

IMPLEMENTATION

Implementation strategies are a key component of any community's Master Plan. They determine how the Plan's guidelines and recommendations become reality. The Ovid Township Master Plan should not be viewed as a finished product. As events alter conditions within the community or the needs of Township residents' change, various adjustments or additions will need to be made to the Plan. It is not anticipated that the Plan's major goals and objectives will require change, but rather, as the Plan is interpreted and implemented, certain aspects will require periodic adjustment.

The Township Planning Act, P.A. 168 of 1959, requires that the Township review and/or update the Master Plan at least every five (5) years. We recommend that this Implementation chapter be reviewed and/or updated every (1) year so that the Township can gauge its progress and determine the best course of implementing planning projects and decision making for the next 12 to 36 months in order to reach the previously stated goals and objectives within the 10 to 20 year planning period.

The following section presents tools and techniques that community leaders, the Planning Commission, and the Township Board can use to implement the Future Land Use Plan. The techniques can be used individually or in tandem to achieve the objectives and eventually the overall goals of this Master Plan. While the direct impact of some of the techniques cannot be immediately assessed, over time these procedures can effectively guide the land use decisions and development within Ovid Township.

Township 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 U.S. Supreme Court. Zoning consists of dividing the community into districts, for the purpose of establishing a 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 that zoning can have on the use of land and related services, it should be based on the Master Plan in order to achieve the goals and objectives that are stated within it. The Zoning map should not necessarily match the future land use map, but the Zoning Ordinance

should be prepared so that within the 10 to 20 year horizon, the desires displayed on the Future Land Use Plan are achieved.

Zoning is also effective because it can benefit individual property owners. It protects homes and investments against the potential harmful intrusion of incompatible land uses by requiring the spacing of buildings far enough apart to assure adequate light, air, and safety from fire; it prevents the overcrowding of land; it facilitates the economical provision of essential public facilities; and it aids in the conservation of essential natural resources. Zoning requirements can also ensure that quality development is provided in all parts of the Township and that incompatible uses are prevented from being located adjacent to one another.

The Zoning Map should be reviewed on an annual basis to ensure that adequate land is being set aside for each of the different zoning categories. An excessive number of requests for changes to the map can be a quick indication that not enough land is available for a particular use. Too much or too little land can impact property values and the quality of development. It is generally accepted practice to provide zoning on the basis of a five-year land use projection, whereas the Future Land Use Plan is a 10 to 20 year projection.

The Township Zoning Ordinance should also be regularly reviewed to ensure that the environmental, land use and circulation proposals of this Plan are reflected in the Ordinance, particularly under site plan review and special land use approval standards. As problems arise or situations and questions are posed that require special interpretations, it may be appropriate to amend the Ordinance to include these interpretations. Also, technologies and economies change over time, and the Ordinance must be able to accommodate these changes. As new uses, development styles, or planning techniques become popular, the Township should review the changes carefully as it considers whether or not to make it a part of the Ordinance.

A zoning ordinance is the primary tool a community can use to implement the goals and objectives of its Master Plan. The following is a list of ordinances, regulations, and policies which the Township could enact to begin to lead itself in the direction of the Future Land Use Plan:

- Simplify the current zoning of the agricultural areas.
 - Allow value-added agricultural commerce and industries in the agricultural zones that allow farmers to add to their farm incomes.
 - Establish an open space preservation development option with a density bonus for limiting access points to provide an option for living in rural spaces while preserving the rural character and maintaining the agricultural lifestyle.
 - Prohibit off-site commercial signage and work with existing nonconforming signs to come into conformance with the revised standards.

- Establish a new zoning district for existing lakeside properties that would have a smaller minimum lot size and would bring more of these parcels into conformance with the standards of the Ordinance. Fewer variances would be necessary, so the Township should be stricter about enforcing the Ordinance.
- Enact nonconforming structures legislation that makes it more difficult to create monster houses on lakeside lots that overwhelm the neighborhood.
- Create design standards for commercial and industrial uses including architectural style, building materials, signage, and landscaping.

