

GLEN ARBOR TOWNSHIP KEYHOLE AND RELATED AMENDMENTS

Following are proposed amendments to the Glen Arbor Township Zoning Ordinance. These amendments are proposed to address issues raised by recent keyhole development activities in the Township and in response to a moratorium adopted by the Township Board on April 19, 2005. The Township Planning Commission considered these amendments at meetings on August 26 and August 31st. These amendments seek to permit keyhole development only in the Residential V – Multiple Family, Commercial Resort, and Business districts. Keyhole development in these districts would be subject to a broader set of standards than currently apply in Section IV.15 Keyholing. In addition, confusing language in most of the residential districts allowing noncommercial recreation, schools and churches would also be removed (while these uses will continue to be allowed in other districts).

Modest amendments to the Township Site Plan Review provisions are also offered, but more extensive amendments incorporating Site Plan Review into special land use and PUD provisions should also be made at a later time. An effort should be made to use the provisions in the Empire Township Zoning Ordinance, Article 6 Site Plan Review for Special Land Use Permits and Planned Developments when the Township gets to this issue. It will be important to ensure the amendments adding Section XIV.8 on site plan review standards are also integrated into that language along with the existing site plan submittal requirements of Section XIV.7.

In addition, language originally considered to regulate keyholing at road ends has been removed from this package of amendments because House Bill 4576 is pending which would if passed, establish a common regulatory structure and standards for road ends. The Planning Commission recommends waiting to see what develops with that language prior to making amendments to this ordinance to address keyholing at road ends.

In the proposed amendments that follow, existing provisions are in regular type and proposed new text is in *italics*. Text proposed for deletion is in ~~strikethrough~~.
[SMALL CAPS IS ADDITIONAL COMMENTARY NOT TO BE INCLUDED WITH ADOPTED LANGUAGE.]

PROPOSED AMENDMENTS

SECTION II.2 DEFINITIONS

Non-riparian: *Property that does not border a waterbody or watercourse. Non-riparian property typically cannot acquire riparian rights through acquisition of a riparian lot or an interest in a riparian lot.*

Ordinary High Water Mark: *The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land*

is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Lands Act, P.A. 247 of 1955, as amended, the ordinary high water mark for Lake Michigan is 580.5 feet above sea level, International Great Lakes Datum of 1985 and for Big and Little Glen Lake is _____ feet above sea level. [THE DATUM FOR GLEN LAKE MUST BE INSERTED.]

Park: Park is any ~~non-commercial~~ publicly owned recreational area or facility.

Riparian: Refers to property that borders a lake, river or stream.

SECTION IV.1 SCOPE

Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure, or part thereof and no new building, structure or part thereof shall hereafter be located, erected, constructed, re-constructed, altered or used for purposes other than in conformity with the provisions of this Ordinance. *Uses of lots or parcels of land or structures not specifically permitted in this Ordinance are prohibited.*

SECTION XIV.8 SITE PLAN REVIEW AND APPROVAL STANDARDS

A site plan shall be submitted to the Zoning Administrator for all uses so specified in this Ordinance, as well as for all those uses requiring four or more parking spaces, or having more than 10,000 square feet of building area and shall include the information required in Section XIV.7 as well as any additional information required in this Ordinance. Each site plan shall be reviewed by the Planning Commission and shall be approved only if it conforms with the applicable provisions of this Ordinance and the standards listed below:

A. Drainage: Site plans shall fully conform with the published surface water drainage standards of the County Drain Commission.

B. Traffic: Site plans shall fully conform with the driveway and traffic safety standards of the Township, or as may be applicable, the Michigan Department of Transportation and/or the County Road Commission.

C. Public Safety: Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of the Township Fire Chief and the State Construction Code.

D. Erosion: Site plans shall fully conform with the County Soil Erosion and Sedimentation Control Ordinance.

F. Public Health: Site plans shall fully conform with the requirements of the Michigan Department of Public Health and the District Health Department with approval authority.

