

Section **6.0**

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# LAND USE PLAN

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## INTRODUCTION

Community planning is concerned with the rational utilization of land and the provisions of public services and facilities. The Master Plan strives to improve the quality of life within the Township through proper planning for the development of vacant land and the redevelopment of existing areas. To achieve this, the Master Plan is comprehensive, long-range, and regional in scope.

The Plan is general enough to permit progressive refinements and allow for unforeseen contingencies and should not be viewed as a precise “blueprint for the future.” Nevertheless, the Plan should not be deviated from without good and documentable cause. The Plan should serve as a narrative and graphic framework within which decisions related to development can be made realistically and with practicality of application. The Plan is more than just a mosaic presentation. Within the graphics and mapping are spatial distributions and relationships aligned with the Township’s selected goals and objectives.

## RESIDENTIAL/AGRICULTURAL AREAS PLAN

Housing provides one of the most basic of all human needs - the need for shelter. It is provided in a number of different forms, including detached single-family homes, multiple-family buildings, mobile homes, and by numerous variations on these basic types. Predominant housing types within a community are dependent upon a number of factors, including local preferences, the availability of land, and economic characteristics, among others. Different housing types have varying land use requirements that need to be considered as part of the long-term planning process. Since the amount of land used for residential purposes frequently occupies large areas of the community, the characteristics of the housing type often influence the overall character of the community.

This section of Riley’s Land Use Plan reviews the characteristics and the potential of the Township’s residential areas. It begins with an examination of residential and agricultural development and preservation concepts, and then considers development densities within the Township which are consistent with the Goals and Objectives established in the previous section of the Master Plan. The density requirements and development concepts form a basis for defining the desired character of the various areas of the Township.

## AGRICULTURAL PRESERVATION

Farming played an important role in the settlement and growth of Riley Township. While the Township’s demographics have changed in recent decades, farming continues to be an important land use feature. Not only does agriculture make an important contribution to the community’s tax base, it is also one of the principal

features contributing to the Township's open, rural character. Riley Township's image and identity are related to its agricultural base. The desirability of maintaining the community's rural character and preserving farmland is included within the Goals and Objectives portion of the Master Plan.

The benefits of agricultural preservation go beyond the aesthetic advantages of maintaining open space. The conversion of farmland to urbanization carries with it the frequently hidden costs of extending and/or expanding services such as schools, roads, police, fire and utilities to newly developed subdivisions. Frequently, these costs go unrecognized before development occurs. Dealing with the costs of this land conversion can be expensive to taxpayers. Several groups interested in farmland preservation have documented the fiscal impacts associated with agricultural preservation.

The American Farmland Trust Study, for example, estimates that farmland and open space require only 11¢ in public services for every dollar in taxes generated by that land use, whereas low-density residential development requires \$1.28. A similar study in Dutchess County, New York, showed that for every dollar in taxes paid by an average rural residential unit, \$1.36 was required in public services. Yet, for every dollar paid by an average farm in the County, only 21¢ was demanded in services. Other studies reach similar conclusions, which further support the desirability of preserving farmland from a monetary basis. In spite of these benefits, farmland preservation remains a complex issue without any one single solution.

While agricultural preservation is an issue with National implications, the Federal Government has done little to reduce the annual loss of approximately 1.5 million acres of farmland. Clearly, the greatest impact on this issue has occurred at the local level. In order for these programs to succeed, however, farmland must be viewed as an important natural, non-renewable resource rather than vacant land waiting to be developed.

A continuation of development trends and practices in other portions of southeast Michigan suggest a dim future for the Township's farmland. Portions of the remaining farmland in the Township have been approved for other uses in recent years, further reducing the inventory. To preserve some land for agricultural purposes on a long-term basis, policies and programs must be established to avoid a further erosion of this important natural resource. In pursuit of this goal, the Master Plan examines a range of different techniques for agricultural preservation. The Master Plan supports the use of these techniques based on feasibility and practicality. A summary of several techniques are provided as follows.

