

Status of Planning & Zoning

Introduction

Planning and Zoning are the principal tools that local communities have to manage growth, preserve community character, protect critical natural resources, protect property values and enhance the economic viability of the area. Planning helps establish and focus the desired future of the community. Zoning ordinances are a primary tool to implement the community master plan and achieve community goals.

The purpose of this chapter is to present the status of planning and zoning within the Misery Bay Initiative study area. Maps and information on future land use planning categories and zoning districts will be provided. Furthermore, planning and zoning has been reviewed to assess levels of resource protection.

Community Planning and Zoning

Table 3.1 presents the status of planning in Alpena County. In January of 2000, the County of Alpena reestablished a County Planning Commission that had been dissolved in 1985. A primary goal of the Planning Commission has been to prepare a master plan to replace the Alpena County General Development Plan, adopted in 1968. The plan was adopted in 2004. The City of Alpena adopted a Master Plan in 1998 and is beginning the process of updating it. The Township of Alpena is in the process of updating its 1993 Master Plan. The City of Alpena and Township of Alpena have their own zoning authority. The County, City and Township have State approved recreation plans

Table 3.1 Status of Planning and Zoning			
Political Unit	Master Plan Date Adopted	Zoning Ordinance Date Adopted	Other Related Planning Documents or General Law Ordinances
Alpena Township	August 9, 2004	August 15, 1983 Amended Mar. 2003	Recreation Plan
City of Alpena	November 10, 1998	July 21, 1986 Amended 2001	North Sub-Area Plan, Capital improvement Plan, Recreation Plan
County of Alpena	Sept. 21, 2004	No Zoning Authority	County Recreation Plan
Source: Alpena Area-Wide Transportation Plan			

Future Land Use Plans

Future land use is a vision of how each community wants to develop over the planning horizon, usually 20 years. Future land use plans typically consist of a map which displays future land use areas and accompanying text describing compatible uses in each land use area. The following tables describe future land use categories for each community.

Township of Alpena

Alpena Township adopted its first master plan in 1979. A comprehensive updates were completed in 1993 and 2004. The 2004 master plan identifies eight future land use categories. **Table 3.2** is a summary of these categories.

Table 3.2 Township of Alpena Future Land Use Categories	
Categories	Descriptions
Environmental Conservation	This category includes lands that were identified as having unique or fragile environmental characteristics and are intended to be protected from potential development.
Forest/Recreation	This designation is used for lands which have either wetland conditions or rock formations at or near the ground surface. This designation is intended to preserve open and natural characteristics of the area and provide extensive hunting and recreational lands as well as provide areas for timber supply. It is anticipated that this area could accommodate dispersed residential development on large parcels given the proper conditions exist for private wells and septic systems.
Agricultural	The agricultural designation is based on the soil capability of the area and is intended to preserve good farm soils for productive agricultural activities.
Waterfront Residential	Much existing residential development has occurred on shorelines and waterways. This designation is intended to identify areas that need special residential development standards necessary to protect water resources from specific and typical development problems found in waterfront areas.
Single Family Residential	Single Family Residential is designed to accommodate single family dwellings on a range of lot sizes. Community uses such as parks, churches, schools, libraries, cemeteries, golf courses, and child care facilities may also be allowed in the area is designed to be compatible with the residential setting.
Mixed Residential	Generally includes areas currently zoned as "R-3 Mixed Residential District" where uses include those in the single family residential as well as multiple family dwellings, elderly housing, long term care facilities, hospitals and similar uses.
Commercial	The primary areas designated for commercial development are the U.S. 23 South corridor, the U.S. 23 North corridor to Bradbury Road and the M-32 corridor.
Industrial	Two primary areas are designated for industrial use. More intensive industrial uses are intended to be located east of U.S. 23 North, along Hamilton and Wessel Road. Lighter industrial uses and transportation related uses are intended to be located on the west side between M-32 and the Thunder Bay River. Two other areas designated for industrial uses are south of M-32 near the Township western boundary and a mile long corridor along the rail lines and Piper Road, northeast of Devil's Lake.
Source: Township of Alpena Master Plan, August 9, 2004	

Four of the eight future land use categories fall within this study area. The Alpena Township future land use map (**Figure 3.1**) shows a majority of the Misery Bay study area is designated as Forest Recreation. This designation is intended to preserve open and natural characteristics of the land area and provide for hunting, recreation and timber production. The Township future land use plan envisions this area could accommodate dispersed residential development on large parcels given the proper conditions exist for private wells and septic systems.

