

AGENDA
SUTTONS BAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
201 St Marys Street
Tuesday, August 6, 2024
6:00 PM

THE MEETING WILL BE HELD AT **Suttons Bay Bingham Fire Hall 201 St Marys Street. Suttons Bay.** The public may participate in person. **Zoom access is for Viewing only.**

Join Zoom Meeting <https://us02web.zoom.us/j/81910665424?pwd=UVmFfdB8DBFx6nMw7LGjWYTG96cw0O.1>
Meeting ID: 819 1066 5424 Passcode: 011735 +1 312 626 6799

Call to Order and Notation of Quorum
Approval of Agenda
Public Comment

Conflict of Interest

Approval of Minutes: June 4, 2024

Items of Discussion/Consideration:

1. **Update on Professional Review of Zoning Ordinance:**

- a. Zoning Health Check Audit on SBT ZOO Draft by Giffels Webster. (see report)
- b. Recommendation from Giffels-Webster to proceed with a new Clearzoning Zoning Ordinance based upon the Zoo Draft. (see memo)
- c. Recommendation to Suttons Bay Township Board to retain Giffels Webster to perform the Clearzoning work. (see proposal)

2. **Update on the new Neighborhood Residential Zoning District**

Giffels Webster will work on this Article first, so that it could be incorporated into the existing zoning ordinance if need be to accommodate current projects. (see memo)

3. **Zoning Amendment to the existing Waste Management Zoning District.**

- a. Comments received on prior draft – Steve Patmore
- b. New Draft Amendment - attachment
- c. Schedule Public Hearing?

4. **Master Plan Update – getting proposal**

Reports:

Zoning Administrator	Steve Patmore
Planner:	
Township Board:	Eric Carlson
Chair Comments:	Tom Koernke

Commissioners' Comments

Public Comment

Next Regular Meeting – September 3, 2024

Adjournment (8:00 PM unless extended by a motion.)

Commission Packets can be viewed at: <https://www.leelanau.gov/suttonsbaytwppln.asp>

This meeting is a session of the Suttons Bay Township Planning Commission held in public for the purpose of conducting the Commission's business and is not to be considered a public community meeting. There is time set aside for public comment during the meeting as noted on the Agenda, and the Planning Commission welcomes the public's input at that time.

**DRAFT MINUTES
SUTTONS BAY TOWNSHIP
PLANNING COMMISSION REGULAR MEETING
95 W 4th Street, Suttons Bay
Tuesday, June 04, 2024
6:00 PM**

Call to Order and Notation of Quorum

Call to Order at 5:59p.m. on Tuesday, June 04, 2024. Quorum noted.

Commissioners Role Call: Chairman Tom Koerne, Eric Carlson, Rhoda Johnson, Tom Nixon, Gary Thornton, Kevin Weber

Absent: Andy Brandt, John Clark, Patti Miller

Staff: ZA Steve Patmore, Recording Secretary Mary Kuznicki

Approval of Agenda

Motion to accept Agenda as presented by Commissioner Carlson, 2nd by Commissioner Thornton. Chair Koerne made the addition of Item #4 under New Business: Communicate with the SB Twp Board to accept the recommendation of the SB PC to seek a proposal from consultants Giffels Webster to review the new SB Twp Master Plan.

Agenda approved with addition.

Public Comment: Jim Dyer, SB Twp resident of S Cherry Bend Lane and Peninsula Housing Board member – He asked the SB Twp PC for consideration on the new Zoning Ordinance. Peninsula Housing is working on a tax credit application deadline of April 2025 for their workforce housing project.

Conflict of Interest: None

Approval of Minutes:

May 07, 2024, Meeting Minutes

Motion to approve minutes by Commissioner Nixon, 2nd by Commissioner Johnson, motion passed with edits.

Items of Discussion/Consideration:

1. Update on Professional Review of Zoning Ordinance -Giffels Webster is not only reviewing the document, they are also making corrections and verifying links. Steve has asked for a list of topics that need to be addressed. The next steps include:
 - a. Jill from GW will submit questions
 - b. Review Completed Document
 - c. Hold a Public Hearing
 - d. Submit Document for Legal Review
 - e. County Planning

2. Continued Discussion and Consideration Amendment to Existing Ordinance
 - a. Storage/Contractor Condominium – ZA Patmore shared the Special Use Amendment to add to Section11.2.D in the Waste Management District. Owner

Tom Biddix and the project engineer said they have no hold ups. Site plan and financing are in place, they only need to apply for permits. Once the Zoning Ordinance has been amended, they will begin construction. Koernke said he projected a Public Hearing could be held as early as August with a vote to make changes by September.

- b. Neighborhood Residential- Currently the District does not exist. At the last PC meeting, Larry Mawby of Peninsula Housing and the SB Twp PC agreed they should move forward on the New ZO, rather than revising the old one. The goal is to get the new ZO in place by the end of the year.
3. DRAFT of the 2023 SB Twp Planning Commission Annual Report – Submitted by ZA Patmore. Carlson made a motion to submit the report to the SB Twp Board, 2nd by Johnson. Edits were suggested. Motion passed.
4. Communicate with Twp Board to recommend seeking a proposal to start the process with Giffels Webster to act as consultants for the Suttons Bay Township's Master Plan. The previous Master Plan was joint with SB Village. The Village has since parted ways and written a new Master Plan for the village (only). The Township also needs to write a new Master Plan that would stand alone from the Village. Motion by Nixon, 2nd by Carlson to formally ask SB Township to authorize ZA Patmore to pursue a contract with GW to request a proposal for consulting on a new Master Plan. Discussion by Koernke to move forward. Motion passed. Eric Carlson will bring information to the SB Twp Board as a brief, it is not necessary to be on the agenda.

Reports:

- Zoning Administrator Steve Patmore submitted a report which covered the last two months of activity at the SB Twp office. The year-to-date activity is average with prior years. To date there have been 56 Short Term Rentals Permits issued.
- Planner:
- Township Board: Eric Carlson shared highlights from the County Road Commissioner's Pacer report. The Twp Board elected Jared Pontius as the new Parks Manager with Pete Ostrowski as the assistant. Certificates of Appreciation were issued to Don Gregory and Dee McClure for their service to the SB Township Planning Commission. The next Township Board Meeting is Wednesday, June 12 at 5:15pm.
- Chair Comments- Koernke reminded commissioners that there will not be a July meeting. That being said, there is a possibility that a late July Special Meeting may be called in order to keep the conversation going regarding the Storage/Contractor Condominiums and the Zoning Ordinance review by Giffels Webster.

Commissioners' Comments

Commissioner Weber – asked where he could find a copy of the Master Plan. Patmore told him where on the Township's website he could review it. Weber asked for clarification regarding the Amendment presented by Patmore. The Amendment refers to the current Zoning Ordinance.

Public Comment

None

Next Regular Meeting – Month August 6, 2024

Adjournment: 7:06 PM by Chair Tom Koernke

Minutes submitted by Mary Kuznicki, Recording Secretary
Gary Thornton, Secretary

July 31, 2024

To: Suttons Bay Township Planning Commission

From: Steve Patmore

Re: Zoning Ordinance Overhaul Project / Master Plan Review

Giffels Webster has completed Phase I of reviewing the Draft Zoning Ordinance that the Planning Commission has been working on for some time. They have:

- Performed a “Health Audit” of the Draft Ordinance (enclosed).
- Fixed references, typos, and some in the Draft Ordinance.
- Submitted a proposal to work with the Planning Commission to prepare a revised zoning ordinance using their “Clearzoning” format.

After discussions with Jill Bahm, Giffels Webster, it became clear that there are still structural and content issues with the Draft Ordinance that need to be addressed.

In the time that it would take to review and address these issues, it has been suggested that the township could have the draft incorporated into the Clearzoning format.

It is my recommendation that the township proceed with working with Giffels Webster using their Clearzoning format.

Giffels Webster has indicated that, due to timing issues with our potential upcoming projects, they will work with us to develop the proposed Neighborhood Residential District first, so it could be incorporated into the existing ordinance if need be.

Master Plan Review

We have also given Giffels Webster a copy of our 5-year review of the Master Plan, which recommended that the Plan be updated. Attached is a proposal from them to start the update, however, our priority should be to get the Zoning Ordinance Overhaul project completed.

AUDIT OF DRAFT
ZONING ORDINANCE OVERHAUL

Zoning Health Check Audit

SUTTONS BAY TOWNSHIP



July 2024

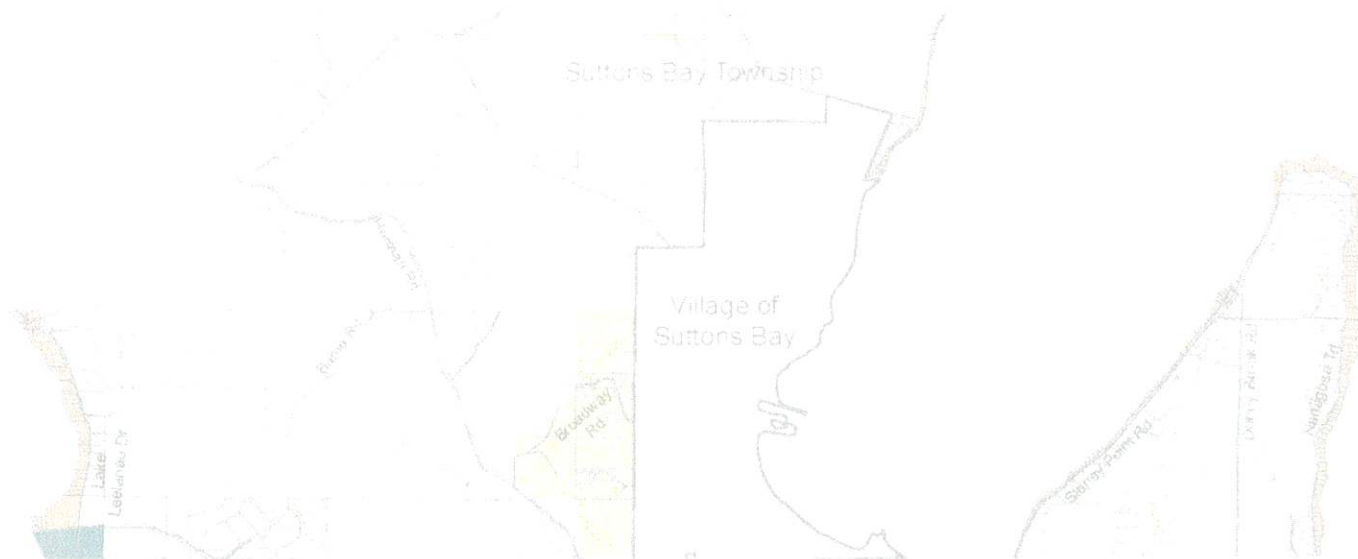
giffels 
webster

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SUMMARY

A Zoning Audit is a review of the Zoning Ordinance that evaluates and identifies outdated language, conflicting provisions, and confusing text, as well as opportunities for improvement. Areas that may conflict with state/federal law and case law are also identified. Based on the guiding principles for zoning health (provided in the sidebar to the right), we draw the following conclusions:

- Suttons Bay Township's zoning ordinance has been updated to provide for housing options and to promote and encourage the preservation of natural features, open space, and agricultural lands.
- There are some areas of the ordinance that could be improved for better clarity and understanding that will help applicants, the reviewing bodies, and the public.

