

Chapter 5: Implementation Strategies

Zoning Plan

The Michigan Planning Enabling Act requires new Master Plans for communities that have zoning ordinances to include zoning plans. These plans are for “various zoning districts controlling the height, area, bulk, location, and use of buildings and premises.” It also specifies that the “zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.” Some of the detail on these connections is in the Future Land Use Plan in the previous Chapter. The relationship between the future land use categories and the zoning districts is summarized in the table below:

Future Land Use Category	Zoning District
Agricultural/Rural Residential	AG (proposed new district)
Low Density Residential Single Family	R-1A and R-1B
Residential Cluster Overlay	No specific zoning classification
Medium Density Single Family Residential	R-1C
High Density Single Family Residential	R-1D
Multi Family Residential	RM-1
Mobile Home Park	RMH
Office	O-1
Commercial	C-1, C-2 and C-3
Town Center	TC (proposed new district)
Industrial	IND and AD
Public	No specific zoning classification
Office and Research	No specified zoning classification

Zoning Changes

New Zoning Districts

The Future Land Use/Zoning Plan proposes a new Agricultural/Rural Residential and a new Towns Center zoning district. These districts are proposed along the western edge of the township (Agricultural/Rural Residential) and in the center of the township (Towns Center). To implement this proposal the text of the zoning ordinance would need to add them and the zoning map would need to be amended to rezone the proposed property to these classifications. An alternate approach would be to add the districts to the ordinance, but only rezone them to these classifications at the request of the property owner. In this instance this second approach would be ineffective in implementing the plan’s goal because the areas will only be effective as cohesive districts. Because this plan calls for other substantial changes to the zoning ordinance (see below), the simplest approach to implementing these recommendations would be the development of a new zoning ordinance rather than amending the current one.

The proposed Town Center zoning district is proposed to be a "form based" ordinance. This concept focuses primarily on the arrangement of structures on the lot rather than the use of those structures although the extent to which a mix of uses is allowed varies from community to

community. Form based zoning ordinances have primarily been used as a tool to promote "new-urbanism" style development within urban areas. The form generally involves two to four story structures adjacent to the sidewalk with parking on the side or in the rear. Rather than establishing minimum setbacks and maximum heights, these ordinances specify "build to" lines and minimum stories.

The Office and Research District is intended to be an overlay zone. The district would overlay IND and AD zoning districts and restrict the range of uses to only those research, office and other limited industrial uses otherwise allowed in each of these districts.

Cluster Residential

The current Township zoning ordinance contains four single-family residential zoning districts, including R-1A, R-1B, R-1 C and R-1 D. The significant difference among these zoning districts is the minimum lot size required. R-1A requires not less than 20,000 square feet of lot area, R-1 B requires 15,000, R-1 C requires 10,500 and R-1D requires 7, 200 square feet. Minimum lot width also varies, ranging from 100 feet in R-1 A and R-1 B to 80 feet in R-1 C and 60 feet in R-1 D.

Virtually all single-family home developments, except those in neighborhoods developed during the post World War II period, conform to these district standards. The Michigan Planning Act (PA 110 of 2006) requires all Townships over 1800 population to enact cluster residential alternatives to the traditional lot area and lot width standards. The Act requires Township with regulations allowing three or fewer dwellings per acre service by public sanitary sewer to enact the "cluster option". Both the R-1A and R-1 B zoning districts meet the threshold criteria of the Act. The Township will need to enact a cluster zoning option if it has not already done so.

It is important to keep in mind the Act does not mandate an increase in development density to accommodate cluster forms of housing development. In fact, the intent of this Act is simply to preserve open land and provide open space in new residential development. The clustering is at the property owner's option.

The cluster form of residential development affords considerable savings as regards site development costs associated with infrastructure. For example, if typical lot width is reduced from 100 to 60 feet, the percentage saving is 40%. These savings can help make housing more affordable if they are passed on to the consumer. Attached single family or multiple family housing formats in cluster developments achieves even greater savings in development costs. In addition, attached unit or multiple family formats can achieve a much greater of open space within the development site. This later approach is especially useful on vacant lands near or adjacent to major thoroughfares. Open space can be used as a physical separation and buffer from highly traveled roadways and nearby incompatible land use.