Several areas with unique or fragile environmental characteristics are designated as Environmental Conservation. These areas are intended to be protected from potential dense development. The future land use plan does not restrict privately owned parcels from development; rather the intent is to restrict the density of development. The Environmental Conservation future land use includes state owned parcels and the recently township acquired property on El Cajon Bay. All islands located in Misery Bay and lands surrounding El Cajon Bay are designated as Environmental Conservation. Gull Island and portions of Crooked and Sugar Islands are designated by the State of Michigan as Environmental Areas. The state designation provides additional regulations to protect habitat necessary for preservation of fish and wildlife habitat. Two other Environmental Areas, Whitefish Bay/Isaacson Bay and parts of Misery Bay in the southeast corner of Section 27 are also part of the Environmental Conservation future land use area. These two Environmental Areas are dominated by rich, undisturbed Great Lakes coastal wetlands.

Alpena Township designated three waterfront residential future land use areas within the study area. These include subdivisions and surrounding undeveloped areas along Thunder Bay, Lincoln Bay, Huron Bay, El Cajon Beach and Potter Point.

City of Alpena

The City of Alpena Comprehensive plan, adopted November 10, 1998, presents 13 future land use categories. A narrow stretch of shoreline in the western edge of the study area is located within the City. This land is designated as Heavy Industrial in the City's future land use plan and is part of Lafarge's quarry and cement processing industrial complex. According to the master plan, this category includes large tracts of contiguous land where use of heavy machinery and storage and procession of chemicals and raw materials would be allowed. Uses may generate industrial waste, noise, odor and traffic problems and should be adequately screened from adjacent residential uses. This category requires service by major trucks and would be located near major thoroughfares and/or rail lines.

Zoning Map and Districts

Master plans, including the future land use plan, are implemented through zoning, capital improvement programs, and recreation planning. Zoning is the primary tool used by most communities to implement their master plan. Zoning regulates the type, intensity and location of development in a community. With the exception of a small sliver of land along Whitefish Bay, the Township of Alpena has zoning authority over land within the study area. There is a small strip of beach area along Whitefish Bay, south of Misery Bay Road, which is within the City Of Alpena. This area is under the zoning jurisdiction of the City.

