

Article XIV Open Space Preservation Residential District

14.1 Intent

It is the intent of this district to provide residential development that results in an enhanced living environment through the preservation of natural features, agriculture, and rural landscape, and to offer an alternative to traditional subdivisions through the use of Planned Unit Development legislation as authorized by the Township Zoning Act (Public Act 184 of 1943, as amended) for the purpose of:

- A. Assuring the permanent preservation of open spaces, scenic vistas, agricultural lands, and natural features;
- B. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land
- C. Preserving contiguous open spaces and natural features;
- D. Allowing innovation and greater flexibility in the design of rural residential developments;
- E. Facilitating the construction and maintenance of streets, utilities, and public services in rural residential developments in a more economical and efficient manner; and
- F. Ensuring compatibility of design and use between neighboring properties.

These regulations are intended to preserve open spaces, natural features, agricultural lands and traditional rural character in the Township through the creation of small rural residential clusters mixed with open space, farmland and less intensive land uses. [The regions of the township for which this zoning district applies are areas defined in the Township General Development Plan for rural residential uses at a density of 0.2 or fewer dwelling units per acre. In these areas, development may occur only by one of the two following methods: under the existing zoning of the property or under the Open Space Preservation Residential District described in this Article \(OSPD\).](#)

New Definitions for Zoning Ordinance (to be added to Article II)

Agricultural Land means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities, but excluding concentrated animal feed operations.

Area Plan is a plan that is submitted with and is part of either a PUD or OSPD rezoning request. It shall conform to the requirements provided in Article XI, Section 11.15. For the purposes of a PUD or OSPD the area plan is in addition to and subject to the requirements for a subdivision plat or a site condominium review.

Dedicated Open Space is open land that is permanently set aside by the owner for protection in a generally undeveloped state. It is used in an OSPD.

Greenway means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Open Space Preservation Residential District (OSPD) is a rural residential development in which 2 or more dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties and other groupings of dwellings by open space that is perpetually protected from development and shall remain in an undeveloped state.

Primary Conservation Area is all area in watercourses or wetlands, any area devoted to natural or improved flood control channels, or those areas encumbered by floodway or county drain easements. Land in a Primary Conservation Area is not used in computing the net residential density for an OSPD.

Secondary Conservation Area is an area with sensitive natural features, such as lands with slopes exceeding 12% or highly erodable soils and all areas within natural features setbacks as defined in Article XI, Section 11.26. In an OSPD, such areas are generally to be included in Dedicated Open Space and may be used in computing the net residential density for an OSPD.

Total Buildable Area is an area calculated by subtracting from the gross site acreage, the areas comprised of right-of-ways for public and private roads and the Primary Conservation Areas. This is the area used to compute the allowable maximum density for an OSPD.

Undeveloped State means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural land use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

14.2 District General Principles

- A. Zoning Classification. Within areas noted in the General Development Plan as Rural Residential at a density of 0.2 dwelling units or fewer per acre, development may occur only by one of the two following methods: under the existing A-1 or RC zoning of the property on (insert date of public hearing) or under the Open Space Preservation Residential Zoning District provided by this Article.

- B. Approval of Lots. Any division of a parcel in an Open Space Preservation Residential District shall be approved by one of the following means:

1. Division by Metes and Bounds shall be approved by the Zoning Administrator in accordance with the Township Land Division Ordinance. The Zoning Administrator shall not approve any land division for an OSPD until the requirements of this Article are met.
 2. Division by Subdivision Plat in accordance with the approval process provided in the Township Subdivision Ordinance and the Township Zoning Ordinance.
 3. Division by Site Condominium in accordance with the approval process provided in Article XI, Section 11.23 of this ordinance.
- C. Guarantee of Preservation. The Dedicated Open Space shall in perpetuity remain in an undeveloped state, subject only to uses approved by the Township on the approved OSPD area plan. Further subdivision of Dedicated Open Space or its use for purposes other than on the approved OSPD area plan for conservation, recreation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Board of Trustees that all Dedicated Open Space will be maintained in the manner approved and pursuant to a conservation easement described in Section 14.4 E below. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township Board and the land uses continue as approved in the Open Space Preservation Residential District area plan.
- D. Cohesive Neighborhood. The proposed development shall be designed to create a cohesive residential neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of an Open Space Preservation Residential District.
- E. Unified Control. The proposed development shall be under single ownership or other control, sufficient to ensure completion of the project in the manner approved, and continued maintenance in the manner approved. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, Articles of Incorporation and Bylaws for homeowners associations, contracts, covenants, bonds, and/or deed restrictions that indicate that the development will be completed in its entirety as approved and continued maintenance as approved.
- F. Township General Development Plan. The proposed development shall be consistent with and shall further the implementation of the Township General Development Plan. Open Space Preservation Residential Districts shall not be permitted in areas designated for Agricultural Preservation.

