

**Special Birch Run Township Planning Commission Meeting
December 3, 2019 at 7:00 p.m.
11935 Silver Creek Dr, Birch Run, Michigan 48415**

Minutes

The meeting was called to order by Chairman CJ Norris at 7:00 p.m. with the Pledge of Allegiance to the Flag of the United States of America.

Members Present:

CJ Norris, Chair; Steve Schaar, Vice Chair; Mike Marr, Secretary; Fred Sheridan, Ed Munson, Helen Morse, Members; Corey Trinklein, Recording Secretary.

Members Absent:

None

Others Present:

Corey Christensen, Planner for Rowe Professional Services.

Approval of the March 5, 2019 Special Meeting Minutes:

PASSED: Motion by Sheridan and support by Marr to approve the March 5, 2019 special meeting minutes.

Motion passed by unanimous voice vote

Approval of the October 15, 2019 Special Meeting Minutes:

PASSED: Motion by Sheridan and support by Marr to approve the October 15, 2019 special meeting minutes.

Motion passed by unanimous voice vote

Public Hearing – Special Land Use Permits Article 5, Section 5.08:

Public Hearing to provide for the expiration of special land use permits issued by the planning commission but not acted on within 12 months of approval or inactive for 12 months, Article 5 Section 5.08 opened at 7:02 pm

No public comments

No ROWE comments

No board member comments

Public Hearing closed at 7:04 pm

PASSED: Motion by Marr supported by Morse to approve amendment to Article 5 Section 5.08 to provide for the expiration of special land use permits issued by the planning commission but not acted on within 12 months of approval or inactive for 12 months per Attachment A.

Ayes: Sheridan, Morse, Schaar, Munson, Norris, Marr
Nays: none

Public Hearing – Inground pools Article 20, Section 20.12:

Public Hearing to require lots with inground pools to have fencing around the pool even if the pool is equipped with an automatic safety cover Article 20, Section 20.12 opened at 7:07 pm

No public comments

No ROWE comments

No board member comments

Public Hearing closed at 7:08 pm

PASSED: Motion by Marr supported by Sheridan to approve amendment to Article 20 Section 20.12 per attached Article; Section 4.5. Fences are required around all inground pools whether or not the pool is equipped with an automatic safety cover. The fence must meet the barrier requirements in the building and residential code being enforced in the Township.

Ayes: Morse, Schaar, Munson, Norris, Marr, Sheridan

Nays: none

Public Hearing – Caretaker Establishments as Part of Mini-Storage Facility:

Public Hearing to permit caretaker establishment as part of a mini-storage facility opened at 7:08 pm

No public comments

No ROWE comments

No board member comments

Public Hearing closed at 7:09 pm

PASSE: Motion by Marr supported by Schaar to approve a caretaker's residence on mini storage; must comply with the minimum floor area requirements of Section 9.07.B.9. Plus two for any on-site office and one per caretaker residence per Attachment B.

Ayes: Munson, Norris, Marr, Sheridan, Morse, Schaar

Nays: none

Old Business:

Committee report on Private Roads (postponed until further action)

Master Plan review presentation by Corey Christensen, Planner for Rowe Professional Services per Attachment C.

PASSED: Motion by Sheridan supported by Marr to have ROWE Engineering provide a quote to do the research and the work necessary to prepare a Capital Improvement Plan for Birch Run Township.

Motion passed by unanimous voice vote

Discussed the preparation of the 2019 Planning Commission Annual Report to the Township Board.

Public Comment:

No public comments

No board member comments

Reports:

Township Board Representative (Fred Sheridan): Two ordinances were taken to the Township Board:

- Accessory Housing – Was turned down due to issues and questions regarding the enforcement and questions regarding the meaning of the language “performance guarantee”.
- Outdoor Entertainment – Board wanted clarification if there was a timeframe for when the application is due.

Zoning Board of Appeals (ZBA) Representative (Mike Marr): At the last meeting the ZBA board approved new officers and a resolution for absent military board members.

New Business:

PASSED: Motion by Marr supported by Schaar to reschedule the December 16th meeting indefinitely.

Motion passed by unanimous voice vote

PASSED: Motion by Sheridan supported by Morse to approve setting the next regular meeting on March 16th at 7:00pm.