G. Compliance: Site plans shall fully conform with all applicable state and federal statutes.

H. Hazardous Substances Management: The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances, as defined by applicable state and federal regulations, from contaminating the environment including:

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.

2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.

3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.

4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

[THE ABOVE LANGUAGE IS ADAPTED FROM SECTION 7.10(3) OF THE EMPIRE VILLAGE ZONING ORDINANCE WHICH REPRESENTS ONE OF THE MOST COMMON SET OF SPR STANDARDS IN USE IN MICHIGAN.]

SECTION IV.13 BOAT HOUSES

Unless otherwise specifically provided in this Ordinance, Boat Houses constructed on lakes or water courses in the Township do not have to comply with setback restrictions from such shoreline of lakes or water courses as would be applicable to other types of structures. Boat Houses *in residentially zoned districts* shall be limited to a maximum one-story building not to exceed 20 feet in height. *Boat Houses may not be rented or used for any commercial activities.*

SECTION IV.14 LAKE ACCESS [Reserved for future use.]

~~Easement to lake front requirement is thirty (30) feet per residence.~~

SECTION IV.15 KEYHOLING

~~A. Intent: The Glen Arbor Township Planning Commission and Township Board recognize and conclude that the use of water resources, including the inland lakes situated in the Township, should be considered in a framework of long term costs and benefits to the Township, in that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of lakes in the Township. It has been recognized that, as shorelines of the lakes become further developed and subjected to human and mechanical influence, usage of the respective property must be regulated in order to preserve and protect both riparian owners as well as the Township and non riparians as a whole. It is further recognized that the lack of regulation shall result in a nuisance condition and impairment of these important and irreplaceable natural resources. It shall further result in the diminution of property values and threaten the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to the lakes in the Township. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable, minimal regulations of land ingress and egress of watercraft and human usage of these resources in the Township.~~

A. *Findings: The Township finds that the use and enjoyment of the Township's water resources, including the inland lakes, rivers and other watercourses, as well as the lands abutting those water resources is of the highest importance to the quality of living and the economic well-being of all residents in and visitors to the Township. The Township also finds that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of those water resources in the Township and the lands abutting them. The Township further finds that, as lands abutting those water resources become further developed and subjected to human and mechanical influence, it is necessary to regulate the usage of those water resources and the lands abutting them in order to preserve and protect the health, safety and welfare of the residents of and visitors to the Township.*

B. *Intent: Based on the aforesaid findings, it is the intent of this section:*

- *To provide a mechanism for protecting the lakeshore and shorelines of the township from physical and visual degradation from overuse and inappropriate use.*
- *To protect the rights of riparian owners, the township, and non-riparians as a whole.*
- *To prevent the development of nuisance conditions which threaten the land and water resources, which cause the diminution of property values, and which threaten the public health, safety, and welfare of all persons making use of lakes, rivers and other navigable watercourses within the township.*

C. Applicability and Submittal Requirements: *The provisions of this section apply to all riparian property on Lake Michigan, Big and Little Glen Lakes, Brooks Lake, Fisher Lake, the Crystal River and any other navigable watercourse in the Township and which properties are in districts which permit keyholing. Such districts include the Residential V – Multiple Family, Commercial Resort, and Business districts.*

When two (2) or more families/legal entities/parties share access on navigable water without residing on said frontage, such common usage and/or ownership of the waterfront shall be governed by this Section. The provisions herein shall apply regardless of whether access to the waterfront is gained by easement, common or joint ownership, single fee ownership, lease, license, site condominium unit, stock or membership in a corporation, or any other means. *The common use of all such waterfront by more than one family is permitted only following approval of a site plan by the Planning Commission pursuant to Section XIV.8 Site Plan Review and Approval Standards. The site plan shall include all the elements of Section XIV.7 and the following additional information:*