What is in this audit?

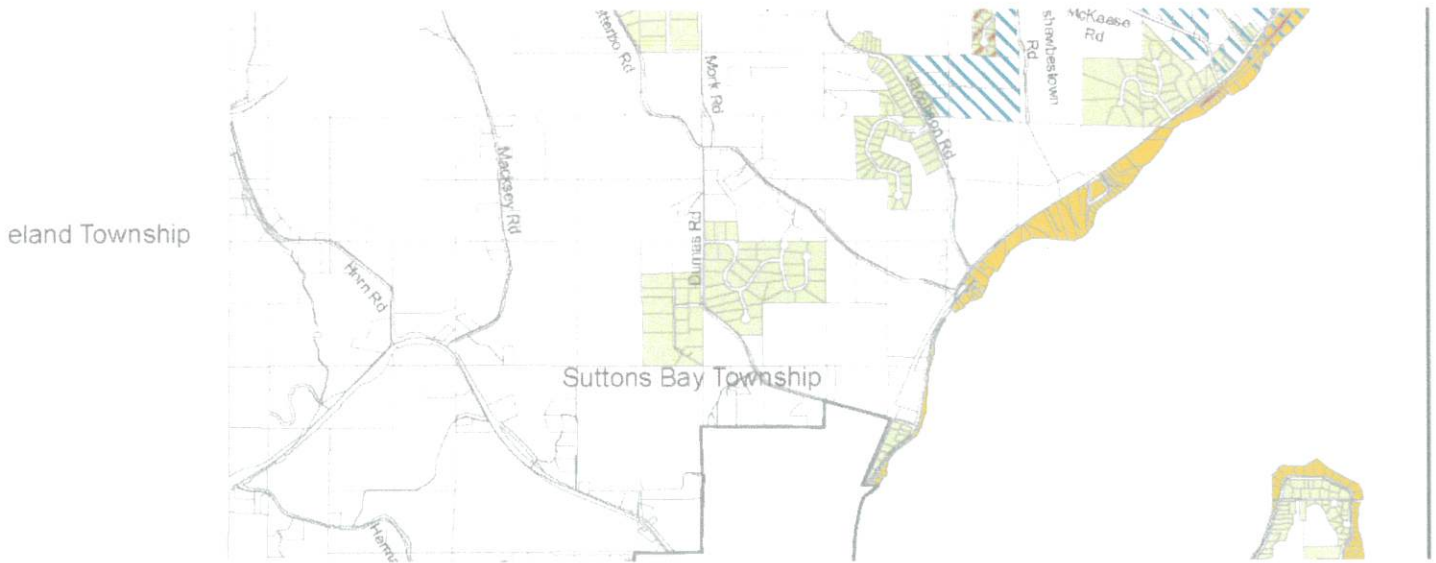
This draft audit reviewed the overall health of the zoning ordinance with a focus on the following:

1. Review definitions to ensure they are current, reflect needs of today's residents and business owners, and consistent with applicable state laws and licensing provisions for certain land uses.
2. Review zoning district intent statements to ensure they describe the types of uses permitted and desired in light of the community's Master Plan.
3. Review the structure of the ordinance to ensure information is organized in a manner that is intuitive and user-friendly.
4. Evaluate the requirements for individual land uses to ensure they incorporate up-to-date standards and approval criteria.
5. Review parking, landscaping, stormwater, signage and other site standards, to ensure needs are adequately and fairly addressed and regulations are generally presented in a consistent and graphic manner.
6. Assess how the zoning ordinance reflects and federal state law, with special attention to RLUIPA, wireless communications facilities, content-neutral sign regulations, residential care facilities, and similar topics.

Guiding Principles for Zoning Health

Generally, a "healthy" zoning ordinance follows these guidelines:

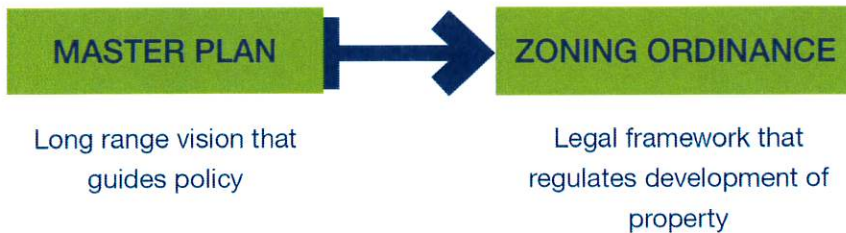
1. The Zoning Ordinance directs growth and development as envisioned in the community's Master Plan.
2. The Zoning Ordinance is a well-structured and intuitively organized regulatory tool.
3. The Zoning Ordinance language is clear, concise, and easy to understand.
4. The Zoning Ordinance contains clear illustrations that help to explain text-based ordinance requirements.
5. The Zoning Ordinance includes the Zoning Map for easy reference.
6. The Zoning Ordinance is consistent with state and federal law as well as related case law.
7. Outcomes are consistent and predictable.



MASTER PLAN ALIGNMENT

Relationship between the Master Plan and the Zoning Ordinance

Community master plans illustrate a community’s vision for its future and contain guiding principles that help a community create land development policies and make land use decisions. In Michigan, the value of the master plan as an important community document is recognized, which is why the state requires master plans to be reviewed every five years. This review allows communities to check in on their progress and ensure the vision and guiding principles are still relevant.



The Zoning Ordinance is one of the primary tools for implementing a Master Plan; there should be a clear connection between Master Plan goals and the Zoning Ordinance. Amendments can range from minor changes to text all the way to the addition of new uses and creation of new districts. An amended zoning ordinance can also be supported by other policies that encourage redevelopment, upgrades to existing development, and the maintenance of property.

The Suttons Bay Community Joint Master Plan, was adopted in 2011. This plan provides the basis for zoning policy and standards. The Township should continue reviewing its plan every five years and updating as needed, consistent with the Michigan Planning Enabling Act.

The goals are listed on the following page. Within each goal is a list of corresponding objectives aimed at moving the goal forward. A brief assessment of how the Zoning Ordinance advances these goals is provided.

2011 Master Plan: Goals

When considering land use policies, zoning changes and development review, it is helpful to consider the Master Plan goals below.



1. **Housing:** Create a Range of Housing Opportunities and Choices.

The objectives related to this goal reflect the community's intent to increase housing opportunities to accommodate first-time home buyers and others within a lower-medium income range, while ensuring new development fits in with the existing landscape and build environment of the Township and Village.

2. **Natural Resources:** Preserve Open Space, Farmland, Natural Beauty, and Critical Environmental Areas.

The objectives with this goal support agriculture as an important part of the local economy, while also striving to protect the natural features of the area, such as wetlands, woodlands, steep slopes, groundwater, shoreline and scenic views.

3. **Transportation:** Provide a Variety of Transportation Choices.

Objectives associated with this goal support the expansion of non-motorized infrastructure and public transportation service.

4. **Development Review:** Make Development Decisions Predictable, Fair, and Cost Effective.

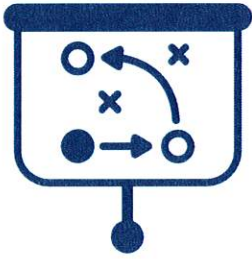
This goal is supported by objectives that support clear guidelines and expectations for developers, based on community and stakeholder collaboration.

5. **Development and Redevelopment:** Strengthen and Direct Development toward the Village.

This goal reflects infrastructure available within the Village and supports optimizing that infrastructure to alleviate development pressure in the Township.

6. **Community Identity:** Foster a Distinctive, Attractive, Community with a Strong Sense of Place.

Objectives with this goal support the preservation of historical sites, improving and protecting visual character, and maintaining existing neighborhoods, while providing for opportunities for community health and well-being of residents.



Zoning Strategies to Implement the Master Plan

A Zoning Ordinance regulates the use of land. Adopting regulations that support the goals of the Master Plan helps ensure that future development will be in line with the community's goals and vision. It is one of the most important implementation tools at the Township's disposal.

An amended Zoning Ordinance can also be supported by other policies that encourage redevelopment, upgrades to existing development, and the maintenance of property. The following pages include a summary of Master Plan recommendations by goal.

Housing. The 2011 Master Plan provides a variety of strategies for increasing housing. Many of them are directed at the Village; however, in the years since the Master Plan, housing has become a critical area of concern in the region and across Michigan and the US. The draft Zoning Ordinance does provide for a range of housing types from single family to duplex to multi-family. Accessory dwellings are also permitted. However, the approach to permitting seems confusing with the lists of permitted uses, the list of "specific uses," and the building types. In addition to listing the allowable housing types, it will be helpful to provide a clearer path to where and how they are permitted.

