

ZONING FOR THE NORTHERN TIER COALITION

NTC Planning

- The Northern Tier Coalition planning process began in 2001 with a study conducted by Cornell students that evaluated growth and development in the NTC municipalities.
- The 12 NTC municipalities prepared a comprehensive plan that was adopted in 2005 by all 12 municipalities – one of the largest rural multi-municipal cooperative planning efforts in the Commonwealth.
- The comprehensive plan recommended that the 12 municipalities work together and consider cooperative zoning for the NTC.
- The NTC has been working on zoning since 2006 and has conducted many public meetings.
- The plan also recommended the adoption of a subdivision and land development ordinance (SALDO) by each municipality. The NTC decided to proceed with zoning first because the County SALDO applies in the NTC where the local municipality does not have a SALDO.
- Unlike zoning, a SALDO does not enable municipalities to segregate offensive uses by zoning district or to specify development conditions to protect neighbors.

Intent of Zoning

- The overall purpose of zoning is to manage the use of land, the density of land use, and the siting of development for the overall good of the community while protecting individual property rights.
- It is meant to implement the vision of future land use in a community as stated in the municipality's comprehensive plan.
- Zoning standards require commercial manufacturing development to address environmental and community effects to protect the use and enjoyment of neighboring properties.
- Zoning commonly consists of a zoning map and a set of zoning standards.
- Zoning standards usually describe the permissible land uses and dimensional standards (such as building heights and distances of buildings from property lines) in each of the various zoning districts.

Benefits of Zoning

Businesses and citizens have predictability in surrounding land uses - Citizens and business owners have a basic idea of how the property around them will be used in the future. This helps in making purchase decisions and long-term development or use decisions.

Businesses and citizens have assurance that their business prospects and investments will be protected - Citizens or businesses have protection from development that is not compatible with the use of their property. This protects a property owner's investment because a neighboring property cannot be developed in a way that will negatively affect the value of their property.

The ability to guide future development will prevent haphazard or patchwork development - A community can be developed in an orderly manner which ultimately provides convenience to the citizen and business owner and protection from adversely suited development.

Conflicts between residents and businesses or industry can be minimized - The areas designated for residential purposes and business or industrial purposes can be separated to avoid conflicts between uses that affect quality of life and/or performance standards can be applied .

Stabilization or increase of property values - Property values will tend to stabilize or even increase because of predictability in neighboring land uses, increased order in development, and the separation of conflicting uses and/or application of performance standards.

Allows local jurisdiction to make decisions about land use - The local municipality has a firm basis on which to base land use decisions – the land use plan and zoning ordinance. Decisions based on the land use plan and zoning ordinance tend to withstand scrutiny, including scrutiny within the judicial system.

Provides for greater citizen impact in planning decisions - In certain cases, particularly for development which may have a negative effect on neighbors, a public hearing can be required. This enables the local jurisdiction to consider the views and concerns of residents to a greater degree in making land use decisions than without zoning.

NTC Zoning

- The intent of the NTC zoning ordinances is to enable landowners to do most any activity while protecting neighbors from harmful effects.
- Many municipalities create numerous zoning districts where many uses are not permitted.
- The NTC zoning ordinances creates 5 districts: R - Residential, RA - Rural Agricultural, VC - Village Commercial, and CI - Commercial-Industrial, and the LO - Lake Overlay District applicable to lakes over 15 acres in size.
- Some of the NTC municipalities have only 1 or 2 districts.

Why zone in rural areas?

Remember, the basic reason for land controls is self-interest. This self-interest is described well in a pamphlet by the extension service of Michigan State University.

Regardless of where you live or what your interests may be, you surely value your property. You would like your home, your farm, your place of business, your summer cottage - whatever you own - to be worth as much a few years from now as it is today. But, without zoning, many things can happen to your community. Everyone is more or less free to use his property in nearly any way he pleases. The use may be in harmony or in conflict with the interests of the community. It may seriously injure the value of your property. It may even destroy the enjoyment you have had in your property.

As property changes hands in your neighborhood, do you know what the new owners will do? If heirs, will they continue the former use? Or will they sell to a stranger because they live elsewhere or do not care to continue the former use? Then how will the stranger use the property? Injuries to your property may be due to mere thoughtlessness on the part of neighboring property owners. They may come from I-don't-care newcomers. They may arise from someone's desire to exploit a location or resource for a particular use at the expense of all other property owners.

You won't have a very definite answer until your town or county has enacted a zoning ordinance governing the future use of property. While zoning cannot change existing conditions, it can protect the future value of your property.

Zoning is not only in the individual's interest, it is in the community's interest, too:

A few years can bring many changes to a community. Unless changes are guided, most communities tend to grow like Topsy. Some become quite a hodgepodge in the course of time, often with mixed-up land uses that cruelly hurt each other. When this occurs, then property values begin slipping. But taxes tend to go up. Special assessments may even be levied to meet the cost of doctoring up the hit-and-miss developments. Thousands of dollars must often be spent to change the makeshift roads or streets into a more useful transportation system – to create a safe sewage disposal system – to provide an adequate fire-fighting or water system. But hit-and-miss is not easily revamped or redesigned into an efficient system.

