

# Welcome!

This training is provided by the

## **Michigan Association of Planning**

A Chapter of the American Planning Association

### **Ann Arbor Office (Central Mailing)**

1919 W. Stadium, Suite 4

Ann Arbor, MI 48103

### **Detroit Office**

Grand Park Center

28 W. Adams St., Suite 1000

Detroit, MI 48226

# About MAP

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The **Michigan Association of Planning** ...

is a non-profit membership-based organization

established in 1945, providing value to land use decision makers for over 70 years

**with almost 4,000 members from across Michigan, including:**

- professional community planners
- local elected officials
- appointed land use decision makers such as planning commissioners and zoning board members

# About MAP

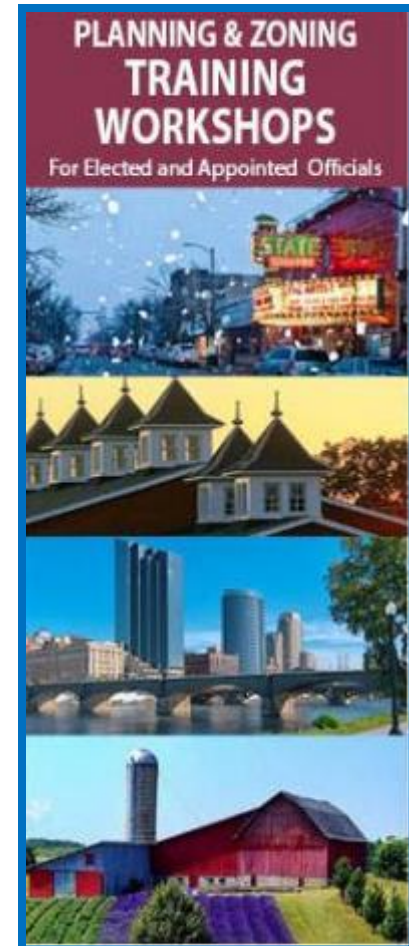
**MAP provides:**

**Timely information** that keeps you updated on current issues

**Books and publications** addressing your educational needs

**On-site workshops** customized and hosted by your community

**Training workshops and conferences for officials** scheduled throughout the state each year



# Upcoming MAP Events

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## Officials Training Workshops

- Planning & Zoning Essentials  
March 2 – Delta Township  
March 8 – Frankenmuth  
March 22 – Traverse City
- Risk Management  
March 8 – Frankenmuth
- Community Engagement  
March 15 – Kalamazoo
- Site Plan Review  
March 15 – Waterford
- Advanced Zoning Board of Appeals  
March 29 – Mt. Pleasant



Michigan Association of Planning

# Planning & Zoning Basics

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American Planning Association  
Michigan Chapter  
*Making Great Communities Happen*

# What is Planning?



# What is Planning?

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“Good planning helps create communities that offer better choices for where and how people live. Planning helps communities to envision their future. It helps them find the right balance of new development and essential services, environmental protection, and innovative change.”



**American Planning Association**

*Making Great Communities Happen*

# The Planning Commission

Appointed by local elected officials.

**You were selected for a reason!**

To guide the future of your community.

This training will help you make **effective decisions.**



# The Planning Commission

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## Statutory Authority

**Michigan Planning Enabling Act (MPEA)**  
*enables* establishment of a planning  
commission.



The **Michigan Zoning Enabling Act (MZEA)**  
*enables* the development and administration  
of a zoning ordinance.

# The Planning Commission

## Authority and Responsibility

### Michigan Planning Enabling Act (MPEA)

- Creation of the planning commission
- Creating and adopting master plans
- Capital Improvement Plans
- Public improvement approvals
- Subdivision regulations and reviews



# The Planning Commission

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## Authority and Responsibility

### Michigan Zoning Enabling Act (MZEA)

- Drafting/adopting zoning ordinance
- Rezoning/conditional rezoning
- Zoning approvals (special land use, site plan review, PUD)



# The Planning Commission

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## Authority and Responsibility

- Study planning issues and educate the community
- Awareness of other entities
  - Downtown Development Authority (DDA)
  - Historic District Commission
  - Non-Motorized Transportation Committee
  - Parks and Recreation Commission
  - Brownfield Redevelopment Authority
  - Economic Development Corporation (EDC)
  - Planning and Development Regions