Motion passed by unanimous voice vote

Announcements:

Township Board – 2nd Tuesday of each month

Planning Commission – March 16, 2020

ZBA Semi Annual – 3rd Tuesday of April and October

DDA – TBA

(All meetings are held in the Governmental Center unless noted)

Adjournment:

PASSED: Motion by Sheridan support by Marr to adjourn at 7:43 pm.

Motion Carried by Unanimous Voice Vote

Minutes respectfully submitted by:
Corey Trinklein, Recording Secretary

Mike Marr
Secretary

ATTACHMENT A

Add to Article 5 – Special Land Uses

Section 5.08 Expiration of Special Land Use Approval.

A Special Land Use Permit shall expire if the following occur:

- A. Following Approval: If a SLUP is granted and no action is taken within 12 months of the date of the Planning Commission approval, the SLUP approval shall expire unless a 12 month extension is granted by the Planning Commission. If the SLUP was for use of an existing building or site that did not require new construction or remodeling, lack of action would consist of failure to begin the use approved. If the SLUP required new construction or remodeling of an existing building, then lack of action would consist of failure to apply for required building, electrical, mechanical or similar permit. Lack of action would also occur if required permits were applied for, but that work was not completed and approved before the expiration, including any renewal of that permit.
- B. Cease Operation: If a use authorized by SLUP ceases operation for 12 consecutive months, the owner of the property, and operator of the SLUP if not the owner, shall be notified, and a hearing conducted by the Planning Commission to determine if the use has been abandoned. If the owner of the property or operator of the SLUP fails to respond to the notice or attend the hearing or if the Planning Commission determines that there were actions taken to abandon the use, the Planning Commission may take action to terminate the SLUP. This decision by the Planning Commission is administrative and appealable to the ZBA per Section 6.05 of this ordinance

ATTACHMENT B

Add to Article 14

Section 14.10 Mini Storage Facilities.

A. The following site and developmental requirements shall apply:

1. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee plus two (2) for any on-site office and one per caretaker residence.
2. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting. The accessory housing unit may be a freestanding structure or single, complete, self-contained living unit created within an existing single-family dwelling.

B. Special Performance Standards:

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high obscuring wall or fence. A chain link fence may only be permitted along property lines which do not abut a Residential District or residentially used property.
3. Storage spaces shall not contain more than 400 square feet each.
4. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within fifty (50) feet from any right-of-way.
5. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting roads.
6. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitation.
7. A caretaker's residence may be located on the property. It shall comply with the minimum floor area requirements of Section 9.07.B.9

ATTACHMENT C

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Chapter 10 Future Land Use Plan

LAND USE CLASSIFICATIONS AND LOCATIONAL CRITERIA

The future land use map for Birch Run Township provides for open space / agriculture, dispersed residential, low density single family residential, medium density single family residential, high density residential, mobile home park, community commercial, highway services commercial, and industrial areas. These land use classifications, their purpose and locational criteria are outlined below.

OPEN SPACE / AGRICULTURAL

The purpose of this classification is to protect farmland and rural character by controlling residential and other non-farm development in primarily agricultural and open space areas. It is the intent that agricultural areas will be maintained. The maximum single-family density should be 1 home per acre.

Single family dwellings and accessory uses will be permitted by right in this district, while a limited number of non-farm uses will be permitted by special use permit. Cluster or open space development, in which residences are grouped together and a large portion of the original site is kept as open space, will be encouraged through zoning incentives. Other non-farm uses shall be excluded or restricted. Existing commercial uses approved through special use permits issued by the township are recognized, and it is not the intention of this district to encourage their elimination

The locational criteria for agricultural areas include:

- Areas where large parcels (40+ acres) are common.
- Areas not proposed for water or sewer services.
- Areas with predominantly prime agricultural lands, comprised of prime soils and reasonable slopes, as delineated in the Soil Survey for Saginaw County.
- Areas used primarily for agriculture.
- Areas adjacent to residential areas of similar density.
- Areas properly buffered from existing or proposed commercial or industrial areas.

