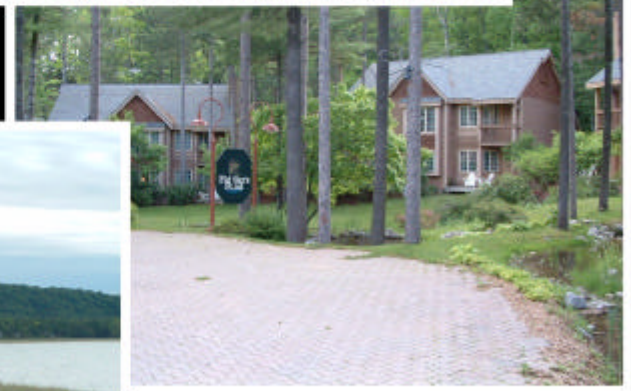


Chapter 8 ZONING PLAN



CHAPTER 8 ZONING PLAN

This chapter opens with a general description of a zoning plan. It is followed by a brief explanation of the relationship between this Future Land Use Plan and the Township Zoning Ordinance. The districts in the Zoning Ordinance are briefly described, and the last major section of this Chapter presents a list of proposed changes to the Zoning Ordinance which are desirable to make in order for the Zoning Ordinance to more closely conform with this Plan.

Explanation of a Zoning Plan

A “zoning plan” is another term for a “zone plan” which is used in the Michigan planning and zoning enabling acts. Section 1(a) of the Township Planning Act, PA 168 of 1959, as amended, requires that the plan prepared under that act (as this Future Land Use Plan is), serve as the basis for the zoning plan. Section 7 of the Township Zoning Act, PA 184 of 1943, as amended, requires a zoning plan be prepared as the basis for the zoning ordinance. It must be founded on an inventory of conditions pertinent to zoning in the Township and the purposes for which zoning may be adopted (as described in Section 3 of the Township Zoning Act). The zoning plan identifies the zoning districts and their purposes, as well as the basic standards proposed to control the height, area, bulk, location, and use of buildings and premises in the Township. These matters are regulated by the specific terms in the Zoning Ordinance.

Relationship to the Future Land Use Plan

The Glen Arbor Township Future Land Use Plan is a document to guide Township officials and citizens in making decisions about use of the land. A primary purpose of the Future Land Use Plan is to provide guidelines for the treatment of the areas of the Township which have varied characteristics. It is the result of a process of survey of existing conditions, public input on a vision of what the community should be like in twenty years and analysis of alternatives by the Planning Commission, synthesized with public awareness and input. This Chapter presenting the Zoning Plan, along with the rest of the relevant parts of this Future Land Use Plan, is intended to guide the implementation of and future changes to the Township Zoning Ordinance.

Districts and Dimensional Standards

Following are six land use categories within which the eleven zoning districts in the Glen Arbor Township Zoning Ordinance are organized. The general purposes of each of these categories are also indicated. The purposes of each district are listed in the specific district provisions of the Zoning Ordinance. The Section references indicate where detailed ordinance language for each district is located within the Zoning Ordinance. The Zoning Map, which is part of the Zoning Ordinance and is posted on the Township web site

(www.glenarbortownship.com), depicts which lands are in which districts. It is the only map depicting the official boundaries of zoning districts.

Agricultural District

The purpose of the Agricultural District (Article IX) is to provide for and encourage agricultural uses of land, related uses, and limited residential uses in a rural environment. A parcel of land must be at least three acres to qualify as a farm under this zoning classification. The minimum lot area for each single-family dwelling with its accessory buildings is 131,000 square feet and the minimum road frontage is 200 feet. There is little farmland left in the Township and most is in the east side along the border with Cleveland Township. Once agricultural operations cease on those parcels that are not acquired by the National Park Service, the name of the agricultural district should be changed to reflect the very low density residential character of the district and nonresidential uses should be removed as permitted uses.

Residential Districts

The following zoning districts are considered “residential districts.”