# Why Do We Need a Master Plan?

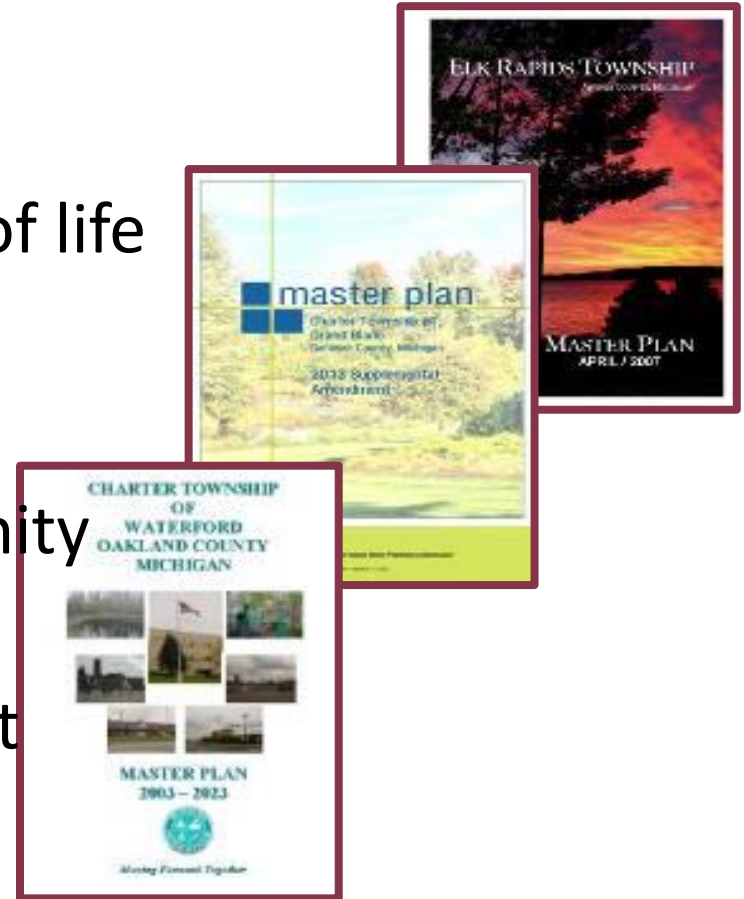
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- **Required** by MZEA if your community has a zoning ordinance
- A zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, to:
  - Limit the improper use of land
  - Conserve natural resources and energy
  - Ensure appropriate locations of land uses
  - Avoid the overcrowding of population and provide adequate housing for all demographics
  - Provide efficient transportation systems and networks
  - Reduce hazards to life and property
  - Facilitate adequate provision of public utilities and services

# Why Do We Need a Master Plan?

## The Master Plan...

- Enhances and improves quality of life
- Anticipates and accommodates community changes
- Identifies and advances community goals
- Provides a basis for development regulations (implementation)



# Creating a Successful Master Plan

## What's in a Master Plan?

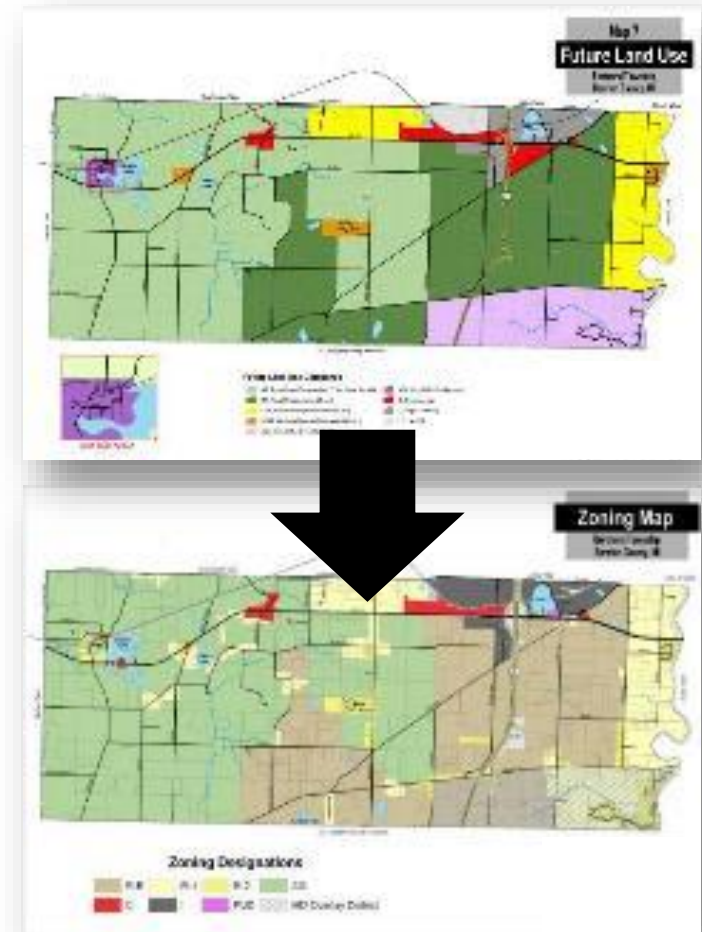
- Future Land Use Map
  - Demographics and background information
  - Community-wide Vision
  - Goals, objectives and actions
  - Housing and neighborhoods
  - Economic development, commercial and industrial, local jobs
  - Environmental protection
  - Infrastructure
  - Transportation
  - Implementation Plan
  - Capital improvements
  - **Zoning Plan**
- Placemaking
  - Smart Growth
  - Sustainability
  - Complete Streets
  - Aging in Place
  - Community Health
  - Green Infrastructure
  - Climate Resiliency