- ~~1. No more than one watercraft slip, mooring, boat hoist, raft, or any other means of anchorage will be developed per twenty-five feet of water frontage. [WORDED DIFFERENTLY IN D.4. BELOW.]~~
- ~~2. No more than one dock per one hundred feet (100') of frontage shall be allowed on the water and shall otherwise comply with all state and federal statutes and regulations pertaining thereto. [ESSENTIALLY SAME AS D.4 BELOW]~~
- ~~3. Boat launch facilities shall not be permitted. [SAME AS D.5 BELOW.]~~

1. *Elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, wetlands, and shorelines;*
2. *Proposed location of docks and other shoreline structures;*
3. *Location and dimensions of existing and/or proposed parking areas (including indication of all spaces and method of surfacing);*
4. *Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used;*
5. *North arrow, scale and date of original submittal and last revision;*
6. *The location and type of any/all picnic, sports facilities, and/or playground equipment to be installed on the site;*
7. *The specific uses permitted on the common waterfront, the locations of same, and all conditions that must be met to entitle one to such uses;*

8. *A statement that the site plan (including all terms and conditions) cannot be modified without approval of the Planning Commission.*
9. *The bearings, distances, and calculations showing compliance with the standards listed in subsection D. below;*

D. Standards: Common use of a waterfront parcel shall be permitted in the Residential V – Multiple Family, Commercial Resort, and Business districts but only when conformance with the following standards is demonstrated to the satisfaction of the Planning Commission, or in the event the Planning Commission chooses to refer the decision to the Township Board, by the Township Board:

1. *The common waterfront parcel providing access to nonriparian lot owners or to those residing in dwellings on nonriparian lots, shall meet the minimum requirements for a lot in the district in which it is located. A waterfront lot that includes a residence cannot be a common waterfront parcel for the purpose of this ordinance. All lots and dwelling units served by the common waterfront parcel shall be contiguous to one another and contiguous to the common waterfront parcel.*
2. *The shoreline shall have a minimum frontage on the water of not less than one hundred (100) feet (measured at the ordinary high water mark) and the lot shall have an area of no less than the minimum lot size required of the district in which the lot is located. For each family in excess to four (4), having waterfront privileges, the minimum frontage required shall be increased by twenty-five (25) feet, and the minimum area required shall be increased by at least thirty-five hundred (3,500) square feet.*
3. *The site plan shall reflect provisions for one (1) off-street space for parking of vehicles for every dwelling having waterfront usage. Such parking shall be located and screened by existing and/or proposed landscaping from adjoining residential parcels to the satisfaction of the Planning Commission. Depending upon the proximity of the residences having usage on the waterfront, parking requirements may be modified or waived by the Planning Commission.*
4. *The site plan shall reflect provisions for all watercraft slips, moorings, boat hoists, and any other means of anchorage to be developed on the parcel. No more than four such slips, moorings, boat hoists, and other means of anchorage per one-hundred feet (100') shall be allowed.*
5. *The site plan shall reflect the location of all docks to be developed on the parcel. Docks shall not exceed one per one-hundred (100') of shore line and shall otherwise comply with all state and federal statutes and*

regulations pertaining thereto. Docks shall not extend beyond a water depth of four (4) feet or one hundred-fifty feet (150') in length. Docks need not comply with setbacks applicable to other structures.

6. *Boat launch facilities shall not be permitted.*
7. *If the site serves twelve (12) or more residences, sanitary facilities meeting requirements of the District Health Department must be included. Utilizing natural vegetation, all sanitary facilities shall be screened from surrounding land uses. Sanitary facilities shall be subject to all setback requirements.*
8. *No housing unit, whether temporary, permanent or for occasional use, shall be located on the parcel unless otherwise permitted in the district in which the lot is located. No camping or other overnight accommodations shall be permitted on the access parcel.*
9. *The storage or display of items for sale or rent such as, but not limited to, boats, boat hoists, personal watercraft, and trailers is prohibited, unless otherwise permitted in the district in which the lot is located.*
10. *No slippage or mooring rights shall be sold or leased unless otherwise permitted in the district in which the lot is located.*
11. *At the discretion of the Planning Commission, or the Township Board if it approves the site plan, whenever the shoreline parcel accommodating common waterfront use abuts a residentially used parcel, a vegetative buffer strip of at least ten (10) feet in width, within the required setbacks, shall be provided along the perimeter(s) of the site adjacent to the residential parcel(s). The vegetative buffer strip shall consist of plant materials, which shall be a natural compact planting of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, and shall be at least four (4) feet in height at the time of planting and capable of attaining a minimum mature height of at least five (5) feet and shall be maintained in a neat and attractive manner. If buffering consists of earthen berms, the total height of berm or grass or shrubbery shall not be less than five (5) feet at the time of planting.*
12. *The Planning Commission shall have the authority to approve, disapprove or approve with conditions the site plan based on the following criteria:*
 - a. *The extent of contemplated injury or nuisance (including noise) to owners of riparian, adjacent and nearby parcels.*
 - b. *The effects on the navigable waters and overall shoreline land use which are compounded by the impact of common waterfront uses by*