Article V, Section 5	Single-Family Residential District (R-I)
Article V, Section 6	Single-Family Residential District (R-II)
Article V, Section 7	Single-Family Residential District (R-III)
Article V, Section 8	Single-Family Residential District (R-IV)
Article V, Section 9	Multiple-Family Residential District (R-V)
Article V, Section 10	Single-Family Residential District (R-VI)

The principal purpose of these districts is to provide for a range of residential dwelling types at various densities within individual zones tailored for specific uses. Minimum lot sizes range from 15,000 square feet in the R-I and R-V districts to 131,000 square feet in the R-VI District. The bulk of land zoned into R-I and R-II Districts is located along the shoreline of Glen Lake and Lake Michigan. The R-III, R-IV, and R-VI Districts provide for low density housing and are predominantly found in the interior of the Township, between the village of Glen Arbor and Glen Lake, and in the eastern portion of the Township on Miller Hill. The R-V Multiple-Family District is centered on the north side of the village and south of the Leelanau School.

While the district scheme has generally served the Township well and fairly closely matches the size of existing lots, the differences between several of these districts is very small and serious study should be initiated to determine if the six districts can be successfully collapsed into not more than four districts. This is especially pertinent since there are three more districts allowing significant residential use—the Recreational Open Space, Resort and Agricultural Districts. Chapter 7 proposes dropping the R-IV, R-V and R-VI districts. All waterfront land not in the Commercial Resort classification would be zoned R-II, while all village residential lots would be R-I and all remaining land that is not zoned agricultural or resort would be R-III. Multiple family uses are currently allowed in the

Business District and would continue to be. They are also allowed in R-I, but at a low density of 15,000 sq. ft. per dwelling unit (not per lot).

This should be structured to allow lots smaller than 15,000 sq. ft. in return for more common open space. There are large parcels on the east side of the village (north and east of Egeler Road) that are well suited for multiple family uses. Incentives (such as a small density bonus) should be offered to cluster multiple family uses and preserve an open space buffer from single family residential uses.

These are all related issues that should be carefully examined together prior to consolidating districts or rezoning. In the end, all this land should retain a residential classification, but it may be pertinent to change some of those classifications to better match lot sizes in the area, and provide a wider range of housing options in the township. It may be that six districts cannot be collapsed into three, but a strong effort should be made to try, as a simpler system will be easier for all to remember and properly apply. Multi-family uses are permitted in the Business District and should continue to be allowed there.

Commercial Districts

The following zoning districts are considered “commercial districts.”

Article VI, Section 1 Commercial Resort District

Article VIII, Section 1 Business District

The principal purpose of the Commercial Resort District is to accommodate demand for land suited for hotels, motels, lodges, rental cottages, rooming houses and other land uses that are principally intended for vacationing, relaxation and conference activities for visitors to the community. Minimum lot sizes range from 10,000 square feet to 20,000 square feet. The main resort area in Glen Arbor Township is the Homestead, a planned development located in the northeast portion of the Township. There are also a few scattered small resorts with cabins on Little Glen, at the Narrows, at the end of Lake Street and along Dunns Farm Road. As indicated in Chapter 7, a narrow range of commercial uses, including marinas, boat sales, storage and repair, as well as food service and limited retail business and personal business services may be provided in resorts. All future changes on these properties should be guided by new PUD requirements. The next time the Homestead proposes a change in use or expansion of use, it should be reviewed under the new PUD provisions and a PUD approval should be granted that incorporates all existing uses on the Homestead. Thereafter, changes would be processed as PUD amendments.

This will better protect the huge investment in the Homestead and ensure a means of reviewing future changes so they are consistent with the Township Zoning Ordinance, as all uses must be.

Some of the areas zoned Resort should be reexamined in light of changing conditions. Most of the property zoned Resort near the Narrows is owned and used for single family uses, not resort uses, and this is unlikely to change. These properties should be rezoned as R-II (although the marina should remain in the Commercial Resort District). Some property on the west side of M-22 and north of Day Forest Road is used as resort, but not zoned that way, and should be. Similarly, the Woodstone Development on Lake Street is part of the Homestead, a resort, but is zoned Recreational Open Space, a PUD classification adopted in anticipation of a golf course that was never built. Serious consideration should be given to zoning the Woodstone Development either Resort, or into the residential use classification closest to the dwelling unit lot sizes, with recognition of its PUD status.

