

## **Chapter 7 - STRATEGIES FOR IMPLEMENTATION**

### **Primary Implementation Tools**

#### Relationship to Zoning

The Township has a zoning ordinance adopted pursuant to the Township Rural Zoning Act, PA 184 of 1943 (since replaced by Act 110 of 2006, the Michigan Zoning Enabling Act). The intent of this ordinance is to regulate the use of land to provide for orderly growth and development and allow the integration of land uses without creating nuisances. The zoning ordinance defines land use districts and regulates height, bulk, use, area of lot to be covered, and open space to be preserved within each district.

The Michigan Zoning Enabling Act requires the zoning ordinance be based upon the analysis contained in the Plan prepared by the Planning Commission to guide future land use decisions. As such, the zoning ordinance should be revised to reflect this Plan's new goals, policies, and future land use proposals. However, the Zoning District Map and the Future Land Use Map (see Map 6-3) will not be identical. The Zoning Map typically reflects existing land use (where it is desirable to continue it) and small areas zoned for more intensive use than at present. In contrast, the Future Land Use Map reflects land use arrangements at some future time.

The Township should continue to maintain a formal site plan review process. Through this process applicants, in order to obtain zoning approval, must submit plans which clearly indicate how their development proposals will change and affect both the parcel of land being developed as well as surrounding properties.

A detailed zoning ordinance implementation section is included later in this chapter.

### Relationship to Plans/Zoning in Adjacent Jurisdictions

The land use proposals in this Plan were carefully prepared with an eye to ensuring compatibility with adjoining townships. Equal care should be taken in the future to seek and receive comment on proposals that are on or near a border from an adjoining jurisdiction. Failure to do so will only insure future conflict over adjacent land uses, or the provision of new public services.

### Relationship to Subdivision Regulations

Clark Township should consider the adoption of subdivision regulations. The enabling legislation that permits the enactment of such regulations is Public Act 288 of 1967, also known as the Land Division Act. This Act allows a community to set requirements and design standards for streets, blocks, lots, curbs, sidewalks, open spaces, easements, public utilities, and other associated subdivision improvements. With the implementation of a subdivision ordinance there would be added assurance that development would occur in an orderly manner. In particular, the creation of lots which would be unbuildable under existing state or local regulations (such as lots which are wholly within a protected wetland) should be prohibited. Condominium regulations should also be enacted pursuant to the Condominium Act.

### Relationship to Capital Improvements

In its basic form, a capital improvement program (CIP) is a complete list of all proposed public improvements planned for a 6 year period (the time span may vary), including costs, sources of funding, location, and priority. The CIP outlines the projects that will replace or improve existing facilities, or that will be necessary to serve current and projected land use development within a community.

Advanced planning for public works through the use of a CIP assures more effective and economical capital expenditures, as well as the provision of public works in a timely manner. The use of capital improvements programming can be an effective

tool for implementing the Master Plan by giving priority to those projects which have been identified in the Plan as being most important to the future development and well being of the community. The Township Planning Commission should develop a formal capital improvement program for approval by the Township Board as part of the annual budgeting process.

#### Land Use & Infrastructure Policies

A strong effort will be necessary to coordinate future capital improvement decisions and land use policies with adjoining units of government. As a result, proposed policy changes should be circulated for comment early. Likewise, proposed capital improvement programs should be prepared with adequate time for review and comment by the adjoining jurisdictions.

#### Community Participation and Education

In order to gain the support, acceptance, and input of area residents for future planning, ongoing efforts should be continued to provide information to them, and involve them in the planning process. The importance of their role in that process should be emphasized. Public acceptance will make the implementation of plans much easier and public input makes plans better and more responsive to local needs.

## **Additional Recommendations**

### Other Planning & Economic Development Assistance

The Township Planning Commission should maintain regular communication with the Eastern Upper Peninsula Planning & Development Regional Commission. This organization should be encouraged to continue their County and region-wide planning and economic development efforts and to share relevant materials with the Township. Likewise a copy of this Plan should be forwarded to this agency when adopted.

### Pro-Business Alliance or Downtown Development Authority

One way to strengthen the Township's economic development potential is to establish a pro-business exchange between Cedarville and Hessel modeled after the Michigan Bell Business Retention and Expansion Program. (Clark Township is not eligible for participation in the Michigan Bell Business Retention and Expansion program because it is not in a Michigan Bell service area.) A pro-business exchange creates an atmosphere of cooperation which benefits both the business and the community.