Site Design Standards

Beyond standard regulations to implement the Future Land Use Plan, the ordinances can be revised to allow for more flexibility and creativity in design. Innovative site design involves the use of special zoning standards and review procedures that provide design and regulatory flexibility, so as to encourage innovation in land use planning and design. Design standards will be of critical importance in the Village Center, Commercial, and Industrial districts in order to guarantee high quality non-residential development and preserve the existing rural character of Ovid Township. These standards are easy to implement, but only if the regulations are in place and adopted to promote the quality that is desired.

Plan for Natural Areas

The natural features - the lakes, woodlands, wetlands, streams, and prime soils - are an essential component to life in Ovid Township. They establish the rural character, they attract people to live and work here, and they drive the local economy. It is vitally important that these resources are protected.

In order to protect them effectively, one must know if they are being harmed. Water quality studies should be conducted regularly and reported to Township residents on all major lakes. Surveys of woodlands and wetlands should be conducted, even if on a simplified level, at regular intervals, to determine if these resources are being lost to development. Similarly, analyses of soil samples should be conducted regularly to see if the quality of the soil remains at the high level it is today.

I-69 Scenic Corridor Management Plan

In February 2000, MDOT published a Scenic Corridor Management Plan for the I-69 corridor in Branch and Calhoun counties. The plan, funded by an MDOT Enhancement Grant, was developed with participation of local officials and other government agencies with potential interest in the project, including Ovid Township.

The study was initiated based on recognition of the value of this section of I-69 as an important southern Michigan gateway. As part of this function, the quality of the landscape seen by travelers from the road is centrally important because it's quality helps promote the southern Michigan communities that are adjacent to - or nearby - the corridor.

During the process of developing the plan, the assembled team, working with MDOT and SmithGroup JJR, evaluated the corridor's visual resources and developed goals, objectives, strategies, and management recommendations for land within and outside the I-69 right-of-way they felt would support their guiding vision for the land traversed by this section of the highway. The vision statement developed by the team for the Corridor Management Plan says:

I-69 in Branch and Calhoun Counties serves as a major southern Michigan gateway where its communities and surrounding landscape introduce travelers to the scenic and natural qualities of the region's clear water, woods, and wetlands, and showcase the region's agricultural heritage, recreational amenities, and valued quality of life.

By joining MDOT and the regional partnership of agencies that have been assembled around this planning effort, Ovid Township is working towards implementing a variety of the regional strategies and recommendations that were presented in the report, such as the designation of I-69 as a Recreation Heritage Route (October 8, 2004). To bring the plan even closer to its vision statement, it is up to the local jurisdictions to implement the specific recommendations of the plan. Ovid Township has done this in the Master Plan - through design guidelines at the interchange and open space preservation options for development, for example - and will continue towards further implementation steps in future planning efforts.

Land Division Regulations

Like zoning, land division regulation, under the Michigan Land Division Act (P.A. 288 of 1967, as amended through P.A. 591 of 1996) is a tool for the implementation of this Plan. While zoning deals with land use on a site by site basis and activities in selected areas, land division standards are concerned with the process of dividing land and maintaining the quality of individual developments.

The Township currently has a stand alone Land Division Ordinance for Platted Lots. It will want to consider expanding this into a Subdivision Ordinance in the near future that provides procedures and standards for the review and approval of platted subdivisions. It would also include design and engineering standards that would apply to all land divisions: lot splits and site condominiums. The design standards provide for the arrangement and location of streets, configuration of lots, the provision of open space, and the sufficiency of easements for utility installations. Improvement standards ensure adequate roads, maintenance provisions, and other physical improvements. Without the revised Subdivision Ordinance, platted subdivisions would be regulated by the state act, which does not reflect the goals and objectives of this Plan or contain particularly relevant design standards. An Ordinance created by the Township, for the Township would do these things.

Similarly, the Township should review its Land Division Ordinance, regulating lot splits, to ensure that it is consistent with the goals and objectives of this Plan. The Township should also make sure that the Ordinance conforms to all the changes that were recently made to the State law by the Michigan legislature and Governor. Some concerns remain over the changes that were made, so the Planning Commission must remain alert to future changes in this area of regulation to assure that the standards and requirements are consistent with the authorizing legislation.