### **FARMLAND & OPEN SPACE PRESERVATION PROGRAM**

In 1974, the Michigan Legislature passed Public Act 116, the Farmland and Open Space Program. This program provides tax benefits to agricultural landowners in exchange for an agreement to maintain the land for farming purposes for a specified period of time. Parcels enrolled in P.A. 116 may be exempt from special assessments

for improvements associated with urban development, including sanitary sewers, water mains, or street lighting.

Since the use of lands enrolled in this program are restricted to agricultural purposes, and in light of the fact that parcels may be enrolled for extended periods of time (sometimes 50 years), this program may be viewed as a “de-facto form of zoning.” P.A. 116 is widely used throughout Michigan. Its success, however, is attributable primarily to its benefits as a tax relief program for farmers, rather than as a method of preserving farmland. This program has been more widely used in rural counties, where development pressures are minimal.

In 1996, the Act was amended to authorize the State to purchase a property’s development rights. This practice is commonly referred to as the “Purchase of Development Rights” or “PDR.” With PDR’s, the landowner receives cash in exchange for the sale of development rights. The landowner still maintains ownership of the property; however, the property is generally restricted to agricultural uses.

### **LOWER DENSITY ZONING REQUIREMENTS**

Any successful attempt to preserve farmland requires the ability to control the use of land, especially the encroachment of urban uses into agricultural areas. Within Michigan, the authority to control land use is vested with local governments in the form of zoning. For all its potential as a useful agricultural preservation technique, zoning, more often than not, falls far short of its expectations. Many agricultural zoning districts are agricultural in name only and represent little more than holding zones for future urban development.

The ability of a local community to restrict development through the establishment of agricultural zoning districts rests largely on two major factors: 1) the exclusion, or near exclusion, of non- farmland uses within agricultural districts; and 2) the establishment of sufficiently large minimum lot sizes or low densities to discourage the development of single-family homes in agricultural areas. The latter is one of the most direct methods of limiting the amount of non-farm development in agricultural zoning districts.

Minimum acreage requirements, however, are rarely effective unless the lot sizes are sufficiently large enough to discourage non-farm single-family development. For example, five or ten acre minimums are ineffective and may, in fact, be responsible for retiring more farmland prematurely than small lot zoning standards. Frequently, no more than an acre of land is needed to accommodate the placement of the home, including all required setbacks and yard areas. The remaining land is not used for any productive purpose. It is too large for the homeowner to mow and too small for the farmer to farm. This results in a proliferation of parcels which barely exceed the ten (10) acre limit. Such parcels frequently have unsuitable access, may have limited usage, or result in misuse of prime agricultural land. The State Land Division Act which restricts a parcel’s length-to-width to a 4-to-1 ratio has curbed the continued development of this type of lot division.

## **PURCHASE OR TRANSFER OF DEVELOPMENT RIGHTS**

These concepts involve the exchange or purchase of the development rights of one parcel of land in an agricultural area to another non-farm parcel. This technique recognizes the value of farmland for non-farm purposes. Under this approach, property owners in a preservation district are able to sell their development rights to those owning land in a designated development district, where more intense development may be more appropriate. A variation of this approach includes purchasing the development rights of the property rather than transferring them to another site.

While this concept offers an innovative and potentially useful approach to farmland preservation, it can be complicated and expensive to implement, particularly if the local unit of government is involved in purchasing the development rights. To be successful, this type of program has to be organized to operate effectively in conjunction with the private real estate market system.

In 1996, the State amended the statewide zoning enabling legislation to include provisions authorizing communities to purchase development rights for farmland or contiguous acreage. Under this program, the Township would be required to adopt an ordinance or zoning ordinance revision which establishes financing and administration rules consistent with the State Act.

## **CONSERVATION EASEMENTS**

A conservation easement is a legal agreement through which property owners voluntarily restrict their land to a specific use, such as farming or forestry, in exchange for tax benefits. A landowner who conveys an agricultural easement to a public or private organization retains all rights necessary to continue the farming operation. However, non-farm development rights are separated and retained. Numerous tax benefits are available to property owners who enter into these agreements.

## **BUFFER STRIPS**

Buffer strips are setbacks between active farmland and adjoining residential home sites. Those setbacks can be effective devices for separating dwelling units from those aspects of a farming operation that may be considered to be incompatible with residential uses. Establishment of these buffers may be accompanied by an official notification that new residents are moving into an agricultural area.

