

Upper Peninsula Forestry Changes: Overview of Local Regulatory Capacity

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Overview

Planning and development tools are a vital ingredient for ensuring a bright economic and cultural outlook for the people and industries of Michigan's Upper Peninsula. As the world, the state and the region undergo dramatic and sometimes daunting transformations, communities must be more proactive and strategic in the allocation of land, people and resources to create a clear vision that will invite business, keep and attracts young people, and foster entrepreneurialism and a high quality of life for the U.P.

Above all, planning and development policies help ensure the wise and responsible use of valuable resources. In Michigan's Upper Peninsula, those resources are many: the magnificent water-based assets such as the shorelines of Lake Superior and Lake Michigan and Hemingway's trout streams, to the thousands of "wildland" acres of forests and wetlands, and great historical downtowns of the mining and forestry era.

These are the unique assets that make Michigan's Upper Peninsula unlike anywhere else in the country or the world. The UP's unique resources will not likely survive a massive transition in economy and land use without thoughtful and dedicated protection and a managed growth strategy. This is particularly true in the UP unfenced forestlands, where so many of the amenities and assets that make it unique are land-based. These vast public and private timberlands shape the character and personality of the UP, but are subject to the whims of industrial, residential and commercial transformation and unplanned development. Planning and zoning tools provide the most direct way to shape the impact of growth and development of the communities and landscapes of the UP.

Regulation of land use and development

Owners of private property are ensured certain rights to their land. However, the fundamental principals of land use regulation through governmental statutes have been established and supported in the U.S. since the country's earliest settlement. Essentially, the premise that the public has a role to play in the management of both public and private land to ensure the health, safety and welfare of the populace and the integrity of public resources such as water quality provide adequate legal basis for the governmental regulation of land development.

The way that public and private land is allocated and used, how communities grow and develop, and expenditures for public infrastructure (roads, water, sewer) largely define the future growth and viability of our towns, land-based industries (forestry, farming, etc.), our transportation systems, and economic viability. The U.S. government and state and local governments have long recognized the public has a vested interest in these arenas. The laws governing land use and community development, such as land use zoning, planning, infrastructure allocation and environmental protection represent the host of public policy tools that play a vital role in shaping the future growth and character of our landscapes.

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Land use regulation occurs through a variety of local, county, state, and federal statutes. According to a report prepared for the Tri-County Regional Planning Commission (TCRPC 2002), the most common types of land use and development regulation in Michigan involve:

- Land use planning and development laws (e.g., local and county planning and zoning enabling laws);
- Natural resources and environmental protection laws (e.g., wetland and floodplain laws);
- Infrastructure programs (e.g., water supply and sewer system laws); and
- Housing and economic development tools (e.g., brownfield redevelopment law).

Each of these packages plays a significant role in shaping the future land uses, municipal growth and overall destiny and character of communities. The State of Michigan has articulated the role of state and local governments in each of these areas through state laws and guidance documents, and each area of emphasis provides specific tools and strategies for influencing land use uses in the future. The area of particular interest to the future integrity of the forest land base in Michigan's Upper Peninsula is planning and zoning capacity.

A general assessment of the planning and zoning capacity of local and state government provides a look at the UP's potential future, because "the comprehensive plan provides 'a tangible representation of what a community wants to be in the future.'"¹ While infrastructure decisions, economic development tools and housing strategies play critical roles in shaping the future of the U.P., they are largely outside the scope of this project. Additionally, the implications of different land use scenarios on the infrastructure needs, associated costs and affordable housing allocations are well documented.²

This section of the report is an attempt to document, in a qualitative way, the general status and capacity of planning and zoning in the Upper Peninsula. As such, it relies heavily on survey collection work that completed by various academic and professional organizations.

Planning and Zoning Capacity in Michigan

Zoning was the first form of direct land use regulation to be authorized in Michigan, and drew from the experience of national trends toward designating and segregating uses (particularly in cities heavily impacted by overpopulation and industry) into "zones" reserved for specific purposes, such as residential development or industrial use. A U.S. Supreme Court decision in 1926 established the legality of zoning and it has been in widespread use across the country ever since.

In addition to segregating incompatible uses, zoning is also commonly used to control physical development on specific property through the use of ordinances. For instance, zoning can be used to address issues of building heights, property setbacks, lot size or other related construction issues. Planning generally provides the vision for the community, while the zoning ordinances provide the enforceable implementation of that vision.

Currently in Michigan, approximately 1,857 local units of government (272 cities, 261 villages, 1,241 townships, and 83 counties) have direct land use planning and zoning authority, through a myriad of local issues, powers and strategies make the land use arena a complicated one to grasp. In addition, each level of government (villages and cities, townships, counties) is governed under slightly different local structure: planning commission, zoning boards of appeal, etc.