~~DISPERSED RESIDENTIAL~~

~~The purpose of this classification is to control the development of non-farm uses within areas comprised primarily of open space and agricultural uses. Uses permitted by right in the agricultural/open space classification will also be permitted, while additional non-farm uses will be permitted by special use permit. Cluster or open space development in which residences are grouped together and a large portion of the original site is kept as open space, will be encouraged through zoning incentives. Other non-farm uses shall be excluded or restricted. Existing commercial uses approved through special use permits issued by the township are recognized, and it is not the intention of this district to encourage their elimination~~

~~The locational criteria for agricultural areas include:~~

- ~~• Areas where large parcels (40+ acres) are common.~~

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- ~~Areas not proposed for water or sewer services.~~
- ~~Areas with prime agricultural lands, comprised of prime soils and reasonable slopes, as delineated in the Soil Survey for Saginaw County.~~
- ~~Areas used characterized by a mix of agriculture and single family residential uses.~~
- ~~Areas adjacent to residential areas of similar density.~~
- ~~Areas properly buffered from existing or proposed commercial or industrial areas.~~

LOW DENSITY SINGLE FAMILY RESIDENTIAL

The purpose of the low-density residential classification is to provide for residential development in areas where single family residential uses is the principle use. The maximum single family density should be 1 home per acre.

Complementary uses such as schools, churches and parks will be permitted, while incompatible uses will be excluded or regulated. Development in these areas should be consistent with the surrounding neighborhood in terms of use, scale and design..

The locational criteria for medium density residential areas include:

- ~~Areas presently developed as subdivisions or residential neighborhoods of similar density.~~
- Areas adjacent to residential areas of similar density.
- Areas properly buffered from existing or proposed commercial or industrial areas.
- Areas with out and not ~~or~~ proposed to have water and sewer services.
- Areas no longer economically viable for agriculture.

MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL

The purpose of the medium density single family residential areas is to provide for a variety in housing style, design and cost. The maximum dwelling units density should be 3-6 units per acre.

Single family and two-family development are the principal uses and other incompatible uses will be excluded or regulated. Single family and two-family residential areas should be developed at a density similar to the existing surrounding residential pattern.

The locational criteria for medium density residential areas include:

- Areas presently developed as medium density residential neighborhoods, or at an average density of approximately 2 or more units per acre.
- Areas adjacent to low density residential areas.
- Areas properly buffered from existing or proposed commercial or industrial areas.
- Areas with or proposed to have water and sewer services.

HIGH DENSITY RESIDENTIAL

The purpose of the high-density residential classification is to provide for alternative residential development at a higher density than single family and two-family residential neighborhoods. The maximum dwelling units density should be 5-8 units per acre.

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~~This includes~~Uses include apartment buildings and townhouses. Multi-family development in established single family residential neighborhoods is not appropriate. These developments will provide a wider range of housing opportunities to township residents, including single income households or households living on fixed incomes. Construction of new multifamily units should occur in the multifamily residential area delineated on the Future Land Use map.

The locational criteria for high density residential areas include:

- Areas adjacent to high density residential areas such as apartment complexes and mobile home parks.
- Areas adequately buffered from single family residential neighborhoods.
- Areas located with direct access to major streets.
- Areas adequately serviced with water and sewer services.
- Areas adequately buffered from low density and medium density single family residential neighborhoods.

MOBILE HOME PARK

The purpose of the mobile home park classification is to provide for mobile home park developments. The Future Land Use Map identifies two sites, one an existing development on Dixie Highway north east of the Village of Birch Run. The second site is adjacent to the existing development and is currently zoned for mobile home development. These two sites are expected to provide for the mobile home park needs of the township over the planning period. If both of these sites are fully developed, and a demonstrated need for additional sites in the township is documented, the locational criteria for additional mobile home park areas would be:

- Areas adjacent to high density residential areas such as apartment complexes or other mobile home parks.
- Areas adequately buffered from single family residential neighborhoods.
- Areas located with direct access to major streets.
- Areas adequately serviced with water and sewer services.
- Areas adequately buffered from low density and medium density single family residential neighborhoods.

COMMUNITY COMMERCIAL

The purpose of the community commercial classification is to provide for general retail shopping and merchandising activities together with light wholesale uses, business, and personal services. The clustering of commercial and light industrial uses is encouraged to avoid traffic congestion, reduce traffic conflicts, and reduce sprawl. The infill of vacant lots will be encouraged to reduce commercial sprawl rather than increasing the total length of commercial linear development in the township. High density residential development may be permitted adjacent to community commercial areas providing there is adequate buffering between the two uses and further provided the impacts of the commercial uses are minimal.

The locational criteria for community commercial areas include:

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- Areas within the established Birch Run Township DDA boundaries.
- Areas adjacent to established commercial or service uses.
- Areas adequately served by water and sewer services.
- Areas separated from incompatible land uses such as single family residential.

