

## **CHAPTER TEN: FUTURE LAND USE AND ZONING PLAN**

### **INTRODUCTION**

The previous chapters of the Master Plan provide an overview of the existing conditions in Burt Township and surrounding areas. A Future Land Use Plan is representative of the “preferred future” of how the Township desires to grow and the Plan includes recommendations on how development should be implemented. A Future Land Use Plan is based on analyses of environmental opportunities and constraints, existing trends and conditions and projected future land use needs. While developing a Future Land Use/Zoning Plan, the Planning Commission was assigned the difficult task of projecting development within Burt Township, envisioned over the next five to ten years. The Goals and Recommendations presented in the Chapter 10 and principals of sound Land Use Planning are the foundation upon which this Future Land Use Chapter is based. The Future Land Use Plan consists of the text within this chapter as well as the Future Land Use Map for Burt Township.

Future land use planning establishes the desired amounts and locations of residential, commercial, and industrial development; public facilities; open space; environmental conservation and recreational areas; and changes or improvements to the local traffic and road circulation systems. This chapter also presents a Zoning Plan, which along with the relevant parts of the Future Land Use Plan, is intended to guide the implementation and future changes to the Township’s Zoning Ordinance.

The Michigan Zoning Enabling Act (MZEA) Sec. 203 (1) requires that zoning be based on a “Plan.” Similarly, the Michigan Planning Enabling Act (MPEA) Sec. 7 (2), sets forth the purpose for which a Master Plan must be created. In order for a Master Plan to serve as the basis for future zoning, it should promote the purposes in the MZEA and MPEA.

A “Zoning Plan” is another term for a “Zone Plan” which is used in the Michigan Zoning Enabling Act (PA 110 of 2006) and the Michigan Planning Enabling Act (PA 33 of 2008). Section 33(2) (d) of the Michigan Planning Enabling Act requires a Master Plan to include:

“...a Zoning Plan for various Zoning Districts controlling the height, area, bulk, location, and use of buildings and premises. The Zoning Plan shall include an explanation of how the land use categories on the Future Land Use Map relate to the Districts on the Zoning Map.”

A Zoning Plan describes:

- The purpose, general location, and main uses allowed for each existing and proposed zoning district;
- The difference between the land use categories of the Future Land Use Map and those found on the Zoning Map;
- The recommended standards for the schedule of regulations concerning height, bulk, setback, yard, lot size and related features.

- The existing Zoning Map, along with proposed changes, clearly details the circumstances under which those changes should be made.
- Standards or criteria to be used to consider rezonings consistent with the Master Plan.

The relationship between the Master Plan and Zoning Ordinance is often misunderstood. The Master Plan is a guide for Land Use; the Zoning Ordinance regulates the existing land use. The Master Plan is not a binding, legal document however, the Zoning Ordinance by law is an adopted Township ordinance and must be followed by Burt Township residents and anyone intending to develop or do business within the Township. The future land use recommended for an area may be the same as the existing zoning for that area, while in some cases the future land use recommended is different from the existing zoning. The Future Land Use Map does not change the existing zoning district in an area. A property owner must utilize the property as it is currently zoned and according to all of the standards and requirements of the Zoning Ordinance.

The Future Land Use Map reflects the conclusion that land use patterns in Burt Township will continue to be heavily influenced by the Lake Superior shoreline and by the significant portion of Burt Township lands held in public ownership, including the Pictured Rocks National Lakeshore and the Lake Superior State Forest. Other major considerations which help shape the Future Land Use Map are a desire to establish appropriate land uses and densities throughout the Township as well as provide suitable areas for residential uses. Potential updates to the Burt Township Zoning Ordinance are discussed throughout the following sections and necessary changes can be pursued as the need or opportunity presents itself. The Planning Commission's intent is to identify major goals and recommendations they desire to implement and begin to work on the corresponding zoning changes required.