Most roles within this structure are undertaken by volunteers elected or appointed to offices. Rarely is a professional background in planning or zoning a prerequisite for appointment, and such requirements. Many of these volunteers are supported by paid professional staff, but this is rarely the case in smaller rural areas such as the Upper Peninsula.

As a “home-rule” state, development and implementation of land use regulations are housed in the smallest unit of government with applicable authority, meaning that land use planning and zoning is close to the people and capable of great innovation and responsiveness, but also limited by lack of resources and an inability to effectively coordinate decision-making across narrowly defined municipal boundaries.

Research Procedures

No comprehensive dataset exists regarding the status of the 1,857 units of government in Michigan with planning or zoning authority, nor has any comprehensive attempt been made to keep such data within the state government since the 1970s.

In order to develop a representative sample of the capacity of planning and zoning to influence land use changes in the U.P., staff and volunteers with the Michigan Environmental Council. From these sources of information, MEC developed conclusions regarding threats, opportunities and innovative tools for planning and zoning for resource protection in the UP.

1. Compiled findings from previous surveys and summaries of specific zoning ordinances collected through direct with local planning and zoning representatives in the UP, relying particularly on “The Michigan Local Planning and Zoning Survey 2003,” conducted by MSU’s Institute for Public Policy and Social Research (IPPSR). This comprehensive attempt to collect information about local government planning capacity was conducted via mail and phone surveys between March 3 and September 30 of 2003, and updated in 2004. (The original survey document can be found online at www.ippsr.msu.edu/PPIE/LandUse/Resources.htm).³
2. A set of focus groups were completed by MSU Extension staff in Fall 2004., engaging seven to 13 participants were conducted in southwestern Michigan, southeastern Michigan, northern lower Michigan and the Upper Peninsula. Focus group participants were paid \$50 for their involvement in a 90-minute session. They represented a mix of land use planning experience, from those who had just been appointed to a planning commission or zoning board of appeals to those who had served on such commissions or boards for up to 20 years.⁴
3. MEC staff and volunteers collected and reviewed the contents of a representative selection of planning documents and zoning ordinances in the UP. This included phone calls and interviews with many of the staff and volunteers in the UP and a review of documents made available online or in hardcopy. Staff attempted to contact all 117 local governments that reported having planning or zoning documents in the IPPSR study. Primary calls were made on July 25, 2006. Secondary attempts were attempted on July 27, 2006, and follow up contact was attempted August through October of 2006. MEC staff was able to communicate with 62 of the 117 respondents. 25 zoning ordinances were available online, and information on an additional 15 was acquired by examining hard copies or through direct interviews with planning commissioners or staff. The range of detail and consistency in the information collected makes quantitative analysis impossible, though representative information and anecdotal information was summarized and qualitative findings regarding planning and zoning trends in the UP were made.

Current status of planning and zoning in U.P.

MEC’s initial findings parallel those of the IPPSR research team: first, that the large number of local governments in the state (1,857) and in the Upper Peninsula (206) makes collecting and analyzing information about planning and zoning capacity very difficult. Second, procedures and communication systems within local government are not consistent, leading to further

complications in data collection. “Quite often communities were not aware of who was in charge of planning and zoning, or even whether or not the community had zoning in place,” said the IPPSR team. “This led to some miscommunications. For instance, in a number of cases, several surveys were returned by different people for the same community, but with different information provided.”⁵

The experience of MEC’s research team was similar, with queries sometimes referred to three or four different clerks, supervisors and commissioners without finding access to the relevant documentation or information.

The Upper Peninsula is comprised of 206 different local governments. According to MSU’s 2003/2004 IPPSR survey, 117 of the 206 UP local governments (56.7%) have their own zoning ordinances, including villages/cities, townships, and counties. An additional 28 governments without their own zoning ordinance are subject to county zoning (for a total of 70%). Overall, a lower percentage of local governments have plans and ordinances in the UP compared to other regions of the state. See Fig. 1.

