

# Chapter Six IMPLEMENTATION STRATEGIES

## Introduction

This Master Plan establishes a strategy for growth, development and preservation for Cass County as a whole and, more specifically, for the Villages of Edwardsburg and Vandalia and the Townships of Pokagon, Silver Creek, Volinia and Wayne. The Plan is comprised of goals and objectives and graphic and narrative policies intended to shape reasonable, realistic decisions. It establishes policies and recommendations for the proper use of land and the provision of public services and facilities. The Plan is intended to be used by regional, county and local officials, by the private sector including those considering private sector developments, and by all residents and entrepreneurs interested in the future.

*As a policy document, this Plan's effectiveness is directly tied to the implementation of its policies through specific tools and actions.*

The completion of the Plan is one part of the planning process. Realization or implementation of the goals, objectives and policies of the Plan can only be achieved by specific actions, over an extended period of time, and through the cooperative efforts of both the public and private sectors.

The purpose of this Chapter is to present some important strategies to effectuate the goals, objectives and policies of the Master Plan.

## Public Support, Communication and Community Involvement

Citizen participation and understanding of the general planning process and the goals, objectives and policies of the Plan are critical to the success of Cass County's planning program and those of the Villages of Edwardsburg and Vandalia and the Townships of Pokagon, Silver Creek, Volinia and Wayne. Understanding and support of the Plan by local citizens can greatly enhance its implementation. This enhancement may be found in citizen support for modifications to the delivery of public services, public facility improvements, bond proposals, special

assessments, zoning decisions, and development proposals.

In order to organize public support most effectively, the county and the six Local Participating Municipalities must emphasize the necessity of, and reasons for long-range planning and the development of the Master Plan, and encourage citizen participation in on-going planning efforts.

Specific actions that can be undertaken to encourage public understanding and support for county and local planning efforts, and the continued communication with and involvement of the citizenry, are:

- 1) Ensure that copies of the Master Plan are readily available at county offices and village and township halls.
- 2) Post the Future Land Use Map of the Master Plan in county offices and village and township halls.
- 3) Establish and/or update county and local municipal web sites and post on the sites the Master Plan and current local and county events and activities pertaining to planning and zoning matters.
- 4) Through public notices, newsletters, postings in public buildings, and other means, apprise residents and the business community of county and local planning efforts and of meetings that will address development and public service improvement proposals as the projects move through each stage of review and deliberation.
- 5) Periodically hold special meetings for the specific purpose of discussing county and local planning efforts and providing residents, business owners and entrepreneurs with the opportunity to share concerns and suggestions.
- 6) Encourage Neighborhood Watch and similar programs to promote cooperation and communication.

## Plan-Based Decision Making

This Master plan establishes goals, objectives and policies focusing on land use in addition to public services and facilities. The goals, objectives and policies should be referred to on a regular basis as land use and public services decisions are deliberated. Examples of the bearing of the Master Plan's goals, objectives and policies on decision making include:

- The planning, delivery and improvement of public services by the many county and local municipal officials and agencies dedicated to social and other public services, including within the context of lessening hindrances to and maximizing economic development efforts, social equality, resource protection and cost-effective programming.
- Capital improvements programming (see this page for further discussion on this matter).
- The review by local officials of site plans, special land use applications, and rezoning petitions.
- The Cass County Planning Commission's review of local master plans and zoning ordinances, as required under Sec. 41 of the Planning Enabling Act and Sec. 307 of the Zoning Enabling Act.

Copies of the Master Plan should be provided to all county and local municipal departments in an effort to encourage the blending of the Plan's goals, objectives and policies with the department's mission.

## Spearheading the Plan's Objectives

This Plan's objectives present general strategies for implementing the Plan's goals and objectives. Implementation of the goals and objectives will be greatly furthered by officials coming together through workshops or other focused meetings to identify:

- How can each objective can be applied in day-to-day practice?
- Which official(s) or body(s) is most appropriate to explore and apply each objective?
- What are appropriate time frames for addressing each objective, recognizing that certain objectives may be more pressing than others?

## Capital Improvements Programming

The use of capital improvements programming can be an effective tool for implementing the Master Plan and ensuring the orderly programming of public improvements. In its basic form, a Capital Improvements Program (CIP) is a complete list of all proposed public improvements planned for a six year period (the time span may vary), including costs, sources of funding, location, and priority. It is a schedule for implementing public capital improvements that acknowledges current and anticipated demands, and recognizes present and potential financial resources available to the community.