The complete Master Plan, including the Future Land Use and Zoning Plan and Future Land Use Map are tools to be used by the Planning Commission and Township Board during the process of making land use decisions, capital improvement planning and ongoing reevaluation and modification of Burt Township's ordinances. Implementation of the general recommendations in this Plan will take place over time and are contingent upon many factors, including economic conditions, changing trends in development, availability of utilities and services, budget limitations and Township priorities.

### **ZONING DISTRICTS AND ZONING PLAN**

Burt Township is currently divided into fifteen zoning districts. The intent and general purpose for each zoning district listed within the Master Plan have been obtained directly from the Zoning Ordinance. The permitted by right and conditional uses within each zoning district are listed in the specific district regulations of the Burt Township Zoning Ordinance (Article III). A Schedule of Regulations is included for the existing zoning districts.

## **Existing Zoning Classifications**

### **District R-1: Residential One**

Intent: The R-1, Residential One, District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this District. The R-1 District is designed to accommodate residential opportunities for those who are willing to assume the costs of providing their own services, insuring a safe, potable water supply and treatment of wastewater on the same lot.

### **District R-2: Residential Two**

Intent: The R-2, Residential Two, is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings and two-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this District. The R-2 District is designed to accommodate residential opportunities for those who are willing to assume the costs of providing their own services, requiring spacious lots, insuring a safe, potable water supply and treatment of wastewater on the same lot.

### **District Bay**

Intent: This district is intended to protect the fragile eco-system in the coastal area, while at the same time permitting residential and recreational development and limiting other uses that are compatible with the area. Any development in the Bay District must be accomplished in a manner that preserves the qualities found within the Lake Superior coastline as well as protecting the Piping Plover, a listed endangered species.

### **District LS/R: Lakeshore and River**

Intent: The LS/R, Lakeshore/River, District is established and maintained for residential and recreational use to those areas with frontage on inland lakes and the rivers, which because of their natural characteristics and accessibility, are suitable for development and to preserve the visual appearance and accessibility of the water area but still permit development along the shoreline. The lot requirements are intended, among other things, to reduce the spread of fire in the event of conflagration and to provide safe conditions for on-site water supply and on-site sewage disposal.

### **District NR: Fox River Natural River District**

Intent: To preserve, protect and enhance the Fox River environment and to keep it in a natural state for the use and enjoyment of the populace, Burt Township hereby incorporates the adopted "Fox River Natural River Plan" into and as part of its Township Zoning Ordinance.

### **District C-1: Commercial One**

Intent: The C-1, Commercial One, District is established to preserve a district for residential, retail and service establishments, and certain governmental uses that are compatible with a small town setting serving residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents.

**District C-2: Commercial Two**

Intent: The C-2, Commercial Two, District is established to preserve an area for light industrial and commercial establishments along with residential uses.

**District RF: Recreational Forest District**

Intent: This district is designed to promote the proper use, enjoyment and conservation of the forest, water, land, topographic, geologic, historic, and other resources of the Township peculiarly adapted to recreational uses and/or forest industries. To facilitate such uses, certain commercial and other services may be authorized through the Conditional Use permit process.

**District RP: Resource Production**

Intent: The RP, Resource Production, District is established to maintain low density rural areas which because of their rural character and location, accessibility, natural characteristics and the potentially high cost of providing public services for intensive uses are more suitable for a wide range of forestry, agriculture, natural resources and recreational uses.

**District I: Industrial**

Intent: The I, Industrial, District is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, mineral extraction, and other commercial activities which may require larger sites and isolation from many kinds of other land uses and to make provisions for commercial uses necessary to service the immediate needs of an industrial area.

**District SD/TP-IBZ: Seasonal Dwelling/Timber Production - Inland Buffer Zone**

Intent: To establish and maintain for low intensity and seasonal use those areas within the Inland Buffer Zone of the Pictured Rocks National Lakeshore as established by Public Law 89-668, which because of their location, accessibility, soils, and other characteristics are best suited for timber production, seasonal dwelling and outdoor recreational uses.

