

8.0 Plan Implementation Resources

8.1 Introduction

Lake Township's Master Plan is a long-range community policy statement comprised of a variety of both graphic and narrative recommendations intended to provide guidelines for making reasonable and realistic community development decisions. The plan is intended to be employed by Township officials, by those making private sector investments, and by all Township citizens interested in the future development of the community.

The completion of the Plan is but one part of the community planning process. Realization, or implementation of the goals, objectives, and recommendations of the future land use plan, can only be achieved over an extended period of time and only through the cooperative efforts of both the public and private sectors. Implementation of the plan may be realized by actively:

1. Assuring community-wide knowledge, understanding, support, and approval of the plan;
2. Regulating the use and manner of development of property through up-to-date and reasonable zoning controls, subdivision regulations, and building and housing codes;
3. Developing a Capital Improvement Program (CIP) to fund public facilities and services in support of the plan;
4. Participating with the private sector in the process of co-development, whereby local government provides incentives, subsidy, or other inducements to assist the private sector in the development efforts.

8.2 Public Support for Long-Range Plan

Citizen participation and understanding of the general planning process and the specific goals and objectives of the plan are critical to the success of the Township planning program. A well-organized public relations program is needed to identify and build public support. Lack of citizen understanding and support could have serious implications for the eventual implementation of planning proposals. Failure of the public to support needed bond issues and continuing dissatisfaction concerning taxation, special assessments, zoning decisions, and development proposals are some of the results of public misunderstanding and rejection of long-range plans.

In order to organize public support most effectively, Lake Township must emphasize the necessity of instituting the planning program and encourage citizen participation in the planning process.

The validity of the plan, as well as the right of Township officials to review various development proposals to assure their compatibility with the Township's expressed policies, require that the plan be officially adopted by the Township Planning Commission.

8.3 Land Development Codes

Zoning Ordinance

Zoning regulations are adopted under the local police power granted by the State for the purpose of promoting community health, safety, and general welfare. Such regulations have been strongly supported by the Michigan courts, as well as by the US Supreme Court. Zoning consists of dividing the community into districts, for the purpose of establishing density of population and regulating the use of land and buildings, their height and bulk, and the proportion of a lot that may be occupied by them.

Regulations in different kinds of districts may be different; however, regulations within the same district must be consistent throughout the community.

The intent of zoning is to assure the orderly development of the community. Zoning is also employed as a means of protecting property values and other public and private investments. Because of the impact which zoning can have on the use of land and related services, it should be based on a comprehensive long-range community plan.

Zoning is an effective tool not only for the implementation of the plan, but also benefits individual property owners. It protects homes and investments against the potential harmful intrusion of business and industry into residential neighborhoods; requires the spacing of buildings far enough apart to assure adequate light and air; prevents the overcrowding of land; facilitates the economical provision of essential public facilities; and aids in conservation of essential natural resources.

There are a variety of zoning approaches and techniques, which may be employed to help assure that Lake Township remains an attractive community. These techniques acknowledge the critical role of both Township officials and staff in enforcing the provisions of the local zoning ordinance. Two key tools available to Township officials seeking to assure quality development are special approval use procedures, and performance guarantee provisions.

Some land uses are of such a nature that permission to locate them in a given district should not be granted outright, but should only be approved after assurances that the use will meet certain specified conditions. These types of land uses are called special approval, conditional, or special exception uses. The Township may use this flexible zoning process to permit uses of land by following special procedures, including a public hearing and site plan review, to ensure the compatibility of the use within the vicinity in which it is to be located. This technique is based upon discretionary review and approval of special land uses.

The site development requirements and standards upon which these decisions are made must be specified in the Ordinance. However, additional reasonable conditions may be attached in conjunction with the approval of a special land use including provisions to conserve natural resources and measures designed to promote the use of land in an environmentally, socially, and economically desirable manner.

To ensure compliance with a zoning ordinance and any conditions imposed under the ordinance, a community may require that a performance guarantee, cash deposit, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township and covering the estimated cost of improvements on the parcel for which site plan approval is sought, be deposited with the Clerk. This performance guarantee protects the Township by assuring the faithful completion of the improvements. The community must establish procedures under which rebate of cash deposits will be made, in reasonable proportion to the ratio of work completed on the required improvements, as work progresses.