Similarly, a number of other properties used as resorts are not zoned that way and consideration should be given to rezoning them. For example:

- The R-V area that is part of the Homestead consider rezoning into Commercial Resort and include under the same PUD for all of the Homestead.
- The marina on Fisher Road and Dunns Farm Road could be rezoned from Commercial to Resort.
- Existing resorts along the eastern shore of Big Glen Lake (by Brooks Lake) and the motel/restaurant nearby on the east side of Dunn's Farm Road could be rezoned out of Residential District and into the Commercial Resort District.
- Motel on the west side of M-109 could be rezoned from residential to Commercial Resort.
- The existing marina, boat sales, condos, and cabins at the south end of Lake Street, as well as the adjacent Glen Craft Villas are currently zoned R-II residential and would be more appropriately zoned into the Commercial Resort District.
- Consideration could also be given to rezoning the LeBear Development at the north end of Lake Street out of Business and into Commercial Resort.

These changes will better reflect existing use, prevent nonconforming use problems when owners wish to upgrade the property, and prevent too wide a range of uses from being established which could occur if these properties were zoned Business. These changes would also serve to better notify anyone looking at the Zoning Map about the actual use in these areas. The properties above that are presently zoned Residential would not be rezoned, if the long term desired use were for single-family dwellings on individual lots at the size and density currently allowed under the Zoning Ordinance. It is not the intent of these changes to provide a basis for examining the amount of land presently used for these commercial uses, nor are they intended to be used as the basis for rezoning other lands nearby into a commercial or resort classification.

The basic purpose of the Business District is to provide opportunities for regulated commercial activities serving both local and tourist markets. Minimum lot sizes range from one-quarter acre to one acre in size. Most of the land currently zoned for business is centered within the village. The other existing sites are marinas. These sites outside the village should be rezoned into a Commercial Resort classification, as too great a range of uses is possible in the General Business District. Some properties in the village that are zoned for business are actually being used for residential purposes. Single family homes on individual lots should be removed from permitted uses in the Business district and replaced with an allowance for apartments on second or third floors. This is because the long-term future use of this area is commercial and many commercial uses are incompatible with single family uses and home values may not stay up with those in other residential zones. Multi-family uses should continue to be allowed in the Business District. The next time the Zoning Map is updated, the legend should also be amended to use exactly the same term as the official district name (i.e. use "Business" instead of "Commercial", or the text of the Ordinance should be changed to match the Map).

Recreational Districts

The following zoning districts are considered "recreational districts."

Article VII, Section 1 Recreational District

Article VII, Section 2 Recreational Open Space District

The purpose of these districts is to provide for the orderly and attractive grouping of recreational lands, including golf courses, ski slopes, private clubs and commercial resorts. However, none of the lands included in the district have these characteristics, the only lands in the Recreation District on the Zoning Map are quasi-public, owned by the Leelanau School or Camp Leelanau and Kohahna adjacent to Pyramid Point. It may therefore, be desirable to eliminate this zone and allow these uses as special uses, or planned unit developments by extending the appropriate adjacent zone.

Development within the Recreational Open Space District, is subject to an open space ratio of 85% open to 15% occupied. As mentioned earlier, the Woodstone Development is the only land in this classification and it does not have these characteristics. Perhaps the Resort District could be applied via PUD to this area with density as established by the Recreational Open Space District. Also, large undeveloped parcels in an R-III or Agricultural District could be rezoned into the R-OS District.

Governmental District

This district exempts land owned by governmental entities from the Zoning Ordinance. Currently the DNR boat launch on Little Glen Lake is zoned R-II and it should be zoned Governmental.

