

**Article 26**  
**Addendum to the Rural Residential and**  
**Agricultural Residential Districts for Open Space Preservation**

**Section 26.01 - Purposes**

- A. In conformance with the Hillsdale Township Land Use Plan, the purposes of this District, among others, are as follows:
1. To conserve areas containing unique and sensitive natural features such as steep slopes, floodplains, and wetlands, by setting them aside from development;
  2. To protect areas of the township with productive agricultural and forestry soils for continued or future agricultural/forestry uses, by conserving blocks of land large enough to allow for efficient farming/forestry operations unimpeded by other types of development;
  3. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads, utility runs, and the amount of paving required for new development;
  4. To reduce erosion and sedimentation through the retention of existing vegetation, and by minimizing development on steep slopes;
  5. To provide for a diversity of lot sizes, building densities, and housing choices in order to accommodate a variety of age and income groups, as well as residential preferences, so that the township's population diversity may be maintained or enhanced;
  6. To implement adopted policies in the Hillsdale Township Land Use Plan in order to conserve a variety of aesthetically and environmentally sensitive resource lands, including providing reasonable incentives for the creation of a network of conservation lands for the benefit of present and future residents;
  7. To implement adopted land use, transportation, and community policies, as identified in the Hillsdale Township Land Use Plan;
  8. To create neighborhoods with direct visual access to open land, with direct physical access to neighborhood open space, and with a strong identity;
  9. To provide for the conservation and maintenance of open land within the township to achieve the above-mentioned goals and for active or passive recreational use by residents;
  10. To provide multiple options for landowners in order to minimize impacts on environmental resources (e.g. sensitive lands such as wetlands, floodplains, and steep slopes) and the disturbance of other natural or cultural features.
  11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
  12. To conserve scenic views and elements of the township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads and bodies of water.
- B. Inclusion of areas of Rural Residential and Agricultural District boundaries are based on:
1. Such factors as the existence of substantial agricultural land use or forest cover, existing investment in agriculture and forestry, the extent of, and proximity to, non-farm development, the average size of existing parcels, and the minimum acreage needed for economic farming and forestry operations.

2. An analysis of soils that identifies those areas especially well suited for the purposes outlined in section 26.1.

### **Section 26.2 - Permitted Uses**

The following uses of land are permitted in these districts:

- A. Farms, including both general and specialized farming operations devoted to the production of food, feed, or fiber.
- B. Farm dwelling units and other farm buildings.
- C. Farm drainage and irrigation systems.
- D. Uses customarily accessory to farm operations (this shall include seasonal farm market stands selling items produced on the farm).
- E. Other similar agricultural uses provided that such uses shall be found to be similar by the Board of Appeals.
- F. Conservation areas for fauna and flora.
- G. Forest preserves.
- H. Game refuges.
- I. Historic sites and structures.
- J. Single family detached non-farm dwelling units.
- K. Where area and setback requirements permit uses and structures customarily accessory to single family dwellings.
- L. Timber-cutting.
- M. Transmission lines, distribution lines, and pipelines.
- N. Home occupations as allowed by provisions of this Ordinance.
- O. On site and off site septic systems.
- P. Public and Private Road rights-of-way.

### **SECTION 26.3 - Conditional Land Uses**

Permit applications for all Special Land Use applications listed in rural residential and agricultural districts shall be made in accordance with and meet the standards outlined in Article 13 of this Ordinance.

### **SECTION 26.4 - General Development Provisions**

- A. **Maximum Lot Depth -to-Width Ratio:** Unless otherwise specified, the maximum lot depth-to-width ratio\* shall be 4 to 1 for any newly created lots. (*\*The determination of the lot depth-to-width ratio of irregularly shaped lots shall be based on the maximum diagonal length method outlined in Appendix A of this Ordinance.*)
- B. **Public Road Access:** Newly created lots with **Building Footprints** designed with direct access to public roads shall be limited to one (1) lot per five hundred (500) feet of **Master Parcel** public road frontage (or fraction thereof for those **Master Parcels** with less than 500 feet of frontage.) All other new **Building Footprints** on newly created lots shall be set back no less than two hundred and fifty (250) feet from any public road and shall access public roads only through a common drive or private road servicing, or intended to service, two (2) or more other lots. *When other suitable alternatives do not exist, the Planning Commission may reduce the two hundred and fifty (250) foot public road setback requirement by the minimum necessary in order for **Building Footprints** to avoid areas normally considered unbuildable (e.g. slopes greater than twenty-five (25%), **Wetlands**, etc.).*

