

CHAPTER 3: Status Of Planning And Zoning

Introduction

Zoning is the primary tool that local governments have to manage growth and development. Through local zoning, communities along the I-75 corridor are able to preserve and enhance their community values, character, and economic vitality. In addition, zoning regulations are key to enforcing the conditions that local residents feel will provide the best initial scenic appearance, or “gateway” to that community.

The purpose of this chapter is to present the status of planning and zoning along the I-75 study corridor, since conditions just outside of the right-of-way (ROW) fall under local regulation. Furthermore, the presence of key corridor zoning regulations such as signage and landscaping requirements in each community will be documented. It is not the intention of this document to compare the strengths and weaknesses of zoning regulations among the various zoning ordinances. However, as a first step toward having consistent corridor zoning coverage along the entire length of the study area, model zoning ordinance regulations will be provided as part of this study.

Community Planning

All of the following local governments along the I-75 corridor have planning commissions: Cheboygan County, Otsego County, the City of Gaylord, the Village of Mackinaw City, the Village of Vanderbilt, the Village of Wolverine, Burt Township, Corwith Township, Livingston Township, and Tuscarora Township.

Future Land Use Plans

Otsego County, the City of Gaylord, the Village of Mackinaw City, and the Village of Vanderbilt have completed master plan updates within the last six years. Cheboygan County has just recently completed the process of updating its master plan, and the future land use map of Cheboygan County has not yet been adopted at the time of this writing.

These community master plans present a map of the land uses that residents, businesses, and other stakeholders want to see in their communities in the future. In other words, the future land use map is a vision of how the community wants to develop over the planning horizon, usually 20 years. Future land use plans typically depict adjacent compatible uses for any given areas of land. An examination of the future land use map of each of the communities shows that zoning decisions can be made in this direction, to direct growth into a similarity of the future land use pattern. See **Figure 3.1**, on the next page.

I-75 Scenic Corridor Plan

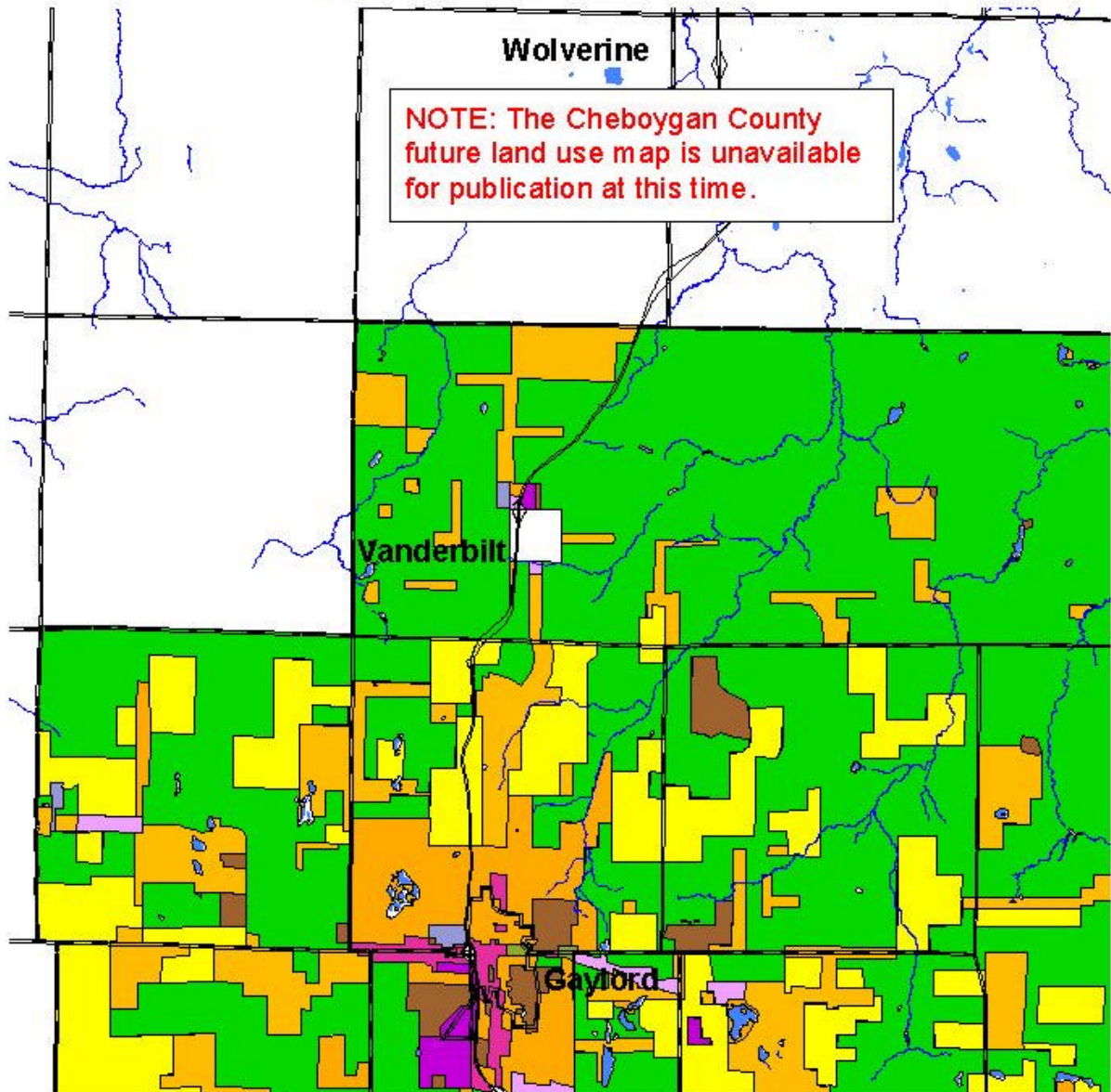
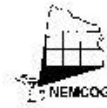
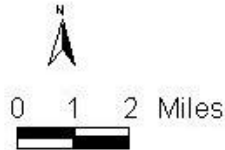
Figure 3.1

