

# Item 3 - Proposed Zoning Ordinance Change to Version 5.1

## Keyholing

### SECTION XVI.6 DEFINITIONS

**Marina:** ~~A boat basin providing dockage, supplies, sales and services for watercraft.~~ A facility, including three (3) or more waterfront boat slips and other boating facilities, which provides for the dockage, servicing, storing, fueling, berthing, and/or securing of boats and that may include eating, sleeping, and/or retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina.

**Keyholing:** A legal arrangement whereby two (2) or more families/legal entities/parties, that, 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, share access on navigable water, lands abutting to water resources, or any other navigable watercourse, all residing on said frontage.

## ARTICLE IV LAND USES PERMITTED

Uses Permitted	R1	R2	R3	R4	R5	R6	Res	Rec	Bus	Ag
Single Family Dwelling	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Home Occupation (with restrictions)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Accessory Residential Extension (define)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Accessory Buildings	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Boat Houses <sup>1</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Yard Sales or Garage Sales <sup>2</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Multiple Family Dwelling					Yes		Yes	Yes	Yes	
Schools, churches, mosques, or other educational or institutions of religious worship					Yes		Yes	Yes	Yes	
Recreational facilities (non-commercial)					Yes		Yes	Yes	Yes	
Inns, lodges, hotels and rooming houses with or without dining facilities consisting of single or multiple unit dwellings intended for rental, with such necessary and customary accessory buildings as automobile and boat storage garages, utility buildings, recreational facilities, docks, boathouses and bathing houses, all designed and used primarily to serve the regular tenants of same.							Yes	Yes	Yes	
Motels consisting of multiple unit dwellings intended for rental with dining facilities only where ten (10) or more units are combined in one (1) motel facility. Customary accessory buildings and recreational facilities may be combined with such motels.							Yes	Yes	Yes	
Rental cottages with or without housekeeping facilities in groups of two (2) or more, each cottage being a single-family dwelling.							Yes	Yes	Yes	
Hospitals and nursing homes / foster care homes.							Yes	Yes	Yes	
Business and professional offices offering personal services not involving the sale of products or service on products.							Yes	Yes	Yes	
Dining Facilities							Limited <sup>3</sup>	Limited <sup>4</sup>	Limited <sup>5</sup>	
Private clubs, with or without lodging and/or dining facilities, private summer camps, campgrounds and schools, whether non-profit or operated for profit.								Yes	Yes	
Outdoor recreational facilities, such as golf courses, ski slopes and lifts and marinas.								Yes	Yes	
Municipal and Governmental buildings.								Yes	Yes	
Retail Stores									Yes	
Service Businesses such as: 1) Gasoline service stations and garages; 2) Repair shops; 3) Laundries; 4) Warehouses; 5) Utilities; 6) Printing houses; 7) Undertaking establishments; and, 8) Used car lots									Yes	
Restaurants and Taverns									Yes	
Lumber Dealers									Yes	
Light Manufacturing Plants									Yes	
Second Hand Stores <sup>6</sup>									Yes	
Apartments or living units above or part of a commercial building, i.e. mixed use									Yes	
Equipment and material storage yards									Note <sup>7</sup>	
Yard Storage									Note <sup>8</sup>	
Open Air Market									Yes <sup>9</sup>	
Non-Agricultural Open-Air Markets									Yes <sup>10</sup>	
Farms of all types including those of general farming or for specialized farming.										Yes <sup>11</sup>
Private forests with such harvesting equipment as saw mills, maple syrup reducing plants and charcoal plants.										Yes
Nurseries and greenhouses.										Yes
Riding Stables.										Yes
Mining, including extracting of sand, gravel or other natural resources.										Yes <sup>12</sup>
Cemeteries.										Yes
Ice manufacturing plants.										Yes
Contractors and Excavators.										Yes
Roadside stands										Yes <sup>13</sup>
<b>Keyholing</b>							Yes		Yes	
Any and all institutions, parks, picnic grounds, public lookouts, public campgrounds, forest preserves, wildlife reservations, public recreation areas and other public lands, grounds or areas now under the ownership or control of federal, state, or local Governmental authorities including the Township of Glen Arbor shall so remain and shall not be regulated by This Ordinance, provided; however, that all other such lands, grounds, parks and areas, not owned or controlled by such Governmental authorities, shall be regulated by This Ordinance. To reduce fire hazard and to provide for the public safety, the Zoning Board of Appeals may, at its discretion, establish reasonable yard rules and other requirements for such lands, grounds, parks and areas.	<b>Governmental</b>									

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<sup>1</sup> 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.

<sup>2</sup> Occasional yard or garage sales of not more than three (3) days duration, conducted by the owner on the owner's premises and held only occasionally and not as a regular business, shall be permitted. A yard or garage sale conducted by the same person or held on the same premises more than three (3) times in any calendar year shall be considered in violation of the above requirement that sales be held only occasionally and not as a regular business, unless prior approval for such a sale is obtained from the Zoning Board of Appeals in cases where denial of the privilege would create undue hardship on the applicant.

<sup>3</sup> Dining Facilities in this District shall be limited to those attached to or in conjunction with inns, lodges, hotels and motels having accommodations for ten (10) or more individuals or family rental unit. Independent restaurants and/or drive-ins are not to be permitted in this District.