# Creating a Successful Master Plan

## Zoning Plan

- Required when a zoning ordinance/map is adopted
- How future land use categories relate to zoning districts

Master Plan Designation	Corresponding Zoning District	Relationship between Master Plan and Zoning Ordinance
Single-Family Residential, generally with densities ranging from 4 to 5.5 units per acre	R-1 Single Family Residential	Allows maximum density of 4 units/acre
	R-2 Single Family Residential	Allows maximum density of 4 units/acre
	R-T Two Family Residential	Allows maximum single family and two-family with a maximum density of 8 units/ acre
Multiple-Family Residential, with a maximum density of 14 units per acre	RM-1 Multiple Family Residential	Allows range of residential uses, including single family, two family and multiple-family residential. Emphasis of district is the development of apartment style dwellings
Office	OS-1 Office Service	As stated in master plan, district allows a variety of business and professional offices.



# Creating a Successful Master Plan

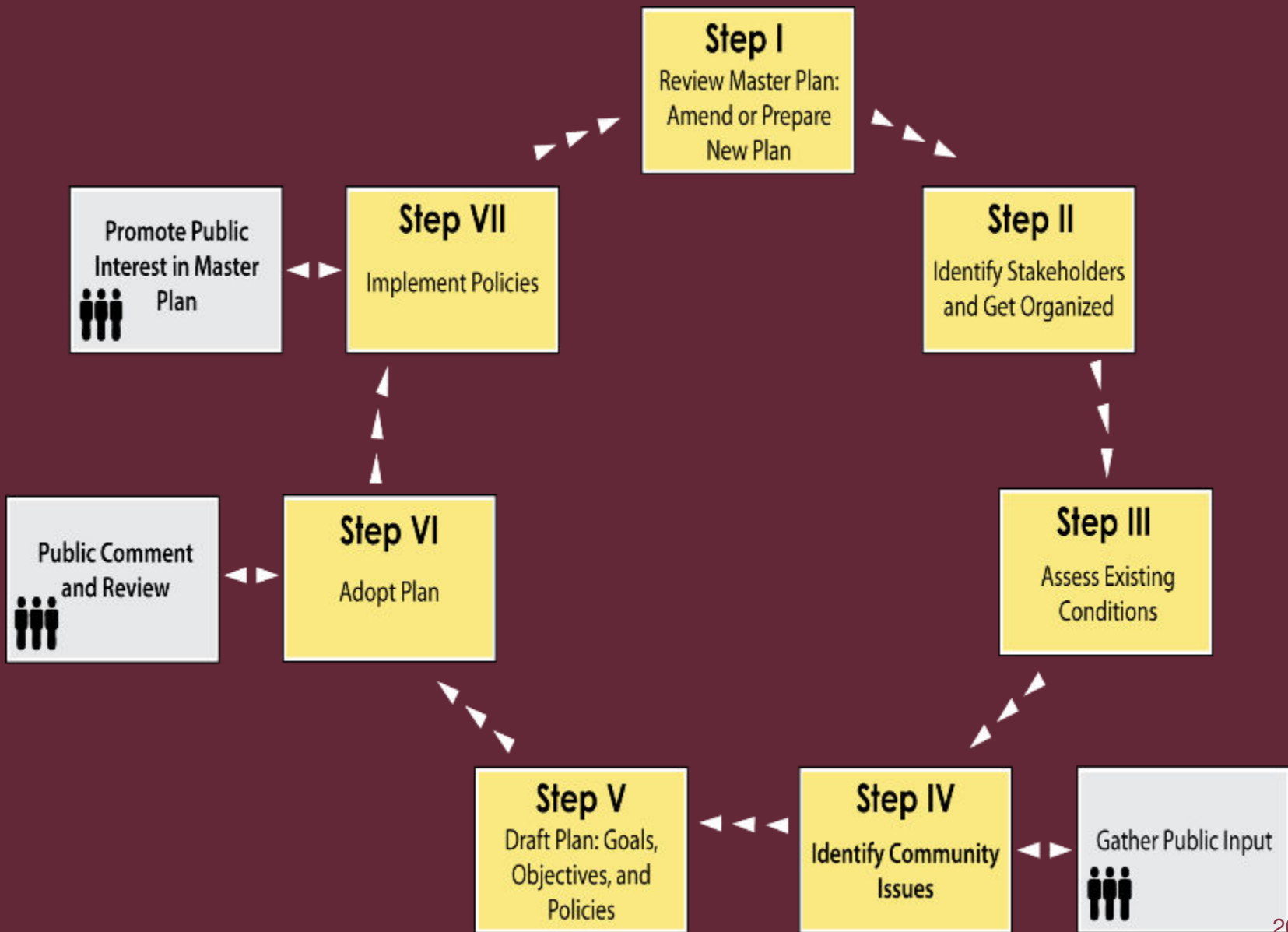
## Capital Improvements Plan (CIP)