Future Land Use Map

Future Land Use digital file provided by the Otsego County Planning & Zoning Department February 2000

Note: The City of Gaylord general future land use has been merged with the County future land use to produce a more comprehensive map display

- I-75 Highway
- Political Boundaries
- Ossego County Future Land Use
 - Low Density Residential
 - Medium Density Residential
 - Mixed Residential
 - Light Business
 - Large Business
 - Light Manufacturing
 - Industrial
 - Institution/Recreational
 - Agricultural
 - Natural Lands
 - Surface Water



Zoning Ordinances

Zoning ordinances of the various communities were reviewed for type and density of development allowed, landscape and screening regulations, and signage and billboard regulations along the I-75 corridor. Development will replace the existing environment, and so the quality and total extent of a development will have a visual impact to motorists. Scenic views may be impaired by structures erected between the highway and a distant view. Light glare from parking areas and other facilities close to the highway can be a visual distraction for motorists. Areas of commercial or industrial activity generally allow the construction of billboards which can have a significant visual impact for motorists. Extractive industrial sites have the potential to greatly impact visual quality along the corridor as well. Zoning ordinances can address these issues, and help to guide a community's development in a way that is consistent with its goals and objectives.

A zoning map (see **Figure 3.2** on page 3-4) with only 6 categories of zoning has been produced from the many districts of all of the communities' zoning maps in order to simplify and display a single meaningful map all along the I-75 corridor. The map will generally show the type and density of development allowed along the right-of-way (ROW). For example, if a community had many districts of Residential such as R-1, R-2, R-3..., etc., these were simply classed as "Residential". All B-1, B-2, B-3,...Manufacturing, and Industrial districts were classed as "Commercial/Industrial". Farm and Agricultural Resource districts generally also allow some single-family & duplex development, so these categories became "Agriculture/Low Density Residential". The "Conservation" category includes State-owned land if zoned for preservation and other natural areas zoned for preservation. The "Forest/Recreation" category includes districts that are largely forested and allow timber harvesting, other forestry activities, recreational activities including parks & campgrounds, and very low density residential. The "Other Recreation" category includes resort type activities, golf courses, and sports facilities.

