

Section 60.21 Open Space Development Option:

A. Purpose

It is the intent of the residential Open Space Development option to promote the goals and policies of the Township Growth Management Plan and to permit residential development while preserving significant areas of open space, natural features, and rural character by:

1. Assuring the permanent preservation of open spaces, visual assets, agricultural lands, and natural features;
2. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land;
3. Preserving contiguous open spaces and natural features;
4. Allowing innovation and greater flexibility in the design of rural residential developments;
5. Facilitating the construction and maintenance of streets, utilities, and public services in rural residential developments in a more economical and efficient manner; and
6. Ensuring compatibility of design and use between neighboring properties.

B. Applicability. The application for an open space development shall meet all appropriate review requirements under article 64.0 Site Plan Review, pertaining to site plan review or the Northfield Township Subdivision Ordinance, whichever is applicable.

1. The Open Space Development option may be applied for in the AR, AR-2, LR, SR-1, and SR-2 Districts. The following criteria shall determine whether open space development shall be treated as a permitted or conditional use:
 - a. As a permitted use. An Open Space Development shall be a permitted use as of right where a minimum of fifty (50) percent of the site is permanently preserved as Dedicated Open Space in accordance with Section 60.29 and density does not exceed the standards set forth in Section 60.21.E.1.
 - b. As a conditional use. An Open Space Development may be permitted as a Conditional Use pursuant to Article 63.0 where:
 - i. The applicant desires the design flexibility allowed for Open Space Developments, but less than fifty (50) percent of the site would be

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permanently reserved as Dedicated Open Space in accordance with Section 60.29.

- ii. The applicant seeks to obtain a density bonus pursuant to Section 60.21.E.3.
2. Any division of a parcel in an Open Space Development shall be approved by one of the following means:
 - a. 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 Open Space Development until the requirements of this Article are met, including the review and approval of a site plan pursuant to Article 64.0.
 - b. Division by Subdivision Plat in accordance with the approval process provided in the Township Subdivision Ordinance and the Township Zoning Ordinance.
 - c. Division by Site Condominium in accordance with the approval process provided in, Section 60.12 of this ordinance.
- C. Uses Permitted – Uses permitted in an Open Space Development, are those listed as permitted, conditional and accessory uses in the underlying zoning district. The buildings and structures, and uses of parcels, permitted using the Open Space Development option shall be the same as described in the underlying zoning district.
- D. Open Space Requirements
 1. Area of Dedicated Open Space. The Dedicated Open Space shall remain perpetually in an undeveloped state by means of an irrevocable conveyance or other method described in Section 60.29 Open Space Preservation.
 2. Use of Dedicated Open Space. In addition to permanently preserved open space the following uses may be permitted within open space areas.
 - a. Recreational Facilities. Allowable recreation facilities may include a neighborhood park, picnic area, children’s play area, greenway, recreational trails, bike paths, equestrian trails, 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 fifty (50) percent of the Dedicated Open Space shall be utilized for these recreational

facilities. Dedicated Open Space in excess of fifty (50) percent of the site may be used for more active recreational uses.

- b. Stormwater Detention Pond. A manmade stormwater detention pond provided such pond is designed to appear and act as a natural wetland and/or natural pond.
 - c. Wastewater Treatment. The drainage field for a Community Wastewater Utility System serving the entire Open Space Development, but not the treatment plant itself, provided such drainage field is planted and maintained for the entire life of the Community Wastewater Utility System such that it appears to be natural, open space.
 - d. Farm. Farm and farm operations if proposed for a portion of the open space must be approved by the Planning Commission and be in keeping with the intent of these provisions. Intensive agricultural operations including retail nurseries, chicken hatcheries, poultry farms, and similar such uses shall not be permitted to occupy the open space area of a development.
3. Areas Not Considered Dedicated Open Space. The following land areas shall not be included as Dedicated Open Space for the purpose of this Article:
- a. The area of any private or public street right-of-way.
 - b. Any lot including the required setbacks surrounding a residential structure.
 - c. Stormwater detention and treatment areas except as provided above.
 - d. Any wastewater treatment areas, except as provided above.
- E. Density Calculations.
1. The basis number of Dwelling Units permitted under the Open Space Development option shall be determined by calculating the number of dwelling units that would be permitted if the site were developed with a conventional layout and all applicable ordinances and laws were observed, as demonstrated by the density concept site plan submittal prepared in accordance with subsection E.2.
 2. A density concept plan shall be submitted along with the required Preliminary Site Plan as specified in Section 64.03 which illustrates achievable density without application of the Open Space Development option and with all applicable ordinances and laws observed based on the underlying zoning

regulations. The density concept plan (parallel plan) shall contain the following information:

- a. Evidence of ownership; location and description of site; dimensions and areas.
 - b. General topography, soils information, woodlands, wetlands, floodplains, and surface waters.
 - c. Scale, north arrow, date of plan.
 - d. Existing zoning of site; existing land use and zoning of adjacent parcels; location of existing buildings, drives, and streets on the site and within one hundred (100) feet of the site.
 - e. Lot and street layout.
 - f. Location, size, and uses of open space.
 - g. General description of proposed water, sewage disposal, and storm drainage systems.
3. Review of density concept plan (parallel plan). The Planning Commission shall review the parallel design plan as a part of the site plan review process and determine whether the project could be physically constructed and meet all current regulations. If there are questions regarding water, septic, wetlands, floodplains or other issues that might affect the feasibility of the project under current regulations, the Planning Commission may request the applicant to obtain review by the proper regulatory authority(ies).

If the Planning Commission determines, through these responses, that the number of Dwelling Units proposed is unfeasible, the applicant shall revise and resubmit the parallel design plan to show a feasible number of Dwelling Units. The number of Dwelling Units permitted in an Open Space Development shall not exceed the maximum number of Dwelling Units allowable under a parallel design plan approved by the Planning Commission unless the applicant receives a density bonus pursuant to Section 60.21.E.

4. Density Bonuses. An applicant utilizing the Open Space Development option in the AR Agriculture District may request a density bonus. A density bonus shall not be permitted in any other Zoning District. Using the residential density as determined in the approved parallel design plan, pursuant to Section 60.21.E, a density bonus of up to 150% may be permitted by the Township. As noted above, all requests for a density bonus shall be considered a Conditional Land Use and

meet all standards and criteria found in Section 63.0 of this Ordinance. To be considered for a density bonus the following minimum standards shall be met.

- a. The open space development site comprises a minimum of twenty acres of contiguous land within the AR Agriculture District.
 - b. The open space development shall have primary vehicular access to a paved public road.
5. **Criteria for Determining Density Bonus.** An applicant may apply one or more of the following plan elements to obtain a density bonus. The density bonus is cumulative in that any of the plan elements below may be used in combination to obtain the maximum density bonus allowed. As specified in section 60.21.E.4., the overall density bonus shall not exceed 150% of the base density as determined by the approved density concept (parallel) plan.
- a. If an applicant preserves open space in an amount greater than 49%, the Township shall grant the following density bonuses:
 - 1.) 50 to 59% Dedicated Open Space = 30% Density Bonus.
 - 2.) 60 to 69% Dedicated Open Space = 40% Density Bonus.
 - 3.) 70 to 79% Dedicated Open Space = 50% Density Bonus.
 - 4.) 80 to 89% Dedicated Open Space = 60% Density Bonus.
 - 5.) 90% or greater Dedicated Open Space = 70% Density Bonus.
 - b. If an applicant preserves 80% or more of all native trees on site with a diameter at breast height (D.B.H.) of 6" or greater, a 40% density bonus will be granted. A tree survey will be required to meet these site criteria.
 - c. If an applicant includes extensive pedestrian, bicycle and/or bridle paths that interconnect with adjacent sites similar facilities, a 30% density bonus will be granted. Paths are to be constructed of gravel, woodchip or other similar material as approved by the Planning Commission during review.
 - d. If the proposal demonstrates excellence in site design, a 30 % density bonus will be granted. Elements of design excellence shall include at least 4 of the following:
 - 1.) A mixture of housing styles and building types;
 - 2.) A variation of facades, rooftops, architectural accents and colors;

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- 3.) Use of high-quality exterior building materials, such as brick, stone, wood or cement fiberboard siding;
 - 4.) Porches facing sidewalks and/or public areas; and
 - 5.) Limited use of attached front-entry garages. No more than 50% of the homes may be constructed with attached front entry garages.
- e. If an applicant uses at least two (2) stormwater best management practices as specified by the Washtenaw County Water Resources Commissioner, a 20% Density Bonus will be granted.
 - f. If an applicant provides for the protection of identified groundwater recharge areas, a 20% Density Bonus will be granted.
 - g. If an applicant preserves and/or creates significant new natural features, such as woodland or prairie within an Open Space Development, a 20% Density Bonus will be granted.