Potential Future Zoning Actions:

- Evaluate which housing types are permitted and whether there are opportunities and appropriate locations to allow new housing types, such as tri-plexes and quad-plexes or opportunities to convert duplexes and multi-family homes from special land uses to uses that are permitted by-right where appropriate.
- Consider opportunities to provide more flexibility in the zoning ordinance to encourage the incorporation of new housing types into neighborhoods.
- An overall simplification of the ordinance structure through the use of improved organization, graphics, and tables could provide clarity for permitted uses and building types in the districts in which residential uses are permitted.

Natural Resources. Many of the Master Plan's strategies support local farmland preservation and support of the local agriculture industry. Others encourage the development of ordinances aimed at landscaping, signage, and tree preservation. The protection of scenic views is also identified as another zoning strategy. The Master Plan does not speak to provisions for alternative energy, although the Zoning Ordinance does include standards for wind energy systems.

Potential Zoning Actions:

- The draft ordinance includes landscape standards that would benefit from some better organization and graphics to help illustrate key standards. Some uses also include standards and some standards are repeated in multiple places, making updates risky if standards are updated in some sections, but not in others.
- Natural features setbacks apply to some uses (i.e., campgrounds, parks, trails) but could be more general and apply throughout the community.
- The ordinance could be more proactive in terms of tree protection standards.
- Consider residential- and utility-scale solar systems in appropriate districts with thoughtful provisions to ensure impacts on surrounding uses and the environment are minimized. Consider allowing accessory solar by right.
- The draft ordinance allows EV charging stations, but provides no standards for them.

Transportation. The 2011 Master Plan includes a few strategies related to transportation, including the development of private road standards and improving access management through driveway reductions. The draft Zoning Ordinance includes private road standards, allows shared driveways, and addresses pedestrian connectivity within sites.

Potential zoning actions:

- The draft ordinance says the Commission “may require sidewalks” in the C-1 district, but provides no guidance or criteria for such requirement.
- Along with shared access between sites, include provisions that specifically reflect the safety and connectivity needs of pedestrians and cyclists.
- The private road standards could be expanded to require sidewalks and/or shared road markings for pedestrian and bicycle traffic.

Development Review. Zoning strategies in the 2011 Master Plan include adding graphics to the Zoning Ordinance, which would be helpful at illustrating key provisions. The plan also recommends utilizing design guidelines to clarify expectations of developers. The draft ordinance does allow for administrative site plan review as well as abbreviated site plans, which can reduce time and lower the cost of the review process.

Potential Zoning Actions:

- The development review process could be presented in a clearer format in terms of easily identifying what uses are permitted where (and how) and removing duplicative language between districts and elsewhere.
- Require electronic submissions of site plan and application materials and reduce the amount of paper copies required.
- The site plan review process includes a provision for “final site plan approval” (after ZBA approval of any variances) but does not indicate any process for “preliminary” or “final” review. This could be clarified.

Direct Development Toward the Village. While most of the objectives related to the Village, there is some guidance in the list of action strategies for supporting accessory dwellings, encouraging cluster development, and allowing for the mix of land uses. The draft ordinance permits accessory dwellings in most districts by right and with only a land use permit.

Potential Zoning Actions:

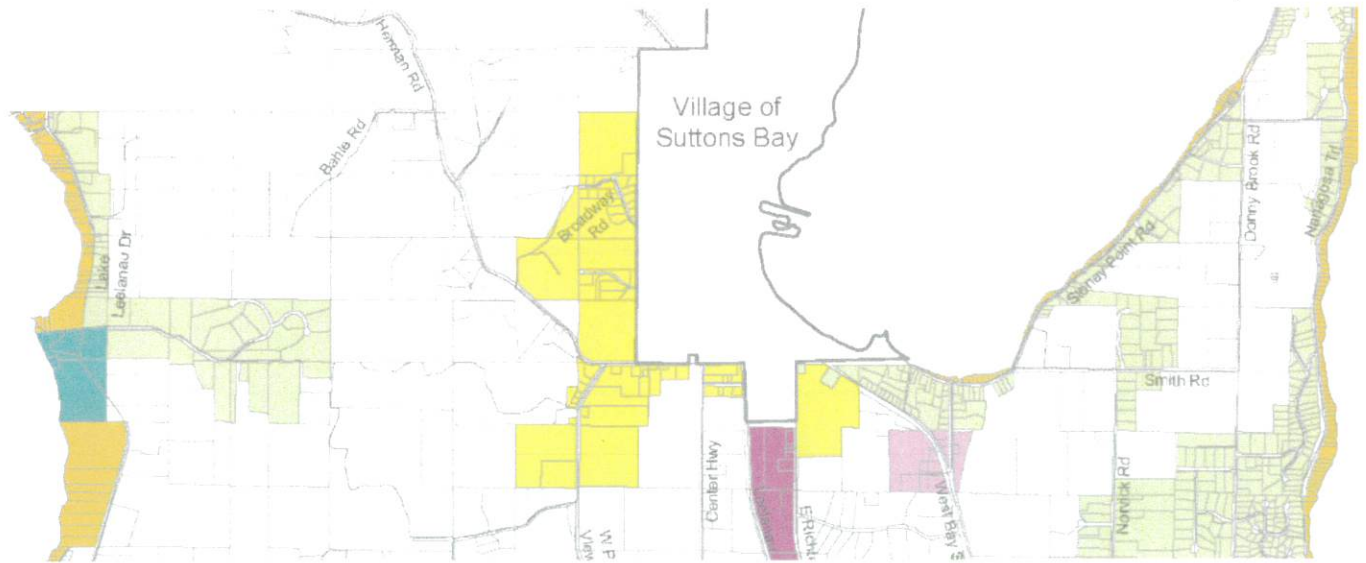
- Cluster-type development is permitted through the Open Space Development district; however, the review process associated with this district may not incentivize this kind of development.
- The Open Space development standards may be beneficial for parcels with challenging topography, woodlands or wetlands, but otherwise do not provide additional benefits for development.



Organization and Format

Zoning ordinances should be structured in a way that is intuitive and easy to access information. Every ordinance should include zoning districts, use designations, standards, and procedural requirements, with information displayed in a manner that is user-friendly and prevents flipping between sections.

With so many subsections in multiple word files, it is difficult for users to quickly locate information and provisions sometimes appear duplicative or inconsistent with surrounding sections.



ZONING ORDINANCE REVIEW

DEFINITIONS



Every Zoning Ordinance must include specific and comprehensive definitions to provide legal clarity and reduce ambiguities. This ensures that all stakeholders, from local government officials, to property owners and developers, have a shared understanding of the rules and regulations established in the Ordinance. This clarity not only enhances compliance, but also reduces the likelihood of costly disputes and legal challenges. In addition, clear definitions help to preserve the integrity of the ordinance by making it easier to manage consistent application of the rules.

The recommended updates to definitions outlined below will provide greater clarity throughout the development process.

Clear and easy-to-understand definitions are critical for all ordinances.

They not only help applicants, staff, and board members understand regulations, but also aid in review and enforcement. Some definitions could be improved to provide clarity and to maintain consistent application and interpretation to the greatest extent possible. For example, the definition for “Agricultural support,” could include some examples to clarify what it means to “serve the local farming community.” Some additional terms could be clarified, including: clear sight distance,

Simple, clear graphics help illustrate the text.

Graphics may help to clarify terms that are easier to understand visually. For example, graphics would clarify the definitions of the various subdefinitions of “Lot” (Front, Rear, Side, Corner, etc.). The definition for “building height” uses the peak of a roof, but in many communities, the midpoint of the roof is used; graphics could help this be more clear.

Fair Housing

Fair housing is the right to choose housing free from unlawful discrimination. The Federal Fair Housing Act (FFHA) and Michigan laws protect people from discrimination in housing based on the following protected classes: race, color, religion, sex, national origin, familial status, disability, marital status, and age.

The FFHA prohibits municipalities and other local government entities from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against individuals protected by fair housing law, whether intentionally or by discriminatory effect. Discriminatory effect can be established by showing that an action, such as a zoning decision, while facially neutral, has either an adverse impact on a particular minority group or harm to the community generally by the perpetuation of segregation.

The FFHA also requires municipalities and local governments to make reasonable accommodations to zoning and land use rules, policies, practices and procedures as necessary to provide an individual with a disability equal housing access.

Reasonable accommodations, as defined by the FFHA, are changes in rules, policies, or practices that are necessary to afford persons or groups of persons with disabilities equal opportunity to use and enjoy housing. The FFHA requires municipalities to make reasonable accommodations in land use and zoning policies and procedures.

The definitions should differentiate between similar terms clearly to avoid confusion and overlap, but too many similar definitions should be avoided.

Some additional terms could be clarified, including: business service versus service establishment (which does not seem to be listed as a permitted use in any district). Commonly defined terms do not need definitions in the Zoning Ordinance, such as “coniferous,” “deciduous,” and “evergreen.”

- The ordinance includes references to “filling station,” and “gas station,” calling both a “service station,” which may be confusing with “commercial garage.” None of these are listed as uses in any district.
- The ordinance includes a definition for “floor area” and “floor usable area,” but the ordinance uses “gross floor area” for important standards.
- Campground and “modern campground” are both defined, although modern campground is not listed as a permitted use in the ordinance.
- There may be confusion around principal and primary buildings and structures. The ordinance defines “primary structure,” but principal structure and building are terms sometimes used in the ordinance. Because uses are “principal” and “accessory,” then buildings and structures should also be “principal” for consistency.
- “Trails, assisted or non-motorized” and “public recreation trails,” are defined separately and worded slightly differently, but they appear to mean the same thing.

Add clarifications to consider when an unusual situation may occur.

For example, the definitions of “home business” and “home occupation” are similar, but “home business” is defined as being “more intense than a home occupation.” A few examples will be helpful to understand the differences. Additionally, the term “industrial” could be expanded to clarify what is meant by “manufacturing products and goods.” Examples could also be included with “large acreage recreation” (why is it different from a golf course or other “recreational areas”?).

Definitions should be updated to include current terminology and be consistent with state and federal laws as well as case law.

Terms defined by the State of Michigan often do not need to be defined again in local ordinances. This keeps the local ordinance consistent with state law. For example, types of state licensed residential facilities, should reference the state definition. “Commercial activity” is defined, but only pertains to farm operations and the ordinance could reference Right to Farm Act, for example.