A brief summary of some of the zoning regulations relevant to the I-75 scenic corridor are as follows, from the Straits of Mackinac to M-32 in the City of Gaylord:

The Village of Mackinaw City

Zoning Ordinance adopted March 11, 1988; as amended to January 30, 2000

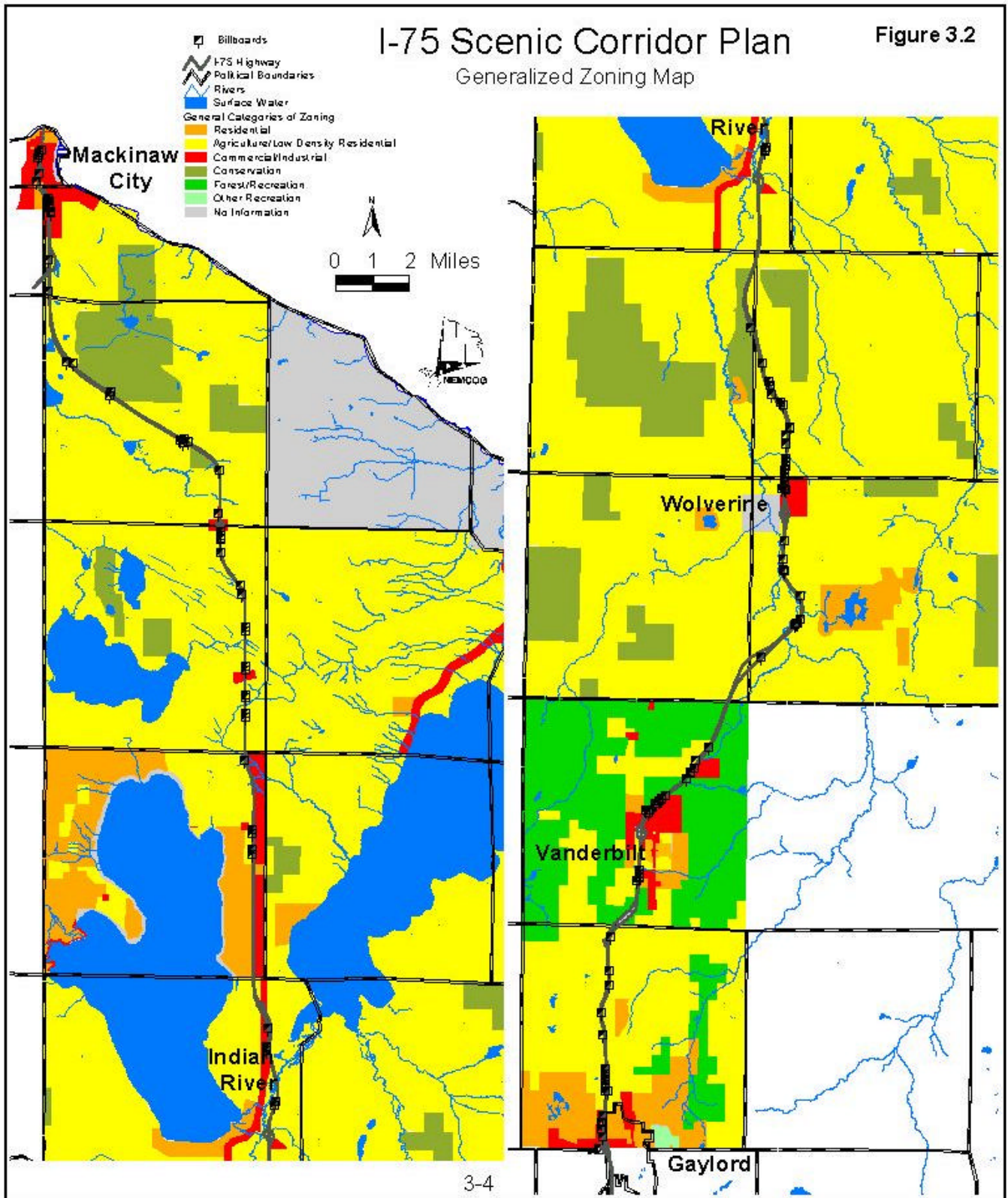
Landscape, buffer and screening: This zoning ordinance includes provisions for landscape, buffer, and screening requirements. Landscaping is required as a percentage for parking areas, and as a site percentage for certain business and manufacturing districts. Trees and/or shrubbery are components of the landscaping requirements. Buffers, with vegetative plantings are required between commercial or industrial districts and residential districts. The trees and shrubs planted as screening in buffer areas must be a type of evergreen which maintains its density and screening effect throughout the year.