F. Design Standards

1. Natural Features Preservation. All Open Space Developments regardless of density shall be designed to promote the preservation of natural features in accordance with Section 60.26. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural environment.
2. Setbacks: Minimum setback requirements shall be established in a manner which permits variation in the siting of individual Dwelling Units in order to encourage creativity in design and compatibility with natural resource features. During the Site Plan Review Process the Planning Commission may grant waivers from some or all of the required setbacks as provided below where the applicant can demonstrate creativity in design that will lead to the preservation of natural features as well as address the purpose of this section (60.21). Unless waived in part or in whole by the Township the following minimum setback requirements for each dwelling unit shall be applied:

| <u>Setbacks/District</u> | <u>Minimum Setbacks and Lot Width Per Dwelling Unit (in feet) in Subdivisions and Site Condominiums</u> | | |
|---|---|-----------|------------------------|
| | <u>AR & AR-2</u> | <u>LR</u> | <u>SR-1 & SR-2</u> |
| Front & Rear | | | |
| Front | 35 | 25 | 25 |
| Rear | 35 | 25 | 25 |
| Total Front & Rear | 70 | 60 | 55 |
| Side | | | |
| Least | 15 | 10 | 7.5 |
| Total of Same Lot | 30 | 20 | 20 |
| Ordinary High Water Mark | 50 | 50 | 50 |
| Minimum Setbacks* | | | |
| Internal Drives/Streets | 35 | 25 | 25 |
| Ordinary High Water Mark | 50 | 50 | 50 |
| Distance Between Bldg. | | | |
| Side/Side | 30 | 20 | 20 |
| Side/Front, Side/Rear | 70 | 40 | 40 |
| Front/Front, Front/Rear, Rear/Rear | 70 | 60 | 55 |
| *Where the Open Space Development contains drives or streets without a recorded easement, setbacks shall be measured from a point thirty (30) feet from the center line of the drive or street. | | | |

3. Required Road Frontage: All lots shall meet the minimum access requirements set forth in Section 3.24 of this Ordinance.
4. Lot Sizes and Lot Widths. There shall be no minimum lot size or Lot Width for each Dwelling Unit in an Open Space Development, provided that all other provisions of this Section (60.21) are met.
5. Greenbelt Adjacent and Parallel to County Certified Primary and Local Roads: It is the intent of the Township that an open space development shall not appear to be more intense than a conventional development as viewed from off-site. In addition to any required minimum setback specified in Section 60.21.F.2, a greenbelt having the minimum width of seventy-five (75) feet in the AR, AR-2, and LR District and fifty (50) feet in the SR-1 and SR-2 Districts shall be required along any adjacent County Certified primary or local road. The greenbelt shall be measured from the right-of-way line. The Township at its discretion, may permit either reductions or variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site.
6. Transition from Adjacent Parcels: A transition strip having a minimum width of one hundred (100) feet shall be required around the entire perimeter for all Open Space Developments to be located in or adjacent to the AR or AR-2 Districts and

fifty (50) feet for all Open Space Developments located in or adjacent to the LR, SR-1 and SR-2 Zoning Districts.

7. Septic Tanks and Fields. The placement of septic tanks and fields and/or alternative on-site wastewater treatment systems 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 and may be counted toward the required open space if developed in accordance with Section 60.21.D.3.c. of this ordinance.
8. Pedestrian Access. Pedestrian access shall be provided along all public rights-of-way adjacent to the Open Space Development and between all Dedicated Open Spaces within the development. This provision may be waived by the Planning Commission by a showing of good cause by the applicant.

G. 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 approves an extension. The applicant may apply in writing to the Township for an extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.

H. Scheduling Phasing

1. 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 residential cluster development and the residents of the surrounding area.

2. 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 approves an extension.