

CHAPTER 5

ZONING PLAN



IN THIS CHAPTER:

- ▶ THE DEFINITION OF A ZONING PLAN
- ▶ THE RELATIONSHIP BETWEEN THE MASTER PLAN AND ZONING
- ▶ AN OVERVIEW OF ZONING DISTRICTS AND DIMENSIONAL STANDARDS
- ▶ THE RELATIONSHIP BETWEEN FUTURE LAND USE AND ZONING
- ▶ ENSURING REZONINGS ARE CONSISTENT WITH THE MASTER PLAN
- ▶ RECOMMENDED CHANGES TO THE MARINE CITY ZONING ORDINANCE

INTRODUCTION

This chapter begins by defining a zoning plan. That definition is followed by a brief explanation of the relationship between the Marine City Master Plan and the Marine City Zoning Ordinance. The intent and key dimensional standards of each zoning district are briefly described. This chapter concludes with a list of proposed changes to the zoning ordinance which the City should implement in order for the ordinance to more closely conform to this Plan.

ZONING PLAN DEFINED

A “zoning plan” is another term for a “zone plan” which is used in the Michigan Zoning Enabling Act (PA 110 of 2006) and the Michigan Planning Enabling Act (PA 33 of 2008). Section 33(2)(d) of the Michigan Planning Enabling Act requires that a master plan include:

“...a zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.”

The zoning plan must be based on an inventory of conditions pertinent to zoning in the City and the purposes for which zoning may be adopted, as described in Section 201(1) of the MZEA.

A zoning plan describes:

- ▶ The purpose, general location, and main uses allowed for each existing and proposed zoning district;
- ▶ The difference between the land use categories of the Future Land Use Map and those found on the zoning map;
- ▶ The recommended standards for the schedule of regulations concerning height, bulk, setback, yard, lot size and related features;
- ▶ The existing zoning map, along with proposed changes, and clearly details the circumstances under which those changes should be made; and
- ▶ Standards or criteria to be used to consider rezonings consistent with the Master Plan.

The Michigan Zoning Enabling Act contains the following provisions related to the regulation of land development and the establishment of zoning districts:

- ▶ **Section 201(1):** “A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures.”
- ▶ **Section 201(4):** “A local unit of government may adopt land development regulations under the zoning ordinance designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.”

- ▶ **Section 202(1):** “The legislative body of a local government may provide by ordinance for the manner in which the regulations and boundaries of districts or zones shall be determined and enforced or amended, supplemented, or changed.”

The Michigan Zoning Enabling Act also contains the following provisions relative to zoning regulations being based on a master plan and the adoption of a zoning plan:

- ▶ **Section 203(1):** “The zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare...”
- ▶ **Section 305(a):** “The planning commission shall adopt and file with the legislative body “a zoning plan for the areas subject to zoning of the local unit of government.”

RELATIONSHIP TO THE MARINE CITY MASTER PLAN

This Master Plan sets forth the vision, goals, and planning objectives for growth and development in Marine City for approximately the next twenty to thirty years. It includes a specific strategy for managing growth and change in land uses and services over this planning period, and will be periodically reviewed and updated at least once every five years. This chapter presenting the zoning plan, along with the rest of the relevant parts of the Master Plan, is intended to guide the administration of and direct future changes to the Marine City Zoning Ordinance. Existing permitted uses of land, including density, setbacks and other related standards are established in the zoning ordinance.

ZONING DISTRICTS AND DIMENSIONAL STANDARDS

Following are the general purposes and characteristics of existing zoning within Marine City. The specific purposes and permitted uses within each zoning district are listed in the specific district provisions of the Marine City Zoning Ordinance. The Section references indicate where detailed ordinance language for each district is located within the actual zoning ordinance. Section 160.020 of the Marine City Zoning Ordinance establishes the zoning districts for Marine City. Sections 160.035 through 160.183 provide the use regulations for each zoning district within the City.

RESIDENTIAL DISTRICTS

<i>Section 160.035</i>	<i>R-1A/R-1B</i>	<i>One-Family Residential Districts</i>
<i>Section 160.050</i>	<i>RM</i>	<i>Multiple-Family Residential District</i>
<i>Section 160.065</i>	<i>MHP</i>	<i>Mobile Home Park District</i>

The R-1A and R-1B One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of medium-density, one-family dwelling units along with certain residentially related facilities which serve the residents in the district.