- 6-year plan, updated annually
- Used to coordinate master plan policies and recommended capital improvements with community's budget
- Responsibility of planning commission (per statute), but requires coordination with professional staff and elected officials

### Capital Improvements

- New road
- New fire station
- Water/sewer lines
- Parkland acquisition
- Community center





# Creating a Successful Master Plan

## Public Participation and Community Engagement

- Ensures accountability and transparency
- Represents community views/character
- Identifies issues/concerns
- Opportunity for education
- Encourages broader range of ideas
- Builds community relationships
- Should occur before the public hearing required for plan adoption



# Creating a Successful Master Plan

## Basic Ingredients

- Inventory of existing conditions (land use, demographics, housing, natural features, etc.)
- Research on future trends
- Identification of community concerns and preferences
- “Best practices”
- Goals and Objectives (Critical Element)



# Creating a Successful Master Plan

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## Goals and Objectives

Which goal will lead to the most effective actions?

“The Township will maintain its rural character.”

“New development in the Township will be designed to preserve natural features, rural views, and prime agricultural land to maintain the township’s rural character.”

# Creating a Successful Master Plan

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## Goals and Objectives

### Goal

Improve public access to the waterfront

### Objectives

- 1) Construct a public boat launch and parking lot in Shoreline Park
- 2) Stripe bike lanes on Center Street to provide non-motorized access to Shoreline Park
- 3) Install signs directing travelers to Shoreline Park

# Zoning Basics

- Zoning must be **based on a plan**
- Zoning regulations **run with the land** and approvals do not change with ownership
- Zoning decisions are **permanent**, unless temporary by their nature (e.g. mineral extraction).
- Ordinance may provide for expiration of approvals if not acted upon.



MSU Extension: Schindler

# The Zoning Ordinance

**CITY OF ALPENA ZONING ORDINANCE 2010**

**HOW TO USE THIS ORDINANCE**  
LINKS ARE LOCATED THROUGHOUT THE ORDINANCE. CLICK ON LINKS TO ACCESS OTHER RELEVANT REGULATIONS WITHIN THE ORDINANCE.

TABS ALONG THE SIDE LINK YOU TO SPECIFIC ARTICLES WITHIN THE ORDINANCE. THE TAB THAT IS IN BLUE INDICATES WHICH ARTICLE YOU ARE CURRENTLY LOOKING AT. CLICK ON ANOTHER TAB TO GO JUMP TO THAT ARTICLE.