The role of a pro-business exchange is to assist existing businesses in finding solutions for their problems (i.e. inadequate parking, expansion or relocation needs, etc.) and help make new businesses feel welcome. The exchange would work with area businesses to determine their needs and appoint an ombudsman to inform new businesses of local services and contacts. Businesses are often not aware of the services available to them or who to contact for more information. A brochure could be prepared which identifies who to contact for information on zoning, construction, planning, utilities, and taxation. The brochure could also identify permit fees, tax and utility rates, and transportation, delivery, freight, health, and financial services available in the area.

The creation of a downtown development authority under the Downtown Development Authority Act (Act 197 of 1975) can also be used to strengthen a designated area of the Township. The establishment of a downtown development authority would be intended to correct and prevent deterioration of buildings and properties in the designated areas. The authority acts as an oversight board charged with the responsibility of developing and implementing a downtown development plan aimed at economic revitalization. This authority can own land, incur debt, plan and promote economic development or redevelopment within their designated boundaries. Inclusion of both Hessel and Cedarville, including the area between, should be considered.

#### Public Open Space Acquisition

Programs to acquire public open space, especially along the lake, should be initiated. One option is to create a local nonprofit land conservancy. There are several very effective ones operating in Michigan. Priority should be given to building a trust fund for acquisition and maintenance or tying into existing ones like the Nature Conservancy or Little Traverse Conservancy and similar organizations. Initial acquisitions should be of island and shoreline lands. These lands should either be managed as independent Township holdings or in common by a conservancy trust. Considerable additional research and effort is needed.

#### Periodic Updating and Revisions

As these additional studies are undertaken, the Master Plan should be updated to reflect the new information. At a minimum the Plan should be comprehensively reviewed and updated, if necessary, at least once every five years. More frequent reviews to assess the continued relevancy and application of the Master Plan may also be undertaken, at the discretion of the Clark Township Planning Commission, as additional information becomes available and studies are completed.

### Managing Growth and Change

The key to successfully managing future growth and community change is integrating planning into day-to-day decision making and establishing a continuing planning process. The only way to get out of a reactionary mode (or crisis decision making) is by planning and insuring the tools available to meet a broad range of issues are current and at hand. For that reason it will be especially important that the recommendations of this Plan be implemented as the opportunity presents itself (or revised as circumstances dictate).

Many new tools may be made available to local governments over the next few years to manage the growth and change process. It will be a challenge to Township officials to pick from among the new tools, those that will provide greater choice over local destiny and quality of life.

### Revision of Ordinances

Clark Township's zoning ordinance is currently being reviewed and made consistent with this Plan. If this is not done then the legal support for future zoning decisions is undermined. Of course, the Plan itself could also be further changed so that there is greater consistency between the Plan and zoning regulations, but if that is done, the supporting logic and data should also be included. Likewise, subdivision regulations should also be adopted and maintained along with a capital improvement program as mentioned earlier in the chapter.

## **Recommended Zoning Ordinance Amendments**

1. Michigan Zoning Enabling Act. Notice requirements for all types of land use planning applications are established by the Michigan Zoning Enabling Act. The current ordinance does not comply with these standards and includes several notice standards scattered throughout the ordinance. These standards must be updated to comply with the current State standards and should also be consolidated into a single section for ease of reference.
2. Purpose. The current purpose provisions of the zoning ordinance do not reflect the full scope of planning and zoning activities within Clark Township, or the varied purposes of zoning. The intentions of the township relative to the enactment and use of zoning should be clarified.
3. Definitions. Upon completion of a comprehensive review of the zoning ordinance, many definitions will be obsolete, unnecessary, or missing. These deficiencies should be addressed at the conclusion of any zoning ordinance review.
4. General Rules. General rules of application and interpretation are not included in the zoning ordinance. These standards should be added for ease of interpretation and clarity.
5. Amendments. Ordinance amendment procedures are not identified, but should be included in any zoning ordinance.