## **OPEN SPACE CONCEPT**

The theory of open space zoning is to preserve agriculture, natural features or open space by concentrating the residential land uses in an area best suited for that use in exchange for the development rights on the remaining parcel. The farm or the open space is assured as a perpetual easement or land use. The residential area is established as a small neighborhood, rather than individual homes side-by-side along each County road. Each land use pays taxes based on its market value and its existing land use.

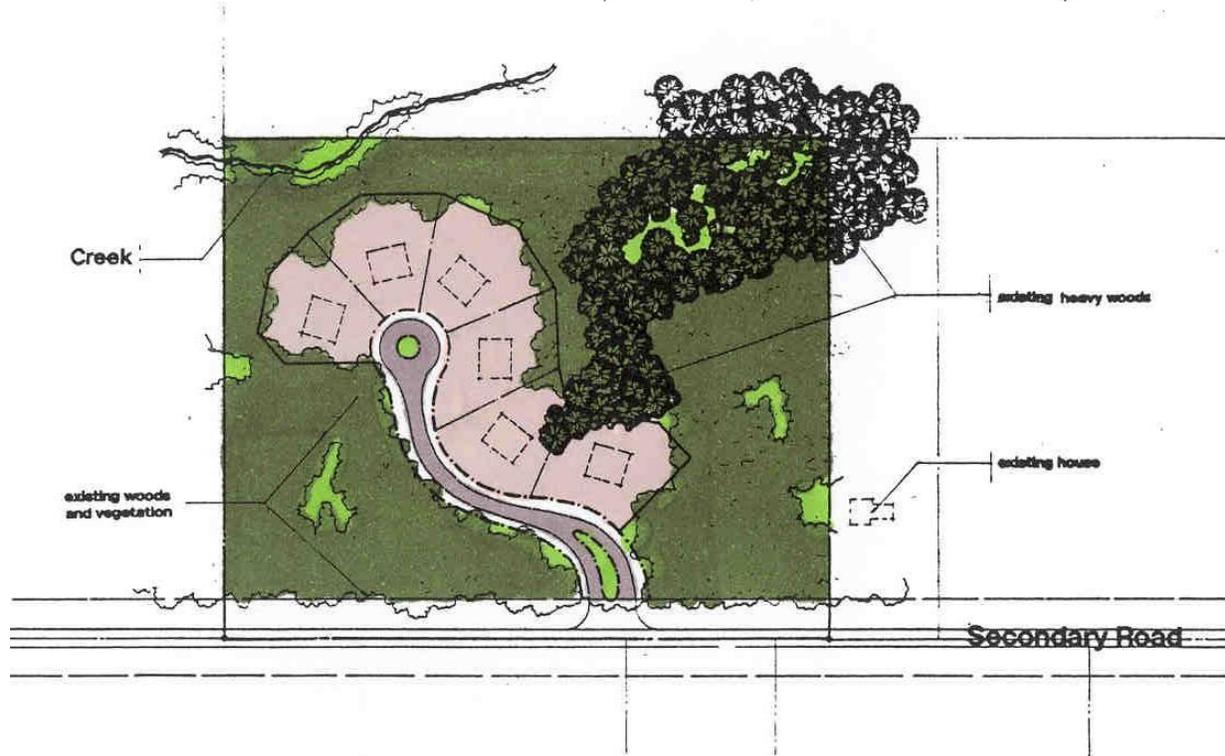
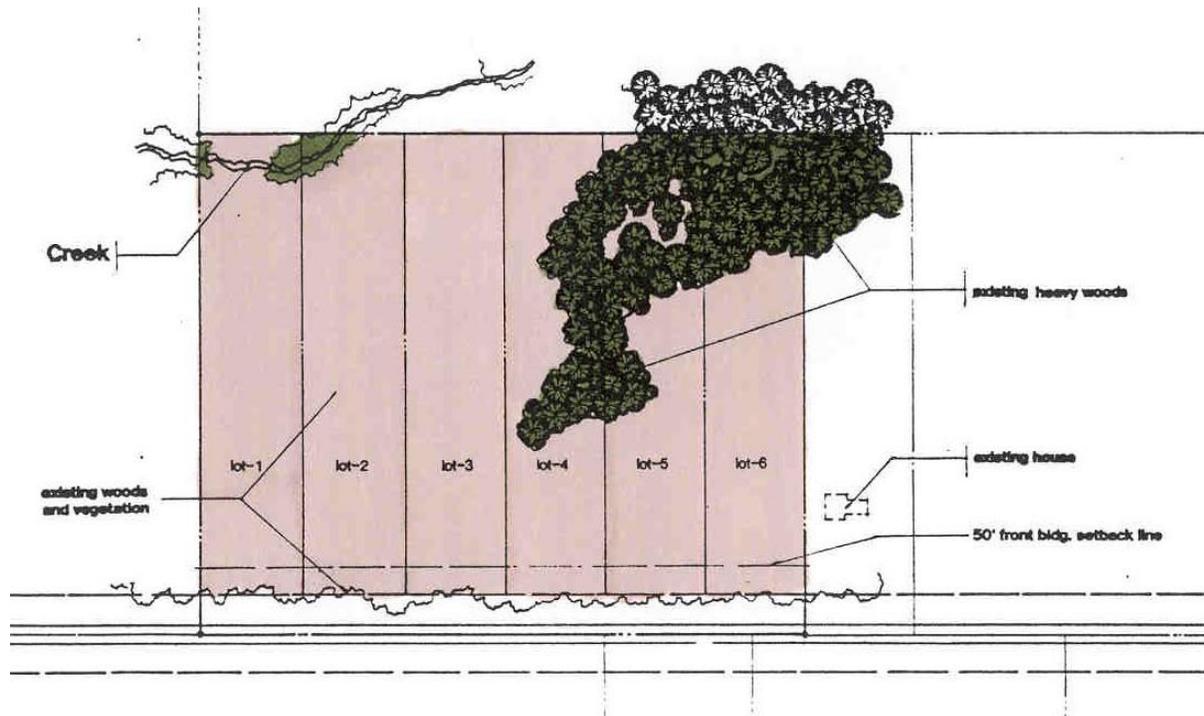
The residential area is usually developed as a cluster or a site condominium project, with the individual homeowners sharing common open space and road systems. The overall density of this section of the community is not increased, but the two land uses complement each other, rather than conflict. An example of an open space design concept is provided on page 67.