A stable, knowledgeable Planning Commission is critical to the success of the zoning process. The Commission's responsibilities include long-range plan formulation and the drafting of appropriate, reasonable zoning ordinance regulations designed to implement plan goals and objectives. Adoption of the zoning ordinance by the legislative body then provides the legal basis for enforcement of zoning ordinance provisions.

The ultimate effectiveness of the various ordinance requirements, however, is dependent upon the overall quality of ordinance administration and enforcement. If administrative procedures are lax, or if enforcement of regulations is handled in an inconsistent, sporadic manner, the result will be unsatisfactory at best.

The Building Department is often responsible for carrying out zoning/development related functions, including building inspections, ordinance administration, and community/developer liaison. Each of these functions requires a substantial investment of staff time. If sufficient time is not made available to carry out these critical functions, they may only be accomplished in a cursory manner. Therefore, the Township should provide for adequate staff levels and/or consulting assistance to assure that these essential day-to-day functions will receive the professional attention required to assure quality development.

Subdivision Regulations

When a developer proposes to subdivide land, he or she is, in effect, planning a portion of the Township. To assure that such a development is in harmony with Development Plan objectives, the subdivision, whether residential or nonresidential, must be guided in accordance with the Michigan Subdivision Control Act 288 of 1967, as amended, and the Michigan Land Division Act 591 of 1996.

Several direct benefits accrue from the regulation of subdivisions by a local unit of government. By requiring the subdivider to install adequate utilities and improved streets, purchasers of the lots are not later burdened with unexpected added expenses. A subdivision without adequate physical improvements is detrimental not only to itself, but it also reduces the opportunity for reasonable development of adjacent parcels. In addition, long-range economy in government can be realized only when adequate improvements are provided by the subdivider.

As a part of its review of proposed subdivisions, the Planning Commission focuses on such features as the arrangement and width of streets, the grading and surfacing of streets; the width and depth of lots; the adequate provision of open space; and the location of easements for utility installations. The subdivision review process is one of the methods of

implementing the goals and objectives of the community's long-range plan.

8.4 Capital Improvements Program

The term "capital improvements" is generally intended to embrace large-scale projects of a fixed nature, the implementation of which results in new or expanded public facilities and services. Such items as public building construction, park development, sewer installation, waterworks improvements, street construction, land acquisition, and the acquisition of certain large-scale pieces of equipment (graders, sweepers, trucks, etc.) are included in the Capital Improvements Budget.

Few communities are fortunate enough to have available at any given time sufficient revenues to satisfy all demands for new or improved public facilities and services. Consequently, most are faced with the necessity of determining the relative priority of specific projects and establishing a program schedule for their initiation and completion. The orderly programming of public improvements is to be accomplished in conjunction with a long-range plan.

In essence, the Capital Improvements Program is simply a schedule for implementing public capital improvements which acknowledges current and anticipated demands, and which recognizes present and potential financial resources available to the community. The Capital Improvements Program is a major planning tool for assuring that they proceed to completion in an efficient manner. The Capital Improvements Program is not intended to encourage the spending of additional public monies, but is simply a means by which an impartial evaluation of needs may be made. The program is a schedule established to expedite the implementation of authorized or contemplated projects.

Long-range programming of public improvements is based upon three fundamental considerations. First, the proposed projects must be selected on the

basis of community need. Second, the program must be developed within the community's financial constraints and must be based upon a sound financial plan. Finally, program flexibility must be maintained through the annual review and approval of the capital budget. The strict observance of these conditions requires periodic analysis of various community development factors, as well as a thorough and continuing evaluation of all proposed improvements and related expenditures.

It is essential that in the process of preparing and developing the program, the Planning Commission be assigned a role in reviewing project proposals to assure conformity with the Township Master Plan and to make recommendations regarding priority-special projects, and appropriate methods of financing.

8.5 Governmental Assistance

Many sources of governmental assistance are available to aid local officials and private interests in meeting desired land use objectives or improvement needs. Federal, state, and local plan implementation resources which are available to the Township are listed below in **Table 16**.

Local government must also be cognizant of enhancing the financial feasibility of private development projects through "co-development." Co-development is simply the joint public and private investment for a common purpose.

The participation can range from direct loans to private interests to reduce the capital needed to develop a project, selling publicly controlled land at less than fair market value to lower construction costs, or by issuing bonds to acquire land, construct buildings, or acquire equipment which the Township would sell or lease to private industry.