6. Condominiums. Condominium development may not be treated differently than development of another form, such as land divisions, subdivisions, and so forth. The current standards, in that they apply only to condominium developments, do not meet this requirement. Updated language consistent with State law is necessary.
7. State Licensed Residential Facilities. Current State law requires that certain state licensed residential facilities be provided for within a local zoning ordinance. Compliance with this standard will be required during the current review process.
8. Landscaping and Buffering. Landscaping and buffering standards can have a significant impact on the visual presence of a community. Current standards are not clear and require greater clarity. Reasonable standards addressing site landscaping and buffering are sought by Township residents.
9. Offenses. The Township has recently enacted a police power ordinance that changed zoning offenses from a criminal offense to a municipal civil infraction. This policy directive should be reflected in the zoning ordinance.
10. Zoning Board of Appeals. Frustrations have been expressed by both Township officials and applicants regarding the lack of clarity and guidelines provided in the current zoning ordinance relative to the Township Zoning Board of Appeals and variance applications. Membership, meeting standards, areas of authority, scope of authority relative to financial securities, and the standards upon which decisions are to be made all require review and updating.

11. Zoning Districts. The number of type of zoning districts should be reviewed to determine if a need exists for 11 distinct districts.
12. Intent Standards. Each zoning district should have a clearly articulated intent section added to it. This intent section will assist in the day to day interpretation of the ordinance and help the various Township committees and boards review future land use applications.
13. Signs. Sign standards that help establish a sense of place and create a feeling of community should be established.
14. Nonconforming Uses. Nonconforming use standards are presently vague and do not clearly distinguish between nonconforming uses, buildings and lands. These omissions should be addressed to provide clear language for Township administrators and the Zoning Board of Appeals.
15. Boathouses. The topic of boathouses has been raised repeatedly by both Township officials and the general public. The location, size, appearance and buffering of these structures should be clearly addressed in the zoning ordinance.
16. Home Businesses. Home businesses, and their ability to function as business incubators, are not clearly addressed. The intent of Township residents and the flexibility to be provided these types of businesses requires clarification.
17. Special Land Uses. The manner in which special land uses are to be handled by a zoning ordinance is clearly identified in the Michigan Zoning Enabling Act. Current format and specifications do not meet the State standard and will require updating. Specific uses

permitted, the process of reviewing those uses, and the standards upon which a Township decision can be based must all be identified.

18. Resort District. The current Resort standards of the zoning ordinance have been determined by Township offices to be outdated and in need of review. This district, in combination with the other zoning districts, should be scrutinized for current applicability and usefulness moving forward.
19. Land Divisions. The Land Division Act regulates and controls the development of land by way of land divisions. The Michigan Zoning Enabling Act, under which zoning ordinances are passed, does not. The current zoning ordinance contains land division standards that should be removed and enacted separately.
20. Cluster Development. Cluster developments or open space developments can be an effective way of preserving open land without reducing a landowner's ability to achieve desired residential density. In areas where there is a clear public interest in minimizing the area of site disturbance, such as when near significant natural resources or environmental features, such forms of development could be established as the norm rather than traditional development patterns that expedite sprawl, frustrate natural resource protection, and impact upon rural character. The use and application process for clustered or open space developments should be incorporated in the course of the current zoning ordinance review. The inclusion of cluster development standards is necessary to satisfy the open space preservation requirements of the Michigan Zoning Enabling Act.

21. Planned Unit Developments. Planned unit developments, offering greater flexibility in terms of land uses, development restrictions, or both, are referenced in this Plan as a means of protecting natural features and ensuring greater land use compatibility. The current zoning ordinance does not contain sufficient standards to enable this form of development. New standards are recommended.
22. Shoreline Protection. Shoreline protection measures are absent from the current zoning ordinance. These standards are of high priority to many agencies and Township officials. They have also been identified as being of high priority to Township citizens and visitors alike. Ranging from natural resource protection to vegetative buffers to parking standards to water quality, enhanced ordinance standards and increased enforcement of reasonable standards has been vocally and numerically supported throughout several community surveys and public forums. A detailed review of model ordinances and modern zoning techniques addressing this critical area of public concern is strongly recommended.
23. Lake Views. Existing views both to and from the lake are valuable assets to the Les Cheneaux Area. Protection of both views through sympathetic development forms and types is recommended.
24. Waterfront Development. It is recommended by this Plan that specific development guidelines be put in place relative to the placement of buildings on individual sites which maintain minimum setback distances from the water's edge.
25. Waterfront Access. While often beneficial to the general public, intensive access points to the waterfront through keyholing and use of public road ends can have

significant impacts on neighboring properties and residents. A balancing of these sometimes conflicting interests is recommended through appropriate waterfront access standards within the zoning ordinance.