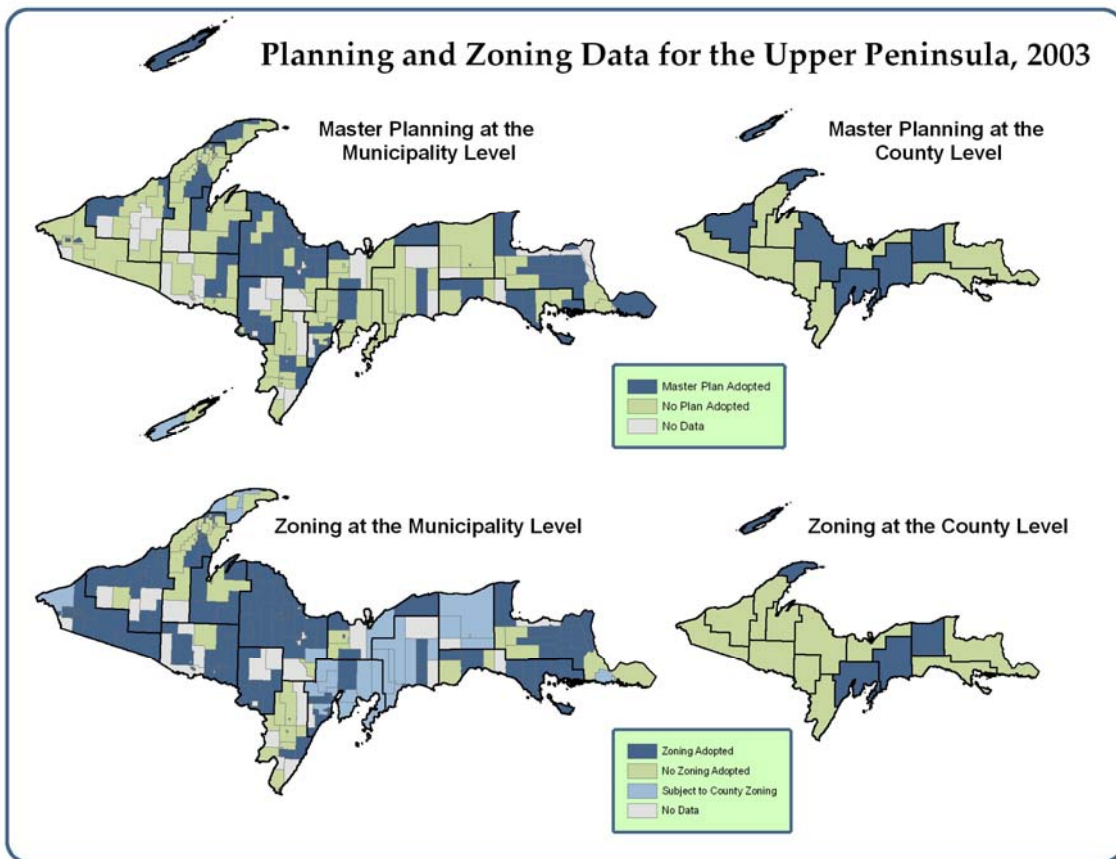


Fig. 1. Planning and Zoning Data for the Upper Peninsula, 2003. Source: McGrain, Brian. “To Plan or Not to Plan: Current Activity within Michigan’s Local Governments.” Institute for Public Policy and Social Research. Policy Brief, Volume 8, January 2004.

FINDINGS

Finding 1. Levels of experience and knowledge with regard to planning duties and responsibilities varies widely, but is often lower in rural areas such as the UP. As with the

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IPPSR study, MEC encountered substantial difficulty in locating the appropriate representative of each local government entity. Some were not aware if they had planning or zoning documents at all, and the level of relevant knowledge varied widely. Very few of the representatives of each municipality knew if the ordinances were available at a local library or where they could be reviewed by the public.

The response rates to the IPPSR study were lower in the UP than in other parts of the state, possibly indicating reduced staffing levels and capacity at the local level compared to other parts of the state. Anecdotal evidence supports this, as many of the phone calls to offices in the UP indicated that planning and zoning offices were only open on a part-time basis (one day a week or sometimes only one half-day per week), automated answering systems were often not available, and many calls were directed or redirected to the homes of individuals handling planning and zoning matters on a volunteer or part-time basis.

Another study completed by MSU in 2002 showed the numbers of planning and zoning officials attending trainings was lower than average.⁶ However, the same study shows that a higher percentage of UP planning officials are willing to attend training (69.6%) than in other parts of the state (compared to the North 61.5%, West Central 52.4%,m East Central 51.3%, Southwest 62.3%, Southeast 55.4%)

Trainings attended by region						
Region	Trainings				Mean	SD
	0	1-5	6-10	11 or more		
U.P.	4	30	8	0	3.07	2.86
North	2	41	21	4	5.31	4.7
West Central	0	41	13	15	7.86	8.42
East Central	3	41	12	6	5.52	5.19
Southwest	3	48	6	4	3.89	3.24
Southeast	1	38	17	9	7.75	9.86
Total	13	239	77	38	5.76	6.66

Source: McGrain, Brian. "To Plan or Not to Plan: Current Activity within Michigan's Local Governments." Institute for Public Policy and Social Research. Policy Brief, Volume 8, January 2004.