Another item the Township should consider is a Site Condominium Ordinance. This can be blended into the Zoning Ordinance with references to the design standards in the Subdivision Ordinance, or it can stand on its own. Over the past ten years, site condominiums have become a popular form a development as a substitute for conventional subdivisions. The condominium process is typically less burdensome on developers due to changes enacted by the legislature. Ovid Township's current condominium regulations are contained in the Zoning Ordinance and do not address all of the elements necessary for a sufficient review of this type of development. Due to the popularity of site condominiums and the level of sophistication that they have achieved, the Township should consider revising this Ordinance to require a preliminary plan review and a final plan review, with the preliminary plan review being a public hearing. The amendments should include additional design standards and engineering controls as well.

Open Space Development

Rural open space development is an alternative to conventional site development and is intended to promote the preservation of the Township's rural character. Conventional site development often results in residential sprawl that consumes large amounts of land and divides open spaces into fragments on individual home sites. It does not contribute to a rural appearance and is not conducive to agriculture, wildlife habitat, or other rural open space uses.

Conventional site development places lots on every available acre of the site. Open space development (also known as cluster development) on the other hand, allows for the grouping of

dwellings onto part of the site, and a permanent easement covers the remainder preserving it as open space. The cluster of dwellings can be placed either within woodlands, to preserve agricultural land, or on the agricultural land, preserving the woodlands and other existing natural features. The development also typically has a large setback from the road and limited access points in order to preserve the rural views and limit the corridor development effect.

Township Zoning Ordinance requirements must be revised to be no more difficult for rural open space development than for conventional residential development. This development alternative is most effective when the Township offers a small incentive for open space development - one or two bonus lots - thereby encouraging developers to use this option. A density bonus is contingent upon the developer preserving a sufficient amount of natural features and open space as well as providing appropriate infrastructure for the dwellings with limited impact on the surrounding area.

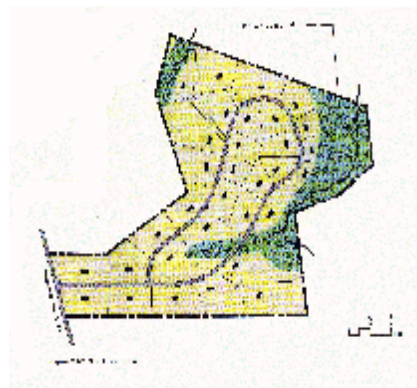


Figure 2: Conventional residential Development



Figure 3: An example of residential open space development

Right to Farm Laws

Michigan enacted a Right-to-Farm Act (P.A. 93) in 1981 to provide farmers with protection against nuisance suits for standard farming practices. New amendments to this law prohibit local governments from passing laws that are more restrictive than Michigan's Right-to-Farm Act. The existence of such laws is important in areas where residential development and agricultural

farm uses meet. Often new residents to these areas object to agricultural uses which involve the spraying of chemicals, industrial-like harvesting of crops, and odorous animal wastes. Newcomers to rural areas have been influential in having nuisance ordinances passed and pressing nuisance suits against farmers to limit their operating practices. The Right-to-Farm laws do not exempt farmers from state and federal laws relating to pollution and safety. They do, however, serve to underscore the legitimacy of farm uses, even the primacy of farm uses, above other land uses that may develop in agricultural districts.

Farmers should be aware that they are covered by the Right-to-Farm laws only in the event of a lawsuit. The Right-to-Farm Act in Michigan requires farmers abide by the GAAMP (Generally Accepted Agriculture Management Practices) in order to receive legal protection from nuisance lawsuits. Township land use regulators will recognize the provisions of the Michigan Right-to-Farm Act, however restrictions will be established on animal units and Concentrated Animal Feeding Operations (CAFOs) consistent with the GAAMPs to control environmental and nuisance impacts that can be generated by these uses.

Transfer or Purchase of Development Rights

Many farmers are skeptical of agricultural zoning because it restricts the use of their land without compensation. A farmer's land is not only a source of livelihood but an insurance policy and a retirement fund. Thus, the farmer has only two choices: either to keep farming and hope to pass along the farm to heirs (or another farmer) or try to sell out for development.