Cluster residential regulations can be introduced to the zoning ordinance in at least four ways, these include:

- a) Cluster Residential Overlay District. This approach creates a distinct overlay-zoning district. The district, with approval of the Planning Commission and Township Board, is approved on top of the underlying, existing zoning district. The underlying district and cluster overlay district combine to allow flexible site design. The overlay district includes a requirement that a site development plan be filed at the time of seeking the overlay-zoning district. Approval of the overlay district is tied to a specific site development plan, both as to site layout and total number of dwelling units permitted.

- b) Planned Unit Residential Development District. Similar to the cluster overlay zone, but requires much more detail as to permitted types of housing layout. Uses planned land use densities to set maximum density of the planned unit residential development (PURD).
- c) Use by Right within Residential Districts. This approach simply allows cluster residential development as a permitted use in one or more existing residential zoning districts. This approach may or may not include incentives to developers to cluster. Because the Michigan Zoning Enabling Act requires clustering by right in the R-1A and R-1B districts, this option is appropriate for those districts.
- d) Use by Special Land Use within Residential Districts. This approach simply allows cluster residential development as a use permitted as a special land use in one or more existing residential zoning districts. This approach may or may not include incentives to developers to cluster. The advantage over the "By right" approach is that it helps to ensure that the cluster development is appropriate for the area.

The recommended approach in the Township is to amend the zoning ordinance to provide for by right cluster residential in the R-1A, R-1 B, R-1 C and R-1 D residential zoning district. Density is limited to that allowed in the current zoning district yet great flexibility of site design and housing types would be allowed. General parameters for such an approach would be (1) no increase in density from the underlying zoning district, (2) a minimum of 50% of the development site area would have to be dedicated to common open space, (3) permanent provisions for common area maintenance would have to be made, and (4) cost savings regarding site development costs would be passed on to the consumer in the price of the home. The recommended approach can (1) aid in provision of somewhat more affordable housing for lower income households, (2) provide low maintenance housing for empty nester and active older people, and (3) offer starter homes for young couples. The housing needs for each group can be addressed by this recommended option.

In addition, an open space development option by special land use would be provided for in the AG and R-1A districts which would allow for higher densities in return for greater open space and greater township control over the design of the development.

Cluster design for residential development should not increase density beyond current zoning. A "yield plan" should accompany the cluster development plan. The yield plan depicts the number of home sites that could reasonably be placed on the site using conventional zoning regulations. The intent of open space of cluster design is to provide flexibility of site design to preserve wildlife habitat, wetlands, significant views and woodlands.

- Dedicated open space should include significant natural features.
- Common open spaces should be directly accessible from as many dwelling units as possible rather than via narrow easements between homes.
- Location of open space on the perimeter of the development should consider use of adjoining properties.
- Provisions joining and linking adjoining open spaces should be implemented thus creating large areas of permanent open space.
- Open space should be large enough to afford natural landscape enhancement to the residential development rather than appearing as a vacant lot for future development.
- Lots or homes can be placed in small groups with space between such groups.

Design Standards

The goals and objectives in this plan include several recommendations for changes to the design standards in the Township Zoning Ordinance. These include the following:

- Incorporate "Crime Prevention through Environmental Design" into design standards.
- Provide incentives for development of infill sites
- Incentives for protection of natural features.
- Incentives for provision of trails and other neighborhood based amenities
- Incentives to provide for a mix of housing types to ensure housing affordability

District Uses and Standards

The following changes were identified as plan objectives that could be implemented through changes to the list of uses and the dimensional standards in the existing zoning districts in the Township Zoning Ordinance:

- Allow for as wide a range of uses in each district as possible.
- Provide of PUD development as a Special Land Use or as a separate zoning district.
- Review residential districts dimensional requirements to determine if it is possible to combine some districts

Other Zoning Requirements

The following changes were identified as plan objectives that could be implemented through changes in the Township Zoning Ordinance:

- Develop enforceable performance standards that regulate the level of noise , fumes and other impacts of industrial development

Other Growth Management Codes

Signs

Signs are a highly visible element of the urban/suburban landscape of the township. Sign regulations should be designed to assure adequate public notice yet not be so plentiful or large as to be intrusive. Eliminating "sign clutter" is a popular cause in many communities today. Sign regulations should be reasonable yet require well designed street signs. Signs should be located well back from the edge of right of way, should be ground mounted to permit "eye level" viewing, and should be limited to one free-standing sign per lot or parcel. Wall signs should blend with the building architecture. Animated, temporary, roof mounted and revolving signs should not be permitted.