On the Zoning Map, a separate color depicts all the land in the National Park at the time the Map was made. As lands are acquired by the National Park, it is important that the Zoning Map be periodically updated to reflect all land owned by the Park Service. This will be most convenient to accomplish whenever another rezoning change is made—or every two years, whichever comes first. The legend on the Zoning Map should say Governmental instead of National Park Service, to match the name of the district in the text of the ordinance.

Dimensional Regulations

Table 8-1 lists the key dimensional standards that must be met when constructing principal buildings in any of the zoning districts. In addition, other key standards include a uniform 40 foot height standard, and a maximum six-foot fence height standard (with a minimum six foot and maximum eight foot height standard in the Business District). There are many more standards that apply to parking and signage that can be found in the Zoning Ordinance.

Table 8-1 Glen Arbor Township Zoning District Regulations

	Minimum Lot Area (per principal dwelling)	Minimum Lot Width	Maximum Lot Coverage	Minimum Setback from Adjoining ROW	Minimum Setback from Rear Lot Line	Minimum Setback from Water's Edge	Minimum Side Yard Setback
R-1 Residential	15,000 s.f.	100 ft.	30%	40 ft.	15 ft.	40 ft.	10 ft.
R-2 Residential	30,000 s.f.	100 ft.	30%	40 ft.	15 ft.	40 ft.	10 ft.
R-3 Residential	45,000 s.f.	100 ft.	30%	40 ft.	15 ft.	40 ft.	10 ft.
R-4 Residential	60,000 s.f.	100 ft.	30%	40 ft.	15 ft.	40 ft.	10 ft.
R-5 Residential	15,000 s.f.	None	30%	40 ft.	15 ft.	40 ft.	10 ft.
R-6 Residential	131,000 s.f.	200 ft.	30%	40 ft.	15 ft.	40 ft.	10 ft.
Commercial Resort	20,000 s.f. 10,000 s.f. per building	1 bldg. per each 50 ft. of frontage	25%	40 ft.	15 ft.	40 ft.	10 ft. or 15 ft. when adjacent to residential
Business	5,000 s.f. per DU/ 480 s.f. of main floor living area per DU	N/A	80%	10 ft.	N/A	N/A	zero, or 5 ft. when adjacent to residential
Recreational	40,000 s.f.	N/A	40%	40 ft.	15 ft.	40 ft.	10 ft. or 15 ft. when adjacent to Res.
Recreational Open Space	60,000 s.f.	100 ft.	15% or 7% for golf courses	40 ft.	15 ft.	40 ft.	30 ft.
Agricultural	3 acres to be a farm; 131,000 s.f. for residence	200 ft.	N/A	N/A	N/A	N/A	N/A
Governmental	None	None	None	None	None	None	None

Abbreviations: N/A = Not Applicable DU = Dwelling Unit s.f. = Square Feet ft = height

Proposed Changes to the Zoning Ordinance

Because this Plan incorporates new policies, land uses, public improvements and other measures related to further improving quality of life in the Township, there are changes to the Zoning Ordinance that should be made to make it fully consistent with this Future Land Use Plan. These changes are listed below. They include changes proposed earlier in this chapter or in Chapters 5 or 7, as well as small changes identified by the Planning Commission and Zoning Administrator in the administration of the Ordinance. These changes should be pursued as the need or opportunity presents itself, but before the Township initiates action to implement one of the recommendations or new policies in this Plan. That means the Planning Commission should identify the major policies it first wishes to implement and begin work on the corresponding zoning changes at the same time. If a proposed development comes along that presents an opportunity to address another change in this list, it should be seized and changed at that time. In some cases, public discussion of proposed zoning amendments on any of the below listed elements will result in the need to refine some of the language in this Plan. When that occurs, this Plan should be amended before the zoning amendments are adopted—although both actions could be taken at the same meeting.