The transfer or purchase of development rights (legally known as conservation easements and referred to by TDR and PDR) offers farmers an alternative. Through the PDR program, the farmer is provided compensation with public funds for not developing the land. Most farmers use the money to pay off debt, reinvest in the farm, or set up a retirement fund. A farmer can sell the development rights for cash (or cash and income tax benefits in a bargain sale) and still own the land and use the land for farming or open space. Once preserved, the land can be sold or passed on to heirs, with restrictions spelled out in the deed of easement that will apply to subsequent landowners.

The TDR program would be a local program and involve strictly private funds. Under the TDR scenario, the Agriculture district of the Township would be the "transfer zone". Farmers would transfer their development rights to developers in the "receiving zone", which would be the Neighborhood Residential and Village Center districts. These are the receiving zones because they are the most appropriate portions of the Township for high density development in the future. In the receiving zone, development would be permitted at a certain density (i.e., 1 unit per 2 acres). But with the transfer of development rights from the transfer zone, the density would be increased considerably - four six (4) units (per acre) for example. The developer would be willing to pay the farmer for the development rights in order to get the bonus because

the cost could be made up in the sale of the units. The farmer could then continue to farm on the land for as long as he/she wanted. The money received from the transfer should equal approximately the same amount that would have been gained by selling the land to a developer. This scenario illustrates a program that the Township should establish. Some refinements are necessary and the boundaries need to be determined, but it can be a valuable tool in the protection of agricultural land in the Township. Plus, there are additional statewide PDR programs that can be used for similar purposes in Ovid Township. Several land conservancies and farming advocacy programs also have PDR programs which allow farmers the ability to protect the agricultural use of their property forever. Whenever possible, farmers should be encouraged to participate in these programs and lock up open space and agricultural land in permanent easements to help maintain the rural character that is important to the community.

A similar program in the State of Michigan is the P.A. 116 program in which farmers are given a tax abatement as long as they farm their land. However, if they sell to a developer, all of the abated taxes must be repaid. This program is operated on a County-wide level, and farmers should be encouraged to participate in it. P.A. 116 can also be an effective tool in preserving and protecting open space.

Public Understanding and Support

Citizen participation and understanding of the general planning process and specific goals, objectives, and policies of the Master Plan are critical to the success of the Township's planning process. Lack of citizen understanding and support could well have serious implications for the eventual implementation of planning proposals. Failure of the public to back needed bond issues, special assessments, zoning decisions, or development proposals are just some of the results of public misunderstanding of and rejection of long-range plans.

In order to organize public support most effectively, the Township must emphasize the necessity of, and reasons for, instituting the planning program and encourage citizen participation in the planning process. Accordingly, the Township Planning Act, (P.A. 168 of 1959, as amended), states that the Township Planning Commission shall promote public understanding and interest in the Plan, shall publish and distribute copies of the Plan and any report, and may employ any other such means of publicity and education as it deems necessary.

The validity of the Master Plan, as well as the right of the Planning Commission to review various development proposals to assure their compatibility with the Township's expressed policies, requires that the Master Plan be officially adopted by the Commission. It is also desirable for the Township Board to adopt a resolution stating their concurrence with the goals, objectives, and policies in the plan.

In order to organize public support most effectively, the Township must emphasize the reasons for the planning program and encourage citizen participation in the adoption of the Plan and the continued planning process. Public education can be achieved through an informational program involving talks, newsletter articles, and preparation of simple summary statements on plans for distribution.

Planning Commission

A stable and 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 the Master Plan's goals and objectives. Adoption of the Zoning Ordinance by the Township Board then provides the legal basis for enforcement of the Zoning Ordinance's provisions. The ultimate effectiveness of the various ordinance requirements, however, is dependent upon the overall quality of ordinance administration and enforcement. If the administration procedures are lax or handled in a sporadic, inconsistent manner, the results will be unsatisfactory at best; conversely, fair and efficient administration generates a quality built and natural landscape.

Another role of the Planning Commission is to provide planning recommendations to the Township Board. This planning function is a continuous process which does not terminate with the completion of this Plan. Both the rural and lakefront areas are in constant change, and planning is an ongoing process of identification, adjustment, and resolution of problems. In order to sustain the planning process and generate positive results, maintain momentum, and respond to change, the Plan should be reviewed and updated regularly. As stated earlier, the State enabling legislation requires reviews and updates to the plan at least every five (5) years to maintain the validity of its data and relevance as a policy document. The Implementation section should be reviewed annually to monitor progress, budgetary assignments, and project goals for the coming years.