14.3 Principal Permitted Uses and Accessory Uses

- A. Detached single-family residential dwellings, detached single-family residential dwellings, two-family dwellings and townhouse dwellings are permitted in areas not a part of the common areas or Dedicated Open Space, including home occupations.
- B. Agricultural land uses are permitted uses as allowed by Township's Zoning Ordinance in RC Districts, excluding concentrated animal feed operations.
- C. Accessory uses and buildings incidental to the principal permitted uses as residential dwellings as allowed in the RC District are allowed in the areas not part of the Dedicated Open Space or common areas.
- D. Accessory uses and buildings incidental to the permitted recreational, conservation or agricultural use, including passive recreational activities, roadside stands, storage buildings, barns, silos, when part of a farming operation, and other accessory uses incidental to the permitted use are allowed in the common areas or Dedicated Open Space.

14.4 Open Space Requirements

- A. Minimum Project Size. The minimum size of an Open Space Preservation Residential District development shall be ten (10) acres of contiguous land.
- B. Use. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, a utility easement or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. Grading shall be minimal, with the intent to use existing topography.
- C. Clustering. Dwelling units shall be grouped so that Dedicated Open Space within a development is at least sixty-five (65) percent of the Total Buildable Area.
- D. Dedicated Open Space. The common Dedicated Open Space shall be located to preserve significant natural features and to connect open spaces throughout the development with adjacent open space. Open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped with natural vegetation or preserved in a natural wooded condition. All vegetation shall be native to the area. The open space along the exterior public roads shall be landscaped with a minimum of one (1) tree for each twenty (20) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees is preferred and may be credited towards meeting the frontage landscaping requirement.
- E. Conservation Easement. The Dedicated Open Space and Primary Conservation Areas shall be set aside by the developer through a permanent conservation

easement established per the State of Michigan Conservation and Historic Preservation Act, Act 451 of 1994, as amended (M.C.L. 324.2140 et. seq.). Such conservation easement shall be held by the Township or a recognized land trust or conservancy approved by the Township Board. It shall be in a form acceptable to the Township and duly recorded in the County Register of Deeds office. In the event the land trust or conservancy holding the conservation easement ceases to exist the easement shall revert to Ann Arbor Township.

- F. Purpose and Content of Conservation Easement. The conservation easement shall assure that the Dedicated Open Space and Primary Conservation Areas will be protected from all forms of development, in an undeveloped state, except as shown on the OSPD approved area plan. Such easement shall indicate the proposed allowable use(s) of the Dedicated Open Space. The Planning Commission and Township Board shall require the inclusion of restrictions in the easement that prohibit the following within protected lands:
- i. Dumping or storing of any hazardous material or refuse;
 - ii. Activity that may cause risk of soil erosion;
 - iii. Use of motorized off road vehicles;
 - iv. Cutting, filling or removal of vegetation, with the exception of invasive species, from wetland sites;
 - v. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

Provided, however, on land that is actively farmed, activities normally associated with agricultural land use shall be permitted.

- G. Connection to Adjacent Dedicated Open Space or Area. The Planning Commission or Township Board may require connections with adjacent Dedicated Open Space, public land or existing or planned pedestrian/bike paths.
- H. Allowable Structures. Any structure(s) or building(s) described in 14.3 B or D above, accessory to the approved recreational, conservation or agricultural use may be erected within the Dedicated Open Space, in accordance with the approved OSPD area plan. The total floor area of accessory building(s) shall not exceed, in the aggregate, one percent (1%) of the required Dedicated Open Space area.
- I. Recreational Facilities. Allowable recreation facilities may include a neighborhood park, golf course, picnic areas, children's play area, greenway, recreational trails, soccer fields, ball fields, bike paths or similar passive recreational facilities which provide a feature of community-wide significance and enhance residential development. In order to preserve a reasonable proportion of the natural areas, no more than 50% of the Dedicated Open Space shall be utilized for these recreational facilities, in which case, at least 50% of the gross site acreage shall remain perpetually in an Undeveloped State by means of a conservation easement described in Section 14.4E.