Terms should be defined in a single subsection of the ordinance.

The draft ordinance includes a definitions section, where all terms should be defined. However, there are terms defined within specific sections, which runs the risk of terms being redefined or defined in a conflicting way.

Terms that correspond with regulations should be defined.

When a term is mentioned in the ordinance, it should not be subject to interpretation or difficult to understand. For example, drive-through should be defined since it is a regulated use/function. “Planned unit development” appears to be removed (strikethrough text in the definition section) but it is referred to in a few other sections.

New uses added to the Ordinance should be defined.

Any new uses added to the Ordinance should have a corresponding definition that highlights any distinguishing characteristics. For example, if the Ordinance is amended to include transitional residences for individuals recovering from addiction, a corresponding definition for these facilities should be added to the definitions section of the Ordinance.

Definitions should be separate from standards.

Keeping definitions separate from standards ensures that standards are not overlooked, as definitions are often only referenced for clarification. For example, the definition of “variance” includes reference to criteria by which a variance may be given.

Definitions for terms that do not appear in the ordinance may be removed.

Any term that is defined, but is not included in any regulation may be removed. Alternatively, the term may be integrated into ordinance regulations. For example, the Ordinance includes a definition for “conservatory,” but it is not used. “Zero lot line” is also defined but not used in the ordinance.

DISTRICTS & USES

The intent of a Zoning District should align with the vision and goals of the Master Plan. Generally, the intent statements for all districts should be reviewed after the completion of a Master Plan update. The intent statements provide guidance for interpretation and consideration for rezoning requests.

When a use in the Ordinance is not expressly listed, the use is prohibited. There does not seem to be a provision for “unlisted uses.” The Township may wish to establish a process for unlisted uses to establish a review procedure, qualifying criteria and standards of approval to make a determination as to where a use that is not listed would be appropriate. Such process may be more appropriately assigned to the Planning Commission than the Zoning Board of Appeals.



Future Land Use Categories and the Zoning Plan

The Future Land Use Map illustrates where the Township intends to locate general land use categories into the future. The map is accompanied by text that describes the categories shown on the map. Both elements are intended to guide any zoning amendments that may be needed to realize the vision of the plan, but also to provide the Township support for land use policies and decisions (like a special land use or rezoning application).

Section 33, (2), (d), of the Michigan Planning Enabling Act (Act 33 of 2008) requires that Master Plans adopted after September 1, 2008 include a Zoning Plan that explains how future land use categories in a Plan relate to the zoning districts incorporated in a community’s Zoning Ordinance.

Future Land Use District	Village Zoning Districts	Township Zoning Districts
Working Lands		Agriculture
Rural Residential	Hillside Residential	Residential
Neighborhood Residential	Central Residential	
	Newer Village Residential	
Shoreline Residential	Single Family Waterfront	Residential
	Waterfront Condominium	
Rural Commercial		Commercial
General Commercial	South Business	Commercial
Mixed Use		
Center	Central Business	
North	North Gateway	
	North Village Area	
South	South Gateway	
Waterfront	Bay View Area	
Lake Leelanau		Commercial
Business Park	Warehouse/Industrial	Commercial
Recreation	Public Lands	Included with Agriculture
Conservation		Included with Agriculture
Peshawbestown		Residential
M-22 and M-204 Heritage Corridors		
Public/Semi-Public	Public Lands	
Greenway		

The table above relates the 2011 Master Plan’s future land use categories with the Village’s and Township’s zoning districts in place at the time. The current ordinance uses different terminology for the zoning districts that should be updated in the future when the Township amends its Master Plan.

Agricultural District

Suttons Bay Township has one agricultural district that the 2011 Master Plan aligns with the “working lands” land use category. The Master Plan’s description specifically includes other uses such as “agritourism” and “agrommercial” that speak to the types of activities permitted beyond “agriculture.” The intent statement for the zoning district references the “local economy,” but could offer additional clarity on the types of uses permitted and the form in which they should blend into the environment.



Potential Zoning Actions:

- “Agritourism” is not a use on its own, as defined in the draft ordinance.
- Low impact agricultural processing and high intensity food processing sound similar and are both listed as permitted uses (each time one is listed, the other is also listed). These could be consolidated with specific standards associated with each, particularly with respect to what makes a food processing operation “high impact,” other than “more traffic.”
- The list of “specific” land uses is vague as it states that “some of the land uses also require a special land use permit...” but does not identify which ones, forcing the reader to switch to another section of the ordinance.
- The Planning Commission may wish to consider whether solar energy uses should be included as permitted or Special Exception Uses in this district. In addition, the Planning Commission may wish to consider adding accessory solar structures to be allowed as permitted uses in these districts.
- The allowable building types section could be easier to understand and apply if presented in a table.
- Basic dimensional information should be available in each district.



Single Family Residential Districts

Suttons Bay Township has three residential zoning districts, Shoreline Residential, Rural Residential and Neighborhood Residential. The Open Space district allows cluster housing where housing developments are encouraged to preserve natural features.

Potential Zoning Actions:

- The list of “specific” land uses is vague as it states that “some of the land uses also require a special land use permit...” but does not identify which ones, forcing the reader to switch to another section of the ordinance.
- “Accessory building types” are not uses and do not need to be listed as such. “Accessory uses” could be listed.
- The allowable building types section could be easier to understand and apply if presented in a table. Also, the ordinance should address what building types are allowed for the non-residential uses permitted in the district, such as churches, schools and child care centers. Are there any minimum lot dimensions associated with these uses?
- Basic dimensional information should be available in each district.
- The Planning Commission may wish to consider adding accessory solar structures as permitted uses in residential districts.
- The “Flexible Development” section 8.6 encourages additional housing in exchange for site enhancements; the standards or guidelines for the enhancements would benefit applicants and the reviewing body in understanding what is envisioned/required.

Commercial District - C-1:M-22

The Ordinance includes provisions for a small area of the Township along M-22, just south of the Village. A variety of commercial uses, in general categories, are permitted.

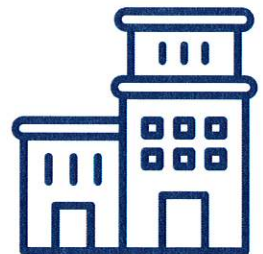
Potential Zoning Actions:

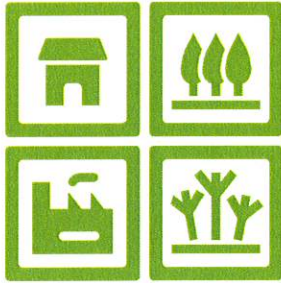
- Fences are not a land use and do not need to be listed as such.
- If retail is a permitted use, why is a farm retail market listed as a specific land use? There are no additional standards for this use.
- Consider allowing outdoor dining by right, rather than as a special land use.
- The ordinance allows “residential uses incorporated with above uses,” which sounds like a mixed use building; this may be confusing with “multi-family development” listed later in the specific land use section.
- Under allowable building types, there is direction that “buildings are to be oriented to the streets and sidewalks.” However, sidewalks are not required, and this section could expand upon what it means for a building to be “oriented.”
- There is opportunity to clarify the road setbacks: Section 10.5.C.3 says the Commission “may approve greater or lower setbacks” but does not say how that would be determined. This could be confusing for applicants and the Commission.
- Under standards for impervious surface coverage, there is an allowance for an increase if low impact design is used; this should be clarified for the benefit of applicants and the approving body.
- The provisions for public entrances and parking should address corner lots.
- The Planning Commission may wish to consider adding accessory solar structures to be allowed as permitted uses in these districts.
- Additional standards for drive-thru uses could provide queuing requirements as well as clarifying screening requirements.
- Standards for display and storage areas could clarify whether such uses are allowed in front yards. For dumpsters, consider if landscape screening is sufficient.
- References and excerpts to other sections may not be helpful and run the risk of creating conflicts in the future if other sections are amended.



Commercial District - C-1: Light Industrial

The Ordinance includes provisions for a one specific roadway where a mixture of “residential, commercial and industrial uses exists.” Many of the notes included above apply to this district also. One additional observation: are retail and restaurants permitted?





USE STANDARDS

Providing specific use standards for by-right and special land uses is helpful for property and business owners, reviewing bodies and the general public. When impacts are anticipated, standards can be used to mitigate them and also provide for enforcement. Having the standards listed in a separate section, rather than included with each use each time it is mentioned, makes the ordinance user-friendly. To further aid in this, section numbers should be added after each use is listed, to alert the reader that additional standards will apply. From an organizational standpoint, there does not seem to be a need to break Section 14 down into permit/no permit as this is included in the table.

Schedule of Uses Chart.

The use of a table is helpful to understand quickly where uses are permitted; consider providing this table earlier in the ordinance and adding an “x,” “--” or “NP” (not permitted) to make it clear when uses are not permitted. It should be noted that family child care homes and adult foster care family homes are protected in the Michigan Zoning Enabling Act as residential uses and the Township may not require site plan review, unless that is required for single family homes.

Uses.

- Residential: Consider allowing duplex/two-dwelling homes by right in certain districts.
- Farm stands: There seems to be standards spread throughout the ordinance (definitions, within districts as outbuilding types, and in the use standards section). These should be consolidated into one section to avoid the risk of creating conflicting language in the future.
- Fences: Are all materials permitted? The wireless communication standards prohibit barbed wire and the like.
- Home occupation and home business: The Township may wish to consider further defining what makes a use “accessory.” This might mean in size/area of the space used as such. Further, what makes a “business” more intent than an “occupation?” Home businesses are not allowed outdoor storage, but home occupation standards do not address this. For home businesses, a parking plan is required, but retail sales are only incidental and only one employee is permitted. Note the sign provisions may allow more signage than intended.
- Agricultural support: As defined, it is unclear what kinds of “manufacturing or service industry” may be envisioned; examples will help. The use standards section refers to accessory buildings not being modified to prevent the return of such to “normal farm use,” which is not defined. The additional use of “Agricultural Based Operations” is not defined and it is unclear how this might be different from agricultural support. Similarly, low and high intensity food processing have their own standards; how are they different from agricultural support?