## **CONCLUSIONS**

Clearly, the decision of a farm household to continue farming in the future is a complex issue involving many interrelated factors that are often impacted by broader economic issues that are well outside the Township's ability to either predict or control. As land values and property taxes increase, additional strains are placed on the economic viability of farming.

The success of any farmland preservation program ultimately rests on the willingness of agricultural property owners to participate. Such participation, however, depends on whether or not the program will economically benefit the property owner and how the program will be administered. Clearly, the Master Plan cannot compel someone to continue farming. It can, however, recommend the use of various incentives or options that enable a farmer to realize some development benefits, while continuing to farm large portions of their property. No single program can solve this problem by itself. Rather, a combination of techniques should be considered as a way of preserving the Township's remaining agricultural land.

# Open Space Development Options



## RESIDENTIAL DEVELOPMENT CONCEPTS

### OPEN SPACE POLICY

The concept involved with open space planning is to create a situation where both public and private interests benefit. Open space allows the developer to condense his buildable area, reducing infrastructure costs, while still allowing the normal housing yield based on total developable land, not total land\*. The goal is to preserve areas that are not only regulated by governmental agencies, but to also preserve lands that would preserve a sense of character or would enhance the aesthetic or environmental quality. The first step in developing an open space project is to conduct a site analysis that would depict areas that are environmentally sensitive and need to be preserved\*\*. The second step would be to outline areas that are suitable for development. This would be followed by the placement of dwelling units that maximize views, vistas and settings. The final stage is to draw in lot lines. In this stage it is recognized that each lot will be smaller than required by normal ordinance. This should be permitted as long as the lot size differences are dedicated as permanent common open or recreational space. The Township favors open space developments over conventional subdivision design.

