

July 8, 2019

Clam Lake Zoning Ordinance Update

Summary of proposed changes to the Wexford Interim Zoning Ordinance

2018 Ordinance Update	Interim Ordinance
Article 1: Title and Purpose	Article 1: Title, Purpose, and Scope
Article 2: Zoning Districts and Zoning Map	Article 2: Definitions
Article 3: Regulated Uses and Dimensions	Article 3: General Provisions
Article 4: Clam Lake Corridor Overlay District	Article 3A: Wireless Communication Towers
Article 5: General Provisions	Article 4: Zoning District Regulations
Article 6: Special Uses	Article 5: Lake Mitchell Overlay Zone
Article 7: Supplemental Site Plan Development Standards	Article 6: Planned Unit Development
Article 8: Open Space Preservation & Planned Unit Development	Article 7: Administration
Article 9: Condominiums and Site Condominiums	Article 8: Zoning Board of Appeals
Article 10: Site Plan Review	Article 9: County Planning Commission
Article 11: Zoning Board of Appeals	Article 10: Special and Conditional Uses
Article 12: Administration and Enforcement	Article 11: Site Plan Review
Article 13: Amendments	Article 12: Amendments
Article 14: Validation & Enactment	Article 13: Clam Lake Corridor Overlay Zone
Article 15: Definitions	Article 14: Validation and Enactment

General Changes:

- Changed references to county. Removed references to jurisdictions not within Clam Lake and references to uses that are not applicable to Clam Lake Township.

Article 1: Title and Purpose

- Shortened title and purpose, updated references to current state statutes.
- For accessory farm buildings, clarified that all zoning setback requirements shall be met even though no permit is required.
- Removed Open Space Preservation provisions and integrated them into PUD article

Article 2: Zoning Districts and Zoning Map

- Removed references to district-wide standards found elsewhere in the ordinance (Clam Lake landscaping, etc.)
- Rezoned established subdivisions from A-R and/or F-R to Residential.
- Zoned area subject to 425 agreement

Article 3: Regulated Uses and Dimensions

- Reduced rear yard setbacks
- Combined special uses and conditional uses into one category
- Added a note that all dwellings must be at least 20 feet on all four sides at the time of manufacturing.
- Added provision allowing more than one principal structure on commercial lots
- Updated regulated uses to better align with case law, existing land use, and master plan.

Article 4: Clam Lake Overlay District

- Reordered and shortened provisions
- Added a provision that landscaped areas should contain a minimum of one (1) evergreen tree or shrub for every one-thousand (1,000) sq. ft. of lot area, plus a minimum of one (1) deciduous tree or shrub for every two-thousand (2,000) sq. ft. of lot area.
- Sidewalks required for new developments so long as it can be feasibly connected with an existing or future planned sidewalk.
- Clarified that size of vegetation shall be the size requirements at the time of planting.

Article 5: General Provisions

- Added Shoreline Protection standards to protect water quality of Berry Lake and Stone Ledge Lake)
 - Greenbelt defined as 50 ft from OHWM
 - Engineered natural seawalls are preferred, joint ACOE and MDEQ permit required
- Animals - Require chickens, pigs, horses, and other similar livestock be kept in A-R zoned areas.
- Temporary commercial uses (such as fireworks) can apply for permit period not to exceed 30 days.
- Updated parking standards
 - Simplified use requirements and added parking maximums in addition to minimums
 - Noted that parking for principle residential uses shall not be provided in the front yard.
 - Provision that vehicles are not permitted to be parked in the public right-of-way.
- Sign ordinance:
 - Content neutral edits
 - Cannot regulate farm stand signs differently than other types
 - Sign content cannot be limited to the underlying use of the property.
 - Changed gas station requirements to C-2 requirements (it is okay to regulate based on underlying district by not by type of use)
 - Added a provision limiting advertising on public vehicles (with some exceptions)
 - Added a table summarizing sign provisions (height, size, zoning district permitted)
 - Added sign definitions as applicable
 - Temporary portable changeable message signs are allowed with a temporary sign permit for a maximum of 14 days per quarter.
 - Referred back to Clam Lake Township Ordinance No. 21 of 1998, and No. 33 of 2004 for all requirements related to billboards.
- Added screening requirements for higher intensity uses and outdoor storage
- Fences – Added provision that fences shall be constructed so that the decorative side faces the public right-of-way or adjacent property owner.
- Added a provision for attached solar with glare reduction requirements.
- Added provision limiting perennial yard sales to two times per year, and no more than 3 consecutive days.
- Added a provision requiring that new outdoor wood furnaces meet manufacturing specifications and applicable setbacks. Based on language developed for Bay Twp.
- Added revision to manufactured homes/mobile homes to reference the state act - Section 6 of Act 230 of the Public Acts of 1972.