Serious considerations should be made to making the following changes to the Zoning Ordinance:

- Add or refine as necessary, regulations over building height and mass to reduce negative impacts from Bigfoot dwellings.
- Add provisions over commercial building appearance to prevent the use of certain building materials and prepare voluntary guidelines as well.
- Consider consolidating six residential districts into three or four. The Planning Commission should make a special effort to group like uses and lot sizes together and to try to make many more lots conforming while minimizing the number of lots that become nonconforming.
- Consider rezoning all waterfront residential property not already in a resort into an R-II or a new Waterfront Residential District.
- Remove freestanding single family dwellings as permitted uses in the Business District unless associated with a commercial business on the same lot. Continue to allow apartments above businesses and multi-family use in the Business District.
- Consider rezoning properties classified as Resort on the Zoning Map by the Narrows into the most appropriate single family residential district and rezone several other resort and marina properties shown on the Future Land Use Map as Resort into the Commercial Resort District as previously identified.
- Resorts and marinas should not be zoned Business District, because too wide a range of potentially incompatible uses are permitted in the business zones. However, marinas could be permitted as special uses in the Commercial Resort District, or mixed use resorts could be permitted

by PUD which would give more design flexibility to the developer and the Township.

- Consider rezoning the Woodstone Development as Commercial Resort, or into the most appropriate residential classification while recognizing the planned development nature of this development.
- Allow cluster development or PUDs in every residential zone.
- Add the appropriate procedures and standards for administering site plan review, planned unit developments and special land uses to the ordinance per the requirements of the Township Zoning Act.
- Establish a formal PUD and site plan for the Homestead properties to guide future development on those properties.
- Establish a formal site plan and perhaps special use permit for each of the other resorts and marinas in the Township when those uses propose expansions or changes in building location or use.
- Amend the legend on the Zoning Map to exactly match the names of the zoning districts in the text of the Zoning Ordinance.
- Amend the Zoning Map to show lands purchased by the National Park Service in the light green color.
- Clarify the language in the Government District applying to lands owned by the Township and establish a new mechanism for establishing standards for development on Township owned lands. Decide whether to permit Township owned land and associated uses in all zones or just certain zones.
- Add regulations to protect the environment: notably to protect water quality thru new groundwater protection standards added to the site plan review process, link zoning approval to other agency permits, encourage the use of natural vegetation strips along shorelines, and link to new Township wetland regulations.
- Consider adding new impervious surface standards to better protect water quality.
- Add hillside development standards to prevent erosion, retain natural vegetation and prevent unsightly development.
- Add tree clearing and grading regulations that prohibit such activity prior to review of an application for site plan or other zoning approval.
- Develop and adopt uniform lake regulations for the Glen Lakes based on Empire Township's recent regulations, including strengthening keyhole regulations.
- The Glen Arbor Township Planning and Zoning Commission will examine the setbacks of each existing principal structure on lots which front on Lake Michigan and compare to: FEMA floodplains, the current required setback in the zoning ordinance, and existing setbacks of adjoining principal structures. The Commission will then make a determination as to whether or not a deeper zoning setback should be established for property along Lake Michigan, and/or whether a system to average setbacks based on the setbacks of adjacent principal structures, or some other approach should be used instead.

- Change waterfront setbacks to average the setback where existing homes on adjacent sides are already farther than the permitted setback.
- Consider disallowing boathouses on the waterfront as Empire Township has done.
- Consider disallowing living quarters above boathouses and garages.
- Consider disallowing docks to extend beyond a certain length.
- Consider whether to allow multiple residences on large single waterfront lots as part of “family compounds”, and if so, identify what standards should be met.
- Add authority for processing ordinance violations as civil infractions.
- Clarify how to measure setbacks on private roads and establish standards that limit the length of private roads, require connections between two private roads or private and public roads that are nearby, and which ensure fire truck access at all times.
- Consider adding standards to the Business District to require shared parking between adjoining parking lots and implement model agreements from **MDOT Access Management Guidebook**.

In addition, all the policies in Chapter 6 that rely on zoning standards should be reviewed and compared to Zoning Ordinance standards, to ensure that the policies are being effectively implemented through appropriate zoning regulations. Where zoning regulations need to be strengthened to implement the policies of this Plan, it should be a priority of the Planning Commission to do so.

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