*The CIP 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 and a plan of action established.*

The CIP outlines the projects that will replace or improve existing facilities, or that will be necessary to serve current and projected development. Advanced planning for public works through the use of a CIP ensures more effective and economical capital expenditures, as well as the provision of public works in a timely manner. 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 importance of a CIP is illustrated by the fact that Sec. 65 of the Planning Enabling Act requires that a municipality prepare an annual six-year capital improvements program if the municipality owns or operates a water supply or sewage disposal system.*

As the county and its local municipalities grow and increased demands for public services and infrastructure improvements surface, the importance and value of comprehensive capital improvement programs will similarly grow. Even rural communities can greatly benefit by a program of evaluating needs and charting a plan of action based on existing and projected financial resources. The Board of Commissioners is currently the designated preparer of the county's CIP.

## Zoning Ordinances

A zoning ordinance is the primary tool for implementing a Master Plan's land use-based goals, objectives and policies. A zoning ordinance regulates the use of land, divides a community into districts, and identifies the land uses permitted in each district. Each district typically prescribes minimum standards regarding lot area, lot width, and building setbacks.

Since 2006, zoning ordinances for Michigan communities are adopted under the authority of the Michigan Zoning Enabling Act (MZEA), P.A. 110 of 2006. The purpose of zoning, according to the Act, is to (in part): *"regulate the use of land and structures; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that use of the land shall be situated in appropriate locations and relationships; to limit the overcrowding of land and congestion of population, transportation systems, and other public facilities."*

Cass County does not exercise zoning authority. Each of the county's 20 local municipalities has adopted local zoning ordinances that they are responsible for administering.

**Zone Plan:** The MZEA requires that a municipality that exercises local zoning authority and adopts a master plan must include in the plan a "zone plan." The zone plan must, in part, present an explanation of how the land use categories on the future land use map relate to the districts of the zoning ordinance. Chapter Four of this Master Plan presents tables for each of the six Local Participating Municipalities addressing Zone Plan matters – particularly in regard to guidelines for the presentation of zoning districts to implement the Future Land Use Plan and Map, and guidelines for basic site development standards for the zoning districts.

In addition to the review of local zoning programs within the context of the tables presented in Chapter Four and making appropriate ordinance updates, each of the Local Participating Municipalities should review their existing zoning programs to ensure their programs address critical zoning ordinance components including:

a) **Procedural Matters/Plan Review:** Zoning provisions should be reviewed to ensure they include clear and comprehensive step-by-step procedures addressing zoning permit application requirements, review procedures and approval standards; application procedures and approval

standards for ordinance amendments including rezonings; application procedures and approval standards for matters before the Zoning Board of Appeals such as variance requests and appeals of administrative decisions; and violation and enforcement procedures. The zoning permit application procedures should include clear requirements for the submittal of a plot plan or site plan illustrating existing site features (including environmental features) and proposed alterations including such matters as clearing, grading, storm water management, buildings, parking, screening, lighting, access management, and vehicular/pedestrian circulation.

- b) **District Provisions/Special Land Uses:** Zoning provisions should include a clear and comprehensive presentation of zoning districts including the purpose, authorized uses, and site development standards for each district. To this end, the districts should differentiate between uses authorized as "by right" versus "special land uses." "By right" uses are those uses that are the primary uses and structures specified for which a particular district has been established, such as a dwelling in a residential district. "Special land uses" are uses that are generally accepted as reasonably compatible with the principal uses in the district but are more marginal in character and more likely to present potential injurious effects upon the principal uses or the community as a whole. Special land uses are typically subject to greater scrutiny and a public hearing.
- c) **Site Development Standards:** In addition to the standards presented in the Zoning Ordinance for each district, such as minimum lot area, width and setbacks, the Ordinance should be reviewed to ensure it presents clear and appropriate standards addressing more general fundamental site development issues such as:
1. proper access to ensure public safety and welfare including access management along thoroughfares, accessibility to property for general and emergency vehicles, and proper design and maintenance of private roads.
  2. off-street parking and loading to ensure adequate facilities are provided on a development site and are of adequate design to encourage safe and efficient circulation.
  3. landscaping and screening provisions intended to ensure new development (commercial, industrial, institutional, etc.) is compatible with surrounding conditions and supportive of the desired character of the community.
  4. sign regulations to ensure local signage does not contribute to traffic safety hazards, visual

clutter, confusion for vehicle drivers, visual blight, and decreased property values.