Signage: Among the reasons listed in the ordinance for adopting outdoor signage regulations are to "...minimize the harmful effects of said signs upon...the attractive appearance and natural beauty of the community." Also, "To promote open space and improve the attractiveness and scenic beauty of the community which is considered to be important to the tourist industry and provides the economic base for the Village of Mackinaw City and to encourage a concern for the visual environment which makes the Village a more desirable place to live, work, and visit." The signage regulations specifically provide limits on the size, spacing, and types of facing of signs for different zoning districts in the Village. Issues such as temporary signs and non-conforming signs are addressed.

I-75 Scenic Corridor Plan

Figure 3.2

Generalized Zoning Map



Emmet County

Zoning Ordinance adopted August 24, 1972; as amended to January 1, 1997

Landscape, buffer and screening: This ordinance includes provisions for landscape, buffer, and screening requirements. In addition to “greenbelt” screening requirements providing buffer distances with trees and shrub plantings in certain zoning districts, there are Scenic Resource Districts (SR-1 & SR-2) that are to be “...protected for their scenic values, environmental stability and character,...to protect scenic resources along rivers, highways and streets, lake shores and impounding waters”. The SR districts “...shall be deemed to extend at right angles from the ordinary high water level of rivers, lakes, impoundments, etc., to a depth of 400 feet from the nearest right-of-way line of any scenic highway, street or road, or to a depth of the abutting property, whichever is less.”

Signage: Among the reasons listed in the ordinance for adopting outdoor signage regulations are “To maintain and enhance economic stability by retaining aesthetic appeal to tourists, resorters and visitors, and encouraging signing practices that will compliment the County’s natural environment and preserve its scenic and natural beauty.” And, “To place and size signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.” The signage regulations specifically provide limits on the size, spacing, and types of facing of signs for different zoning districts in the County. Freestanding signs are encouraged to have native plants and other landscaping materials installed around them. There are provisions for the size, spacing, and type of materials used for the installation of signs.

Cheboygan County

Zoning Ordinance adopted February 8, 1983; as amended to March 1, 1990

Landscape, buffer and screening: This ordinance includes provisions for landscape, buffer, and screening requirements. Native trees, shrubs and other natural vegetation “....shall be maintained for a distance of 40 feet inland measured horizontally from the ordinary high water mark or from the landward extent of the beach, bulkhead, sea wall or rip-rap if present” along the banks of rivers, streams, ponds and lakes in the lake and stream protection district. In the natural rivers protection district, a natural vegetation strip “...shall be maintained on each side of the stream to a distance of 100 feet along mainstreams and 75 feet along tributaries.” For certain developments, including commercial & industrial uses, which are located less than 200 feet from residential boundaries or lake & stream protection district boundaries, there is a requirement providing for greenbelts, walls or fences to provide a buffer for these uses. Spacing of plantings, as well as suggested plant materials are addressed.

Signage: The reasons listed in the ordinance for adopting signage regulations are “Such signs as will not, by any reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as otherwise provided for herein.” The signage regulations provide limits on the size, and setback distances for signs in different zoning districts. Billboards may be erected in Commercial, Light Industrial, or General Industrial District only after a permit has been received from the Zoning Administrator. Item “g.” under section 17.19.2 states: “Signs within business, commercial, or industrial areas, as defined in the ‘Highway Advertising Act of 1972’ (1972 PA 106) bordering interstate highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by the provisions of such statute, notwithstanding the provisions of this zoning ordinance.”