MISERY BAY INITIATIVE

ALPENA TOWNSHIP FUTURE LAND USE 2004

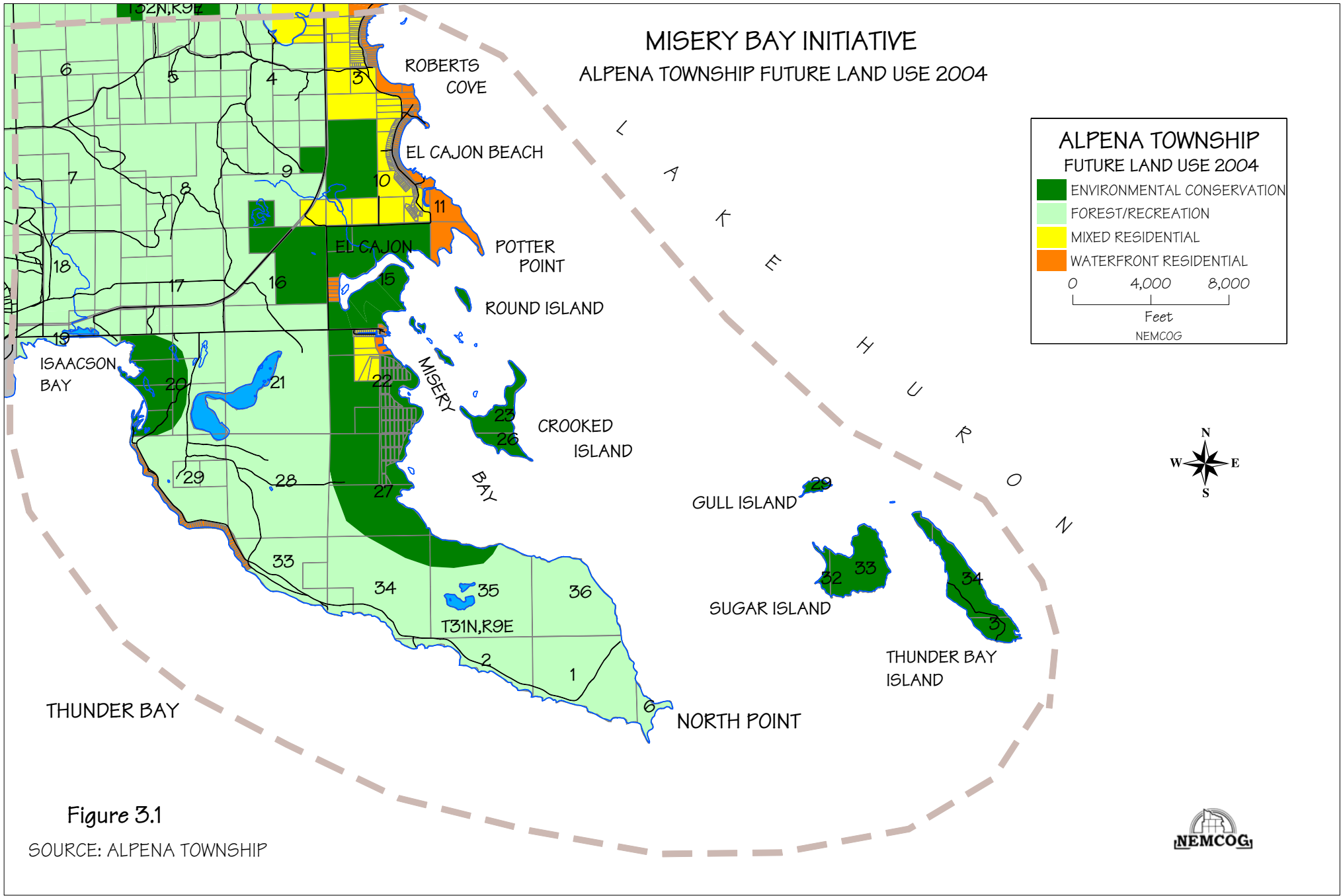


Figure 3.1

SOURCE: ALPENA TOWNSHIP



Township of Alpena

The Township of Alpena administers its own zoning ordinance. The Ordinance was adopted on August 15, 1983 and last amended March 28, 2003. Current ordinance establishes thirteen zoning districts, four of which can be found within the Misery Bay study area. **Figure 3.2** shows the zoning districts found in the study area. The purpose, allowed uses, lot sizes, lot dimensions and setbacks of those districts are summarized below.

The Forest Recreation district covers the largest area. This district is designed to promote use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of natural resources. However, minimum lot size of less than one acre contradicts this purpose. Residential uses are allowed. Public lands and all of the islands fall within the Conservation zoning district. The Conservation zoning district is intended to retain large tracts of land for recreational and resource conservation purposes. Single family residential, campgrounds and private storage facilities are allowable uses. Of the four zoning districts in the study area, this district has the largest minimum lot size of five acres.

Waterfront Residential districts are located along coastal areas and include all subdivisions and undeveloped coastal sites in Sections 3, 10, 11, 14, 15 and 33 of T.31N.-R.9E. The waterfront Residential District is designed to provide residential sites and uses on Lake Huron, inland lakes and streams. This district allows special approval use for certain water-related commercial and recreational developments, provided they are compatible with the residential character of neighboring properties. Mixed Residential zoning districts are located in Sections 3, 9, 10, 22 and 27 of T.31N.-R.9E. This district allows for single-family and multi-family residential and is typically located in areas where mixed uses exist, including business and mobile homes. Minimum lot sizes are 15,000 square feet and minimum lot widths are 100 feet for both of these residential zoning districts.