- Added a provision that private roads must be built to Wexford County Road Commission standards
- Added a provision that homes shall be positioned in such a way that the side of the home designed to be the front is facing the front yard; or in the case of waterfront lots, is facing the street.
- Added a provision to 5.19 – Commercial Enterprises that merchandise may not be placed outdoors unless the nature of the product requires outdoor placement.
- Added Section 5.29 – development standards for swimming pools.
- Added Section 5.29 – Recreational Marijuana
- Added 5.30 – Max lot to depth ratio

Article 6: Special and Conditional Uses

- Removed conditional uses. All former conditional uses will now go through the planning commission site plan review process as opposed to administrative review by the zoning administrator.

Article 7: Supplemental Site Development Standards

- Solar Power- Added a provision and standards for solar energy farms, permitted through a special use permit in Agricultural–Residential and Forest–Recreational.
- Wind Energy – Added standards for Utility Grid Wind Energy System and Anemometer Towers. These standards are based on the newly adopted Wexford Joint Zoning Ordinance. A provision has been added clarifying that these facilities are only permitted through special use permit in Residential-Agricultural and Forest-Recreation.
- Communication tower
 - added provisions to clarify colocation facilities and adoption of new emerging technologies.
 - Removed requirement for full inventory of existing towers. This is overly burdensome and not in line with Federal Telecommunications Act of 1996, as amended.
- Sand and Gravel Mining – added a provision requiring reclamation as soon as is feasibly possible, and require a reclamation plan to be submitted as a part of the approval process.
- Added Section on Private Road Standards for Development

Article 8: Open Space Preservation & Planned Unit Development

- Allow for residential and commercial uses—both mixed and separate.
- Allow residential PUD developments to be less than 10 acres
- Added Open Space preservation development standards (PUD-OS) per P.A. 177 of 2001, & Section 506 of the MZEA.

Article 9: Condominiums and Site Condominiums

- New article, per legal review

Article 10: Site Plan Review

- Clarified that all uses with the exception of single family and two-family require site plan review

Article 11: Zoning Board of Appeals

- Removed references to “undue hardship” The standard of “undue hardship” is unique to the consideration of “use” variances, which the ZBA does not have authority to grant under the terms of the Draft Zoning Ordinances.

Article 12: Administration and Enforcement

- Change of Use Permit. Any time there is a proposed change in the use of a building or space, a permit must be obtained to verify compliance of the activity with the applicable zoning provisions as set forth in this ordinance. This change of use permit is in addition to a Certificate of Occupancy issued by Wexford County.

Article 13: Amendments

- Changed noticing requirements to be consistent with Michigan Planning Enabling Act – printed in one newspaper of general circulation at least 15 days before the public hearing.

Article 14: Validation and Enactment

Article 15: Definitions:

1. Added a definition for motel (transient housing) and transitional housing
 - a. PC needs to decide where this is appropriate (likely through special land use permit)
2. Added definition for Solar Farms
3. Added definition for Outdoor Wood Furnaces
4. Add definition for Greenbelt, Natural Vegetative Strip, and Ordinary High Water Mark
5. Moved sign definitions to definitions section.
6. Added definitions for regulated uses, including roadside stands, hobby farms, kennel, and agritourism.
7. Added definitions for Exotic and Wild animals
8. Added a statement in “Sign, Temporary” that states it shall not be erected for more than 30 days.
9. Add statement in Billboard definition referring back to Clam Lake Township Ordinance No. 21 of 1998, and No. 33 of 2004 for billboard requirements.
10. Added definition of Private Road