5. environmental safeguard provisions to ensure land uses and land development minimizes disturbances to natural resources including standards addressing sewage disposal, grading, impervious surfaces, natural features setbacks and storm water management.
- d) **Nonconformities:** Zoning provisions should address lots, uses and structures that are nonconforming due to changes to the zoning ordinance, and the extent to which such lots, uses and structures can be replaced, expanded, enlarged, or otherwise altered.
- e) **Site Condominium Regulations:** Zoning provisions should address the regulation of site condominiums to ensure such forms of development undergo the same level of review as more traditional subdivision plats.
- f) **Farmland, Open Space and Natural Resources Preservation:** See “Zoning Options for Farmland, Open Space and Natural Resources Preservation.”
- g) **Compliance with Current Law:** A Zoning Ordinance must comply with current law to ensure its validity and the ability of officials to enforce the Ordinance. All Michigan zoning enabling acts were repealed in 2006 and replaced by the Zoning Enabling Act (Public Act 110, as amended). Zoning regulations should be continually updated to address any subsequent changes to the Act or other pertinent laws.
- h) **User Friendly Document:** One of the most critical components of an effective zoning ordinance is that it be as user friendly as reasonably possible. A zoning ordinance can be a complex tool by nature. It must address a very broad scope of activities and specify procedures, standards, definitions, and more. The ability to minimize confusion and frustration among users of the ordinance, including officials, applicants, and the general public, and ensure fair, objective and consistent administration and proper enforcement, can be greatly enhanced as the document’s user friendliness increases. User friendliness can be exhibited on various levels including overall organization and order and division of articles, page formatting, use of tables, cross-referencing, and clear and simple wording of provisions.

The ultimate effectiveness of a zoning ordinance in implementing a master plan is dependent, in part, on the overall quality of ordinance administration and enforcement. If administrative procedures are lax, or if enforcement is handled in an inconsistent, sporadic manner, the result will be unsatisfactory. Local

planning commissions, legislative bodies and staff are responsible for carrying out zoning/development related functions including the review of development plans and site inspections. These functions can require special expertise and a substantial investment of time. Adequate staff and/or outside assistance are necessary to ensure that these essential day-to-day functions are met and appropriate development is facilitated.

**Zoning Options for Farmland, Open Space and Natural Resources Preservation:**

Farmland and natural resources preservation is an important theme of this Master Plan. Options for the pursuit of these goals are numerous. Some of the most effective zoning tools are summarized below:

Purchase of Development Rights (PDR): Purchase of Development Rights (PDR) is a land protection tool that pays landowners to protect their farmland from development. PDR is a voluntary and non-regulatory program through which a government agency, or private nonprofit organization, buys development rights from landowners in exchange for limiting development on the land in the future. This limitation is typically in the form of a conservation easement. The land cannot be developed for the term of the easement (usually, conservation easements are permanent). The buyer of the development rights typically pays the landowner the difference between the land's value as open space/farmland and its development value (its value without the development restrictions). PDR can be financially advantageous to the agricultural landowner since good farmland, which is typically cleared, well-drained, and relatively flat, is often highly valued for its development potential. Advantages of PDR programs include the opportunity for landowners to realize the development value of their land without having to actually develop it, and such a program enables communities to target areas to be preserved in perpetuity for farming or other open space. A disadvantage may arise if financing the cost of the development rights purchases requires public support and such support is not strong.

Transfer of Development Rights (TDR): Transfer of Development Rights (TDR) programs allow increased development in areas that a community has designated for development in return for preservation of areas a community wants to protect. TDR is often used for agricultural and/or open space protection, although it can be used to protect any important resource. When the development rights are transferred from the "sending" property, the sending property is then restricted to agricultural or conservation use by a conservation easement, and the "receiving" land can be developed at a greater

**CASS COUNTY MASTER PLAN**

July 1, 2014

density than would typically be allowed under the community's zoning ordinance.

Specialized Agricultural District Provisions: Ensuring the preservation of farmland resources on a long term basis requires, in part, significantly limiting residential encroachment in planned agricultural areas. Agricultural district provisions can be crafted to address this goal. Some of the more traditional and aggressive farmland preservation regulatory concepts include:

*Exclusive Agricultural Zoning*, which prohibits non-farm dwellings in the district.

*Quarter-Quarter Zoning*, which permits 1 dwelling per 40 acres (1/4 of 1/4 of a 640-acre section).

*Sliding Scale Zoning*, which can be generally based on Quarter-Quarter Zoning but places incrementally greater restrictions on the permissible number of dwellings as the farm parcel acreage increases.