Anecdotal evidence supports these conclusions, as reflected in the words of a Marquette focus group participant who stated: "When I started, I had no idea what my responsibilities were. Do you vote your heart or how? I think that is important to know if you are going to get on the commission. You have to have a background to know what you are there for."

Finding 2. UP communities have substantially fewer master planning documents in place compared to other areas of the state. The IPPSR study suggest only 45% of communities in the UP have master plans, compared to 96% in Southeast Michigan, 81% in Southwest Michigan, 75% in East-Central and 71% in West-Central Michigan, and 58% in the Northern Lower Peninsula.

Finding 3. UP communities are less likely to have zoning ordinances in place than other regions of the state. According to IPPSR, only 59% of UP communities have zoning ordinances, compared to 95% in Southeast Michigan, 81% in Southwest Michigan, 79% in East-Central

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Michigan and 72% in West-Central Michigan. The Northern Lower Peninsula and the Upper Peninsula have identical rates of 59%.

Finding 4. The use of Geographic Information Systems is lower in smaller population areas, including the UP. IPPSR finds that the Upper Peninsula has a rate of GIS usage of 18-19% in its local governments. This is compared to a usage rate of 42% in Southeast Michigan area, a comparable rate of 18-19% in the East-Central region, and approximately 30% in other regions.

Township Planning and Zoning In Michigan's Upper Peninsula

Based on IPPSR Survey 2003/2004

County	Total Townships	Townships with Master Plan	Townships with Zoning	Townships under County Zoning
Alger County	8	3	7	0
Baraga County	5	2	4	0
Chippewa County	16	10	10	0
Delta County	14	3	4	10
Dickinson County	7	4	7	0
Gogebic County	6	0	5	0
Houghton County	15	4	4	0
Iron County	7	2	4	0
Keweenaw County	6	3	0	6
Luce County	4	0	0	0
Mackinac County	11	6	8	0
Marquette County	19	14	17	0
Menominee County	14	2	6	0
Ontonagon County	11	3	7	0
Schoolcraft County	1	0	0	0
Totals	144	56	83	16

Source: McGrain, Brian. "To Plan or Not to Plan: Current Activity within Michigan's Local Governments." Institute for Public Policy and Social Research. Policy Brief, Volume 8, January 2004.

Village/City Planning and Zoning In Michigan's Upper Peninsula

Based on IPPSR Survey 2003/2004

County	Total Incorporated Villages/cities	Villages/Cities with Master Plan	Villages/Cities with Zoning	Villages/Cities under County Zoning
Alger County	2	1	2	0
Baraga County	2	1	1	0
Chippewa County	2	2	2	0
Delta County	3	2	3	1
Dickinson County	3	2	3	0
Gogebic County	3	2	2	0
Houghton County	6	2	3	0
Iron County	5	0	4	0
Keweenaw County	1	1	0	1
Luce County	1	0	0	0
Mackinac County	2	2	2	0
Marquette County	3	3	3	0
Menominee County	5	1	3	0
Ontonagon County	1	1	1	0
Schoolcraft County	8	1	1	0
Totals	47	21	30	2

Source: McGrain, Brian. "To Plan or Not to Plan: Current Activity within Michigan's Local Governments." Institute for Public Policy and Social Research. Policy Brief, Volume 8, January 2004.

Content of plans and ordinances

The IPPSR study also reveals a clear difference in the complexity and specificity of planning and zoning documents in the UP compared to those in the rest of the state. This is true of nearly every category of zoning ordinance addressed by the IPPSR study, as seen below. For example, specific environmental and resource production ordinances that could be very prominent in the UKP, such as woodland production, wetland protection and shoreline development ordinances, show up far less frequently on a percentage basis in the UP, suggesting that UP municipalities use these ordinances much less often than their downstate counterparts, despite their clear relevance to the region.

Other ordinances useful for the management of growth and development (access regulation, traditional neighborhood design, capital improvement plans, etc.) would not be expected to be used as frequently in the UP because of its largely rural character. As expected, these categories are used very frequently in the UP compared to the rest of the state.

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The only category in which the UP had a higher percentage of municipalities responding Yes on a question about their ordinances was the presence of Shoreline Protection ordinances. The result, a near tie at 15% and 14% respectively, is not particularly reassuring, given the higher percentage of UP municipalities with shoreline areas within their jurisdiction compared to Michigan as a whole.