- J. Created Natural Features. If the site lacks significant existing natural features, the creation of native woodland features, natural vegetation (e.g., prairie meadows) and/or man-made wetlands not used as a part of the stormwater management system is encouraged and may be included in the Dedicated Open Space.
- K. Farming operations. Farming operations, as permitted in Section 14.3B, may be included in an Open Space Preservation Residential District and land dedicated to farm operations can be counted as Dedicated Open Space.
- L. Areas Not Considered Dedicated Open Space. The following land areas shall not be included as Dedicated Open Space for the purpose of this Article:
1. The area of any private or public street right-of-way.
 2. Any lot including the required setbacks surrounding a residential structure.
 3. Stormwater detention and treatment areas.
 4. Primary Conservation Areas.
- M. Homeowners Association. The Dedicated Open Space, Primary Conservation Areas, other undivided common areas and associated facilities shall be held in common ownership by a homeowners association. For site condominiums, the homeowners association is equivalent to the condominium association. The association shall be formed and operated under principles approved by the Township Board including the following:
1. The developer shall provide a description of the association, included its Articles of Incorporation and Bylaws and a Dedicated Open Space maintenance plan documenting methods for maintaining the open space and ensuring the integrity of the dominant natural features.
 2. The association shall be organized by the developer or owner and shall be operated with a financial subsidy from the developer, or owner, before the sale of any lots within the development.
 3. Membership in the association shall be automatic and mandatory for all purchasers of homes in the project and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
 4. The members of the association shall share equitably the costs of maintaining undivided open space. Shares shall be defined within the association bylaws and assessments for maintenance shall be a lien on the land.
 5. The homeowners association shall be responsible for payment of any property taxes and maintenance of all common open space areas and facilities under its control, and maintenance of liability insurance and similar duties of ownership.
 6. The homeowners association may lease open space lands to any other qualified person, or entity, for operation and maintenance of

farmlands in accordance with the approved OSPD area plan, but such a lease agreement shall provide:

- a. That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during growing season);
- b. That the undivided open space to be leased shall be maintained for the purposes set forth in this ordinance;
- c. That the operation of open space facilities may be for the benefit of the residents only, or may be open to the public, at the election of the developer and/or homeowners' association, as the case may be; and
- d. That the lease shall be in accordance with the approved OSPD area plan and memorandum of lease recorded and shall be subject to the approval of the Township Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. A copy of the lease and the recorded memorandum shall be filed with the township.

14.5 Density Calculations.

The maximum permitted density in an open space preservation residential district shall be determined as follows:

- A. The Total Buildable Area is calculated by subtracting acreage in Primary Conservation Areas, and in private and public road right-of-ways from the gross site acreage.
- B. Multiply the acreage of the Total Buildable Area by 0.2 to determine the maximum number of dwelling units permitted.
- C. Lots may vary in size but in no case shall each lot area be less than 0.5 acre.
- D. The maximum ground floor coverage on any lot shall be 10%; the maximum floor area ratio shall be 0.2.

14.6 Design Standards

- A. Natural Features Preservation. The development shall be designed to promote the preservation of natural features. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural environment.
- B. Location of Lots. Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
 1. In locations that minimize alteration of the natural environment
 2. On the most suitable soils for subsurface septic disposal.
 3. In locations least likely to block or interrupt scenic vistas, as seen from public roadways.

- C. Setbacks: The following design parameters will be used to establish setbacks.
1. Front, rear and side yard setbacks shall be staggered to provide for maximum variety in the size of such yards.
 2. The minimum front, rear and corner yard setback shall be 35 feet. The minimum side yard setback shall be 15 feet. Minimum distances between two or more multiple-family dwellings are set forth in Article XI, Section 11.20, herein.
 3. The minimum distance between dwelling structures shall be thirty (30) feet.
 4. Dwelling placement on a lot shall be as far as possible from Primary Conservation Areas or agriculture areas but in no case shall they be closer than one hundred (100) feet from said areas.
- D. Minimum Lot Width. The minimum lot width shall be eighty (80) feet as measured from the front building line.
- E. Open Space Between Clusters. Dedicated Open Space between clusters of residential dwellings, including those spaces used as recreation areas, shall be at least one hundred (100) feet wide.
- F. Landscaping and Buffering.
1. Landscaped or native vegetative cover shall provide a screened buffer between dwellings and neighboring properties.
 2. Where the Open Space Preservation Residential District abuts an adjacent single-family residential use, the Planning Commission or Township Board may require a transition setback. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single-family residential is to be varied by more than three (3) feet, the area plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commission or Township Board may require that the transition area consist of one or more of the following:
 - a. Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.
 - b. Open or recreation space.
 - c. Significant changes in topography, which provide an effective buffer.
 3. Buffer zones at least one hundred (100) feet in width shall be required between residential areas and agricultural areas in Open Space Preservation Residential Districts. Buffers shall be planted with fast

growing native shrubs and trees to create an effective barrier separating yards from fields and pastures.