It is better to have had a plan to begin with. The expense is less both in taxes and in costs to the property owner. The results are better.

Source: Rural and Small Town Planning, Getzels, J and Thurow, C., American Planning Association, 1979, p. 56.

R Residential District RA Rural-Agricultural District VC Village Commercial District CI Commercial-Industrial District	✓ = District in Municipality NA = District not in Municipality			
	R	RA	VC	CI
Apolacon Township	✓	✓	NA	NA
Bridgewater Township	✓	✓	✓	✓
Choconut Township	✓	✓	✓	NA
Forest Lake Township	✓	✓	NA	NA
Franklin Township	✓	✓	✓	NA
Friendsville Borough	NA	✓	NA	NA
Jessup Township	NA	✓	NA	NA
Liberty Township	✓	✓	NA	NA
Little Meadows Borough	✓	✓	✓	NA
Middletown Township	NA	✓	NA	NA
Rush Township	✓	✓	✓	NA
Silver Lake Township	✓	✓	NA	NA

- The vast majority of the NTC area is zoned Rural Agricultural where most everything is allowed except for certain uses allowed only in the Commercial-Industrial District.
- Such activities as adult bookstores and businesses, betting and gambling parlors, jails and prisons, junkyards, and drug treatment centers are only permitted in the Commercial-Industrial District which is only in Bridgewater Township.
- Only small areas are zoned Residential. The intent of creating the Residential District is to recognize that these areas are not suited for commercial activities and protect the homeowners and property values.
- Crop production and forestry are allowed everywhere, and livestock operations are allowed in the RA District
- A number of traditional villages are zoned Village Commercial where residential and retail and service establishments are allowed.
- The zoning ordinance is lengthy, but most of the standards apply to commercial and manufacturing uses, and many definitions are included. Many of the uses may never be developed, but if they are, the standards are included to give the municipalities some ability to minimize negative effects on neighbors.
- The zoning ordinance attempts to anticipate the changes and development that will come to the area and provide reasonable standards to manage the growth and change.

NTC Zoning DOES NOT

- The zoning ordinance does not tell you what color to paint your house.
- The zoning ordinance does not tell you when to mow your lawn or how to maintain your property.
- The zoning ordinance does not prohibit residential development in any district - homes are permitted in all districts.
- The zoning ordinance does not limit the recreational use of boats on any lake at any time. It does prohibit the use of boats as residences.
- The zoning ordinance does not regulate signs.

Performance Standards - §701

Development performance standards will be applied to new and expanded commercial and industrial uses. The standards are not intended to overly restrict such development. Instead, the standards are intended to ensure that the development impacts on neighbors and the community are addressed. The performance standards generally do not apply to agriculture. The standards include:

- setbacks and buffers
- landscaping
- operations and storage
- fire and explosion hazards
- radioactivity/electric disturbance
- noise
- vibration
- lighting and glare odors
- air pollution
- surface/ground water protection
- storm water/soil erosion control
- waste materials
- security
- water supply
- sewage disposal

Nonconforming Uses - Article IX

Zoning ordinances are applied to new and expanding uses. Any use which pre-dates the zoning ordinance and which does not comply with the ordinance is considered a nonconforming use, commonly referred to as *grand-fathered*. Nonconforming uses may:

- Continue to operate in the same fashion as prior to the zoning ordinance.
- Be sold from one owner to the next to the next - the nonconformity runs with the land.
- Expand within the limits set by the zoning ordinance.
- Change to another type of similar use.
- Be reconstructed if destroyed or demolished.
- Not be reinitiated once abandoned or changed to a conforming use.

Home Occupations - §503.3

Home occupations are included in the zoning ordinance not to prohibit such activities, but to ensure that activities do not have negative effects on neighbors. An out-of-control home occupation in a residential neighborhood can have negative effects such as noise, traffic, and outdoor storage.

- No-impact home occupations are allowed in all homes as an accessory use. Employees are limited to family members and floor area is limited to 25%.
- Many other home occupations are also permitted in all homes. In the Residential District employees are limited to 1 non-family member and floor area is limited to 25%. In all other Districts the limits are 3 non-family employees and 50% floor area.
- Commercial uses are allowed in RA, VC and CI Districts as an alternative to home occupations.

Private Stables - §806

- Private stables in RA Districts and the CI District are not regulated for minimum lot size, number of horses, or special setbacks.
- Private stable buildings in RA Districts and the CI District would have to meet normal accessory structure setbacks.
- Private stables in R Districts and the VC Districts are regulated with a minimum lot size of 2 acres, 2 horses plus 1 for each additional acres, and increased setbacks.

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