approval of subsequent development of similar nature.

- c. The impact upon the public's enjoyment of the waterbody or watercourse.*

[SECTION V.5 OF THE ZONING ORDINANCE OF GLEN ARBOR TOWNSHIP WOULD BE AMENDED TO READ AS FOLLOWS:]

SECTION V.5 RESIDENTIAL I – USES PERMITTED

No building, nor structure, nor any part thereof, shall be erected, altered or used, or land or premises used in part or in whole, for other than ~~one or more~~ the following specific uses:

~~A. Single family dwelling.~~

~~B. Home occupation, including Bed & Breakfast establishments, provided that there be no external evidence of such occupation except a non-illuminated sign and that said occupation does not require nor effect any changes in the external character of the building.~~

~~C. Churches, Temples~~

~~D. Schools.~~

~~E. Recreation facilities (non-commercial).~~

A. Permitted Uses - No building, nor structure, nor any part thereof, shall be erected, altered or used, or land or premises used in part or in whole, for other than the following specific uses:

1. A single family dwelling.

2. A home occupation, provided that there be no external evidence of such occupation except a non-illuminated sign and that said occupation does not require nor effect any changes in the external character of the building.

F. B. Building Lot Area – Each dwelling or other main building hereafter erected in the Residential I District shall be located on a building lot or parcel of land having an average width of not less than one hundred (100) feet and containing not less than fifteen thousand (15,000) square feet of area unbroken by any public road, street or thoroughfare, provided that this shall not prevent the use of a building lot or parcel of land of lesser size that was of legal record or had been laid out by a registered land surveyor

~~prior to the effective date of this ordinance. No portion of any building lot or parcel of land may be used or counted in the calculation of required building lot area for more than one (1) building or dwelling.~~

[SECTION V.9 OF THE GLEN ARBOR TOWNSHIP ZONING ORDINANCE WOULD BE AMENDED TO READ AS FOLLOWS :]

SECTION V.9 RESIDENTIAL V – MULTIPLE FAMILY – USES PERMITTED

~~No building or structure or any part thereof shall be erected, altered or used, or land or premises used in whole or in part, for other than one or more of the following specific uses:~~

~~A. Any uses permitted in residential I, Section 5.3, Residential II, Section 5.4, Residential III, Section 5.5 or Residential IV, Section 5.6 of This Ordinance.~~

~~B. Multiple family dwelling.~~

A. *Permitted Uses - No building or structure or any part thereof shall be erected, altered or used, or land or premises used in whole or in part, for other than one of the following specific uses:*

1. *Any use permitted in residential I, Section V.5, Residential II, Section V.6, Residential III, Section V.7 or Residential IV, Section V.8 of this ordinance.*
2. *Multiple family dwellings.*
3. *Schools, churches, mosques, or other educational or institutions of religious worship*
4. *Recreational facilities (non-commercial)*

C.B. Building Lot Area – A minimum of not less than fifteen thousand (15,000) square feet of area for each family dwelling unit.

D.C. Site plan is required for this district, see Section 14.7 for requirements.

E.D. A minimum of two parking spaces per dwelling unit is required (see Section 4.11).