- C. **Minimum Building Footprint Setbacks:** The minimum building footprint setbacks from any public road or property line shall be fifty (50) feet and fifteen (15) feet, respectively. Minimum building footprint setbacks from any designated wetland area or lake, river, or stream shall be twenty five (25) feet and one hundred (100) feet, respectively. Tall structures such as transmission towers (when permitted) and upright silos shall be setback a minimum of their above ground height from any lot line, pre-existing public or private road right-of-way, or any pre-existing residential structure.
- D. **On-site Sewage Treatment Requirement:** All lots hereafter created not serviced by off site sewage treatment facilities shall have sufficient suitable area to site both a water well and a septic system.\* (*Note: The Planning Commission may allow the splitting of parcels without a suitable site for septic system on the condition that a statement is recorded with the deed or land contract stating that this parcel was not created in conformance with the Hillsdale Township Zoning Ordinance Sewage Treatment Requirement. No zoning permit(s) for dwelling structure(s) on this parcel shall hereafter be issued unless they are hooked-up to a public sewer system.*)
- E. **Minimum Buildable Area Requirement:** Except as noted in Section 26.4 above, all lots hereafter created shall have a sufficient area of land suitable to site at least one single family dwelling structure in full compliance with the requirements of this Ordinance.
- F. **Maximum Imperative Surface Coverage:** No more than twenty percent (20%) of the total area of any lot shall be covered by impervious surface, including structures.
- G. **Siting of Building Footprints:** When other practical options exist, new **Building Footprints**, or extensions of existing **Building Footprints**, shall not be sited in **Wetlands** or in 100-year floodplains. Neither shall they be sited in areas where slopes of twenty-five percent (25%) or greater predominate as identified in the Soil Survey of Hillsdale County.
- H. **Minimum Floor Area:** Each dwelling unit in this zone shall have a minimum useable floor area of nine hundred sixty (960) square feet, exclusive of porches, garages, basements, or utility areas.
- I. **Maximum Building Height:** Except for farm buildings and structures allowed by special use, all new structures in this district shall not exceed thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is less. Building height shall be measured from the average finished lot grade at the base of the structure to the highest point on the roof.

## SECTION 26.5 - Land Division Options

Lots created hereafter shall conform to both **Section 26.4 - General Development Provisions** and the applicable provision of one or more of the following options. The splitting and combining of adjacent pre-existing **Master Parcels** not previously split under one or more of the options listed below are allowed. The resulting reconstituted **Master Parcels** shall be the basis for further allowable land divisions.

- A. **Option #1 - Country Properties Option .** A maximum of twenty percent (20%) of any **Master Parcel** may be divided into new lots averaging not less than 2 acres in area. The remainder of the **Master Parcel** may be split into lots not less than forty (40) acres in area (*or twenty-five (25) acres when the maximum lot depth-to-width ratio on newly created lots shall be 2 ½-to-1 or less.*)
- B. **Option #2 - Michigan Land Division Act Compatible Option.** The Master Parcel may be divided into lots according to the schedule below:
 

Master Parcel Acreage	Number of Allowable Splits
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- |                            |   |
|----------------------------|---|
| 1. 0 to 19.99 acres        | 4 splits.   |
| 2. 20.00 to 119.99 acres   | 6 splits, plus one additional split for each full 10 acres over 20 acres.   |
| 3. 120.00 acres or greater | 16 splits, plus one additional split for each full 40 acres over 120 acres. |

One of the lots created above shall encompass a minimum of sixty percent (60%) of the Master Parcel's pre-existing area. It shall also contain a minimum of half of the **Master Parcel's Buildable Land**, including a majority of the parcel's **Prime and Unique Farmlands**. (*\*Note: There shall be no maximum lot depth-to-width ratio requirement for this lot if the surrounding lot owners hold it in common ownership.*)

**C. Option #3 - Conservation Subdivision Planned Unit Development Option**

1. **Eligibility.** A Master Parcel not previously split may be developed per this option. In addition, a Master Parcel previously split under either Options 1 or 2 may be further developed under this option, provided that all previous splits, along with any additional new splits, shall conform with the provisions of this option (3).
2. **Maximum Developable Land Area.** An area equivalent to a maximum fifty-percent (50%) of the Buildable Land of a Master Parcel may be divided into small lots. The Buildable Land of a Master Parcel will include all areas except Wetlands, areas with the 100-year floodplain, and areas with slopes greater than twenty-five (25%), as identified in the Hillsdale County Soil survey.
3. **Conceptual Yield Plan.** The maximum number of new lot splits allowed for a Master Parcel shall be determined through the development of a Conceptual Yield Plan as outlined below.  
The remainder of the Master Parcel shall be designated as Conservation Land, which shall be permanently protected by a conservation easement.
4. **Developing a Conceptual Yield Plan.** The maximum number of new lots which may be split off of the remaining Master Parcel lands not covered by a conservation easement shall be limited to the number which could have been realized if the Master Parcel was developed into a "conventional" subdivision. The lot size to be used for the conceptual yield plan shall be a minimum of 2 acres.