**District RM-1BZ: Resource Management – Inland Buffer Zone**

Intent: To establish and maintain for low intensity use those areas of the Pictured Rocks National Lakeshore Inland Buffer Zone as established by Public Law 89-668, which because of their location, accessibility, soils, drainage, and other characteristics are suitable for the development of single-family seasonal and year-round residences, for timber management and agricultural purposes, and for outdoor recreational uses.

**District RR-IBZ: Rural Residential - Inland Buffer Zone**

Intent: To establish and maintain a low intensity use rural residential environment for those areas of the Pictured Rocks National Lakeshore Inland Buffer Zone as established by Public Law 89-668, which because of their location, accessibility, soils, drainage, and other characteristics are suitable for the development of single-family, year-round dwellings.

**District SC-IBZ: Seasonal Commercial – Inland Buffer Zone**

Intent: To establish and maintain areas for seasonal commercial uses within the Pictured Rocks National Inland Buffer Zone as established by Public Law 89-668 to service the needs of lakeshore visitors and other tourists in rural areas. Uses should be conceived and planned so that they will not require year-round road access and other services commonly found in more accessible areas. Commercial uses should be limited to those needed to provide necessary services to the lakeshore visitor and so located so as not to detract from the visitor's enjoyment of the lakeshore.

**District PR: Pictured Rocks District**

Intent: This district includes the lands of the shoreline zone of the Pictured Rocks National Lakeshore. The shoreline zone was established by Public Law 89-668 to preserve the scenery and outstanding natural features and "... to provide the benefits of public recreation." It is the intent of the Congress that the National Park Service manage and develop the Pictured Rocks National Lakeshore to protect the area's scenery and natural features and provide for public recreation.

Schedule of Regulations						
District	Minimum Lot Size	Minimum Lot Width (Feet) <sup>A</sup>	Setback			Maximum Height (Feet)
			Front	Side	Rear	
R-1	20,000 sq. ft.	100	30 <sup>B</sup>	10 <sup>B</sup>	35 <sup>C</sup>	30 <sup>D</sup>
R-2	20,000 sq. ft.	100	30	30 <sup>B</sup>	30 <sup>C</sup>	30
Bay	20,000 sq. ft.	100	30	30 <sup>B</sup>	30 <sup>C</sup>	30 <sup>D</sup>
LS/R	30,625 sq. ft.	175	75 (lakeside)	25	30	30
NR <sup>H</sup>	5 acres	330	100 <sup>G</sup>	30	30	30
C-1	20,000 sq. ft.	100	30	30	30	30
C-2	20,000 sq. ft.	100	30	30	30	30
RF	10 acres	300	40	30	30	30
RP	10 acres	300	40	30	30	30
I	1 acre	150	40	<sup>E</sup>	30	<sup>F</sup>
SD/TP-IBZ	20 acres	660	150	50	50	30
RM-IBZ	10 acres	330	100	50	50	30
RR-IBZ	2 acres	200	50	30	30	30
SC-IBZ	10 acres	330	200	50	50	30
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**Footnotes to the Table**

- A Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
- B. An accessory building or structure may be located 6 feet from a side lot line.
- C. An accessory building or structure in the R-1, R-2 and Bay Districts may be located twenty (20) feet from a rear lot line.
- D. An accessory building or structure shall not exceed eighteen (18) feet in height.