<sup>4</sup> Dining Facilities in this District shall be limited to those in conjunction with or attached to any of the uses permitted in this District. Independent restaurants or drive-ins are not permitted in this District.

<sup>5</sup> Dining Facilities in this District shall be limited to those in conjunction with or attached to any of the uses permitted in this District. Independent restaurants or drive-ins are not permitted in this District.

<sup>6</sup> Establishments selling used or second-hand merchandise and "flea markets" must conduct their business inside a building but may display merchandise outside and adjacent to such building provided such outside displays in total occupy no more than one hundred (100) square feet of area and are placed inside the building each night. Automobile dealers, farm machinery dealers and marinas selling new and used boats shall be exempt from this provision.

<sup>7</sup> Junk yards for the temporary or permanent storage of used cars or other salvaged materials are not to be permitted in this District. Equipment and materials storage yards equivalent to those related to the construction industry shall be entirely enclosed with a solid fence not less than six (6) feet high and not more than eight (8) feet high constructed and maintained in such suitable manner as to meet with the approval of the Zoning Administrator. The fence will be of solid construction or of a material so as to obstruct the view of the premises enclosed. The fence shall be maintained and painted, but shall not be used as a sign or signboard in any way.

<sup>8</sup> Wherever a business establishment finds it desirable to store part of its goods, supplies, merchandise or returnable containers outside the confines of the building structure, it shall provide an enclosure by solid fence or its equivalent not less than six (6) feet high around such yard storage area, said fence to be made and maintained in a manner which shall meet with the approval of the Zoning Administrator.

<sup>9</sup> Open Air Market for sale of fruits, vegetables and other farm products, including trees, shall be permitted along highways on any farm property and shall not be subject to any license fee; but such Open-Air Market when located in this District shall be limited in size to six hundred (600) square feet and be permitted only on application to the Zoning Administrator for a permit for the maintenance and operation of same upon payment of an annual license fee. Such Open-Air Market located in this District shall be subject to all the provisions above relating to all buildings and structures in this District.

<sup>10</sup> A permit may be issued for a one-day open-air market of non-agriculture products, in which space may be rented. The operation of such a market is limited to the Business District and must be held in an orderly manner to protect adjoining property and provide for the safety of the community. No more than two (2) such permits may be issued to a premises within a calendar year. It is not the purpose of This Ordinance to encourage such activities, but rather to provide a business with a reasonable use of their property. Concerts and musical entertainment are not included within this provision. Such Open-Air Markets are subject to all provisions above relating to all buildings and structures in this district.

<sup>11</sup> Where any other Zone is contiguous to a farm located in an Agricultural District and forms a part of the farm, all farm uses and activities permitted in the Agricultural District may be carried on such contiguous land, except that any buildings constructed shall conform to the requirements of Residential zoning.

<sup>12</sup> No topsoil shall be removed for purposes of resale from any area zoned Residential nor any open-pit mining for the purposes of extracting sand, gravel or minerals be permitted within two hundred (200) feet of any public road or highway nor within fifty (50) feet of any side or rear lot lines of any adjoining land zoned for Residential use, unless the removal within said restricted areas shall have been first approved by the Board of Appeals. If any open-pit mine or gravel pit has any "attractive nuisance" feature, such as steep banks or deep holes that could be a hazard to the safety of children, it shall be promptly rough graded so as to remove such hazard or hazards. When an open-pit mine or gravel pit has ceased to be worked regularly for a period of one (1) year, it shall be rough graded in such a manner as to restore the land to contours harmonious with those of the surrounding terrain.

<sup>13</sup> Roadside Stands shall be permitted only for the selling of farm products produced upon the premises and these may be located along the highway right-of-way even where same is zoned Residential.

# ARTICLE V — SPECIAL LAND USE PROVISIONS

## SECTION V.2 — KEYHOLING

- 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:~~
- ~~1. To provide a mechanism for protecting the lakeshore and shorelines of the township from physical and visual degradation from overuse and inappropriate use.~~
  - ~~2. 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:**~~
- ~~1. 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, Resort, and Business districts.~~
  - ~~2. 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. North arrow, scale, and date of original submittal, and last revision.~~
    - ~~2. Elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, wetlands, and shorelines.~~
    - ~~3. Proposed location of docks and other shoreline structures.~~
    - ~~4. Location and dimensions of existing and/or proposed parking areas (including indication of all spaces and method of surfacing).~~
    - ~~5. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.~~
    - ~~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; Boat launch facilities shall not be permitted.~~
- D. ~~**Standards:** Common use of a waterfront parcel shall be permitted in the Residential V — Multiple family, 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 non-riparian lot owners or to those residing in dwellings on non-riparian 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.~~
- ~~1.— 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.~~
- ~~2.— 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.~~
- ~~3.— 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.~~
- ~~4.— Boat launch facilities shall not be permitted.~~
- ~~5.— 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.~~
- ~~6.— 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.~~
- ~~7.— 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.~~
- ~~8.— No slippage or mooring rights shall be sold or leased unless otherwise permitted in the district in which the lot is located.~~
- ~~9.— 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.~~
- ~~10.— The Planning Commission shall have the authority to approve, disapprove or approve with conditions the site plan based on the following criteria:
  - ~~1.— The extent of contemplated injury or nuisance (including noise) to owners of riparian, adjacent and nearby parcels.~~
  - ~~1.— 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.~~
  - ~~2.— The impact upon the public's enjoyment of the waterbody or watercourse.~~~~