The R-M Multiple-Family Residential Districts are designed to provide sites for multiple-dwelling structures which will generally serve as zones of transition between the business or industrial districts

and lower density single-family districts. The Multiple-Family District is further provided to serve the limited needs for the apartment-type of unit in an otherwise single-family residential community.

The “MHP Mobile Home Park District” is designed to create a residential zoning district which will permit and encourage single-family development in mobile homes. Unlike the typical one-family subdivision in which the individual lot provides the open space and amenities for family living, the overall development pattern would be similar to that of multifamily development. the City of Marine City has recognized the need to locate such zoning districts along major transportation routes and in areas of adequate utilities and public services. Similar to multiple-family developments, the mobile home parks would be designed to provide adequate space and land use separation consistent with the City's other zoning districts. The rules and regulations as promulgated by the State of Michigan Mobile Home Commission shall be applicable.

COMMERCIAL DISTRICTS

<i>Section 160.080</i>	<i>B-1</i>	<i>Central Business District</i>
<i>Section 160.095</i>	<i>B-2</i>	<i>General Business District</i>
<i>Section 160.110</i>	<i>W-M</i>	<i>Waterfront Recreation & Marina District</i>

The “B-1 Central Business District” is designated to serve as the major shopping center for the trade area of Marine City in addition to serving as a shopping center for tourist trade. This district is typified by uses which are compatible one to another and are not interrupted by automotive uses or facilities creating a break in the continuity of stores which would be caused by driveway cuts for self service types of stores or services.

The “B-2 General Business District” is designed to furnish areas not served by the B-1 Central Business District with a variety of automobile services and goods incompatible with the uses in the Central Business District. The B-2 General Business District is characterized by more diversified business types and is located to serve transient traffic in addition to tourist accommodations and services.

The Marine City waterfront is a limited community resource; therefore, it is the intent of the “W-M Waterfront Recreation and Marina District,” aside from residential use, to allow only those recreational, public and business uses which are related to the waterfront and cannot feasibly be located elsewhere. Such districts are intended to encourage safe and efficient development of waterfront areas and facilitate navigation.

INDUSTRIAL DISTRICTS

<i>Section 160.125</i>	<i>I-1</i>	<i>Light Industrial District</i>
<i>Section 160.140</i>	<i>I-2</i>	<i>Heavy Industrial District</i>

The “I-1 Light Industrial Districts” are intended to primarily accommodate wholesale and warehouse activities, and industrial operations in which external, physical effects are restricted to the area of the districts and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing,

packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, is not permitted in the I-1 District.

The “I-2 Heavy Industrial Districts” are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations with external effects that will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw material as well as from previously prepared material.

MIXED USE AND OTHER DISTRICTS

<i>Section 160.155</i>	<i>P-1</i>	<i>Vehicular Parking District</i>
<i>Section 160.175</i>	<i>NMD</i>	<i>Nautical Mile District</i>

The “P-1 Vehicular Parking Districts” are designed to accommodate the off-street parking for those uses which are not able to provide adequate space within their own district boundaries.

The nautical mile is of special public interest because of its unique location along the St. Clair River as a focal point of community redevelopment activities. The “NMD Nautical Mile District” is intended to encourage the redevelopment of the Nautical Mile in a compatible mixture of housing, recreation, entertainment, commercial, office, cultural, public and hotel uses through the flexible application of land regulatory standards. Such uses may be located in various combinations of mixed-use and single-use development. It is also the intent of the District to encourage a high quality of private development with reasonable public amenities to improve the overall living, working, shopping and recreational environment of the Nautical Mile.

RELATIONSHIP BETWEEN ZONING AND THE FUTURE LAND USE PLAN

The future land use map is NOT the same as the zoning map, either in the legal sense or in its effect. A land use map is a graphic representation of how land is physically being used. Land use maps are highly visible within most master plans, usually highlighting both existing land use and plans for future land use. The future land use map is very general in nature and is an official description of where and to what level future zoning should be permitted.

A zoning map is a graphic depiction of the boundaries for which zoning standards and regulations have been adopted by a governmental entity, in this case Marine City.

The Future Land Use Map, along with its associated descriptions for future land use classifications make up the Future Land Use Plan and can be found in Chapter 4. The Future Land Use Map should serve as a guide for making decisions on the rezoning of land. However, the Planning Commission and City Commission should consider the map to be one of many tools available to help them in making land use recommendations and decisions. The information contained on the map should be complemented by impact studies and other site-specific information as considered necessary by City officials.