C Conservation District is intended to designate large tracts of land for recreational and resource conservation purposes. Allowed uses in the district are forestry and agriculture, private or public campgrounds, parks recreational areas, single-family residences and cabins and private storage structures.

Minimum lot area: 5 acres

Minimum front set back: 25 ft.

Minimum lot width: 300 ft.

FR Forest Recreation District is designed to promote use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of natural resources and provide enjoyment for both visitors and the community at large

Minimum lot area: 40,000 sq. ft.

Minimum front set back: 25 ft.

Minimum lot width: 150 ft.

MISERY BAY INITIATIVE

ALPENA TOWNSHIP 2003 ZONING MAP

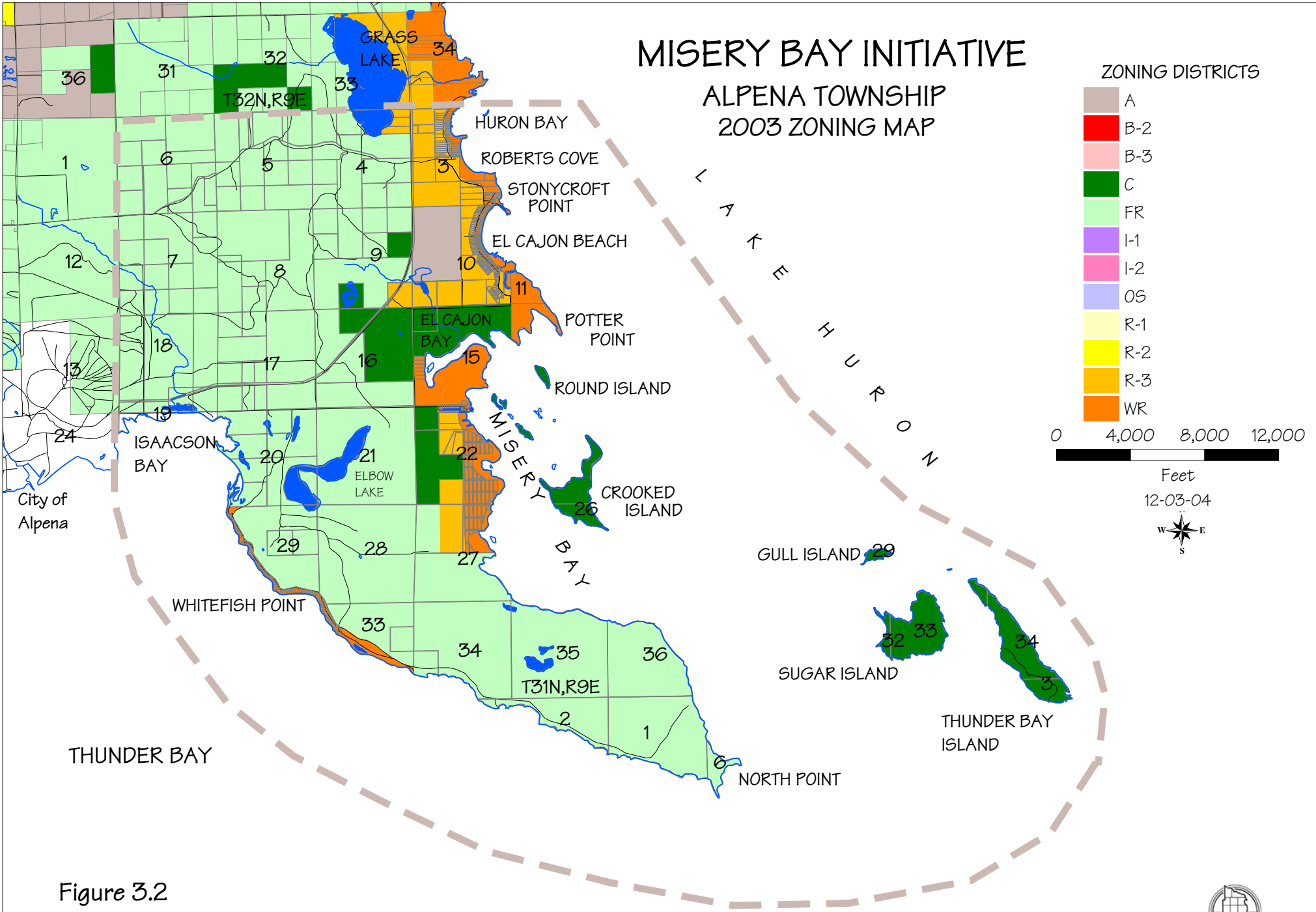


Figure 3.2

Source: Alpena Township



WR Waterfront Residential District is primarily established to provide residential site and uses on Lake Huron, inland lakes and streams within the Township in keeping with the master plan. In additions to waterfront residential uses, the district will allow as a special approval use certain commercial and recreational developments which are water-related providing such development is designed to be compatible with the residential character of neighboring properties. Furthermore, all development plans are intended to insure continued maintenance of high environmental quality in the Township waters and shoreline areas.

Minimum lot area: 15,000 sq. ft.

Minimum front set back: 25 ft.

Minimum lot width: 100 ft.

R-3 Mixed Residential District is designed to provide one-family and multiple-family home sites in Township areas where the character of existing uses is somewhat mixed with incidences of business and mobile homes among one-family residences.

Minimum lot area: 15,000 sq. ft. (9,600 sq. ft. if served by water and sewer)

Minimum front set back: 25 ft.

Minimum lot width: 100 ft. (80 ft. if served by water and sewer)

City of Alpena

The City of Alpena Zoning Ordinance was last amended in 2001. A narrow stretch of shoreline in the western edge of the study area is located within the City.

Part of the land area is designated as Industrial (I-3) in the City's zoning ordinance and is part of Lafarge's quarry and cement processing industrial complex. Heavy Industrial District is designed primarily for manufacturing, assembly and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The I-3 District is structured so as to permit manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared material.

Minimum lot area: NA

Minimum set back: Front 50 ft; Sides 10 ft; Rear varies.

Minimum lot width: NA