A well conceived signage program can (1) enhance the streetscape and (2) afford better driver visibility for each sign.

Building/Housing

The Charter Township of Flint has a significant number of rental housing units. While new rental housing construction is occurring, the primary source of additional rental housing units is absentee landlord rental of former owner-occupied single family homes.

In some of the older neighborhoods in the Township, it is obvious that housing quality is suffering. The Township needs to implement a rental housing code and aggressively implement

rental housing inspections. Only in this manner can older housing units be kept from serious physical decline. Once an older home enters serious disrepair, often the only solution is to order demolition. Thereafter, there becomes an unkempt vacant lot.

Consistent, regular rental housing unit inspections has proven to be an effective means of preserving older neighborhoods and preventing their physical decline. This type of program can be fee based; however, it is typically not self-sustaining. This means the Township would need to devote additional financial resources to yield a successful rental housing inspection program.

Subdivision/Site Condominium

Subdivision and Site Condominium developments yield similar results. Each is a method of dividing tracts of land into smaller lots or units respectively.

The Township should undertake a thorough review of its regulations governing both types of development. This review or audit should seek to determine if current standards produce a good quality of residential development and what changes, if any, may yield better results.

Land Divisions

In 1997, the Land Division Act was created to permit Townships, Villages and Cities to regulate divisions of land, which are not plats or condominium forms of land divisions. The so-called "meets n bounds" divisions are managed under this Act.

The Act limits the divisions on a "parent parcel", depending on its size. Land divisions that are not wisely thought out can create poor land division patterns throughout a community. Often, realtors advise those with homes on large parcels to break up the site into four or more separate parcels to add value.

A careful land division review process should be implemented by the Township with the objective of assuring that each land division is consistent with the standards established under the act.

Capital Improvements Program

The Planning Commission functions under terms of the Michigan Planning Enabling Act, PA 33 of 2008. This Act calls for Planning Commission review of all public capital expenditure improvements occurring within the Township, once a master plan has been adopted by the Commission. This provision has previously been in the Act, but used little. It also requires the Planning Commission to prepare and maintain a "Capital Improvements Program" (CIP) unless the Township Board assigns that responsibility to someone else.

It is recommended the Township institute a regular (CIP) process. Under this process, public capital needs relating to public infrastructure, public facilities, and capital equipment are annually evaluated. Conditions of current facilities are analyzed, deficiencies identified and specific capital improvements needs are prioritized and costs determined.

Such a process typically looks out 6 years, with the current year reflected in general and enterprise operating budgets. This type of program is highly useful and results in maximum public benefit for each public dollar appropriated and spent.

Objectives of the plan related to the CIP include:

- Partnering with local agencies to maximize the lifespan of roadways through transportation management techniques

- Pursue development of a continuous system of pathways and sidewalks as an alternative travel mode
- Incorporate traffic calming improvements into existing residential streets experiencing high rates of through traffic

Other Implementation Tools

Objectives of the plan that involve miscellaneous implementation techniques are:

- Utilize the Genesee County Brownfield Redevelopment Authority to encourage development and redevelopment of contaminated sites
- Evaluate the effectiveness of re-establishing Tax Increment Financing Districts in the Township
- Consider implementing an awards program that recognizes landscaping and upkeep of individual residential properties or blocks
- Participate in regional economic development programs aimed at reducing unemployment and attracting new businesses
- Identify opportunities for cooperation with adjacent jurisdictions and local agencies to provide services cost effectively
- Participate in implementation of regional greenway systems

Maintaining the Master Plan

A plan is not a static document. It must continuously be maintained and updated if it is to remain a valid document. Below are recommendations on methods that the Flint Charter Township Planning Commission should adopt in ensuring that the plan is adequately maintained. Under the terms of the Michigan Planning Enabling Act the Township Planning Commission must review the plan at least every five years to determine if there is a need to update the plan. Although it is recommended that the township conduct the review outlined below more frequently, it is recommended that for the five year review, the issues below should be documented and used for that required review.

