

**ARTICLE XXVII  
BETSIE VALLEY TRAIL OVERLAY DISTRICT**

**Sec. 27.1 INTENT AND PURPOSE**

Add a Betsie Valley Trail Corridor Overlay District in which a Special Land Use Permit requiring Site Plan Review by the Planning Commission will be required where any structure that is closer than 39 feet on the interior portion of a curve from the center line of the 10-foot Trail Easement or Trail requiring a Site Plan Review process by the Planning Commission. This applies to the entire Betsie Valley Trail Corridor under the jurisdiction of the Benzie County Planning Commission identified as that part of the former Ann Arbor Railroad Right-of-Way identified as per the MDOT Right-of-Way maps contained in the Planning Department.

To provide for and protect the public health, safety, and welfare of adjacent landowners, citizens, visitors and users and non users of the Betsie Valley Trail by ensuring that "Reasonable Trail Design Standards" are applied to proposals for either new construction or additions to existing structures located adjacent and contiguous to the Trail along the entire Betsie Valley Trail Corridor including but not limited to the segment hereafter known as the Crystal Lake Segment.

There are four situations which this Article is intended to address where the placement of a structure may cause a safety hazard: 1)the Corridor outside the Crystal Lake Segment, (2)the Corridor with a reduction in width of easements along the Crystal Lake Segment under the terms of the Settlement Agreement, (3)those areas with historical encroachment on the Trail, and (4)instances where the Trail or Future Rail/Utility Easements have been moved with approval by the MDNR/MDOT.

**Sec. 27.2 DEFINITIONS**

A. Structure - any obstruction defined as a structure in Article II of the West Benzie Joint Zoning Ordinance.

B. Settlement Agreement or Agreement - refers to the 19th Circuit Court Case, Bigelow, et al. vs. MDOT, et al. and the resulting Consent Agreement.

C. Betsie Valley Trail Corridor - That portion of the former Ann Arbor Railroad Right-of-Way from Thompsonville to Frankfort/Elberta via Benzonia and Beulah formerly owned by the MDOT and sold to the MDNR for use as a Trail Corridor as identified on the Right-of-Way Maps. Only those portions of this Corridor are affected which are under Township Zoning jurisdiction.

D. Crystal Lake Segment - That portion of the Betsie Valley Trail Corridor located along the South Shore of Crystal Lake from Spring Street in Beulah to the Mollineaux Road subject to the Settlement Agreement which was reduced to two easements - one, 10 feet with an 8-foot Trail and the other, a 30-foot future rail/utility easement. Either easement may be relocated in or out of the original right-of-way subject to approval of the property owner, adjacent property owners, and the MDNR and/or MDOT.

E. Reasonable Trail Design Guidelines - as referred to in Section 4.1.1 of the Settlement Agreement, incorporated herein by reference (See Attachment A to this Article).

### **Sec. 27.3 LOCATION AND SIZE OF STRUCTURES**

The Zoning Administrator shall require a Special Use Permit Application and process in all Districts when structures or additions to structures are proposed within 39 feet of the center of the interior portion of a curve of the trail corridor of the Betsie Valley Trail Corridor. All regulations of the West Benzie Joint Zoning Ordinance, its Overlay Districts, and underlying Zoning Districts will continue to apply.

### **Sec. 27.4 REASONABLE TRAIL DESIGN GUIDELINES**

Reasonable Trail Design Guidelines shall apply to the location of all structures within the overlay district of the Betsie Valley Trail Corridor and not meeting these setback standards.

A. Structure Setback - Prior to approval of the proposed structure location the applicant will supply a letter or permit from the MDNR Trail Coordinator indicating the structure meets minimum "Reasonable" setback standards.

No Structure, proposed or existing, will be constructed or added to so as to create unsafe conditions not meeting "Reasonable Trail Design Guidelines". It is intended that these guidelines will attempt to prevent as many trail use conflicts as possible. Accidents may still occur, but these standards are an attempt to prevent as many as possible.

### **Sec. 27.5 SITE PLAN**

The Site plan shall contain all those requirements as per Article XIV, Sec. 14.17 and Sec. 14.18, of the West Benzie Joint Zoning Ordinance. In addition, within the Betsie Valley Trail Corridor, including the Crystal Lake Segment, the Trail, Trail easement, any crossings of the trail, and Future Rail/Utility Easement, shall be located on the Site Plan.

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**Sec. 27.6 TRAIL CROSSINGS**

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Where vehicular access to a structure requires crossing the Trail, the applicant shall provide the following:

- A. Documentation of ownership of the property in question where the structure is proposed.
- B. Documentation that the owner is a party or within the Class of those bound and gaining access by the Settlement Agreement.
- C. A letter or permit approving the access or crossing of the trail from the MDNR Trail Coordinator.
- D. Property owners not a part of the Class bound by the Settlement Agreement or in the Crystal Lake Segment will require a letter or permit indicating approval of the access to and from the structure, where applicable.

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**Sec. 27.7 SPECIAL LAND USE PERMIT REQUIRED**

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Any portion of proposed structures or additions to structures which would lie within 15 feet of the center line of the Trail, or which would potentially either impede vision a distance of 125 feet down the Trail or impose a safety hazard to Trail users or pedestrians crossing the Trail, shall be required to acquire authorization or approval from the MDNR Trail Coordinator prior to review by the West Benzie Joint Planning Commission.

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**Sec. 27.8 MDOT 30 FOOT FUTURE RAIL/UTILITY EASEMENT**

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Structures built on the MDOT Rail/Utility 30 foot Easement will be done so according to the Settlement Agreement and at the sole risk of the property owner(s) without a liability to any other party. Either the MDNR or MDOT may require removal of these structures with a new railroad or utility installation.

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**Sec. 27.9 TRAIL DESIGN GUIDELINES**

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A permit for any proposed Structure shall not be approved until the applicant has proven to the Planning Commission the structure meets Reasonable Trail Design Guidelines, incorporated herein by reference (see Attachment B to this Article).