
CHAPTER 10 IMPLEMENTATION

In order for the master plan to be something more than an academic exercise, steps must be taken to actually use it. As alluded to earlier, the plan is not and end in itself, but rather is a framework for future action. Moreover, validation of the plan requires more than just Planning Commission and City Council adoption. True affirmation of the plan is achieved through its active use for such things as capital improvement scheduling, development and redevelopment efforts, grant submissions, recreation planning and revisions of the zoning ordinance that are consistent with it.

Regulation of land use can be highly controversial, and can frequently trigger legal action. As such, active use of the plan helps to shield the community from charges of selective enforcement or arbitrary action in the event litigation over a particular zoning matter.

Since zoning represents the most direct application of land use control at the local level, the City should perform an audit of its existing zoning ordinance, and adopt any necessary amendments as a first step toward implementation of the plan. Thereafter, the plan should serve as a permanent reference guide, providing direction for all policy decisions with a land use/development aspect.

Manistee Zoning Ordinance

The City Zoning Act, Act 207 of the Michigan Public Acts of 1921, as amended, provides that zoning shall be based on a plan. As discussed earlier, a master plan provides the basis for the range and spatial location of zone districts. The zoning ordinance, in turn, is thus the primary plan implementation tool.

Local control of land use, as provided for by zoning, is an accepted legal practice. The principles on which zoning is based include the need to:

- balance the interests of all landowners and residents with the rights of individual landowners;
- help provide a long term vision for the City;
- protect the environment;
- ensure development is adequately served by streets and utilities;
- achieve the quality of life desired by residents;
- provide fair and consistent review of development needs; and,
- protect the public health, safety and welfare.

Since the Master Plan predetermines land use, zoning decisions should be consistent with its

provisions. Again, this is not to say that all zoning matters, such as rezonings, that are consistent with the Future Land Use (e.g. Master Plan) Map should be automatically approved. However, if all of the preconditions of the Master Plan are met and the standards of the Ordinance complied with, approval of the request should normally be granted.

From time to time, requests will be made to alter the Master Plan and Zoning Ordinance. The following table contains a series of evaluation factors which may be used to determine if a change to a land use element of the Master plan is warranted and/or a rezoning or text change appropriate.

Future Land Use Evaluation Factors	
1.	Does the proposed new classification meet the qualifications noted in the appropriate section of the Master Plan District Chapter?
2.	Are the zoning districts and their uses which may apply to the new classification, compatible and appropriate in the vicinity of the property under consideration?
3.	Have any conditions changed in the area since the plan was adopted which might justify this change?
4.	Will there be any community impacts which should be considered, such as increased traffic, or others which might create a need for additional services or improvements?
5.	Are there any environmental considerations which may be contrary to the intent of the existing or proposed classification of land use?
6.	Was the property improperly classified when the plan was adopted or amended? Are the qualities of the property (are) different than those described in the plan?
7.	Will there be any adverse impacts on adjacent properties as a result of the proposed land use change?
8.	What impacts will result on the public health, safety and welfare?

As growth and redevelopment occurs, the City will be faced with a range of new development requests. Unless carefully regulated, many of these can have significant impacts on surrounding neighborhoods, other land uses, traffic, local infrastructure and facilities and services. Therefore, it is recommended the City Zoning Ordinance make greater use of regulatory techniques afforded by the Zoning Statute. These include the use of special land use regulations and planned unit development (PUD) regulations.

The range of uses for current and future zone districts should be carefully examined to determine potential levels of negative impact or harm on surrounding properties, public facilities and services, and the general public. Uses identified with moderate or significant levels of potential impact should be handled under special land use regulations, as opposed to being permitted by right. For instance, land uses exhibiting the following factors tend to result in situations which may warrant special review.

- ▶ Outside, non-screened, storage of materials.
- ▶ Establishments involving the queuing or stacking of vehicles such as fast food restaurants, car washes and funeral homes.
- ▶ Retail establishments handling used merchandise.
- ▶ Sites used for multiple buildings or uses.
- ▶ Uses involving public assembly.
- ▶ Temporary sales lots.
- ▶ Businesses and industries producing or handling products or materials which are subject to state or federal environmental controls.
- ▶ Establishments which cater to/are reliant on vehicular traffic, such as gas stations.
- ▶ Businesses and industries likely to emit off-site noise and odors, vibrations, etc.
- ▶ Businesses and industries operating on a 24-hour basis.
- ▶ Natural resource extraction industries.
- ▶ Developments located on a major highway (e.g. US-31) for which the community wishes to coordinate development activity and implement access management controls.

While the above list should not be considered exhaustive, it indicates the types of uses and factors likely to result in land use compatibility problems unless carefully planned and properly regulated.

Special Land Uses

Unlike uses permitted by right, special land uses are subject to both discretionary and non-discretionary review standards. They also require a public hearing for public comment. As part of the approval process, special land uses may be conditional upon certain performance guarantees and operational restrictions to ensure compatibility with the surrounding area. Although pre-existing uses (e.g. legally existing uses not in compliance with the Zoning Ordinance) are guaranteed certain vested rights to continue, implementation of regulatory measures governing such uses a (e.g. future expansions) are possible under zoning.

Planned Unit Development (PUD)

Planned unit development is a creative design and development tool found in most zoning ordinances. PUD standards typically permit some level of relaxation of the of the regulations (e.g. minimum lot area, setback requirements, density standards etc.) normally applied to the zone district in which the PUD is to be located. Relaxation is predicated on the design and construction of a project offering amenities considered highly desirable by the community. For instance, in return for allowing an increase in housing density in clustered fashion, the developer will agree to reserve a large portion of the development site as permanent open space or provide other site or building amenities desired by the City. PUDs can be especially useful when attempting to coordinate adjoining development projects and to accommodate mixed-use projects.

In addition to the above tools, the City Zoning Ordinance should contain up-to-date standards governing:

- site design/landscaping/streetscaping
- comprehensive parking standards which are closely geared to specific land use types
- site access and circulation standards
- home occupations, day care facilities, communication towers, and other uses possessing unique characteristics and/or site design requirements
- the protection of views (view sheds) of the City's lakes and river systems. As part of this effort, it is recommended the City conduct a field survey to identify important water related views (e.g., land locations providing opportunity for panoramic, unique, or important views of the City's surface water bodies).

Manistee Capital Improvements Program

As stated earlier, the Capital Improvements Program (CIP) is a schedule of short and long range capital projects that have been earmarked for funding by the City Council. Elements of the CIP include: project identification, project description, implementation timetable, project cost, funding sources, party responsible for undertaking project. Historically, capital improvement planning and programming within the City has been based on the collective effort of the different City departments working in concert with the Manistee City Manager and the City Council. This cooperative and collaborative process has generally functioned well and should be continued pursuant to matters associated with implementation of the Plan.