Overlay Zones: An overlay zone in a Zoning Ordinance is a separate district that "lies" upon one or more other districts of the Zoning Ordinance, or parts of other districts, and provides an additional layer of regulation. This additional layer of regulation is typically established to address a special condition or situation that may apply to the districts below the overlay zone. For example, overlay zones are sometimes used to regulate development in sensitive environmental areas including floodplains, stream corridors, steep slopes and wooded areas. Overlay zoning can be an effective tool for protecting specific resources from development pressures. However, such regulations increase the complexity of zoning administration, and should be considered primarily in the case where the issue(s) of concern cannot be adequately addressed by the underlying district(s).

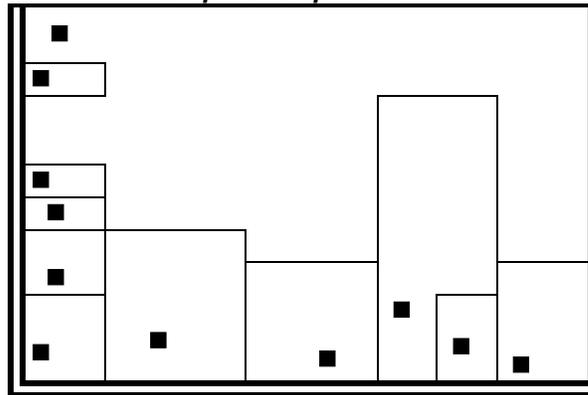
Clustering: As a tool to facilitate the conservation of natural resources, this Plan supports what are commonly referred to as "clustering" in association with platted subdivisions, condominium subdivisions, and similar neighborhood developments. The development option is a beneficial alternative to residential development than that frequently associated with large lot "rural sprawl," which consumes open space and creates lots that are too small for farming or meaningful habitat protection.

This form of development provides for the clustering of smaller lots than what is normally required, on only a portion of the development parcel, so that the balance of the parcel can be retained as open space and for the preservation of important environmental resources. As much as 50% or more of a site, and preferably the most environmentally significant, may

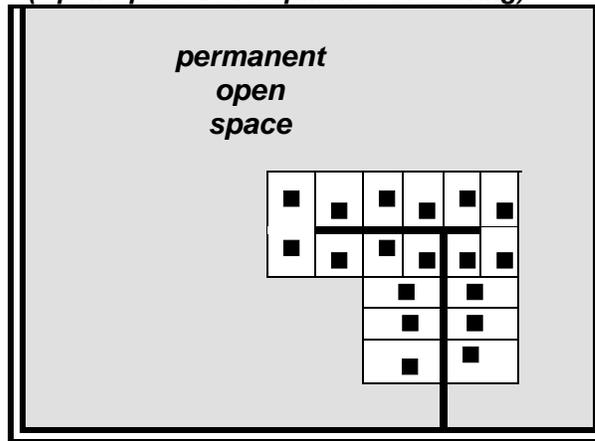
be preserved in its existing natural state, with individual lots occupying the remaining acreage. These "open space" areas can be preserved by the use of conservation easements, deed restrictions, or similar tools. A critical component of clustering should be the inclusion of new interior roads to serve the new lots, rather than stripping new dwellings along existing road frontages.

More traditional strip residential development along the township's major roads is illustrated in Example A below. Example B, illustrating an open space development, improves public safety along the road, and more effectively preserves the existing character of the community including its open spaces and environmental resources and habitats. Clustering can also save infrastructure costs by reducing the length of roads and utility lines.

**Example A**  
**Strip Development**



**Example B**  
**(Open Space Development / Clustering)**



Sec. 506 of the MZEA requires that this development option be made available under specific circumstances and conditions. Zoning provisions should be reviewed to ensure compliance with Sec. 506 and whether opportunities may be present to

simplify provisions, make this development option more appealing through incentives and/or user-friendly provisions, and minimize application burdens on the applicant.

Planned Unit Developments (PUDs): “Planned unit development” provisions in a Zoning Ordinance typically permit a more flexible form of development that normally permitted by the district in which the site is located or the other districts established in the Ordinance, and can enhance efforts to preserve important open spaces and natural resources. PUDs are expressly authorized by the Zoning Enabling Act with the intent to facilitate development that, in part, encourages innovation in land use and variety in design, layout, and type of structures constructed; achieves economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourages useful open space; and provides better housing, employment, and shopping opportunities. PUDs are sometimes used as a means to facilitate residential cluster development discussed above, and are frequently used to facilitate development that provides a mix of housing units and nonresidential uses in one unified site design. The specific PUD provisions of an ordinance dictate the character and scope of development that may occur under such a development option.