The Planning Commission recognizes the possibility of change and the fluidity of this document. It recognizes that it must be regularly reviewed and updated to assure the overall regulatory framework is supported. The Planning Commission shall review the document at least once every five (5) years, as required by P.A. 168 of 1959, as amended, to assure the Plan continues to represent the goals and objectives of the Township's residents. The Plan will be updated or revised, as needed, in order to continue to provide a firm foundation for land use planning and regulation.

Funding

Unfortunately, not all of the items in this implementation list can be accomplished for free. To successfully implement all aspects of this Master Plan will require the necessary financing. Besides the Township's general fund, there are several sources of revenues which the Township could utilize. The sources of funding are summarized below and should be investigated by Township officials in greater detail:

Michigan State Housing Development Authority (MSHDA) Home Improvement Program

This program provides low interest loans for home improvements through local lending institutions. The Home Improvement Program (HIP) is not targeted to any specific area, but can be utilized Township-wide. Interest rates on loans are related to income. The property must be twenty years or older in age or in need of repair: to correct items that are hazardous to health and safety; or for items related to energy conservation.

Local Development Finance Authority (LDFA), P.A. 281 of 1986

Act 281 is the primary means of making tax increment financing procedures available to assist industrial development. The LDFA Act is targeted toward individual eligible properties, rather than toward a development district. The Township has an established LDFA board which has the power to plan, build public facilities, acquire land, clear and redevelop land along with other development powers. This Authority can be a useful tool to implement the industrial goals and objectives of this Plan.

Intermodal Surface Transportation Efficiency Act (ISTEA)

In 1991, this program was established to fund enhancements to non-motorized transportation facilities, transportation aesthetics, mitigation of water pollution due to highway runoff and transportation related historic preservation.

Michigan Bureau of History

Historic Preservation grants are available through the Michigan Bureau of History under the Department of State. These federal funds are received from the National Park Service and administered by the Department of State. Grant funds can be used to inventory historic and archaeological sites, nominate eligible sites to the National Register of Historic Places, plan for the preservation of historic sites, and produce educational programs to promote the historic preservation program. A limited portion of the funds can be used for plans and specifications for properties listed on the National Register of Historic Places, but funds cannot be used to restore historic properties.

Special Assessment / Principal Shopping District (PSD)

This technique allows for the financing of public improvements, such as roads or street lights, through the assessing of property taxes, on an equitable basis, to the benefitted property owners in a specific district. The Township can designate Principal Shopping

Districts (PSD) and establish a Downtown Management Board (DMB) manage the operation, maintenance, and security of the PSD. The DMB may use assessment funds for economic development activities such as recruitment, promotions, and public relations; street and pedestrian improvements; and property acquisition for parking, recreation, or public facilities.

Michigan Natural Resources Trust Fund

This fund replaced the Michigan Land Trust Fund in October, 1985. All proposals for local grants must include a local match of at least 25 percent of total project cost. Projects eligible for funding include: acquisition of land or rights in land for recreational uses or for protection of the land for environmental importance or scenic beauty; and development proposals for public outdoor recreation or resource protection purposes (i.e., picnic areas, beaches, boating access, fishing and hunting facilities, winter sports areas, playgrounds, ballfields, tennis courts, and trails, etc.). Indoor facilities are considered only if their primary purpose is to support outdoor recreation. Examples include nature interpretive buildings and park visitor centers. Outdoor recreation support buildings such as restrooms and storage buildings, are also eligible. Proposed local government fund recipients must have an adopted Parks and Recreation Plan no more than five years old that satisfies the requirements of the Department of Natural Resources checklist.

Downtown Development Authority (DDA)

A DDA consists of a board of 9 to 13 members with broad powers to plan, construct housing, construct public facilities, acquire and dispose of property, improve and renovate property, and administer activities. Once the DDA is founded, the Authority captures all property tax increases within the district from that point forward. Therefore, as the DDA invests in property and property values increase, the DDA captures more money to invest in other properties.