- Bed and Breakfast: It is unclear what “the owner shall be in residence” means. A better definition would be “A private residence that offers sleeping accommodations to tourists in ten or fewer guest rooms and is the innkeeper’s personal residence”
- Boathouse/shoreline storage: Rather than measuring from the water, the ordinary high water mark should be used (it is referenced elsewhere). Some of these standards are addressed with the outbuilding type standards and should be consolidated for long-term consistency.
- Small wind energy systems: It is unclear why this section 14.4.9 is here as it then redirects to Section 15.3.
- General provisions for special land uses are standards noted elsewhere and are not necessary.
- Adult uses: The Township may wish to add references to caselaw that is often included in ordinances that further support zoning regulations. There is a conflict with the height of light fixtures, which is permitted to be 3’ higher here than for other uses.
- Campgrounds: The standard for storage of RV’s should be clarified as it says storage has to be in an “approved screened location,” but does not indicate where that is on a site (rear yard?). Also, requiring homeowner approval should be avoided; what might be ok to one homeowner may not be ok for a future homeowner.
- Mining: the rehabilitation or reclamation plan requirements could be better organized into this section.
- Trails: These are generally public facilities and it is helpful to have guidelines for development, but consider whether they are needed in the Zoning Ordinance, which regulates private land development.
- Drive-in and Drive-thru restaurants. Consider including drive-thru requirements for uses that have a drive-through, including restaurants, banks, pharmacies, etc.

Open Space Development

This article provides flexible development standards for residential development that preserves open space, farmland, and natural features. It appears to target single-family homes, but they are not listed as permitted uses. Multi-family housing is permitted by special land use; duplex units “shall be considered,” but that does not indicate whether they are permitted by right or with special use permit. The standards and permitted density of units are provided on a sliding scale based on the amount of open space preserved. Use of this development tool makes sense for parcels that are challenging to develop due to topography or the presence of wetlands or woodlands. However, for otherwise open land or previously farmed land, there is no density bonus to incentivize a developer to cluster homes on such a parcel. Further, the requirement for a public hearing adds more time and uncertainty to the review process.



SITE STANDARDS

Site standards are regulations in the Zoning Ordinance that address site improvements and elements required in the development of a parcel of land.

Parking

In general, the Township offers opportunities to reduce parking and impervious pavement through updated regulations. While there are options for reduced or shared parking areas, some standards could better address reducing parking areas. Improvements could allow parking to be provided within a certain distance of a subject parcel, rather than requiring parking to be abutting property only. The provision requiring shared parking to be provided within 50' of a building entrance may be difficult to meet.

In terms of the layout and number of parking spaces per use, some of these standards may be high, resulting in sites that are over-parked. Some uses that could see a reduction include:

- Residential housing: Currently two space per bedroom are required for all dwelling units. Consider lowering the standard for one-bedroom dwellings and clarifying that visitor spaces are required. There should be a size requirement for parking provided in driveways, to ensure that vehicles do not hang over into streets and sidewalks.
- General retail: Currently one space per 250 sf of floor area, depending on the type of retail. This could be reduced to one space per 300 sf of floor area for all stores.
- Gasoline stations, self service: Three spaces per service bay plus one space per 300 sf of gross floor area is high. Consider one space per bay plus any required parking for retail use.
- Manufacturing: This standard is unclear: "...plus additional parking spaces required for operating the business."
- Medical, Dental Offices and Health Clinics: Consider changing this requirement to be consistent with the number of exam rooms, rather than adding in a calculation based on the area. This will result in a parking calculation that is more accurately representative of the use's demand.
- Places of assembly: These uses are not addressed and could be added to the standards for churches.
- Drive-through uses: There do not appear to be stacking space requirements for order queuing and waiting spaces. With more restaurants and retailers providing online ordering, spaces for vehicles to pick up their online orders are often needed. These should be provided in easy to access locations on a site, and in a way that does not interfere with pedestrian access or spill over into adjacent roadways.



In addition to improvements to the parking schedule, additional site standards related to parking should be revisited:

Parking dimensional requirements.

A review of parking dimensional requirements could help reduce excess pavement. For example, spaces that are from 54 to 90 degrees are required to have 20 feet in length. The Planning Commission may consider reducing this length when the parking abuts a landscaped area to allow up to 2' overhang.

Maximum parking.

While there are parking minimums in the zoning ordinance, there is no limit on the amount of parking an applicant may provide. The Planning Commission may wish to consider a maximum, with the ability to provide waivers when appropriate, to prevent excess surface parking while maintaining flexibility.

Pedestrian Circulation.

In addition to internal pedestrian circulation and integration with the sidewalk network, the ordinance does include requirements for parking areas to connect to principal buildings. However, there is an opportunity to also require connections to non-motorized pathways and trails (and sidewalks, where applicable).

Bicycle Parking.

The Planning Commission may wish to consider incorporating minimum bicycle parking requirements to ensure that adequate facilities are available.

EV Charging.

The ordinance currently notes that EV Charging stations are permitted for electric-powered vehicles, and the Township may wish to add additional clarification and review standards to specify how such facilities will be reviewed. This will ensure greater consistency and objectivity in the application of this provision.

EV Charging Stations may require signage that can create visual clutter when excessive. The Planning Commission may consider crafting sign regulations specific to EV charging stations.

Banked/Reserved Parking.

The ordinance includes a provision for reserved parking, but this is not defined, nor are there provisions for when reserved parking must be constructed. This is often required upon a finding by the Township that parking is insufficient.



Signs

The 2015 US Supreme Court decision in the case of *Reed v Town of Gilbert* has resulted in many communities recognizing the need to update their ordinances with respect to temporary signs and content neutrality. The sign standards for the Township are generally content-neutral; however, the Township may wish to consider allowing additional signs/duration to allow free speech. Some additional issues to address include the following:

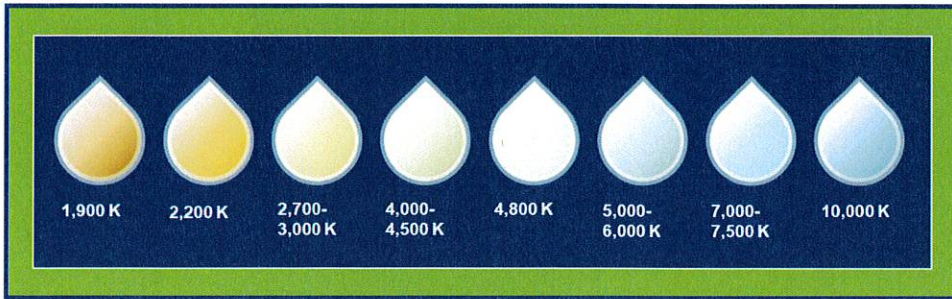
- The section for sign sizes in agricultural and residential districts should clarify if these pertain to single-family homes and any permitted non-residential uses.
- The table for signs in commercial districts could be clarified with respect to the number of signs permitted, which may be excessive. Allowing 30 sf of portable signage may also be excessive. There is a footnote (a) that allows one sign per street frontage and one shared sign. It is unclear if this means each business gets a sign or if there is only one sign allowed.
- The wall sign standards of 3.13.7 conflict with the table in terms of number and height of signs.
- Graphics will help the reader understand standards.

Exterior Lighting

The current standards for lighting address light pollution in the Township.

- The ordinance should include additional lighting definitions. Terms used to describe lighting requirements such as “cut-off shielding,” should be defined to help applicants better understand how to prepare plans that are compliant with the ordinance.
- Measurements or light levels may also help applicants and the reviewing body understand what is expected. For example, saying that lighting should be designed to “ensure that direct or directly reflected light is not directed off the property” could be clarified to say that light measurements should be 0 footcandles at the property line.
- Standards could be added to require lighting in pedestrian areas, such as parking lots and building entrances.
- The ordinance requires all lighting to be brought up to new standards within 5 years. The Township may wish to take proactive measures to raise awareness of this requirement, starting with the adoption of the ordinance, and annually, until the 5 years is up, to help property owners understand and plan for improvements. The Planning Commission may wish to consider including standards for enforcement and provisions for declaring lighting to be a nuisance.

- Lighting standards could be updated to address the color temperature of lighting. Today's lighting, particularly LED lighting is much more efficient than older types of lamps, but too high of a lighting temperature and the associated blue light can impact circadian rhythm, cause glare, and contribute more to light pollution. The American Medical Association recommends lighting temperature of 3000K or less in their study Human and Environmental Impacts of LED Community Lighting: "energy efficiency of 3000K lighting is only 3% less than 4000K, but the light is more pleasing to humans and has less of an impact on wildlife".



Color temperature chart example.

Lighting

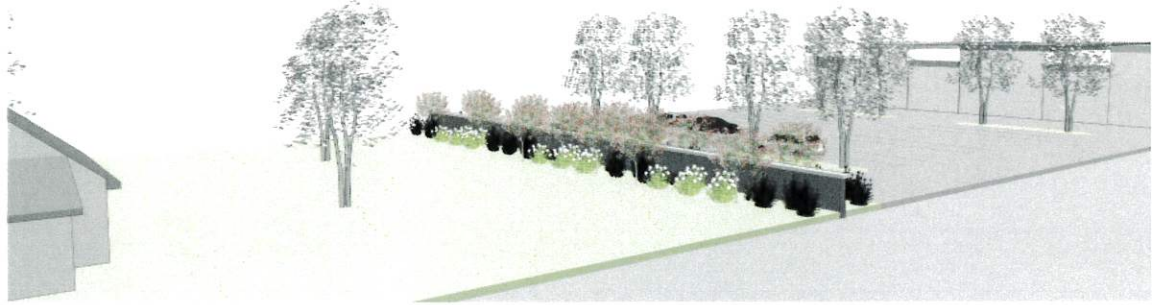
The American Medical Association (AMA) encourages communities to regulate lighting temperature to reduce glare and minimize the negative impacts associated with blue lighting.¹

High-intensity LED lighting gives off a blue-colored light that can often create worse nighttime glare than conventional lighting. Studies have shown that "discomfort and disability from intense, blue-rich LED lighting can decrease visual acuity and safety, resulting in concerns and creating a road hazard."

