surface requirements for the single family residential zoning districts.
 - (B) The development layout and configuration shall result in zoning lots or condominium lots feasible for residential development and use, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent streets and other land which is developed, or may be developed for non-cluster residential development. Each zoning lot or condominium lot shall be depicted on the plan with a proposed building envelope, in which a proposed dwelling may be constructed and used, including all likely improvements, without the necessity of the grant of a variance by the ZBA.
- (4) Open space areas shall be accessible to all zoning lots or condominium lots in the development, either directly from the internal street network or, if approved in the discretion of the Planning Commission, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all zoning lots or condominium lots.
- (5) Preserved open space shall be connected with adjacent open space, public land, and existing or planned nonmotorized pathways, where feasible, as determined by the Planning Commission.
- (6) Approval of an open space preservation development does not constitute a change in the zoning of the property, and, except as specifically provided in this subsection, all other regulations applicable within the zoning district of the property and development shall apply.
- (7) Restrictions.
 - (A) Nothing in this subsection shall allow the construction of multi-family residential units in a single family residential district.
 - (B) Nothing in this subsection shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety, and welfare of any person or property.
 - (C) The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.
 - (D) The development shall be designed to avoid an unreasonable burden upon the subject or surrounding zoning lots, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning or engineering considerations.

F. Open Space Maintenance and Preservation.

- (1) All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the Planning Commission prior to final approval of the development, and shall be received and approved as to substance and form by the Township Attorney prior to acceptance by the Planning Commission.
- (2) Nothing in this subsection shall be construed to require the property owner to convey fee title ownership of the open space to the public.