The area along Birch Run Road from the current DDA boundaries to M-83 would be suitable for rezoning for commercial development when adequate utilities can be provided to the area.

HIGHWAY SERVICES COMMERCIAL

The purpose of the highway services commercial classification is to provide locations for uses which either generate significant automobile traffic or require parking, storage or building space not otherwise available in the community commercial area.

The intent of the district is to ensure adequate buffering of adjacent residential uses and to ensure adequate roadway access that promotes shared driveways and other techniques useful in reducing traffic access conflicts. It is also intended that highway services commercial development will occur as infill between established commercial uses rather than increasing the total length of commercial linear development in the township. The locational criteria for general commercial areas include:

- Areas fronting on or with direct access to Dixie Highway or Birch Run Road.
- Areas adjacent to established highway services commercial uses.
- Areas adequately buffered from incompatible uses such as single family residential.
- Areas with access to water and sewer services.

LIGHT INDUSTRIAL

The purpose of the light industrial classification is to provide locations for wholesale activities, warehouses and light industrial opportunities which have limited associated external effects, such as assembly and fabrication activities. The classification also permits commercial establishments including uses permitted in the community commercial and highway service classifications with adequate utilities.. It is the intent that these uses will expand the economic base of the Birch Run area and the employment opportunities available to Birch Run Township residents. They will not have adverse effects on surrounding uses or detract from the township's rural character

The locational criteria for light industrial areas include:

- Areas separated from incompatible land uses such as single family residential development.
- Areas with access to all-weather roads.
- Areas with access to suitable water and sewer services.
- Areas adjacent to industrial uses.

OPEN SPACE COMMUNITIES OVERLAY DISTRICT

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The purpose of this district is to provide more flexible standards to allow for more effective preservation of agricultural land, natural resources, sensitive environmental area, open space, and rural character.

The uses permitted in this overlay include dwelling units located in the underlying district, and dedicated open space for agricultural, resource conservation, recreation, and/or preservation. To encourage the use of this tool residential development are granted a 30 percent bonus density.

Locational criteria include:

- Areas with natural features, agricultural land, or open space.
- Areas with access to suitable water and sewer services.

OPEN SPACE COMMUNITIES OVERLAY DISTRICT

The purpose of this district is to encourage use of land that is consistent with the Master Plan, conserving natural resources or features, encourage innovative land use, provide unique housing, employment, shopping, traffic circulation, and recreational opportunities, greater design and uses between neighboring properties, and benefiting the community as a whole.

This classification would allow for a mixture of uses including residential uses and non-residential uses.

Location criteria include:

- Areas adequately serviced with water and sewer services.

Chapter 11 Implementation Plan

The purpose of an implementation plan is to ensure that the goals, objectives and plans of the Township Master Plan are implemented and that the plan is kept current and maintained. It does this by the use of tools provided the Township by State laws, through development of local support for the plan and by establishing procedures for use of the plan in reviewing zoning decisions and maintaining the plan.

Zoning Plan

One of the pre-eminent tools used by communities to reach the goals of their land use plan is zoning. Zoning is a regulatory power given by the State to Townships through the [Michigan Zoning Enabling Township Zoning](#) Act. The act authorizes the local units to establish zoning ordinances controlling the use of property and the height, bulk, and location of buildings on that property. In order for an ordinance to be effective in implementing a land use plan, it must be tailored to that plan. It follows, that when a plan is updated, the local zoning ordinance should also be updated to take into account those changes. [Under the Michigan Planning Zoning Enabling Act any master plan developed for a community with a zoning ordinance must include a “Zoning Plan” that outlines the relationship between the zoning ordinance and the master plan. This section of the Implementation Plan addresses these requirements. The Township is preparing to update their Zoning Ordinance. This section will review proposed changes from the Township’s current Zoning Ordinance that could assist them in meeting it’s stated objectives . Below is a table showing the relationship between the Master Plan Future Land Use Classifications and current zoning ordinance districts. The plan includes the changes as outlined in the table:](#)

- [The deletion of the Dispersed Residential land use classification, because there are is no such zoning district and seems an unnecessary intervening district.](#)
[The addition of an Open Space Communities Overlay land use classification to correspond with the Open Space Communities Overlay District zoning district](#)
- [The addition of an Planned Unit Development future land use classification to correspond with the Planned Unit Development District zoning district](#)