- E. All structures shall be provided with access to their rear yard, with a minimum of thirty (30) feet clear and unobstructed access way or easement. Setbacks from the existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits; and 10 feet for parking areas.
  - F. Height at any point on a structure shall not exceed the horizontal distance to any lot line.
  - G. The front setback is measured from the Ordinary High Water Mark.
  - H. All structures must be setback at least 50 feet from the top of a bluff and outside of the floodplain.
  - I. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to the 20 acre minimum lot size requirement.
  - J. The minimum landscaped open space ratio shall be twenty-five (25) percent in the C-1 District.
  - K. Customary accessory buildings or structures shall be at least located thirty (30) feet from the rear lot line and waterfront. Rear setback for parcels not abutting water courses shall be thirty (30) feet for all structures.
- (B) Waterfront Development
- 1. Setbacks from Inland Waters and Rivers - All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 75 feet as measured from the high water mark or lot line. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of 30 feet as measured from the high water mark or lot line.
  - 2. Setbacks from Lake Superior Water - All structures on lots located within Erosion Control Districts shall be subject to the setbacks from the bluffline of Lake Superior as indicated in Section 402.
  - 3. Shore and Bank Area Alterations - The part of that setback which lies within 30 feet of the water edge shall be maintained in its natural condition. Trees and shrubs in a space 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 75 square feet of area thereof in wooded areas or sufficient natural ground cover in open areas. There shall be no commercial timber harvesting within 75 feet of the water edge.
  - 4. Limitation of "Funnel Development" - Any development in any zoning district which shares a common lake front or stream area may not permit more than one (1) single family home, cottage, condominium or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lake-front or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to an official public access site.
- (C) Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 63 feet from the centerline of the roadway.

**THE RELATIONSHIP BETWEEN ZONING AND THE FUTURE LAND USE PLAN**

The Future Land Use Map is not the same as the Zoning Map, either in the legal sense or in its purpose. A land use map is a graphic representation of how land is physically being used. The future land use map is general in nature and is an official description of where and to what level future zoning should be permitted. The zoning map is a graphic representation of the boundaries for which zoning regulations have been adopted by Burt Township. The Future Land Use Map is based upon Burt Township’s desire to encourage responsible and sustainable growth that is sensitive to the natural environment and meets the needs of current and future residents.

The Future Land Use Map, along with its associated descriptions for future land use classifications make up the Future Land Use Plan. The Future Land Use Map identifies general locations for various land uses as envisioned by the Planning Commission and should serve as a guide for making decisions on the rezoning of land. The district boundaries indicated on the Future Land Use Map are not intended to indicate exact size, shape or dimension. Additionally, the Future Land Use Map does not necessarily imply that rezoning is forthcoming; rather, the recommendations set a long-range planning goal. However, the Planning Commission and Township Board should consider the map to be one of many tools available to help them in making land use recommendations and decisions. The information contained on the map should be complemented by site-specific information as considered necessary by Township officials.

<b>FUTURE LAND USE CLASSIFICATIONS AND ASSOCIATED ZONING DISTRICTS</b>	
<b><u>FUTURE LAND USE CLASSIFICATION</u></b>	<b><u>ZONING DISTRICTS</u></b>
	R-1
	R-2
	Bay
	LS/R
	NR <sup>H</sup>
	C-1
	C-2
	RF
	RP
	I
	SD/TP-IBZ
	RM-IBZ
	RR-IBZ
	SC-IBZ
	PR

## **COMMERCIAL DEVELOPMENT**

## **INDUSTRIAL DEVELOPMENT**

## **RESIDENTIAL DEVELOPMENT**

## **RECREATIONAL DEVELOPMENT**

Burt Township developed an updated five year Recreation Plan in 2008. For the Township to be eligible to apply for MDNR Recreation Grants, including Trust Fund, Land and Water Conservation and Recreation Passport grants, the Township will need to update the Plan and submit it to the MDNR for approval. The Recreation Planning Committee has developed goals for future projects including: accessibility to insure that recreation facilities and sites are available to as much of the populations as possible and that handicap accessibility is available where applicable; sustainability to maintain a balance of growth without negatively impacting the natural and historic resources of the Township; and small community environment to maintain the small-town character of the community of Grand Marais.

Several projects were listed in the 2008 Recreation Plan Development Schedule. One major project, the reconstruction of the break wall in Grand Marais Bay was completed in September 2012 after several years of pursuing funding and support for the project. The US Army Corps of Engineers will complete the reconstruction of 300 feet of its existing breakwater in 2012 as well. The long-awaited reconstruction of the break walls will serve to protect the harbor from the harsh waters of Lake Superior.