MARINE CITY MASTER PLAN

TABLE 5-1: FUTURE LAND USE CLASSIFICATIONS AND ASSOCIATED ZONING DISTRICTS

Future Land Use Classification (Chapter 4)	Zoning Districts
Single Family Residential	R-1A/R-1B One Family Residential Districts
Multiple Family Residential	RM Multiple Family District, MHP Mobile Home Park District
Waterfront Residential	R-1A/R-1B One Family Residential Districts, NMD Nautical Mile District
Commercial and Office	B-1 Central Business District, B-2 General Business District, NMD Nautical Mile District, and W-M Waterfront Recreation & Marina District
Industrial	I-1 Light Industrial, I-2 Heavy Industrial
Public/Quasi-Public	Within City zoning districts as permitted or special uses
Recreation	W-M Waterfront Recreation & Marina District, within other City zoning districts as permitted or special uses

ENSURING REZONINGS ARE CONSISTENT WITH THE MASTER PLAN

Based on the *Michigan Zoning Guidebook, 2nd Edition* (Prepared by Planning & Zoning Center at MSU, May 2008), in order for the Planning Commission and City Commission to objectively determine whether a proposed zoning map amendment is appropriate, the following questions are often considered:

1. Are there substantial reasons why the property cannot be reasonably used as currently zoned?
2. Is the proposed use to be established in the new zoning district more appropriately handled as a special land use in the existing district or another district?
3. If a zoning change is proposed, is it consistent with and supported by this Master Plan?
4. Is the proposed location an appropriate location for ALL of the uses which would be permitted under the requested district or zone?
5. Would a change of present district boundaries be compatible with existing land uses in the area? Will it adversely affect property values?
6. Are adequate sites available elsewhere that are already properly zoned to accommodate the proposed use?
7. Would the rezoning constitute a spot zoning, granting a special privilege to one landowner not available to others?
8. Was there a mistake in the original classification?
9. Has there been a change of conditions in the area supporting the proposed rezoning?
10. Would the change severely impact traffic, public facilities, and the natural characteristics of the areas, or significantly change population density? Is the change consistent with the purposes for which zoning is adopted?
11. Is the proposed change out of scale with the needs of the community?
12. If the change is approved, what will the probable effect on stimulation of similar zoning requests in the vicinity?
13. Is the proposed change precedent setting?
14. Is the proposed boundary appropriate?

Upon answering the questions above, a sound recommendation – one supported by data and the goals and objectives of this Plan – can be made that is in the best interest of the City as a whole.

In special cases, the planning commission may need additional studies and/or surveys to be made in order to have all of the necessary information to answer the questions above and make a solid decision. In such cases, the planning commission should take the time to investigate, using outside technical assistance if necessary. For this reason, the City's zoning ordinance should clearly authorize the planning commission to request impact studies, with the costs for such studies being born by the developer/applicant.

RECOMMENDED TEXT CHANGES TO THE ZONING ORDINANCE

Following is a list of changes that should be made to the Marine City Zoning Ordinance to be consistent with the vision, goals and planning objectives in this Master Plan:

- ▶ Include regulations on adult uses.
- ▶ Strengthen language on variances – define dimensional variance and detail the procedure for decision-making as well as the standards by which the variance decision will be evaluated.
- ▶ Consider a multi-tiered classification system for nonconforming uses, lots, and structures. For example, 'Class A' nonconformities, although they cannot be fit into a neat zoning pattern, would generally be useful and desirable within the community. Some modifications or expansions of Class A nonconformities could occur if approved by the ZBA. 'Class B' nonconformities would be major nonconformities that should be eliminated as quickly as permitted by law. No changes or expansions of Class B nonconformities could occur.
- ▶ Consider adding provisions for planned unit developments (PUDs) to allow for flexible development and redevelopment options that can benefit the community.
- ▶ Integrate "complete streets" standards and access management provisions into the zoning ordinance.
- ▶ Review the list of uses permitted by right and uses subject to special conditions to identify modern uses that may not be covered within a particular zoning district. Add new uses to each zoning district as appropriate.
- ▶ Review definitions in the ordinance: Update existing definitions as necessary and add in pertinent terms that are presently not defined.
- ▶ Review and update all administrative procedures and standards.
- ▶ As appropriate, develop regulations for new trends in land use planning and zoning, including alternative energy systems (i.e. wind, solar, etc.), electric vehicle charging stations, and other emerging trends.
- ▶ Consider creating a zoning district specifically for recreation and open space. Currently, there is no zoning district specific to parks, recreation, or open space within the City. All City parks are located within other zoning districts as permitted uses.

Community Zoning

Marine City Master Plan