~~Zoning District Uses — Implementation of this plan would require revision to some of the existing zoning districts and their boundaries. The current ordinance generally line up with the Land Use Classifications in this plan. The major change would be the proposed new mobile home park district and any incentives provided for open space development in the rural residential areas. Any changes to the district boundaries would be based on the Future Land Use Map and the locational criteria included in the plan.~~

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<i>Recommended FLU and Zoning Ordinance Relationship</i>	
FLU Plan	Zoning Ordinance
Open Space/Agricultural A-1	General Agricultural A-1
<u>Delete</u> - Dispersed Residential	-
Low Density Family Residential R-1	Low Density Residential District R-1
Medium Density Family Residential R-2	Medium Density Residential District R-2
High Density Residential R-3	High Density Residential District R-3
Multiple Family District R-MF	Multiple Family Residential District R-MF
Manufactured Housing Community District R-MHC	Manufactured Housing Community District R-MHC
General Commercial District C-1	General Commercial District C-1
Highway Commercial District C-2	Highway Commercial District C-2
Light Industrial I-1	Light Industrial I-1
<u>Add - Open Space Communities Overlay</u>	Open Space Communities Overlay District
<u>Add - Planned Unit Development</u>	Planned Unit Development District

The following strategies outline in Chapter 9 relate to changes to the zoning ordinance

- Review standards to approve site plans in the zoning ordinance to be located nearby existing utilities or do not cause a financial hardship for the township
- Adopt a provision to limit non-agricultural development in the AG Agricultural zoning district.
- Review the zoning ordinance district requirements to have high densities that are located along major transportation routes and other key activity centers.
- Provide incentives to developers to include walking paths to existing infrastructure.
- Explore and amend the zoning ordinance to include more varieties of mixed-use developments in the township.
- Review the zoning ordinance for appropriate locations and requirements for the Industrial (I-1) zoning district.
- Review the number of zoning districts that allow compact cluster/planned centers.
- Encourage internal sidewalks and pedestrian traffic between commercial developments.
- Amend the zoning ordinance to include “missing middle” housing types such as four-plex, tri-plex, duplexes, etc.
- Review zoning ordinance procedures on historical home improvements or other additions.
- Zone land to offer a variety of density and housing types to optimize dwelling choices.
- Modify zoning regulations to encourage use of conservation zoning and/or similar cluster zoning options.
- Explore the use of a historic overlay zoning district.

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- Review zoning district minimum lot sizes for Agricultural (A-1) district to determine its consistency with the OSD overlay district and the goal of limiting expansion of public infrastructure.
- Amend the zoning ordinance to include buffering requirements of native vegetation along agricultural land that matches the character of the area.
- Review zoning ordinance to provide incentives for the OSC overlay district to encourage recreational use of open space.
- Evaluate zoning district requirement to ensure the maximum adequate opportunity for private recreational development.
- Review zoning ordinance to have design standards for the different zoning districts or types of development.
- Adopt uniform sign regulations that restrict the size, number and placement of new signs and billboards in the township.
- Revise zoning ordinance to adopt design standards for future development.

• Other Ordinances

Besides the zoning ordinance, State law has provided local communities with authority to adopt other special ordinances that can be used to enforce the goals and objectives of a land use plan.

Subdivision Control/Land Division Ordinances — Although the State's Land Division Act requires the developer of a subdivision to submit a proposed plat before a township for review and approval, it also authorizes a township if it wishes, to prepare a subdivision control ordinance. This ordinance may include stricter standards for subdivision design. In addition to review of subdivisions, since 1996 the township has been responsible for reviewing land divisions that do not require submission of a subdivision or condominium plat. In order to properly regulate these subdivisions and land divisions, the township should adopted local land division and subdivision control ordinances identifying the procedures and standards for approval of a land division or subdivision plat. These ordinances should be regularly reviewed and updated.

• Other Local Tools

Besides the tools granted by state law, local communities have other tools that can be used implement the plan.

Engineering Construction Standards — Update standards to promote street layout that discourages cul-de-sacs and promotes continuation of existing street pattern

Procedural Manual — Public frustration over zoning rules are understandable. Most residents are not familiar with zoning provisions and requirements. They may need to deal with them a couple of times in their lifetime. But when they do, the ordinances legalese and the interconnect requirements and procedures can be extremely confusing. One way of reducing that confusion is to provide material that explains the most common zoning procedures and issues in plain english with the use of checklists and flow charts to graphically display the concepts. The plan recommends the development of a zoning procedural manual for use by the staff in educating the public and new Planning Commission, ZBA and Township Board members.