The AMA also finds that the blue light from LED street lights suppresses melatonin during night and "brighter residential nighttime lighting is associated with reduced sleep times, dissatisfaction with sleep quality, excessive sleepiness, impaired daytime functioning and obesity."

Wildlife can be impacted as well as people. Excessive outdoor lighting "disrupts many species that need a dark environment." The AMA notes that "poorly designed LED lighting disorients some bird, insect, turtle and fish species, and U.S. national parks have adopted optimal lighting designs and practices that minimize the effects of light pollution on the environment."

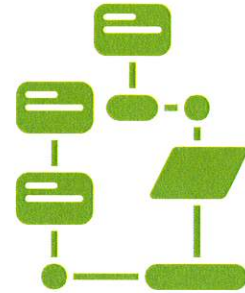
¹ <https://www.ama-assn.org/press-center/press-releases/ama-adopts-guidance-reduce-harm-high-intensity-street-lights>



Landscaping

The ordinance has a solid set of standards for landscaping, while allowing for flexibility. However, the Planning Commission may wish to clarify a few provisions and add graphics to help the reader apply and review the standards.

- The Statement of Purpose at the beginning of the landscaping section could include other objectives which may be of benefit to Suttons Bay Township. In particular, the Township may consider noting the value of preserving and protecting the agricultural character as an objective of landscaping regulations, in addition to preserving the “visual character.” To this end, the preservation of shelterbelts, the plantings of trees/shrubs along property lines, should be required.
- The flexible design standards in Section 3.9.4 should include a statement that the Planning Commission shall accompany their decisions by findings of fact for the record when making landscape waivers and modifications. This will help ensure consistency and fairness long-term.
- The standards could include provisions for the updating of existing development. When an existing site is undergoing improvement, a change in use, or expansion, the goal should be to bring the site into compliance with ordinance standards; however, this may not be practical in all instances, so an ordinance standard could address and encourage incremental improvements.
- It is good to have a landscape plan and the requirements articulated in the ordinance; the Township may wish to consider including the type of professional that may prepare such landscape plan, including landscape designers, licensed landscape architects, licensed arborists. Further, consider an increase in the caliper of trees required to be included in the tree survey (6”- 8” d.b.h. is typical).
- Some of the standards and criteria in Section 3.9.5 could be made more clear. For example, item D. says the “area in which the landscaping or screening is to occur may include the required setbacks.” Item K says “the landscaping may only be required along the portions of the property line that have immediate adjacent uses incompatible with the surround parcels. This will be determined at site plan review.” These statements may be confusing for applicants, looking to understand where and when landscaping is required - in order to prepare for the site plan review process.
- Additional standards could be added to improve tree and plant health, including specifying an area of plantings, particularly in parking lots, as well as maintaining a good distance from property and right-of-way lines.



DEVELOPMENT PROCEDURES

Development procedures outline the application steps for processes in the Zoning Ordinance, such as permitting, plan reviews, special land uses, text and map amendments, appeals and variances, and nonconformities. Procedures should be straightforward, to provide a clear and logical road map without room for ambiguity. This precision helps to foster shared expectations between applicants and decision makers, contributing to a fair and efficient process.

Site Plan Review

Site plan review is the process of evaluating developments to ensure they match zoning requirements and align with the long-term community vision. During this process, applicants submit plans including a long list of desired information detailing the existing conditions, proposed layout, and desired site amenities. The plans undergo an administrative review before proceeding to the Planning Commission for approval.

Applicability: The table of the type of review and required plan information is helpful and could be moved to the beginning of the article for convenience. The Township may wish to move away from requiring large numbers of paper copies of site plans, requiring one electronic site plan and one or two paper copies is likely sufficient and saves the applicant money, especially if multiple reviews are needed.

Fees: There are sections relating to the fee schedule, which should be reviewed annually to ensure administrative costs are covered. Escrow fees could be part of that fee schedule as well; it should be clearly stated when escrow will be collected, to ensure fairness and consistency.

Timeline: Consider extending the duration of approval to 18 months and/or giving an administrative extension of 12 months.

Nonconforming Uses and Buildings

Nonconforming uses and buildings are land uses or buildings that were legally established prior to current zoning laws, and are no longer compliant. This nonconforming status often restricts expansions of the use or building, but ordinances generally allow for continued use as initially permitted.

Nonconforming Structures. The Planning Commission may wish to review standards in Section 21.5; subsections C and D may be conflicting.

Nonconforming Uses. This section allows for a building or structure that has a nonconforming use to change the use to another that is nonconforming. Subsection 21.6.C. should clarify that any new uses comply with the district in which the property is located.

Permits

The ordinance provides a process for land use permits; ensure there is consistency in the site plan requirements.

Violations and penalties

The ordinance provides a process for violations and for penalties. These could be combined into one section. The Township may wish to remove the fees from the ordinance, so that future changes do not require amending the ordinance through a public hearing process.

Ordinance Amendments

The Ordinance can be amended in two different ways: the text can be changed or the map can be changed. A map change is most commonly referred to as a rezoning. The process for amending the zoning ordinance must comply with the requirements of the Michigan Zoning Enabling Act, including a public hearing, review and recommendation from the Planning Commission, and final adoption by the Township Board.

Application for Amendment.

The process for ordinance amendments should explain clearly what information should be included in a petition. This provides the applicant guidance that will ensure that the Planning Commission has all information necessary to make a decision. The application should require a narrative explaining the nature and effect of the proposed amendment. All circumstances, factor, or reasons that justify this action should be included in the narrative. When applications are for rezonings, a survey of the subject parcel should be included.

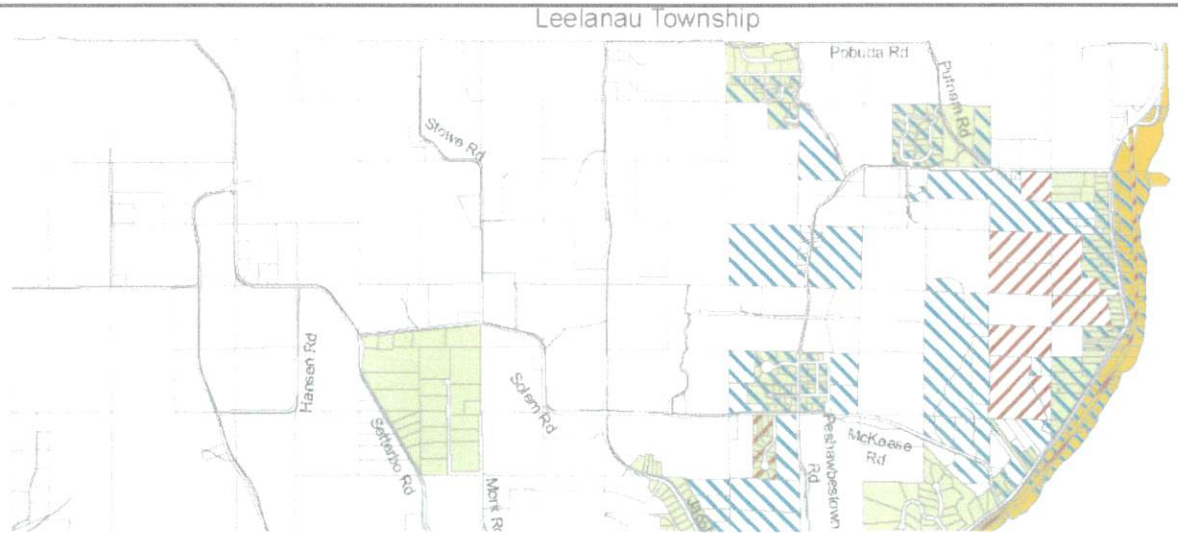
Standards for Review.

The Ordinance includes a list of review standards for Planning Commission to consider when there is a petition for a rezoning. The ordinance may also be updated to include review standards that should guide the Planning Commission through consideration of a text amendment. Although text amendments are typically introduced by the Planning Commission, rather than by applicant petition, review standards will help guide commissioners to think comprehensively about the impact that a change will have on development. Considerations for text amendments may include alignment with Master Plan, impact on public health, welfare and safety, consistency with the intent of the Ordinance, changes in state or federal law, or a change in conditions.

Zoning Board of Appeals

The Zoning Board of Appeals is the Township body tasked with reviewing appeals from the Zoning Ordinance. A petition for appeal may be a variance, a request for an interpretation, or appeal from a decision. All decisions made by the Zoning Board of Appeals are final, unless appealed to the Circuit Court. It should be noted in this section that a member of the Planning Commission or Township Board shall recuse themselves from an appeal of a decision from that board.

In addition, the Ordinance also states that the Zoning Board of Appeals may hear and decide appeals from any determination made by any administrative official charged with enforcement of the provisions of the Zoning Ordinance. However, this should clarify that appeals to determinations made by any public body may also be addressed by the Zoning Board of Appeals.



SUSTAINABILITY AUDIT

Why Is Sustainability Important?

As we plan for the future, many of the challenges we will face are related either directly or indirectly to our place in larger systems, both natural and man-made. We often have little direct local control over these systems, but adapting to change and discovering our role in contributing to the health of these systems is nonetheless essential to planning for a community that can survive and thrive even in the face of the most severe challenges. The Zoning Ordinance is one tool the Township can use to implement sustainable strategies.



Housing and Neighborhoods

The Planning Commission may evaluate housing types listed as special land uses to consider whether they would be acceptable as by-right uses. Implementation of these changes will prepare the Township for future housing development that meets changing community needs. This type of housing diversity is especially important for the growing senior population, who often seek alternatives to single-family homes that have less intensive maintenance demands.