Burt Township

Zoning Ordinance revised November 1992

Landscape, buffer and screening: This ordinance includes provisions for the preservation of natural landscape and natural wetland areas. During site plan reviews, the planning commission will determine if the development plans ensure minimal tree and soil removal at the time of construction.

Signage: The signage regulations specify limits on the size and types of signs for different districts, and height limitations for signs. Billboards are not permitted in any district.

Otsego County

Zoning Ordinance adopted March 15, 1996; with amendments to April 17, 1997

Landscape, buffer and screening: This zoning ordinance includes provisions for landscape, buffer, and screening requirements. The purpose of the regulations is: "to protect and enhance property values, economic welfare and community attractiveness; to provide beneficial climatic impacts by cleaning the air and providing shade; to protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of siting different uses near one another through buffering; to facilitate preservation of existing valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy." Landscaping is required (if fences or berms are not used) as a buffer strip for parking areas, as roadside greenbelt buffer for development, and as screening for unsightly areas. Trees and/or shrubbery and their spacing are components of the landscaping requirements.

Signage: The signage regulations specifically provide limits on the size and types of signs including facing types for different zoning districts in the County. Setbacks of signs are discretionary with the Zoning Administrator. Billboards are limited in size, however there is a clause in that section which states: "Signs that come under the jurisdiction of P.A. 106 of 1972 are exempt from this subsection".

Village of Vanderbilt

The Village of Vanderbilt zoning ordinance was in effect in the early 1970's, and has been updated and amended in 2000.

Landscape, buffer and screening: Article XI of the zoning ordinance addresses landscape, buffering and screening requirements. This Article's intent (in part) is to: "...reduce the negative impacts between incompatible land uses, minimize visual impacts of development, andpreserve and enhance the aesthetic qualities, character, privacy and land use values within the community". The regulations stipulate the amount of space to be made available for landscaping, the spacing of trees and shrubbery, and the types of vegetation which may be used for landscaping for site developments and parking areas. Other screening may be composed of vegetation, berms, fences, solid walls, or some combination thereof.

Signage: Article XIII of the zoning ordinance addresses both on-premises and off-premises signage. The intent of the signage regulations is "...to preserve the desirable character of the Village of Vanderbilt, as well as to recognize the need for and privilege of advertising,..." and also recognizing "...the right of residents to be free of advertising that could affect property values and create an unpleasant or less than desirable atmosphere". The regulations specifically provide limits on the size, spacing, location, height and types of signs. Billboards and other off-premises signs are regulated by Act 106, PA 1972 as amended and by the sections in Article XIII of this ordinance which provides more restrictive regulations. Off-premises signs are prohibited in the B-1 zoning district, and allowed in the M-1 and B-2 district.

City of Gaylord

City of Gaylord zoning ordinance effective November 25, 1974; as amended to February 22, 2000

Landscape, buffer and screening: Section 12A of the zoning ordinance addresses landscape, buffer and screening requirements. This section is intended (in part) to: "...improve and enhance the character of the site; screen or filter views, where necessary; help unify the various parts of the site; blend inharmonious land uses; buffer incompatible uses; moderate harsh or unpleasant sounds; remove air pollutants; control glare and reflection; slow the effects of erosive winds or water and promote stormwater retention, thereby helping to prevent flooding;...to reduce the impacts of glare from headlights; and to distinguish and separate vehicular and pedestrian circulation." The regulations stipulate the amount of space to be made available for landscaping, the spacing of trees and shrubbery, and the types of vegetation which may be used for landscaping for site developments and parking areas.

Signage: The signage regulations specifically provide limits on the size, spacing, height and types of signs including facing types within the City. Billboards and other off-premises signs are regulated by Act 106, PA 1972 as amended and by section 20.408 of this ordinance which provides more restrictive regulations. Off-premises signs are prohibited in the B-1, C-1, and C-2 zoning districts, and allowed in the M-1 district.