Contents of Planning and Zoning Documents in the Upper Peninsula		
IPPSR Question	Number of UP Municipalities Responding Yes	Number of Total Michigan Municipalities Responding Yes
Does your zoning ordinance include Shoreline Protection?	31 (15.0%)	192 (14.1%)
Does your zoning ordinance include Access Regulations?	19 (9.2%)	374 (27.5%)
Does your zoning ordinance include Environmental Area Regs.?	8 (3.9%)	136 (10.0%)
Does your zoning ordinance include Cluster Development regulations (at least 50% open space)?	21 (10.2%)	493 (36.2%)
Does your zoning ordinance include Wetland Regulations?	20 (9.7%)	255 (18.7%)
Does your zoning ordinance include Woodlands Regulations?	19 (9.2%)	125 (9.2%)
Does your zoning ordinance include Lot Splits Regulations?	52 (25.2%)	786 (57.8%)
Does your zoning ordinance include Private Road Regulations?	20 (9.7%)	597 (43.9%)
Does your zoning ordinance include Purchase of Development Rights?	1 (0.04%)	47 (3.5%)
Does your zoning ordinance include Transfer of Development Rights?	2 (0.1%)	38 (2.8%)
Does your zoning ordinance include Subdivision Regulations?	38 (18.4%)	593 (43.6%)
Has your community adopted a Capital Improvement Program?	21 (10.2%)	266 (20.8%)
Does your community charge applicants for the full cost of review of development proposals?	27 (13.1%)	635 (51.3%)
Does your community work closely with other neighboring units of government (counties, cities, villages, townships) to plan for land use, growth and development?	62 (30.1%)	833 (64.8%)
Does your zoning ordinance include Traditional Neighborhood Development/Form-Based Zoning?	19 (9.2%)	295 (21.7%)
Does your zoning ordinance include Farm Land Protection Regulations?	18 (8.7%)	221 (16.2%)
Does your zoning ordinance include Growth Management Ordinances?	2 (0.1%)	80 (5.9%)
<i>Source: McGrain, Brian. "To Plan or Not to Plan: Current Activity within Michigan's Local Governments." Institute for Public Policy and Social Research. Policy Brief, Volume 8, January 2004.</i>		

Sample Ordinances

A sampling of the specific zoning ordinances in use in the UP demonstrate a wide variety of strategies and approaches to planning for community growth and resource protection. MEC staff examined in greater detail 15 of the zoning ordinances in use today in the UP, looking specifically at issues such as minimum residential lot size, setbacks and access strategies for water resources and roadways, and resource production districts for timber management and farming. The sampling of various residential, mixed residential/resource, and resource protection designations reveals varying minimum lot sizes and setback requirements.

Of the relatively small number of municipalities using zoning ordinances in the UP, an even smaller number utilized growth management or resource protection strategies. The examples below highlight the different strategies some municipalities have taken.

Please note that the following samples are taken from a variety of ordinances throughout the UP, and therefore contain provisions that may appear redundant or contradictory at first glance; they are provided only to provide a broad overview of the types of zoning ordinances in use. The full summary of ordinances with their associated township affiliation is available in Appendix A.

Mixed Residential/Resource Zoning

The majority of mixed residential/resource zones examined had smaller minimum lot sizes than zones intended for pure resource (timber, farmland) production and/or protection. Again, it is important to note that while these and similar designations do appear in the zoning ordinances examined, they represent a broad range of very localized strategies and tools, and most UP municipalities likely do not utilize these types of tools at all:

RR Rural Residential (1)

Min. Lot size: 1 acre

Intent: To establish and maintain an alternative residential environment in accessible rural areas

R-3 Rural Residential (2)

Min. Lot size: 2 acres

Intent: The purpose of the R-3, Rural Residential District is intended as a district primarily for single-family homes on large lots.

RR-2 Rural Residential Two (3)

Min. Lot size: 5 acres

Intent: The RR-2, Rural Residential Two, District is established to protect and generally preserve the existing character and use of areas of the Charter Township of Breitung, which are presently rural or agriculture. Soil and natural conditions vary throughout this District, including woodlots and farms. These areas are considered to be suitable for scattered, rural residential development, and the perpetuation of existing farms and other low intensity land uses on parcels of at least five acres.

RAF (Recreational, Agricultural, Forestry)

Min Lot size: 15,000 sq w/ sewer, 25,000 w/o sewer

Intent: These districts are 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 and agricultural uses and/or forest industries.

CE Country Estate

Min. Lot size: 5 acres, setback from high-water 75 feet

Intent: The Country Estate District (CE) is established to provide for large lot single-family residential development. The purpose of these areas is to provide for a recommended minimum of five (5) acre lots, and to preserve the rural-open character of the community. Cluster development through open space design is both promoted and encouraged in these areas provided at least fifty (50) percent of the site is permanently retained as open space.

AG/R Agricultural/Residential District.

Min. Lot size: Not less than one (1) acre in area nor less than one hundred and fifty (150) feet in width.