Another small area is designated as Residential (R-2). **R-1 and R-2** One Family Districts are designed to be the most restrictive residential districts. The intent is to provide for an environment of predominantly low density, one-family detached dwellings along with other residentially related facilities which serve residents in the district

Minimum lot area: R-1 9,600 sq. ft., R-2 8,400 sq. ft

Minimum setbacks: Front 20 ft; Sides 6 ft; Rear 25 ft.

Minimum lot width: R-1 80 ft., R-2 70 ft.

Specific Zoning Regulations

Another aspect of zoning ordinances is how they deal with specific issues. **Table 3.3** summarizes the presence of key zoning regulations in each zoning ordinance. Alpena Township requires a relatively narrow waterfront setback of 25 feet. Vegetative buffer strips of 25 feet are encouraged in these areas. The Township provides for open space preservation through an open space-cluster residential development provision in its zoning ordinance. This approach affords opportunities for the protection of sensitive areas in those districts. The following language is from Section 1822 – Open Space Preservation in the zoning ordinance.

Section 1822 – Open Space Preservation: Regardless of zoning district, land zoned for residential development may be developed at the option of the landowner, with the same number of dwelling units on a portion of the land as would be allowed for the entire parcel if located in the FR- Forest Recreation District. Not more than fifty percent (50%) of the land, as determined by the Township, could be developed if all of the following apply:

- A. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.*
- B. A percentage of the land area, but not less than fifty percent (50%), will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.*
- C. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this section would also depend upon such an extension.*
- D. The option provided by this section has not been previously exercised with respect to that land.*

Resource Regulation	Alpena Township	City of Alpena
Vegetative Buffer Strips	25 ft from ordinary high water mark (70% is the width recommended for keeping natural)	30 feet from ordinary high water mark (25% of vegetation can be removed)
Storm Water Regulations	Yes	Requires that no adverse impacts from drainage are transferred to neighboring properties
Open Space	Yes	No specific standards
Septic Systems	References County Health Department	Public Sewer System
Lake/Stream Setbacks	25 ft. from ordinary high water mark	35' residential districts; 10' commercial/Industrial
Minimum Riparian Lot Width	100 ft.	Nothing Specified for Waterfront Areas
Enforcement	Municipal civil infraction	Misdemeanor