In order to calculate this number, the applicant shall submit a conceptual yield plan. This plan shall contain proposed lots, streets, rights-of-way, and other pertinent features laid out in a conventional manner. Although this plan must be drawn to scale, it need not be based on a field survey. A realistic layout that reflects a development pattern that could reasonably be implemented, however, is required. It must take into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.

The following dimensional standards shall be used in the development of the conceptual yield plan:

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|---|----------|
| a. Minimum Lot Size:                      | 2 acres  |
| b. Minimum Road Frontage:                 | 200 feet |
| c. Maximum Lot Depth-to-Width Ratio       | 4:1      |
| d. Minimum Lot Width at the Building Line | 200 feet |
| e. Minimum Building Setbacks:             |          |
| 1. Front yard                             | 50 feet  |
| 2. Side yard                              | 20 feet  |

- |               |          |
|---------------|----------|
| 3. Rear yard  | 20 feet  |
| 4. Waterfront | 100 feet |

In those situations where sewer will not service new lots, density shall be further determined by evaluating the number of homes that could be supported by individual septic systems on conventional lots. Based on soil septic suitability information from the Soil Survey of Hillsdale county and the Natural Resources Conservation Service, the Planning Commission shall select a 10% sample of the conceptual yield plan lots considered to be marginal for on-site sewage disposal. The applicant will be required to provide evidence from the Hillsdale County Health Department that these lots would be considered suitable. If all lots chosen meet this standard, the applicant shall be granted the full density determined by the plan. Should any of the lots in a sample fail to meet the standards for individual septic systems, those lots shall be deducted from the yield plan and a second 10% sample shall be selected by the Planning Commission and tested for compliance. This process shall be repeated until all lots in a given sample meet the standards for individual septic systems.

5. **Endowment Lot Density Bonus.** In addition to the maximum lot density as determined above, when the required easement covering Conservation Lands shall be held in part by a locally recognized non-profit land conservancy, a maximum of two additional lots may be allowed. The proceeds for the sale of these lots shall be used solely for an endowment to cover the expenses for monitoring compliance with the conservation easement.
6. **Siting Criteria for New Lots and Building Footprints.** Diversity and originality in lot layout are encouraged to achieve the best possible relationship between development and conservation areas. In evaluating the layout of proposed lots (*and the resulting Conservation Land*) the following criteria will be considered by the Planning Commission to determine if the design is appropriate to the site's natural, historic, and cultural features, and meets the purposes of this Ordinance. Siting criteria are listed in order of their importance. New lots and **Building Footprints** shall be laid out in a manner that:
  - a. Protects and preserves all floodplains, Wetlands, and steep slopes (twenty-five percent (25%) or greater) from clearing, grading, filling, construction.
  - b. Maintains or creates an undisturbed upland buffer of natural native vegetation of at least 100 feet in depth adjacent to surface waters, including wetlands, lakes, rivers, and streams.
  - c. As much as practical, preserves and maintains existing fields, pastures, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. In those situations where development must be located in these areas due to greater constraints in all other parts of the site, as much as practical, dwellings should be sited on the least **Prime and Unique Farmland** soils.
  - d. Minimizes impacts on large woodlands five acres or greater in area, especially those located on **prime or unique farmland** soils or those located on prime timberland soils.
  - e. Provides that existing trees be retained or new plantings be made and maintained to soften the visual impact of new construction sited on prominent hilltops or ridges, as seen from public roads and waterways.
  - f. Preserves and enhances sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature.

- g. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
  - h. Provides that Conservation Lands shall be reasonably contiguous. While Conservation Lands are exempt from the maximum lot depth-to-width ratio requirements of this Ordinance, fragmentation of these lands shall, as much as practical, be minimized. Conservation lands shall not be divided into numerous small parcels located in various parts of the development, *except for common greens and playground areas*.
7. **Ownership of Conservation Lands.** Ownership of Conservation Lands may remain with the original Master Parcel owner; a homeowners association made up of surrounding lot owners; or another individual or group.
8. **Allowable Uses and Protection of Conservation Lands.** Conservation Lands may be used for any purpose allowed under **Section 26.2 - Permitted Uses**. None of the uses listed under **Section 26.3 - Conditional Uses** are allowed on Conservation Lands.