Stormwater

The Zoning Ordinance does address stormwater and some additional approaches could include:

- Identify more opportunities to reduce impervious surface coverage
- Pervious or porous surfaces are permitted; consider requiring a maintenance program to ensure longevity and effectiveness of these surfaces.
- Reduce parking requirements, and require a certain percentage of parking spaces be sized for compact cars, electric vehicles, and bicycles.
- Identify opportunities to reduce pavement width for standard residential developments.
- Include a natural feature setback to appropriately buffer wetlands and water bodies from development

Smart Growth Principles

- Mix land uses.
- Take advantage of compact building design.
- Create a range of housing opportunities.
- Create walkable neighborhoods.
- Foster distinctive communities with a strong sense of place.
- Preserve open space, natural beauty, and critical environmental areas.
- Strengthen and direct development towards existing communities.
- Provide a range of transportation choices.
- Make development decisions predictable, fair and cost effective

Building Standards

Use of LEED green building practices could be a consideration for planned unit developments and other special development techniques. Consider the following strategies:

- Promote LEED practices in both residential and commercial districts.
- Use tools available from the US Green Building Council to incorporate standards for LEED-certified development into the zoning ordinance; consider creating incentives for development that is LEED-certified (GB).

Alternative Energy

Increasing the availability of renewable and alternative energy is one way to reduce greenhouse gases and mitigate the effects of global warming and climate change. Additionally, as fossil fuels become more difficult to extract and refine, these “clean” energy sources are becoming more cost-effective. Update the definitions section to include all types of alternative energy addressed elsewhere in the Ordinance.

- Define geothermal and solar energy and add standards.
- Consider which districts, if any, may be appropriate for commercial-scale renewable energy uses.
- Adopt provisions to allow accessory solar structures and EV charging stations.

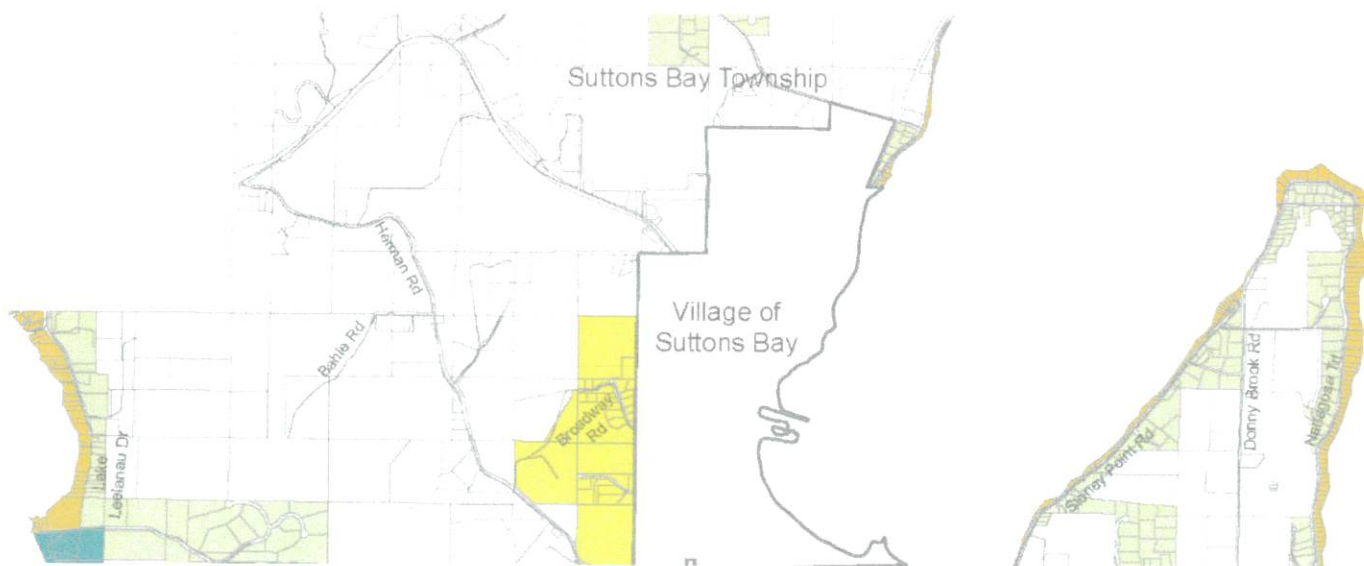
Land Uses

- Update the open space land standards to encourage and promote the clustering of development in all zoning districts

What is LEED?

LEED (Leadership in Energy and Environmental Design) is the most widely used green building rating system in the world. Available for virtually all building types, LEED provides a framework for healthy, highly efficient, and cost-saving green buildings. LEED certification is a globally recognized symbol of sustainability achievement and leadership.

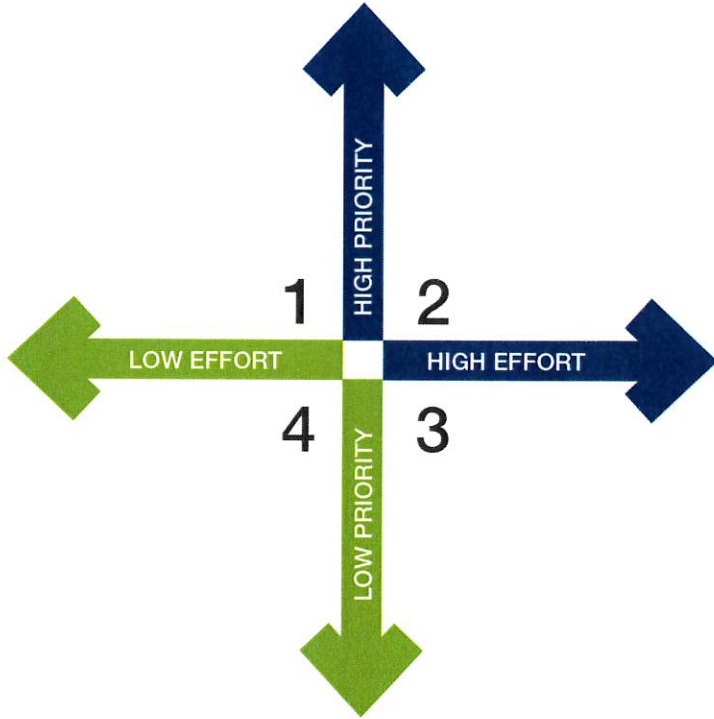
LEED is for all building types and all building phases including new construction, interior fit outs, operations and maintenance and core and shell.



NEXT STEPS

This audit includes many recommendations for the Planning Commission to consider while updating the Zoning Ordinance. Although the recommendations draw from existing planning documents and best practices, they may vary in terms of prioritization and potential impact. The Planning Commission may wish to review the recommendations to consider general consensus, appropriate timelines, and preferred prioritization before introducing any new amendments.

An Action Priority Matrix (APM) like the one shown below could help the Planning Commission move forward on making updates to the Zoning Ordinance. It can include all the recommendations from the audit based on priority and effort. Priority would be determined based discussions with the Planning Commission and input from legal counsel and staff. The effort is determined based on amount of research, discussion, and estimated time it takes to draft the language.



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Proposed Work Program - Zoning

Process - Updated July 2024

Our team's proposed process for the Suttons Bay Township Zoning Ordinance proceeds in the following steps, which include a pause in the process to refine the scope of work after the Zoning Audit:

1. Zoning Ordinance Audit & Minor Ordinance Corrections (grammar/typos/cross-references) - COMPLETE
2. Refine Work Plan – check in to consider audit findings and refine work plan for needed amendments - COMPLETE
3. Zoning Ordinance Amendments - Focus on Neighborhood Residential District
4. Public Engagement – sharing the draft code with the community for input
5. Clearzoning® Formatting
6. Public Hearing and Adoption

Jumping ahead to step 3 in the process, we will work with the Township to update zoning standards for the Neighborhood Residential District and develop a new Zoning Ordinance that provides a grounded regulatory structure for new development and transform the ordinance into a user-friendly document.

STEP 3 | Zoning Ordinance Amendments

Updates to the Neighborhood Residential District will be created to accommodate desirable housing developments. Flexibility for smaller lot sizes is an important element of this district. In addition, confusing and vague language in the current ordinance will be refined to improve readability and understanding. This will include an update of the Use Matrix and clean up of the list of uses within each district. Graphics will be added to aid in understanding. We propose up to two remote meetings to discuss this amendment with staff and/or a subcommittee of the Planning Commission as desired by the Township. We will attend three in-person meetings in conjunction with the process: one kickoff meeting that will include discussion on zoning and the Master Plan, a second meeting to present the working draft and the third to facilitate the public hearing on the Zoning Ordinance. We are available to attend additional remote meetings (\$300) and/or in-person meetings (\$1,200).

STEP 4 | Public Engagement

It is our understanding that limited public engagement has occurred on the draft zoning amendments. We will provide online information with opportunities to comment and ask questions as well as facilitate two workshop/study sessions, which we propose to hold 60-90 minutes before the regular Planning Commission meetings as described above.

STEP 5 | Clearzoning® Conversion

The Clearzoning Conversion process will include the reorganization of the draft ordinance into seven key articles: Introduction, Definitions, Zoning Districts, Use Standards, Site Standards, Development Procedures, and Administration, Appeals & Enforcement. If the Township wishes to keep the Subdivision regulations with the Zoning Ordinance, we can add an eighth article. Alternatively, that could stand alone. The final product will be an interactive PDF file that can be used with Adobe Acrobat Reader, a free program; the ordinance will be hyperlinked, with easy-to-use graphics and charts, in a manner similar to other Clearzoning codes.

After the transformation process, the new Zoning Ordinance will include, at a minimum, the following elements:

- A use district matrix (with zoning district headings hyperlinked to the district regulations)
- One illustration showing setbacks for each applicable zoning district
- Up to 10 additional illustrations of definitions and zoning regulations (e.g., landscape screening, corner clearance, etc.)
- Bottom buttons on each page will be hyperlinked to the zoning map, table of contents, use matrix, and “how to use this ordinance” page
- Seven tabs will hyperlink to the key chapters of the updated code
- Each listed definition in the definition index will be hyperlinked to the actual definition page
- Three (3) bound color copies of the final ordinance
- One hyperlinked digital file (PDF) for uploading to the Township’s web site

Once the ordinance is complete and adopted, the Township hosts the file on its website. Giffels Webster does not charge any annual fees once the ordinance is converted. The PDF format offers an extensive array of accessibility features, which will be fully utilized in the final document. When the Township makes future amendments to the ordinance, the information will be sent to Giffels Webster to place in proper Clearzoning form, and a new, updated file will be provided to the Township, with a separate electronic file that documents the pages that were changed. This work will be done based on the current “per page amended” fee, which for 2024 is \$25.00 per page amended and \$1 per page with modified hyperlinks only. If we create the Zoning Map, map changes will be charged on an hourly basis. This is similar to the way other code companies charge for updated codes; however, as noted above, there is no annual fee associated with a ClearZoning Ordinance, which is different from other code companies.