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Public Education and Promotion of the Plan

An important part of the Planning Commission's responsibilities is the promotion of the plan to the general public. Strategies to educate the public on the intent and recommendations of the plan include:

- Develop a summary of the plan that is suitable for distribution to those with casual interest in the plan.
- Make copies of the plan available for public review at the Township hall, public library and other public locations.
- Encourage the use of the plan in civic's classes at area schools.
- Provide opportunities for Planning Commission members to speak at local service clubs and other civic groups concerning the plan.

Capital Improvement Plan

As required under the Michigan Planning Enabling Act, every community that adopts a master plan that operates a municipal water or sewer system must prepare and maintain six year Capital Improvement Plan (CIP), updating the plan annually.

Strategic Plan

Outlined above in Chapter 9 is a group of strategies to implement the plan. The strategic implementation Plan identifies those strategies that are to be the priority over the next five years

<u>Strategic Implementation Plan</u>		
<u>Strategy</u>	<u>Responsible Party</u>	<u>Year</u>

Plan Maintenance and Update

A plan is not a static document. It must be continuously maintained and updated if it is to remain a valid document. Under recent amendments to the Township Planning Act, Planning Commissions are required to review their plans for consideration of an update at least every five years. Below are key indicators the Township can monitor to determine the need for updating the plan.

Updating the Data Base — 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 Township must determine what the changes in circumstances mean for the plan goals and objectives.

Implementation Plan

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1. Population Growth — The plan is based on the projection growth contained in the population section of the data base. As noted in the narrative following the projections, there is always a certain amount of guessing that goes into population projections, and they should be continuously monitored.

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 and multifamily units. The Township should monitor housing growth and mix to determine if it is following the projections. Differences in the mix of housing types between what was projected and what is built may mean certain assumptions on market demand for various housing types was incorrect. This could impact the population projections and also the land use need estimates contained in the plan.

3. Adjacent Planning and Zoning — Changes in the land use plans or zoning maps of adjacent townships and the Village of Birch Run should be reviewed to consider their impact on the Township's plan, preferably before that community makes a decision regarding the matter.

4. Transportation — The Township should monitor changes and proposed changes in their streets in the Township, possibly with an annual street survey.

5. Utilities — In order to permit development, the plan anticipates the expansion and extension of utilities into areas not currently served. As these improvements occur, the effect on the development potential of the property should be considered.

Reviewing the Plan Goals and Policies — After reviewing the updated information on the data base, the Township should review the goals and objectives. Specifically the Township is looking for goals or objectives that are no longer relevant due to changes in conditions or objectives that have proven ineffective in addressing goals. 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 objectives and the basis for the changes should be reflected in a public hearing record.

Incorporating Plan Review Into Rezoning Request Review — Although an annual review 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 land use plan as part of the Township's consideration of such requests. This is covered in more detail in the subsection on using the land use plan for zoning reviews.

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Using the Land Use 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 community's rezoning and special land use permit request and site plan review procedure should be structured so land use goals and objectives are considered.

Rezoning Requests — In considering a rezoning request, the primary question to ask is: "Does this request conform to our land use plan?" Three 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 objectives 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 approved. 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.

In considering whether or not a rezoning complies with the plan requires more detailed study than simply looking at how a piece of land is designated on the Future Land Use Map. The plan's goals and objectives and the intent and locational criteria of the various land use classifications should also be considered. The Future Land Use map is simply one arrangement of land use within the Township and is not intended to be an unalterable blueprint for the future zoning map. In some cases a particular area may be appropriate for more than one land use type. For example, a use may be equally suitable for local commercial or multi-family development. The map may designate it for local commercial, but that does not mean it should be excluded from consideration for multi-family as well. By considering the goals, objectives and land use classifications in the plan in addition to the map, the Planning Commission is more accurately weighing the conformance of a request to the intent of the plan.

Mistake — A mistake in a plan can be an assumption made based on incorrect data, an area on the land use map that is incorrectly labeled, or other factors that are 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, objectives and land use decisions that made sense when the plan was adopted may no longer be valid, and a rezoning that was not appropriate before is appropriate now.

Change in Policy — In the end, a plan is based on the future vision of the community held by the Planning Commission/Township Board. 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 conditions, change in goals or objectives) can work in reverse, making a proposal that otherwise seems

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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.