Intent: Agricultural/Residential Districts are those areas of the Township where farming, agriculture, dairying, forestry operations, other rural-type activities, and general residential uses

are encouraged. The preservation of land in its natural state is also encouraged in Agricultural/Residential Districts.

AR Agriculture Residential

Min. Lot Area 5 acres. Minimum Frontage at the road frontage and at the water frontage: 330 feet

Intent: This District is intended to primarily conserve and protect lands determined suitable for agricultural and forestry resource use, and recreational activities which are dependent on large parcels of land. The District shall also accommodate very low density residential development and other uses generally associated with resource-based recreational uses. This district will also permit agricultural uses to help foster the rural economy and rural character of the Township.

Resource Production and Protection

While relatively uncommon in Michigan as a whole, zones intended solely for resource production/protection appear relatively frequently within the 15 zoning ordinances reviewed. However, the vast majority of these areas include by-right the development of single family dwellings at a range of explicitly dictated minimum lot sizes, or through special use caveats for residential use. Again, it is important to note that while these and similar designations do appear in the zoning ordinances examined, they represent a broad range of very localized strategies and tools, and most UP municipalities likely do not utilize these types of tools at all:

CF Commercial Forestland District

Min. Lot size: 40 acres "quarter-quarter." Minimum lot width at the road frontage and at the water frontage: 1,320 feet

Intent: This district is established to maintain lands that are valuable for commercial timber production. These lands are protected from land divisions and development levels that would render them unsuitable for timber production. Some limited, very low density rural development will be permitted without further dividing and jeopardizing the viability of timber lands.

TR Timber Resource

Min Lot size: 40 acres

Intent: The Timber Resource District (TR) is created to identify and provide for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage the economic growing and harvesting of timber and to protect compatible recreational opportunities. The primary purpose of these areas is to protect and encourage the economic, sustainable growing and harvesting of timber and related recreation by protecting large blocks of contiguous forestland. The Comprehensive Plan encourages private property currently listed under the Commercial Forest Act (CFA) and private interior lands zoned CD-EP in the 1975 Ordinance will be included in the new TR or CEP Districts in this Ordinance as appropriate. Camps, tents, yurts and organized camps could be considered compatible within these areas, but small lots and permanent residential occupancy are discouraged.

FR Forestry Recreational District. (1)

Min. Lot size: 10 acres, though single family dwellings may be erected on 15,000 sq. ft. following the requirements of the R-1 District. On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of the R-1 District, and provided adequate yard area is provided should a lot split occur in the future

Intent: This district is intended to promote the proper use, enjoyment and conservation of the water, land, topographic and natural resources of the Township particularly adapted in general to recreational and forest uses.

RF Recreational Forest District (2)

Min. Lot size: 10 acres

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

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adapted to recreational uses and/or forest industries. To facilitate such uses, certain commercial and other services may be authorized through the Conditional User permit process.

RP Resource Production

Min. Lot size: 10 acres

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.

RC Recreational Commercial

Min. Lot size: 5 Acres

Intent: The purpose of the provisions of this district is to reserve specific areas for recreational use, whether privately owned or publicly owned, whether commercial in nature or free for public use.

RL Recreation Lands District

Min. Lot size: 40 acres single-family detached dwellings; All other permitted uses shall require a minimum parcel size of 80 acres.

Intent: The Recreation Lands District is intended to acknowledge and preserve the extensive natural and environmentally sensitive properties that presently exist within the Township and are critical in establishing and maintaining the overall character of Moran Township and its economic well being. As a result of the critical role these properties play in providing wildlife habitats, controlling surface runoff, protecting groundwater quality and quantity, providing recreational opportunities and a visual landscape unique to only few areas across the nation, these lands are intended to remain in their present state with minimal disturbance and very low residential densities. Improved infrastructure and public services should not occur in these areas. The vast majority of this land is expected to be publicly owned. This designation is intended to implement the goals and policies of the Moran Township Master Plan and provides a zoning district that corresponds to the development guidelines of the Forest/Recreation land use classification.

SR Scenic Resource District

Min. Lot size: 5 acres. (On county primary road minimum parcel size may be reduced to 1 acre minimum, width of 150 feet)

Intent: The Scenic Resource District is established to preserve, promote and enhance the scenic qualities of selected thoroughfares in Marquette Township and to provide a low density area for residential, selected retail and service establishments that are compatible with a small town setting serving residents and tourists.