Interactive Zoning Map - Optional. A static version of the map with a link to the interactive map will be included in the Zoning Ordinance. Our GIS team will work with Township/County GIS staff to place the approved draft Zoning Map into the interactive format for final adoption if that option is selected. This element will be quoted separately and will be based on availability of data and access.

STEP 6 | Public Hearing & Adoption

Giffels Webster will help facilitate the public hearing for the Zoning Ordinance, including any needed assistance drafting notices of public hearing and adoption and resolutions of adoption. After adoption, Giffels Webster will finalize the document and activate the interactive zoning map (if applicable).

TOTAL FEE: \$24,800

Proposed Work Program - Master Plan

Process - Updated July 2024

This project is a set of targeted updates to the Suttons Bay Township Master Plan, based on the Planning Commission's Five Year Master Plan Review (MP Review), conducted in February 2024. The process includes three public workshops/Planning Commission meetings and an online platform. It will primarily focus on three modules: housing, the agriculture industry, and sustainability.

STEP MP1 | Kickoff: Base map, website, meeting

1. Kickoff - Meeting 1. Meet with the Planning Commission to kick off project (along with the zoning amendment discussion noted earlier). Discuss findings and suggestions from the Planning Commission's MP Review.
2. Website. Create a website to make planning & zoning documents available to the public and notify the public of meetings. Information and drafts will be posted here throughout the process. A direct email link can also be established on the website that will allow the public to submit input and feedback.
3. Plan Preparation Notices. Coordinate with Township staff to prepare and distribute public notices of the Township's intent to update the Master Plan as required by State law.
4. Data collection & Inventory. Update and assess demographic data to understand changes since the last plan's adoption in 2011.
5. Community survey. Using the 2011 survey as a template, update with questions to both gauge the change in sentiments/needs as well as potentially ask new and/or updated survey questions about current needs. This will be discussed with the Planning Commission at the kickoff meeting.

Timeline: 1 month

Cost: \$2,700 [30 hours @ a blended hourly rate of \$135]

STEP MP2 | Master Plan Update Modules

This step includes three public workshops that will offer opportunities to weigh in on the plan's focus areas. This task will begin with a PC review of the initial public input (survey).

1. **Module 1: Housing.** As noted in the Township's MP Review, the "imbalance of housing" was identified in the 2011 Master Plan, but the conditions have continued. The Township is looking to understand community housing needs and identify practical and appropriate strategies to address housing for current and future Township residents of all ages.
2. **Module 2: Agriculture.** The MP Review suggests a need to explore the evolving needs of the agriculture sector, the critical role of local farmland in state and national food production, and the perspectives of property owners.
3. **Module 3: Sustainability & Resiliency.** This module explores strategies for improving the township's environmental, economic, and social sustainability, and resiliency in the face of future challenges. This work dovetails with planning for alternative energy as noted in the MP Review.

Timeline: 6 months

Cost: \$19,800 [120 hours + three in-person workshops]

Step MP3 | Implementation Strategies:

1. Meet with the PC. Review public response to plan module development.
2. Future Land Use Map. The update will include an update of the Future Land Use Plan Map supporting recommendations based on the existing conditions analysis, public input, and goals and objectives. A narrative of the intent of each land use category will be provided in tabular form. Graphics and implementation details illustrating specific proposals will be included as appropriate.
3. Implementation Strategies. The Master Plan update should be a living document, one that provides guidance and direction for short and mid-term action plans. Realization of the community's vision, as identified in the Master Plan, will only come to fruition through decisive actions that result from an implementation strategy.
 - Action Items Summary Table: An easy-to-use checklist for prioritizing implementation strategies. Identify a champion, partners, and potential funding source for each specific action item to ensure implementation success.
 - Zoning Plan: Prepare a Zoning Plan to guide short-range zoning decisions. Relate current districts to each land use category as necessary. Provide direction for zoning changes needed as a result of the Master Plan.

Timeline: 3 months

Cost: \$6,600 [40 hours + 1 in-person meeting]

Step MP 4 | Public Hearing & Adoption

1. Meet with the PC. Meet with the PC to review the final working draft plan. Refine as needed.
2. Comment Period. The plan is distributed to neighboring communities and agencies for comment. This period doubles as a period for citizen comment.
3. Notices. After the plan is finalized based on feedback received during the comment period, prepare notice of public hearing in accordance with the Michigan Planning Enabling Act. Prepare Resolutions of Adoption.
4. Public Hearing. Present draft plan at the public hearing with the Planning Commission. Assist the Planning Commission with final adoption procedures.

Timeline: 3 months (63-day review period included)

Cost: \$5,640 [24 hours + 2 in-person meetings]

Step MP 5 | Plan Completion

Refine draft as needed and prepare electronic copy in PDF format. Coordinate with Township staff to ensure the adopted Plan is distributed in accordance with state law.

Timeline: 1-2 months

Cost: \$1,080 [8 hours]

TOTAL COST: \$37,020

Note: Where we can combine meetings for Zoning and Master Plan discussions, we will do so. We will hold our final invoice until the end of the project, and we will reduce the project if we attend fewer meetings (1 combined zoning/master plan + 2 Zoning Ordinance + six master plan meetings).

Waste Management District Amendment

SUMMARY

We believe the above revisions to the proposed ZO changes will allow a quality development similar to the one presented to the Planning Commission in May 2024.

The amendments and addition to Section 11 will not require a rezoning or our proposed Development and will expedite the Approval process. This seems to be a good way to proceed and we are happy that you and the PC are considering this simplified process to accommodate this Project.

Thank You for your consideration,

Respectfully Submitted,

Tony Biddix Team

June 09, 2024

RE: Review and Comments to proposed Sutton's Bay Zoning Ordinance change/additions
Section 11, dated 06-04-24

To : Suttons Bay Township Planning Commission and
Steve Patmore
Suttons Bay Township Zoning Administrator
95 W. Fourth St.
Suttons Bay, Michigan 49682

RE: Industrial Development, 1800 S. Richter Road

We offer the following comments to the proposed ZO changes to Section 11:

- Section 11.2.D Agreed (*)
- Section 11.4
 - A. *
 - B. *
 - C. *
 - D. (add) unless modified by Planning Commission
 - E. (add) unless modified by Planning Commission
 - F. (add) unless modified by Planning Commission
 - G. (replace word) "Use" with word "Unit"
 - H. (replace with) "Private Roads shall meet County Road Standards,
to access Public Road. All "Shared Common Areas" for access to individual
Units, Parking Areas, Loading Areas, Walkways, etc. shall have "Shared
Maintenance Agreement" in Condominium Master Deed and/or By-Laws".
 - I. *
 - J. *
 - K. *
 - L. *
 - M. *
 - N.1-4 *
 - N.5 (redundant and covered in H. above)
 - N.6 *

- For Rent only-
- Zoning Ordinance (Z.O.) amended 5/19/16
- Intent for Commercial Zoning is to be flexible if using interior driveways

AMEND SECTION 11.2.D Add Storage and Commercial Storage as Special Uses in the Waste Management Zoning District.

NEW SECTION

Section 11.4 CLUSTERED INDUSTRIAL/STORAGE CONDOMINIUM

The Planning Commission may approve a Site Plan within a Master Parcel that consists of a cluster of lots and/or units that vary from the regulations and standards listed in Section 11.3 as a Special Land Use, subject to the following provisions:

- A. A Special Land Use Permit is required for the overall Site Plan and Condominium. A separate Land Use Permit shall be required for each individual building.
- B. Proposed Uses shall conform to Section 11.2, and shall be part of the Special Land Use Permit. Future Change of Use of individual lots may require Administrative or Planning Commission approval.
- C. There are no minimum Lot Size, Width, Frontage, or Interior Setback requirements, including zero lot line buildings, subject to Site Plan and Special Use Permit approval by the Planning Commission.
- D. Setbacks from the boundaries of the Master Parcel shall conform with the Buffering standards in Article 3 of the zoning ordinance.
- E. Screening, Buffering, Landscaping, and Greenbelts shall comply with Article 3.
- F. All outdoor storage, parking, loading areas, and mechanical equipment shall be screened and buffered in accordance with the zoning ordinance and reviewed by the Planning Commission.
- G. Adequate parking and loading shall be provided for each Use and shall be shown on the Site Plan.
- H. ~~Private Road Standards shall be applied to access roads to individual lots and/or units, including the required road maintenance agreements.~~ **In accordance with this Ordinance, each individual lot or unit shall be accessed by an approved public or private road. The road may be designed and built to County Road Standards or Township Private Road Standards, at the option of the developer, and must be approved by the respective agency.**
- I. Water Supply and Wastewater Disposal shall meet all applicable Health Department and Building Code Requirements.
- J. Stormwater run-off shall meet the Leelanau County Drain Commissioner Standards.
- J. The maximum lot coverage of the Master Parcel shall not exceed 40%.
- K. The maximum impervious surface coverage on the Master Parcel shall not exceed 50% of the net acreage.
- L. The maximum allowable Building Height shall be ~~35~~ **30** feet.
- M. The Condominium approval process shall follow Article 17, Condominium Subdivisions.
- N. Additional Site Plan Submittal Requirements:
 1. A list of proposed allowable uses of the clustered units.
 2. Proposed water and wastewater - preliminary approval
 3. Parking calculations based upon proposed use.
 4. Lot coverage and Impervious Surface coverage calculations.
 5. Private Road Plans and Maintenance Agreement.
 6. Condominium Documents and By-Laws.

AMEND SECTION 17.1 to add "industrial" to the intent of the Condominium Section.