- G. Dwelling Placement. Dwelling placement shall be planned to screen homes from off-site vantage points, away from environmentally sensitive areas, existing agricultural areas, sites suitable for open space and upwind from areas subject to land management practices that may cause dust, noise, smoke, odors or similar problems.
- H. Preserving Road Frontage. All dwellings and accessory structures shall be no less than one hundred (100) feet from the edge of the major arterial and that one hundred (100) foot areas shall be maintained in native plants and trees so as to create a buffer between the roadway and the environment.
- I. Septic Tanks and Fields. The placement of septic tanks and fields shall comply with requirements of the Washtenaw County Department of Environment and Infrastructure Service (WCEIS). Drain fields may be placed in Dedicated Open Space or transition areas if permitted by the WCEIS.
- J. Road Access. Direct access onto a County road or State highway shall be required for an Open Space Preservation Residential District which shall also meet or exceed the access standards contained in Article III, Section 3.11 of this Ordinance.
- K. Internal Roads. Internal roads within an Open Space Preservation Residential District may be public or private.
 - 1. Construction of private roads as a means of providing access and circulation is encouraged. Private roadways within an Open Space Preservation Residential District must meet the design requirements of the Township Private Road Ordinance. The Planning Commission may recommend to the Township Board granting a variance from these requirements, if all of the following findings are made:
 - a. There is no potential for the road to connect with abutting land or be extended to serve additional land in the future.
 - b. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a variance from the Private Road standards.
 - 2. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots, a minimum of two (2) canopy trees shall be provided per lot. For sections of road that do not abut residential lots, one canopy tree shall be provided on each side for every fifty (50) feet of road frontage. Existing trees that are preserved and that are located within the right of way or road easement and those that are outside these areas but within five (5) feet of the road right-of-way or road easement line may be credited towards meeting this requirement.

- L. Pedestrian Access. The Open Space Preservation Residential District area plan shall provide pedestrian access to all non-agricultural open space areas from all residential areas, connections between open space areas, public thoroughfares, and connections between appropriate on- and off-site uses. Trails within the Open Space Preservation Residential District may be constructed of gravel, woodchip or other similar material, but the Planning Commission or Township Board may require construction of eight (8) foot wide asphalt bike paths through portions of the development or along any public right-of-way abutting the Open Space Preservation Residential District. Locations for school bus stops shall be provided on the area plan.

- M. Historic Structures. When a tract contains structures or buildings deemed to be of historic, cultural, or architectural significance, as determined by the Planning Commission or Township Board, and if suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

14.7 Regulatory Flexibility

- A. To encourage flexibility and creativity consistent with the intent of the Open Space Preservation Residential District, the Township Board may grant specific departures from the following requirements of the Zoning Ordinance as a part of the approval process: height, setback, off street parking and yard and lot width standards may be modified, provided that such modifications results in enhanced buffering from adjacent land uses or public right-of-ways, or preservation of natural features or farmland. The petitioner shall provide sufficient evidence for the Township Board to make a finding that such deviations are justified by unique topographic conditions, vegetation, grades, or to preserve natural features and open areas. Any regulatory modification shall require Township Board approval after Planning Commission recommendation and findings that the deviation shall fulfill the intent of this ordinance. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals.

- B. A table shall be provided on the area plan which specifies the details of all proposed variances, including ordinance provisions from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which variances are sought. Only those variances consistent with the intent of this Ordinance shall be considered.

14.8 Application procedures and final site plan requirements

14.8.1 Pre-application conference and petition and area plan approval processes

- A. Pre-Application Conference and Application Process. A pre-application conference for an Open Space Preservation Residential District zoning shall be requested using the procedures outlined in Article XI, Section 11.15C (Pre-application conference). The OSPD petition and area plan application and review shall be submitted in accordance with Article XI, Section 11.15 D1. (Petition and area plan approvals). The area plan shall constitute the preliminary site plan and shall be reviewed in accordance with the requirements and standards of Article XXII.

- B. Final Site Plan Requirements.
A final site plan shall be submitted for review and action by the Planning Commission for each phase of an OSPD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed and shall meet all provisions of Article XXII, Section 22.04, Final Site Plan, herein. The Planning Commission shall transmit the approved final site plan to the Township Board for information.

- C. Subdivision Plats.
If an Open Space Preservation Residential District is developed as a subdivision plat the procedures defined in Article XI, Section 11.15G shall apply.

- D. Site Condominium.
If an OSPD is developed as a site condominium, the procedures of Article XI 11.23 shall apply.