Density Incentives: The provision of density incentives can significantly encourage desirable forms of development. A developer’s profit margin is frequently linked to the number of home sites that can be accommodated on the site. The number of home sites sold affects the extent to which development costs are offset, including the cost of the land, road infrastructure, utilities, and site amenities such as landscaping, trails and other recreational elements. The increased density that a community may offer to individuals pursuing a specific form of development, such a cluster development as described earlier, may well be the deciding factor for some to undertake such projects, particularly if the cluster form of development is more complex or requires a lengthier review and approval process.

## Other Land Development Codes and Programs

### Subdivision and Land Division Ordinances

When a developer proposes to subdivide land, the developer is, in effect, planning a portion of the community. To ensure that such a development is in harmony with the Master Plan, the subdivision or resubdivision of residential and nonresidential land must be adequately reviewed. A subdivision ordinance establishes requirements and design standards for the development of plats including streets, blocks, lots, curbs, sidewalks, open spaces, easements, public utilities, and other associated subdivision improvements. The Land Division Act, PA 288 of 1967, as amended, provides the authority for municipalities to adopt local ordinances to administer the provisions of the Land Division Act including the platting of subdivisions.

With the implementation of a subdivision ordinance, there is added insurance that development will occur in an orderly manner and the public health, safety and welfare will be maintained. For example, subdivision regulations can help ensure developments are provided with adequate utilities and streets, and appropriately sized and shaped lots. Adopting a local ordinance addressing the creation of subdivisions can encourage a more orderly and comprehensive manner for the review and approval of subdivision plats.

Of equal importance is the reliance on a “land division ordinance.” While a subdivision ordinance addresses unified residential developments of multiple lots (plats), much of the residential development in the county has been on incremental land divisions for individual home sites. A land division ordinance assures that incremental divisions not part of a subdivision meet certain minimum standards such as access and lot area and width. The Land Division Act also provides municipalities with the authority to adopt a land division ordinance. Such an ordinance can ensure consistency in review and approval practices. Land division ordinances should be reviewed and updated as may be necessary.

**Other Special Purpose Ordinances**

While zoning and subdivision regulations are the most frequently used tools for the regulation of land use and development, the control of land use activities can extend beyond their respective scopes. Special purpose rules and regulations can complement zoning and subdivision regulations and further the implementation of the Master Plan. Such ordinances may address matters pertaining to noise, public nuisances, outdoor assemblies, junk, weeds, and other conditions. County and local officials should evaluate current special purpose ordinances and determine what new ordinances, and/or amendments made to current ordinances, may be beneficial to further implement the Master Plan.

**Maintaining a Current Master Plan**

Successful planning requires the maintenance of a current Master Plan. The Master Plan should be updated periodically. The Plan must be responsive to community changes if it is to be an effective community tool and relied upon for guidance. Periodic review of the Plan should be undertaken to determine whether the Plan continues to chart a realistic and desirable future. Community changes that may suggest updates to the Plan include, but need not be limited to, changing conditions involving available infrastructure and public services, growth trends, unanticipated and large-scale development, and changing aspirations.

---

***The importance of maintaining a current Master Plan is reflected in the Planning Enabling Act's requirement that a Planning Commission review its Master Plan at intervals not greater than five years to determine whether amendments or a wholly new Plan is necessary.***

---

Important questions that should be asked during a review of the Plan should include, at a minimum:

- 1) Does the Plan present valid and current inventory data (Appendices)?
- 2) Does the discussion of planning issues and specific goals/objectives continue to be appropriate today?
- 3) Do the future land use and public services policies continue to reflect preferred strategies to address development, preservation and public services?
- 4) Have there been any new and/or significant development projects that have raised concerns and which may suggest changes to the Master Plan?
- 5) Have there been any other major changes that were not anticipated under the current Master Plan?
- 6) Have any specific development decisions been made (such as rezonings and site plan approvals) that may have appeared contrary to the Master Plan and, if so, do such decisions suggest the need to revise the Plan to be more responsive to local conditions?
- 7) Have any text amendments been made to local zoning regulations that suggest Master Plan revisions?
- 8) Is the character of growth and development (residentially, commercially and other) since the Plan was adopted in keeping with Plan's vision (goals, objectives, and policies)?
- 9) Are there significant discrepancies between the local Future Land Use Map and Zoning Map?
- 10) Does the Master Plan comply with current law?

Amendments to the Plan, or the preparation of a wholly new Plan, should follow the minimum procedures delineated in the Planning Enabling Act in addition to measures officials believe will enhance the planning process including substantive opportunities for public input.