26. Water Resources. Groundwater protection measures should be incorporated into the zoning ordinance, for implementation during the review and approval of various land use applications.
27. Site access. Access limitations are not included in the current zoning ordinance but are referenced in this Plan as a means of improving both traffic movements and aesthetics along the M-134 and M-129 corridors. Appropriate regulations, and the areas to which they will apply, should be considered in the zoning ordinance.
28. Public Participation. Clark Township is blessed by the active participation of both permanent and seasonal residents in all facets of the community. This base of experience and knowledge should continue to be drawn into the public process of discussing and deciding the Township's goals and objectives, as well as the mechanisms of achieving them. Only through the continued cooperation and participation of the public can the policies set out in this Master Plan be carried forwarded and implemented through the zoning ordinance.
29. Wind Turbine Generators. In keeping with the goals and objectives of this Plan, a means of identifying appropriate locations and permitting wind turbine generators is required in the zoning ordinance. Such regulations should consider the following factors:

Wind Turbine Development Limitations:

Four factors have been identified that limit the development of wind turbine generators. A description of each and their impact are discussed below.

1. **Tree Cover Areas:** Areas of existing tree cover are less suited to development of wind turbine generators because, generally, these areas have less open areas with less wind volume. Encouraging wind turbine development in heavily treed areas may also precipitate removal of existing vegetation to increase the efficiency of the generators.
2. **Wetland Areas:** Wetland areas are considered environmentally sensitive, and generally speaking, very limited development is planned for these areas. Due to the potential short-term disturbance and ongoing impacts of wind turbine development in the wetland areas, wetlands are considered a limitation to development of wind turbines.
3. **Shoreline Areas:** Clark Township has extensive shoreline areas, including the many shorelines of islands throughout the Les Cheneaux area. Much of this area is developed (or proposed) for residential and resort use. As a result, the shoreline area is generally excluded when considering sites for alternative energy resource development.
4. **Proximity to Airports:** According to information from the Federal Aviation Administration, any tower of greater than 200 feet in height requires FAA approval. Further, towers less than 300 feet above ground level located closer than four nautical miles from an airport are considered an obstruction to air navigation and may require, on a case-by-case basis, “obstruction lighting”. Obstruction lighting may consist of high intensity flashing white lighting or other similar lighting that may create a significant impact on the community. Therefore, any areas within four nautical miles of an airport are considered a limitation.

Wind Turbine Supporting Attributes:

There are further physical attributes that support the development of wind turbine generators. That is, these are the areas in the township that can best support this land use notwithstanding the limitations discussed above.

1. **High Elevation:** Generally, the highest wind volumes and therefore most efficient and cost-effective locations for wind turbine generators are at relative high elevations.
2. **Proximity to the Straits:** Wind volumes are also high through the Straits of Mackinac and the Les Cheneaux area. Locations proximate to the Straits area are therefore efficient and cost-effective locations for wind turbines.
3. **Prime Agricultural Soils:** The soil types known to be prime agricultural soils best support continued agricultural use. This is an attribute supporting wind turbine development because these areas are more isolated from residential uses and increasing use options may increase the financial viability of holding larger tracts of agricultural land. These soils are found throughout the Township.
4. **Agricultural Future Land Use:** For the same reasons cited above, the parts of the Township now planned for ongoing agricultural use are identified as supporting wind turbine development. These areas include expansive portions of the interior sections of the Township.

### Wind Turbine Overlay

An overlay zoning approach for wind turbine development is recommended based on the criteria identified above, recognizing that some factors will affect some parcels and locations to a greater extent than others and some factors have more impact than others. Further, zoning restrictions related to the following should be included in the overlay restrictions:

- Anemometer testing,
- Tower height,
- Tower lighting restrictions,
- Ample setbacks to address concerns regarding blade and ice throw, vibration, shadow flicker and noise impacts on residential land uses,
- Structural integrity,
- Avian impacts (bird kill)
- Aesthetics (visibility, tower color, signage, lighting, landscaping, and related regulations).

Such zoning restrictions should be based on industry norms and standards. All restrictions should be designed to allow this land use within reason in a variety of appropriate locations within the township.