SP Scenic Preservation

Min. Lot size: 10 acres

Intent: The SP, Scenic Preservation, District is established to preserve and maintain the natural characteristics within the Fumee Lake watershed boundaries. Because this undeveloped and unique area contains a number of threatened or endangered plant and animal species, the area needs to be preserved to the greatest extent possible and only developed for extremely low density and passive type uses. Special consideration needs to be given to maintain a natural buffer or strip of land along the edges of both Fumee Lake and Little Fumee Lake to protect this valuable and fragile resource.

Water Resources and Roadways

The use of waterfront zoning, setbacks, access restrictions and other strategies aimed to protect specific community resources was relatively common in the 15 ordinances examined, likely due to the recognition that these scenic and environmental resources play a significant role in the economic and social fabric of the UP communities in which they are used. Again, it is important to note that while these and similar designations do appear in the zoning ordinances examined, they

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represent a broad range of very localized strategies and tools, and most UP municipalities likely do not utilize these types of tools at all:

LS/R: Lakeshore/River (1)

Min. Lot size: 20,000 sq. ft.

Intent: This district is intended to establish and maintain for residential and recreational use those areas with frontage on inland lake and rivers, which because of their natural characteristics and accessibility are suitable for development.

LS/R Lakeshore and River (2)

Min. Lot size: 30,625 sq. ft.

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.

LS/R Lakeshore and River (3)

Min. Lot size: 30,000 sq ft

Intent: The LS/R, Lake Shore and River, District is established to preserve for residential and recreational uses those areas with frontage on inland lakes and rivers which because of existing development, natural characteristics, and accessibility are suitable for development.

R-3 Lakeshore/River Residential (4)

Min. Lot size: 43,560 sq. ft.

Intent: The R-3 Lakeshore/River Residential District is intended to establish and maintain for residential and recreational use those areas with frontage on or in proximity to inland lakes and rivers which because of their natural characteristics and accessibility, are suitable for development. The district will permit development along the shoreline but takes into consideration the visual appearance and accessibility to the water resource. The lot requirements are intended among other things to provide adequate conditions for safety in water supplies and in sewage disposal, and to reduce the spread of fire in the event of a conflagration.

L-I Undeveloped Lakes

Min. Lot size: 350 feet lake frontage, no building within a 200-foot horizontal plane of the high water mark. 100-foot green belt from high water mark (full width of lot). General access road a minimum distance of 300 feet from lake shore.

Intent: The lakes included in the Undeveloped Lakes District are as follows: Tepee, Mitizwaki, Homan, and Ottawa. The district shall consist of all that property which is within three hundred (300') feet of the high water mark of said lakes. The purpose of this district is to preserve undeveloped lakes and to maintain natural shorelines and the natural characteristics of adjacent property.

PCG Primary Coastal Growth District

Min. Lot size: 1 acre

Intent: The PCG Primary Coastal Growth District is established to provide opportunities for land development along certain areas of the Township's Lake Michigan shoreline in a manner that allows for increased land use density. The PCG District is currently characterized by increased residential densities than what is typically found throughout much of the Township and, given the powerful pressure which can exist toward lakefront property development, this District is to respond to current conditions as well as provide appropriate regulations for the continued use of these lands in similar fashion. As this District is currently void of public sewer and water services and encompasses sensitive and aesthetic environmental features important to the overall well

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being of the community, the intent of this District is to provide for higher density coastal development without sacrificing the health, safety, and welfare of Township residents and visitors and maintaining minimum standards for the continuance of the area's overall natural character.

GLS Great Lakes Shoreland

Min. Lot size: 20,000 sq. ft.

Intent: This district is intended to protect the fragile ecosystem 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 Great Lakes Shoreland District must be accomplished in a manner that preserves the qualities found within the Lake Michigan coastline as well as protecting any endangered species.

Scenic Heritage Highway Overlay District

Setback: Facilities must be setback 150 feet from US-41 highway ROW. Non-timber harvest use must be setback 100 feet from US-41 highway ROW.

Intent: A Scenic Heritage Highway District is an overlay district created to protect the natural appearing landscape along major thoroughfares in Eagle Harbor Township. Since Township residents are so dependent on tourists for economic sustenance and since tourists, like existing residents, cherish the natural landscape of the Township, it is critical to protect it as development occurs. Since most of the land along major thoroughfares is in private ownership, it will be the actions of private landowners which most determine whether there will be a natural appearing landscape in the Township in the future.

Special Provision for M-80

Where commercial development occurs along the M-80 corridor in this district, such commercial development shall be placed not more than three hundred thirty (330) feet from the center line of M-80.

U.S. Highway 2 Access Management Overlay

Intent: The intent of access management regulations is to provide access requirements that will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. . . . Except for an area East of Highway 141 to the corporate limits of Crystal Falls, the front setback for all properties abutting U.S. Highway 2 shall be two hundred feet (200) feet from the center line of the road. The exempted area shall have a setback of eighty (80) feet from the center line of the road.

