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Planning Commission  
Covert Township  
P.O. Box 35  
Covert, MI 49043

Dear Planning Commission:

I am writing to offer our comments on the proposed revised Zoning Ordinance. We are very appreciative of the work and time that you have put into this effort, and congratulate you on the very much-improved ordinance. It has been done with professionalism and concern for the township and its future.

I have attached a list of detailed comments. Some are of significant importance to us. Others are very minor — just proofreading items that we happened to note while reviewing for content and have included for your use.

We are troubled by a number of provisions that could be used to totally alter the lakefront area, which is our principal area of concern. We believe that most of them are not a matter of intent, but are simply unintended consequences, which can arise when diverse portions of the ordinance are combined in unforeseen or unplanned ways.

I know that the commission is committed to preservation of the lakefront areas and to maintaining low densities. However, it is not what is intended, but rather what the ordinance actually says, that will be important in the future — when persons who were not involved in revising the ordinance are responsible for implementing and enforcing its provisions.

PTD has reviewed the ordinance and has retained an attorney/planner to review it as well. Our primary concerns center on a few topics that we ask you to re-visit.

1. Thunder Mountain, Linden Hills and Palisades Park have a very different history than the fire lanes, and consequently have a different character, limitations, advantages and needs. One clear indication is the size of lots. Setbacks and lot sizes that make sense for the fire lanes do not make sense for these areas (and vice versa.)

Applying the zoning requirements appropriate to the fire lanes to these developments creates an unfair burden on property owners by requiring an appeal to do any construction. Applying smaller set backs and narrower lots to the fire lanes will destroy what makes these areas unique and attractive to some people; and will lead to impairment of this natural resource.

**Consideration should be given to creating a new LD district and classifying Thunder Mountain, Linden Hills and Palisades Park accordingly. Wilderness**

Dunes has larger lots but existing minimum setbacks are more akin to these developments than to the fire lanes. Perhaps it too, could be placed in this new LD district.

2. We are pleased that the ordinance implements the state law requiring open space preservation. It makes provisions for this as a Planned Unit Development (PUD). Our concern is the potential exploitation and misuse of these provisions.
  - a. The ordinance allows the open space to be non-continuous with the parcel to be developed as a PUD. Without further regulation this could mean that a developer could preserve in perpetuity 10 acres of land zoned LD-2 (1 DU per 20,000 sf), and transfer the development rights for the dwelling units allowed on it (21) to a lakefront property of only 10 acres, which normally can have only 2 DU's. Thus, it would be possible to have 23 DU's on 10 acres. This is a drastic change in intensity of use and could pose a serious threat. **Transfer of development rights to properties in the ESO district should not be allowed.**
  - b. Another provision allows a developer to receive a density incentive to encourage clustering. This incentive can be up to a 50% increase in density. So, that 10-acre property could have 3 DU's. But if it is paired with "a" above, there could be 34 DU's on a 10-acre site. **A density incentive should not be allowed in the ESO district.** It is unneeded and counterproductive.
  - c. **Minimum size lots, minimum lot width and setbacks for lots within a PUD should be established for any residential district in the ESO district.** We have suggested areas and dimensions.
  - d. A 50' setback of any structure from the road or property line is specified for a PUD. In SR currently, the front yard (from the road) is 200 feet in the lakefront areas (see item 3 below). **In the LD-1 district, the setback at Lake Michigan and the streets should be whatever is established for the district. Any roadway, clearing or grading should be setback at the least 50' from the other property lines.**
  - e. The minimum area of a PUD in LD-1 (along the lake) or in Agricultural districts is 10 acres or only 2 DU's without incentives and transfers of development rights. This is much too small and does not adequately support the goal, which is the preservation of open space and farmland. **The minimum area for a PUD in LD-1 and AG should be 25 to 30 acres, or even more.**
  - f. Other types of use, such as neighborhood commercial, can normally be included in a PUD, or a developer could build attached housing (apartments) in a district which otherwise has only single family detached residences. While this flexibility might be desirable in some districts, it contributes to increased traffic, intensity of use and damage to the dunes with no real benefits. **Uses in a PUD within the ESO district should be restricted to single family detached houses.**
  - g. Areas and densities for PUD cluster developments are based on developable land. It is unclear what "developable" means. We believe **developable land should not include land that is under water (e.g. a lake), is part of a protected wetland, or in a Critical Dune area with slopes too steep for a**

**DEQ critical dunes permit.** If a developer sets aside for permanent preservation areas that cannot be built on anyway, he has not complied with the purpose of a cluster development, which is the preservation of otherwise developable land.

3. The zoning administrator can approve certain variances from the ordinance. We believe this is not allowed by the MZEA; that **only the Zoning Board of Appeals (ZBA) can and should approve variances or rule on appeals.** Variances could be given without notice to neighbors and without an opportunity for a public hearing. It is open to abuse. Decisions may be reached on inadequate, incomplete information.
4. Regulations for LD-1 District in the revised ordinance reduces the minimum lot width from 200 feet to 100; lakeside setback from 300 feet to 35 feet beyond the DEQ's 60-year high-risk erosion setback line; front setback from 200 feet from the street to 25 feet; and side yard setback from 30 feet for all structures to 10' for the primary structure and 3' for accessory structures. Reducing lot width will lead to unwanted subdivision of land. Reducing setbacks will lead to houses that are cheek by jowl, intensity of development that will impair the dunes and the quality of life along the lake and potential threats to life safety.

The LD-1 District has a minimum lot size that is ten (10) times that of LD-2, but the setbacks are the same. This is inappropriate. **New setbacks in LD-1 should be approximately the same as they are now in SR.** Hardships and unique conditions can be handled through the ZBA.

5. The environmental sensitive area now includes all land west of I-196. It is proposed to include The Nature Conservancy's "Ross Preserve" east of I-196, but to exclude some of the land between Blue Star Highway and I-196 near Covert Road and the Nadeau Pit site. We welcome the addition of Ross Preserve but believe that **all land west of I-196 should be in the ESO district, as it now is.**

Thank you again for your diligent work. We hope our comments will be useful and that you will be able to accommodate our concerns. Thank you for your consideration.

Sincerely

Charles F. Davis, III  
President

Attachments

cc: Wayne Rendell, Covert Township Supervisor  
Harold Schuitmaker