

CHAPTER SEVEN

IMPLEMENTATION

The overall intent of this Master Land Use plan is to identify and develop the most appropriate land use strategies for meeting Township needs in a manner which supports the health, safety, and welfare of the current and future residents. These strategies are embodied within this Plan both graphically and in text.

However, without the implementation of these strategies, this Master Land Use Plan becomes nothing more than a document upon a shelf. A Master Land Use Plan is a statement of policy and is ineffective unless acted upon. There are a number of avenues that Moran Township can follow to implement this land use plan.

Before implementation can occur, it is critical that the appropriate Township governmental bodies recognize, support, and adopt this Master Land Use Plan. According to Michigan statutes, the Planning Commission shall prepare and adopt a basic plan for future growth and development within the unincorporated portions of the Township. After the Planning Commission approves the Plan, the Township Board reviews the Plan and has the final authority to approve it. Once the Plan is adopted, it is considered official and used by the Planning Commission and Township Board as a guide for future planning and resolving conflicts.

It is the Township Board, however, which has the actual authority and power to implement the Master Land Use Plan through the passage of ordinances and expenditures of public funds and, as such, it is critical for the Board to review and officially adopt the master plan as well. Upon adoption of the plan by both Township bodies, implementation activities can be of four basic methods, the most effective of which are land use controls.

Land Use Controls

Zoning

In 1943, the State of Michigan passed the Township Zoning Act (P.A. 184 of 1943, as amended; MCLA 125.271 et seq.) which vests the legislative authority to enact or amend a zoning ordinance within the Township. The Michigan acts include a statement defining the purpose of zoning, a portion of which reads as follows:

"to meet the needs. . . for food, fiber, energy, and other natural resources, places of residence, recreation, trade, and service. . . to assure that the use of land (is) situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population. . . to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements. . ."

In meeting this end, a zoning ordinance typically prescribes and controls the use of land through the establishment of land use districts, each district based upon various land development characteristics. These characteristics often include the following elements:

- area and size of lots and the degree to which a lot can be developed
- location, height and bulk of buildings
- uses permitted within buildings
- conservation and/or preservation measures
- density of housing and intensity of development

It is important to note that a zoning ordinance cannot be exclusionary and is so stated under the Township Rural Zoning Act.

A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a Township in the presence of a demonstrated need for that land use within either the Township or surrounding area within the state, unless there is no location within the Township where the use may be appropriately located, or the use is unlawful (Sec. 27a., P.A. 184 of 1943, as amended).

Aspects of the zoning ordinance can be revised at any time, however, pursuant to legally prescribed procedures.

A Township may enact a Subdivision Control Ordinance through the authority of the Land Division Act P.A. 288 of 1967. The Land Division Act permits Townships and other municipalities to enact ordinances with the intent of controlling the properness and degree of land subdividing and improvement to the land including sanitary sewer, water supply, and streets.

Still another local method of land use control, with an emphasis on the environment, is the Farmland and Open Space Preservation Program established by Act 116 of 1976. The Act under which this program is administered was originally designed to alleviate the rapid conversion of agricultural land within the state to more intensive uses. The Act also provided for the preservation of privately owned open space land. The Act defines open space land as land that conserves natural or scenic resources, enhances recreational opportunities, preserves historic sites and idle potential farmland of not less than 40-acres in size.

Act 116 enables individual landowners of such open space land to enter into a development rights easement with the unit of government in whose jurisdiction the property is located. The easement is designed to ensure that the land remains in a particular use for an agreed-upon minimum period of ten years. The easement may be perpetual. In return for the restrictive covenant, the landowner is entitled to certain tax credits.

To enroll in the program, the property owner must file an application with the Township. Upon approval, the Township prepares an appropriate easement, which, after signing by the landowner, is subsequently recorded with the register of deeds of the county.

Under an open space easement, the landowner “leases” the development rights on his property to the State for the period the contract is in effect. This means that no structure may be built on the land

affected. No improvements are allowed nor can any interest in the land be sold except for scenic access or utility easements that will not impact the open space qualities of the land. Prior Township approval of any improvement to the land would be required.

Open space land covered by an easement benefits the owner in terms of a reduction on property taxes. Under the agreement, land and improvements are appraised for assessment purposes on the basis of fair market value including that of the development rights. This is the value at which the property is normally determined by the local tax assessor and represents the market price of the land if it were free to be developed at its highest and best use. The evaluation includes also an appraisal of the development rights. When an open space easement is placed on a property, the property is only taxed as undeveloped land with no development potential.

Of course, the greatest single action a Township can take to guide land use is through the purchase of private property. In this fashion, the Township can control the type of development to occur should the Township sell a given parcel and, in the same fashion, preserve areas for open space and non-development. Unfortunately, this option can be quite expensive and cost prohibitive.