Updating Plan Data

This plan is based on certain assumptions concerning the growth of the township. These assumptions are contained primarily in the plan's data base. It is important for the township to regularly monitor these assumptions to determine if they are still valid. If they become invalid, the planning commission must determine what the changes in circumstances mean for the plan goals and policies.

- 1) Population Growth – Significant changes in population growth can indicate that the land development patterns that the plan was based on are changing.
- 2) Housing Growth and Mix - The plan makes assumptions on the growth of housing in the township over the planning period and the mix of single family, multi-family and mobile home units and the land use required for those uses. The township should monitor housing growth and mix to determine if it is following these assumptions. Request for rezonings for more land for a particular housing type than anticipated in the plan may mean certain assumptions on market demand for various housing types was incorrect which could impact policies dealing with the provision of varied housing types.
- 3) Housing Cost - Housing costs should be monitored to see if they are increasing more rapidly than household income during the planning period. A marked increase in housing costs in relation to income may require more aggressive efforts in providing low cost housing, while

stable costs may indicate that current strategies are working in providing a broad range of housing costs.

- 4) Adjacent Planning and Zoning - Changes in the land use plans or zoning maps of adjacent townships or the City of Flint should be reviewed to consider their impact on the township's plan, preferably before that community makes a decision regarding the matter.
- 5) Transportation - The township should monitor changes and proposed changes in the roads and streets in the township. The Road Commission and MDOT's road improvement schedule should be reviewed for their impact on the plan. Traffic count data is updated annually by the Road Commission and this information should be compared with capacity figures for various road sections along with accident data from the County Sheriff's Department and state police to determine if traffic congestion is increasing at an unexpected rate or if traffic safety is deteriorating.

Reviewing the Plan Goals and Objectives

After reviewing the updated information on the plan data base, the planning commission should review the goals and policies. Specifically the commission is looking for goals or policies that are no longer relevant due to changes in conditions or policies that have proven ineffective in addressing a goal. Those items that are identified should be deleted or modified in light of the new information. The plan should be officially amended to incorporate the changes in the goals or policies and the basis for the change should be reflected in public hearing record.

Incorporating Plan Review into Rezoning Request Review

Although an annual review of the plan is necessary for a comprehensive examination of the plan, many problems with a land use plan will become obvious during consideration of a rezoning or special land use permit request. It is important to incorporate review and amendment of the master plan as part of the planning commission's consideration of such requests. This is covered in more detail below.

Using the Master Plan for Zoning Review

As noted earlier, the primary method of enforcing a land use plan is the zoning ordinance. In order for that to be done effectively, the rezoning should be structured so land use goals and policies are considered.

In considering a rezoning request, the primary question to ask is; "Does this request conform to our master plan?" The subsidiary questions follow that; "Was there an error in the plan? "Have there been relevant changes in conditions since the plan was approved?" and "Have there been changes in the goals and policies of the plan?". Answering these questions should answer the question whether or not a rezoning request is appropriate and that should frame the reason within the context of the plan.

This method of analyzing a request rests on the assumption that a request that complies with a valid plan should be approved and that one that does not comply with a valid plan should not be. Further, it assumes that the three circumstances that would invalidate a plan are a mistake in the plan, a change in condition that invalidates the assumptions that the plan was built on or a change in the goals and priorities that the community set for itself.

Mistake - A mistake in a plan can be an assumption made based on incorrect data, an area on a future land use map that is incorrectly labeled or other factors that if known at the time of the plan adoption would have been corrected.

Changes in Conditions - A plan is based on the assumption that certain conditions will exist during the planning period. If those conditions change then goals, policies and land use decisions that made sense when the plan was adopted way no longer be valid and a rezoning that was not appropriate before may be appropriate now.

Change in Policy - In the end, a plan is based on the planning commission's vision of what the best future for their municipality is. When that vision changes, the plan should change. When a zoning issue results in a change in vision, a decision can be made that is contrary to the current plan as long as that changed vision is explicitly incorporated into the plan.

Two points should be made. First of all the three factors for consideration (mistake, change in condition, change in goals or policy) can work in reverse, making a proposal that otherwise seems appropriate, inappropriate. Secondly, these factors should not be used to create excuses for justifying a decision to violate the land use plan, or to change it so often that it loses its meaning.