Section 14.9 Project Standards

In considering any application for approval of an Open Space Preservation Residential District petition and area plan, the Planning Commission shall determine and shall provide evidence in its report to the Township Board that Petition and Area Plan meets the following standards:

- A. **Compliance with the Open Space Preservation Residential District Principles, Requirements and Design Standards.**
The overall design and land uses proposed in connection with an Open Space Preservation Residential District shall be consistent with the intent, principles and requirements of the OSPD district, and the specific design standards set forth herein.

- B. **Compatibility with Adjacent Uses.**
The proposed location of accessory uses or structures that are of a significantly different scale or character than the abutting residential district, such as access drives, parking areas, solid waste pick-up points,

swimming pools, tennis courts, and facilities of a similar nature shall not be located near the boundary of the development or so as to negatively impact the residential uses of adjacent lands. The proposed Open Space Preservation Residential District area plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. Pedestrian and vehicular circulation.
3. The location and screening of vehicular use or parking areas.
4. The provision of landscaping and other site amenities.

C. Impact of Traffic.

The Open Space Preservation Residential District shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.

D. Protection of Natural Environment.

The proposed Open Space Preservation Residential District shall be protective of the natural environment and shall comply with all applicable environmental protection laws and regulations. Natural features as defined in Chapter 18 of the Ann Arbor Township Land Development Standards shall be preserved to the maximum extent feasible. If animal or plant habitats of significant value exist on the site, the Planning Commission or Township Board may, as a condition of approval, require that the Open Space Preservation Residential District plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The development shall follow the design standards provided in Chapter 18 of the Ann Arbor Township Land Development Standards.

E. Compliance with Applicable Regulations.

The proposed Open Space Preservation Residential District shall comply with all applicable Federal, State, and local regulations.

F. Township General Development Plan.

The proposed Open Space Preservation Residential District shall be consistent with and further the implementation of the Township General Development Plan.

14.10 Conditions.

Reasonable conditions may be required by the Township Board for approval of an Open Space Preservation Residential District, for the purpose of

- a) ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,
- b) protecting the natural environment,
- c) conserving natural resources and energy,
- d) ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner
- e) further the implementation of the Township General Development Plan and
- f) protection of the public health, safety and welfare of individuals in the project or those immediately adjacent to the community;

All conditions imposed shall be made a part of the record of the approval, and the OSPD agreement. The Planning Commission shall make recommendations to the Township Board of proposed conditions for approval.

14.11 Recording of Action.

The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved Open Space Preservation Residential District area plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easement shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township. In accordance with 11.15 D1i, after approval by the Township Board an OSPD agreement shall be signed and recorded.

14.12 Permits.

Following approval of the Open Space Preservation Residential District final site plan and final approval of the engineering plans by the Township Engineer, grading and building permits may be applied for. For an Open Space Preservation Residential District that is a subdivision plat, grading and building permits may be applied for only

after approval by Township and all other applicable agencies is received. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State, and Federal permits.

14.13 Initiation of Construction.

If construction has not commenced within eighteen (18) months of final approval, all Township approvals become null and void, unless the Township Board approves an extension. The applicant may apply in writing to the Township Board for an extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.

14.14 Continuing Adherence to Plan.

Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the penalties for same.

14.15 Scheduling Phasing

A. Scheduled Phasing.

When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the Open Space Preservation Residential District and the residents of the surrounding area.

B. Timing of Phases.

Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void unless the Township Board approves an extension.

14.16. Revision of Approved Plans

14.16.1 Minor Changes

A. Minor changes to an approved Open Space Preservation Residential District plan may be permitted by the Planning Commission following normal site plan review procedures outlined in Article XXII for the following:

1. Reduction of density;
2. Changing non-single family dwelling units to single family dwelling units;
3. Realignment of roads;
4. Modifications to setbacks;

5. Increasing the amount of open space;
6. Changes to landscaping, provided the number of plantings is not decreased;
7. Change in the size of detention ponds by no more than 10%;
8. Changes to septic / drain-fields in common areas;
9. Changes to phasing plan; and

B. Minor changes shall be subject to the finding of all of the following:

1. Such changes will not adversely affect the initial basis for granting approval,
2. Such minor changes will not adversely affect the overall Open Space Preservation Residential District in light of the intent and purpose of such development as set forth in this Article; and
3. Such changes shall not result in the reduction of Dedicated Open Space area as required herein.

14.17 Major Revisions.

Approved plans for an Open Space Preservation Residential District that do not qualify as minor under Section 14.20 may be revised by resubmitting a revised Open Space Preservation Residential District area plan for approval following the procedures of Section 14.8.