Additional projects that Burt Township would like to complete to enhance and improve recreational opportunities include: the addition of fish cleaning stations to the marina/Woodland Park; improve the road to Agate Beach along with signage and paint for bike path improvements; improve Ellen Street to Cemetery Road to accommodate safe bicycle and pedestrian traffic; construct a Harbor Master building, public restrooms and shower at the marina; update flooding, recreation center doors, roof and the exterior access to the fitness center for handicap accessibility at the Community Center; add bleacher-style seating on the hill for events at the Bayshore Park amphitheater, various improvements at Woodland Park including electric, water renovations, playground equipment, wireless computer access, new ball diamond bleachers, tennis court resurfacing and other general improvements.

## **ALTERNATIVE ENERGY RESOURCES**

Burt Township recognizes the importance of alternative energy resources. To the greatest extent possible, zoning performance standards for developing alternative energy resources will be based on the protection of single family dwellings from noise and vibration issues. Regulations regarding alternative energy sources will continue to be reviewed by Township officials and incorporated into the Zoning Ordinance as appropriate.

Wind energy is an emerging technology that will require the Township to consider updates to the zoning ordinance. Regulations should be added for small and large scale wind turbines.



Small wind generators that serve private homes, farms or small businesses and turbines up to a maximum height may be permitted for single family dwellings; however, minimum lot sizes will be required. Zoning definitions will need to be added and updated, as the types of turbines will differ by use, height or capacity. Regulations for anemometers (meteorological or MET towers) will also be included; a site plan will be required. Appropriate development standards will be created and adopted for each type of wind energy facility.

### **POTENTIAL ZONING ORDINANCE UPDATES**

As discussed throughout the Master Plan, Zoning must be based on a Plan. The Zoning Plan is the guide for all zoning decisions. The main purpose of zoning is to improve the health, safety, and welfare of the population and to direct land use towards implementation of the Master Plan. Through land use planning and land use controls, including zoning, Burt Township intends to allow for reasonable growth to be accommodated with minimal land use conflicts or negative environmental impacts, while allowing for the continuation of existing industrial, commercial, residential and recreational uses.

Potential Zoning Ordinance amendments include:

- Update entire Zoning Ordinance to comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- Include Access Management regulations.
- Review and update definitions.
- Include regulations to accommodate new trends in land use and zoning, including but not limited to:
  - Outdoor Wood Burners
  - Wind Energy
  - Solar Energy
- Update all administrative procedures and standards.
- Update the Zoning Map.
- Review and strengthen the language listed for the intent for each zoning district.

### **CONCLUSION**

Planning is intended to guide the forces of change in ways that encourage desirable outcomes while striking an appropriate balance with development and preservation. Consideration for review of the Master Plan will occur on an annual basis and amending the Plan every five (5) years as necessary, will maintain its use as a reliable planning tool. Michigan law states that the Master Plan shall be reviewed at least every five years to determine if updating is necessary.

As the creators and most frequent users of this document, the Planning Commission is the authority responsible for reviewing the recommendations and progress of this Master Plan. An outdated Plan that is not consistently reviewed will diminish the decision making process. Therefore, the Planning Commission should conduct an annual review of the Master Plan and suggest additions and amendments as deemed appropriate.

Suggested amendments and considerations for annual review:

- Delete Goals and Recommendations that have been accomplished and add new recommendations as needs and desires arise.
- Modify the Future Land Use Map to reflect any zoning decisions that have changed the direction of development in the township.
- Update demographic information whenever Census data is available.

This Master Plan represents over a year of effort by the Planning Commission, township staff and residents. Development of the Master Plan involved collection and analysis of data on population, housing, land use, transportation, infrastructure and socioeconomic conditions. The Master Plan sets forth recommendations and this Plan will only be as successful if the implementation measures are taken to achieve the vision set forth in the previous chapters.