The Natural Resources and Environment Protection Act, PA 451 of 1994, as amended, regulates activities in Michigan wetlands. No dredging or filling or construction can take place in wetland areas without a permit from the MDNR. Wetland under the Act is land "characterized by the presence of water of a frequency and duration sufficient to support and that, under normal conditions, does support wetland vegetation."

The Michigan statute applies to all wetlands contiguous to inland lakes, ponds, streams and rivers. They also include the wetlands of 5-acres or more in size that are not contiguous to surface water bodies and located in counties with populations of 100,000 or more. Noncontiguous wetlands cannot be regulated in a county of less than 100,000 population unless a wetland inventory was completed. On the basis of these criteria, the Wetlands Act does not apply to the noncontiguous wetlands in Mackinac County, although the Federal Clean Water Act, Section 404 does apply to all wetlands.

This Act protects rather than preserve wetlands, and controls provided for by the Act serve to regulate wetland alteration. Regulatory objectives of the Michigan statute include the protection of wildlife habitat, duck nesting areas, aquifer recharge areas and the function of wetlands as nutrient and sediment traps for the protection of lakes and streams. The Act's regulatory program is designed to prohibit or control by permit all fill, excavation and structural development in wetlands.

Also, the Shorelands Protection and Management Act, P.A. 245 of 1970 (MCLA 281.631 et seq.) allows all Townships under this act to adopt zoning regulating land areas within 1,000 feet of the Great Lakes as well as lands further inland if prone to flooding. These regulations may cover three particular areas; shoreline erosion, floodplains, and environmentally sensitive areas such as wetlands and flood risk areas. Additionally, the Inland Lakes and Streams Act regulates those same areas along inland waterways such as Brevoort Lake and River.

Financial Aids

A second tool available for implementing the Master Land Use Plan is the financial support provided by numerous state and federal grant programs. These programs typically provide funds for public improvements including utility services, schools, highways, housing projects, parks and recreation, and similar projects.

Local Government Programs

Constant references to this Master Land Use Plan by Township staff when making decisions and resolving conflicts is a passive, yet very effective, manner of implementing the plan. This plan must be used as a tool of reference and valued for the insight it provides. Realizing this plan's value and its utilitarian quality for local planning efforts is the easiest method of implementation.

On a local and more active level is the development and utilization of a Capital Improvements Program. In essence, the program is a budget for municipal expenditures extending five years or so into the future. Using this document and the Master Land Use Plan, the Township Board may gain insight into its financial needs over the coming years and areas where public funds might best be spent.

Within the framework of local government planning, it is critical that Moran Township work closely with all other local municipal governments in a cooperative manner so that each municipality might better reach its land use goals and support one another through their individual and mutual planning efforts.

Citizen Involvement

This Master Land Use Plan has been developed specifically for Moran Township and though both the Moran Township Planning Commission and the Moran Township Board may adopt it, it will never be fully effective if not backed by the local public with their support and involvement. It is the residents of Moran Township, which make it, in part, such a unique Township, and as such, their participation in the planning process is critical and should always be encouraged. Accordingly, all pertinent planning data available to the Planning Commission and Township Board should be available to the general public as well so that they may be well informed and capable of providing valuable input into the planning process based upon factual information. Similarly, the Township should utilize all facets of communication including newspapers and radio to notify residents of particular issues and provide factual insight into these issues.

Finally, well-orchestrated opportunities must be established for the public to voice their concerns, attitudes and insights into and about the issues facing Moran Township today, tomorrow, and in the future.

Revisions to the Master Land Use Plan

It should be noted that, under normal circumstances, a Master Land Use Plan is a worthy guide for future land use for a period up to five years. The need for revisions is variable and depends upon the nature of growth, development trends, economic conditions and numerous other elements occurring within the Township. Certainly, a Master Land Use Plan is not intended to serve indefinitely for as a community changes over time, so must its strategies for land use.

Based upon trends and conditions within Moran Township during the coming years including land development, population growth, tourist trade, zoning issues, and similarly related elements, the Township and its Planning Commission should become aware of the Master Land Use Plan's degree of appropriateness and effectiveness. Should the Township feel that the Master Land Use Plan no longer serves the Township in the manner it was intended to, then revisions to the plan are necessary and recommended.

When the need for revisions has been established, the Planning Commission must review the data base generated and documented within this report as well as examine other data pertaining to the Township which may have a bearing upon the future land use strategies of the Township. It is necessary for this data to be updated to reflect existing conditions and trends at the time when revisions are being considered. The data review should include, but not necessarily be limited to, a review of rezoning actions, the cumulative effect of such items as utility extensions and new road construction and evolving trends in land development. An updating of population projections, projected land use needs and data relating to the commercial, residential, and industrial base of the Township should also be examined.

Upon the development of an updated database, the Planning Commission should continue through the land planning process culminating in a revised Master Land Use Plan. As with the preparation of this document, the Township residents should be provided ample opportunity to express their views, attitudes, concerns and suggestions pertaining to future land use strategies within the Township and these comments should serve as a guide for revisions to the Master Land Use Plan.