VCRC Visual Corridor And Recreation Coastal District

Min. Lot size: 5 acres

Intent: The VCRC District is intended to maintain the strong positive visual image of Moran Township as the "welcome mat" to the thousands of tourists and residents crossing the Mackinac Bridge from the Lower Peninsula. This area provides unique shoreline environments for aquatic and wildlife species and beautiful panoramic vistas from the bridge. Though not designated as an "open space" zone, the VCRC District's foundation has a strong open space/recreation character, but also recognizes the District's inherent economic land value due to its natural features, proximity to St. Ignace and Mackinac Bridge, and existing and anticipated public utility services. The purposes of this District are to provide opportunities for land development and conserve the natural character and economic wellbeing of the Township.

Innovative Tools

OC Ozark Community District

Min. Lot size: 5 acres for single-family detached dwellings; All other permitted uses shall require a minimum parcel size of ten (10) acres.

UP Forestry Changes: Overview of Regulatory Capacity

Intent: The OC Ozark Community District is intended to accommodate and preserve the unique character of the Ozark Community, its agriculturally based economy, and rural community atmosphere. The OC District will provide an environment highly supportive of agricultural endeavors and protect these agricultural lands from encroachment by certain other land uses that may be debilitating to the continuance of these agricultural endeavors. In line with protecting the area's special rural atmosphere, the predominant land uses allowed within this district shall be limited to farming and associated facilities and large-lot residential dwellings.

The intent of this zone is to designate and protect that land area associated with the community of Ozark in a manner, which will support the current character, and lifestyle of the region. The history, nature, and charm of this community is unique unto itself within the larger highly unique Township. The nature of its location protects this community from most present and near future development trends. However, a zoning district protecting this agricultural based region and the cultural and natural environment associated with this community is critical. The intent of this zone is to maintain existing agricultural and open spaces and ensure all future land development is in accordance with preservation practices and maintenance of the current visual experience throughout the Ozark community. This designation reflects the Moran Township Master Plan goals, policies, and land use guidelines for the Ozark community.

IBZ Pictured Rocks National Lakeshore inland buffer zone:

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

Min. Lot size: 20 acres

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.

RM-IBZ Resource Management - Inland Buffer Zone

Min. Lot size: 10 acres

(A) 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.

RR-IBZ Rural Residential - Inland Buffer Zone

Min. Lot size: 2 acres

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.

SC-IBZ Seasonal Commercial - Inland Buffer Zone

Min. Lot size: 10 acres

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 lakeshore visitors and so located so as not to detract from the visitor's enjoyment of the lakeshore.

"Funnel Development" Any development in any zoning district which shares a common lake front or stream area may not permit more than one 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 areas as measured along the waters 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.

Greenbelt

To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all waterfront property. The greenbelt shall include all the land area located within thirty-five (35') feet of the ordinary high water mark of a lake or a stream. Within the greenbelt, no structures shall be allowed except for boathouses, launching ramps and docking facilities, and such facilities shall meet the side yard setback for the district in which they are located. No boathouse shall exceed twelve (12) feet in height above the ordinary high water mark.

Storm Water Retention

Storm water drainage in excess of natural conditions shall be retained on site. This provision may require storm water retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing storm water ditch, storm water pipe or through other storm water facilities that will be developed at the same time as the proposed new use. Written approval from the Michigan Department of Transportation (MDOT) shall be required for an additional site run-off directed into a state trunk line ditch, i.e. M-80.

¹ Kelly, E.D., and B. Becker. Community Planning: An Introduction to the Comprehensive Plan. Washington, D.C.: Island Press. 2000.

² See Policy Briefs section for the Michigan Land Policy Institute at www.landpolicy.msu.edu

³ "To Plan or Not to Plan: Current Activity within Michigan's Local Governments." Institute for Public Policy and Social Research. Policy Brief, Volume 8, January 2004. www.ippsr.msu.edu/ppie/policybrief.htm

⁴ Cullen, Anne, Patricia E. Norris, Wayne R. Beyea, Christine Geith, and Gerald Rhead. "Expanding Education and Training Opportunities for Michigan Local Government Land Use Planning Officials." Michigan Agricultural Experiment Station Report 574. April 2006

⁵ "To Plan or Not to Plan: Current Activity within Michigan's Local Governments."

⁶ Suvedi, Murari, Ph.D., Gary Taylor, J.D. and Phillip Davis, Ph.D. "Perspectives on Land Use: A Statewide Survey of Land Use Decision Makers in Michigan." Michigan Agricultural Experiment Station Report Research Report 582. December 2002.