### **Section 26.6 - Application and Site Plan Review Process**

- A. A pre-application conference between the applicant, the site designer, and the planning commission, *or its designated agent*, is encouraged for all parcels to be split under the provisions of **Option 1**. This conference shall be **mandatory** for parcels to be split under the provisions of **Options 2 or 3**. At this session, the parties shall discuss the applicant's objectives and how they may be achieved under the Ordinance. The applicant may develop conceptual sketch plans and yield plans for this session. **However, no engineered site plans or surveys will be accepted at this conference.** If necessary a site visit may be scheduled at this conference.
- B. After the pre-application conference, *and site visit if needed*, applicants developing properties under Options 2 or 3 shall submit nine copies of a proposed site plan, *drawn to scale*, containing at a minimum the following information.
  - 1. Name and address of the applicant.
  - 2. Boundaries and dimensions of the existing **Master Parcels**.
  - 3. Location of existing structures.
  - 4. The site plan shall include the soil mapping units from the most up-to-date edition of the Soil Survey of Hillsdale County. In addition, the location of existing cover types and uses shall also be included (e.g. agricultural lands, forest land, other open spaces, wetlands, etc.)
  - 5. Location and dimensions of proposed new lots, conservation lands, **Building Footprints**, common recreation facilities, common drives and other private roads.
  - 6. Other information deemed necessary by the Planning Commission to insure conformance with this Ordinance or other applicable township, county, state, or federal regulations.
  - 7. In addition to the above, if required under provisions of this Ordinance, the applicant shall provide copies of the proposed conservation easement, which shall cover Conservation Lands.
- C. Upon receipt of a completed application the Planning Commission shall hold a public hearing. Notification of public hearings shall be done in accordance with the Conditional Land Use provisions of this Ordinance.
- D. The Planning Commission shall review all proposed property splits under the above options to insure all of the conditions of this District have been met. It shall prepare a report stating its decision, the basis for its decision and any conditions related to the

decision. Upon a finding by the Planning Commission that the Site Plan and/or other required documents are in compliance with the provisions of this District, the application for land division shall be approved.

- E. All approvals shall be valid for a period of one year from the date of approval. If no substantial construction activities have taken place in that time period the applicant may reapply for a single one-year extension.

## **SECTION 2: Amendments to Article 2 Definitions**

Article 2 of the Hillsdale Township Zoning Ordinance shall be amended to include the following definitions:

### **Section 2.02. Building Footprint**

The boundaries on a lot, parcel or condominium unit in which the principal building or structure intended for or constructed together with any attached or detached Accessory Buildings are sited.

### **Section 2.02. Master Parcel.**

A parcel of land, or a series of adjacent parcels of land under the same ownership, as of the date of adoption of this Ordinance.

### **Section 2.02. Prime Farmlands.**

Those Soil Mapping Units identified in the Soil Survey of Hillsdale County, or by some other means approved of by the Planning Commission, that have the best combination of physical and chemical characteristics for producing food, forage, fiber, and oilseed crops.

### **Section 2.02. Unique Farmlands.**

Those areas that because of soil qualities, growing season, temperature, humidity, elevation, aspect and moisture supply are uniquely suited for the production of specific high value food and fiber crops.

### **Section 3: Inclusion of a New Appendix A**

The following Appendix A shall be included in the Hillsdale Township Zoning Ordinance.

## **APPENDIX A**

### **Determining Conformance with Lot Depth-to-Width Ratio Requirements**

The following method shall be used to determine the conformance of new lots with the lot depth-to-width ratio requirements of the Hillsdale Township Zoning Ordinance.

New lots shall be considered to be in conformance with the Ordinance's lot depth-to-width ratio requirement when the shortest interior measurement of a lot is less than or equal to the diagonal measurement of an equivalent rectangular shaped lot of the same area.

That rectangular lot must meet the Ordinance’s maximum depth-to-width ratio requirements. The shortest interior measurement is determined by measuring the distance between the furthest two points on the lot. To illustrate this concept Lots f1 and 2 below are both 40,000 square feet in area. Lot 1 has a depth four times greater than its width, the maximum allowed in this situation. The diagonal measure of this lot is 412.31 feet. In this case, Lot 2 would also be considered to be in conformance with the 4-to-1 maximum depth-to-width ratio requirement since the shortest interior distance between the two most distance points is 410.44 feet, which is less than the diagonal measurement of Lot 1.

Lot 1

Lot 2

Diagonal measurements for different lot depth-to-width ratio requirements shall be calculated using the following formulas.

<u>Depth-to-Width Ratio</u>	<u>Formula</u>
2 ½: 1	(Lot Area*/2.5) x 2.693
4: 1	(Lot Area*/4) x 4.123

\*Note: Lot area is in square feet

Example: A proposed twenty-five (25) acre lot (1,089,000 square feet) is located in a Zoning District with a maximum 2 ½: 1 lot depth-to-width ratio requirement. Using the above formula, this lot would be considered in compliance with the depth-to-width ratio requirements if the shortest interior distance measurement between the furthest two points on the lot were 1,777.38 feet or less. (1,089,000/2.5) x 2.693 = 1777.38 feet)

**Section 4: Severability**

The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

**Section 5: Effective Date**

This ordinance shall become effective immediately upon publication in the Hillsdale Daily News.