*\* It is important to realize that not all land is developable. Due to restrictions created by environmentally sensitive areas such as wetlands, woodlands, topography, and floodplains, along with any other lands deemed undevelopable by governmental regulations, the developer may not be able to develop his/her land to its fullest potential.*

*\*\* The site analysis should include, but is not limited to, any and all easements, wetlands, woodlands, soil limitations, topography, vegetation, existing structures (both on site and within 200 feet), floodplains, cultural amenities.*

### RESIDENTIAL DENSITY DESIGNATIONS

The purpose in planning areas of varying residential densities by location within the Township is two-fold: first, such delineation of future desired density patterns gives the Township a location guideline to avoid haphazard development; and second, future density patterns within defined neighborhoods provide the basis for determining the various community facility needs of the area's residents.

The distribution of proposed land uses also provides for a variety of other types of residential uses to meet the housing needs of the Township's various population segments. There is latitude within the residential categories to encourage the use of innovative approaches to land development, such as the use of common areas for active and passive recreation. Residential density ranges which are related to existing conditions and future goals of the Township are shown below.

"Density" as referred to in this Plan, does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots which can be platted on a given parcel, while meeting all of the criteria and regulations applicable to a conventional subdivision development. Such density calculations will specifically exclude rights-of-way, lakes, rivers, streams, floodplains, protected environmental resources, storm water, retention and detention areas, and any other site feature which preclude residential lot development. The shape and size of parcel, the

availability of access, and land assembly problems may also reduce the allowable density on a parcel or tract of land. In fact, a parcel of land needs to be designed as a conventional subdivision in order to determine the “lot yield.”

### **AGRICULTURE/LOW DENSITY RESIDENTIAL**

Approximately 21,374 are planned for this designation. This designation is consistent with the previous policy of larger lot development throughout most of the Township. Minimum lot sizes consistent with this classification are two (2) acres; however, these areas are encouraged to be developed as open space developments as described in the previous section. Such open space developments may include much smaller lot sizes, as permitted by the septic limitations of the soils or other sanitary treatment options, in exchange for permanent open space. Open space developments are the preferred development option in this plan designation area. Areas designated as Agriculture/Low Density are not intended to be served with public utilities.

### **MODERATE DENSITY RESIDENTIAL**

A total of approximately 212 acres of land are dedicated to the moderate density classification. This area has been located north of I-69 and west of M-19. This designation is intended to accommodate a range of residential uses from single-family dwellings, small scale multiple-family dwellings and manufactured housing parks. The designation encourages single family units on lots ranging in size from ½ to 1 acre in size. As with the Agriculture/Low Density Residential designation, open space developments are the preferred development type.

### **VILLAGE**

Riley Center is the historic settlement area of the Township. The area’s importance stems from its location at the crossroads of three major roads: Riley Center, Masters, and Belle River. Currently, the area has public, remake, commercial and residential uses.

The Land Use Plan Map identifies this area as the “Village” core. Its historical development pattern lends itself to development as a mixed-use activity center built for and reflective of the small town and rural atmosphere that prevails throughout the area. This is an ideal location for limited commercial uses, professional offices, service offices, mixed housing types, Township and church uses, and a small park. It is an inappropriate area for large shopping centers or intense uses that would take away from the character of the area.

### **RIVER CONSERVATION**

The Land Use Plan Map identifies areas surrounding the Belle River (approximately 1,966 acres) as “River Conservation”. This district is intended for the protection of the river and preservation of natural resources associated with this environmental asset. The designation of river conservation envisions low density residential development with lot sizes of three acres or greater. Smaller lot sizes may be considered in lieu of permanent open space dedication.

## COMMERCIAL AREAS PLAN

This section of the Land Use Plan considers the characteristics of Riley Township's existing commercial base and the extent to which new commercial development may be needed to accommodate anticipated market demands. The methodology used to make this determination includes analysis of the Township's existing commercial areas versus the projected demand for commercial uses in the area. Market demand is also related to commercial land use and zoning patterns to determine whether or not existing and anticipated commercial acreage quantitatively meets future needs. Based on this analysis, the extent and potential of commercial areas in the Township are identified.

### EXISTING COMMERCIAL DEVELOPMENT

According to the 2008 existing land use data from SEMCOG, approximately 171 acres of land are currently developed for commercial purposes in Riley Township. Most of this commercial development is located along, or proximate to, M-19 and I-69. Much of the commercial is general/convenience (gas station, convenience store, and restaurant) and some are land intensive uses such as storage and horticultural commercial uses.

### FUTURE COMMERCIAL AREAS

Future commercial development in Riley Township is conditioned, to some extent, on the pattern of development portrayed by the existing land use survey. Portions of the Township that may be suitable for future commercial purposes are influenced by existing development and zoning patterns, anticipated future residential areas described in the preceding section, and the commercial goals and objectives developed by the Township. Based on these factors, three principal commercial areas are identified on the Land Use Plan Map. Collectively, these commercially designated sites account for approximately 266 acres of land.

### COMMERCIAL SUMMARY

The Land Use Plan Map designates areas suitable for commercial development. This Master Plan also recognizes that timing and land use compatibility issues are major factors in considering a rezoning. The policy of this Plan is to support a commercial rezoning when such rezoning is compatible with the land use or zoning district on at least one side of the parcel in question and is located within an area planned for future commercial. This policy ensures a measure of compatibility by implementing a timing mechanism that is intended to protect existing residential uses in the area, as well as to limit piecemeal commercial development.

## INDUSTRIAL AREAS PLAN

Land reserved for industrial purposes provides important economic benefits for the community. Not only does industrial development offer a source of jobs, it also makes a strong contribution to the Township's developed tax base.

Recognizing the importance of the Township's industrial base, this element of the Land Use Plan examines the characteristics of this category of land uses in more detail. This

examination includes a review of existing industrial development and zoning patterns. It also considers the relationship of these industrial uses to broader regional development trends. This section concludes with a quantitative estimate of the amount of industrial development at capacity for the Township.

### **EXISTING INDUSTRIAL**

The 2008 existing land use survey revealed that 13 acres are developed for industrial purposes in Riley Township. This accounts very little of the Township's total land.

### **FUTURE INDUSTRIAL AREAS**

The Land Use Plan allocates approximately 216 acres of land for industrial purposes. This far exceeds the amount of land being used for this purpose and recognizes the need to provide a reasonable quantity of appropriately located industrial land to balance the Township's tax base and to provide a source of jobs for area residents.

The most desirable current/future industrial sites are located at the M-19/I-69 interchange. Not only does this site offer the convenient access necessary to support industrial land uses, it also is not located near any existing neighborhood areas which may present compatibility concerns. The presence of several industrial sites already within this area further supports this designation.

A significant quantity of land within this corridor is currently being farmed. The Plan recognizes agricultural as an acceptable interim use for an indefinite period of time. Any future industry developed in this corridor should have a light industrial or preferably office research character and be aesthetically compatible with the area.

Land allocated for industrial purposes by the Master Plan is conceptualized as being light industrial. This concept is intended to accommodate light assembly operations, warehousing and similar activities.

### **LOCATION CONSIDERATIONS**

Industrial areas should also have access to major transportation corridors, including highways and/or railroad lines, to accommodate the high volumes of traffic that are generated by these uses. The location of industrial areas must take into account their intensity and the potential for nuisances that may be associated with particular industrial use types. Depending on the type of uses proposed, the relationship of industrial districts to less intensive use areas such as residential neighborhoods must be carefully planned and conflicts avoided whenever possible. When the edges of residential and industrial areas meet, measures should continue to be taken to mitigate potential compatibility problems.

These areas planned for future industrial purposes are located to capitalize on the presence of a regional freeway corridor through the community. The Master Plan encourages industrial uses that do not detract from the overall rural residential character of the community. The Plan also strives to minimize or mitigate any potential compatibility problems that may appear wherever industrial and non-industrial uses

share a common boundary. Where these situations exist, careful attention should be directed to site plan review to mitigate any potential nuisances through careful building placement, as well as parking placement, which should be located in the side or rear yard, appropriate setbacks, and the provision of buffering and screening.

The small size of industrial lots is also a concern. Industrial uses create a significant amount of wastewater, while also creating the need for large amounts of potable water. Due to the fact that the Township is not currently served by public utilities such as water and sewer, adequate space must be provided for conventional well and septic systems without contaminating groundwater.