BLUE TEXT INDICATES THAT A LINK EXISTS WHICH WILL TAKE YOU TO ANOTHER RELEVANT SECTION OF THE ORDINANCE (EX: CLICKING ON THE BLUE TEXT "Bed & Breakfasts" WILL LINK YOU TO SUPPLEMENTAL REGULATIONS FOR BED & BREAKFASTS)

COLORED BUTTONS REPRESENT DISTRICTS. EACH LINKS TO THE SECTION RELEVANT TO THAT DISTRICT.

BLUE TEXT AT THE BEGINNING OF AN ARTICLE LINKS TO THAT SECTION OF THE ARTICLE

COLORED BARS LINK TO EACH SPECIFIC DISTRICT

The image shows a screenshot of the City of Alpena Zoning Ordinance 2010 website. It features a navigation sidebar with tabs for different articles, a main content area with blue text links, and a table of districts with colored bars. Red arrows point to these various elements, with text boxes explaining their function: how to use the ordinance, how to navigate between articles using tabs, how blue text indicates links to other sections, how colored buttons represent districts, and how blue text at the beginning of an article links to specific sections. A table of districts is also shown with colored bars linking to specific sections.

## Question

What is zoning?

## Simple Answer

An ordinance (map and text), adopted by a local government, that regulates development of land, uses, activities, and structures

# The Zoning Ordinance

Master Plan

Zoning Ordinance

Long Range



Immediate

Guidance



Regulatory

Policy



Enforced

# The Zoning Ordinance

The best time to update the Zoning Ordinance is...

- A. Whenever we get sued, and lose
- B. When our attorney or planner tells us
- C. Whenever something comes up we didn't think of
- D. After the master plan is completed
- E. Once a year
- F. All of the above

# The Zoning Ordinance

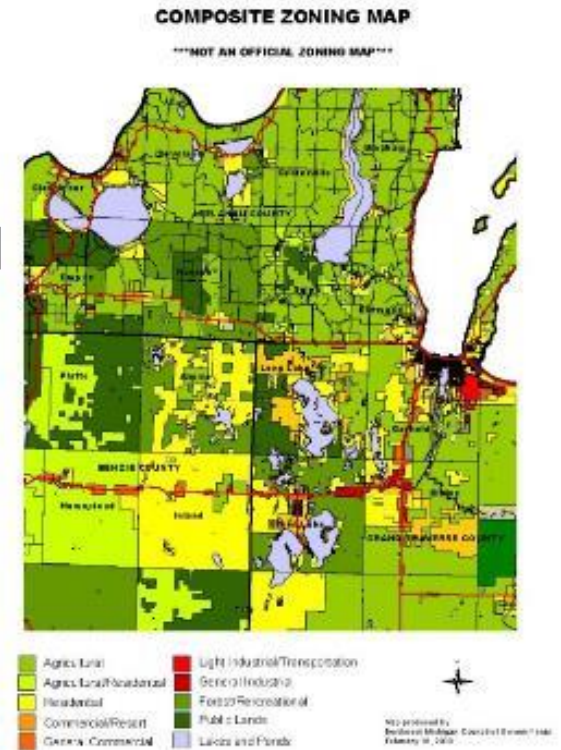
## Example Content and Organization

1. Title, Scope, Purpose
2. Definitions
3. General Provisions
4. Zoning Districts and Zoning Map (area, height and placement)
5. Development Requirements (i.e. parking, signs, landscaping, lighting, access management, floodplains)
6. Zoning Review Rules and standards (Site Plan Review, Special Land Uses, PUDs)
7. Zoning Board of Appeals
8. Administration and Enforcement (Amendments, Nonconforming Regulations)

# The Zoning Ordinance

## Zoning Districts

- Purpose and Intent
- Allowed land uses (Permitted/Special Land Uses). If not listed, the use is not allowed
- Development regulations (lot sizes, setbacks, building heights, etc.)



# The Zoning Ordinance

## Text Amendments

Like the master plan, the zoning ordinance is not cast in stone – it too must keep up with the times

- Clarify existing language
- Add new language
- Change procedures and requirements

***Caution: Review the entire ordinance for possible unintended effects of amendment!***



# The Zoning Ordinance

## Map Amendments (Rezoning)

### Considerations

- Consistency with the master plan
- Capability of the site to accommodate allowed uses
- Compatibility of all allowed uses with the surrounding area
- Reasonableness of existing zoning

**Deviations from the Master Plan are not recommended, but if made, should be explained**

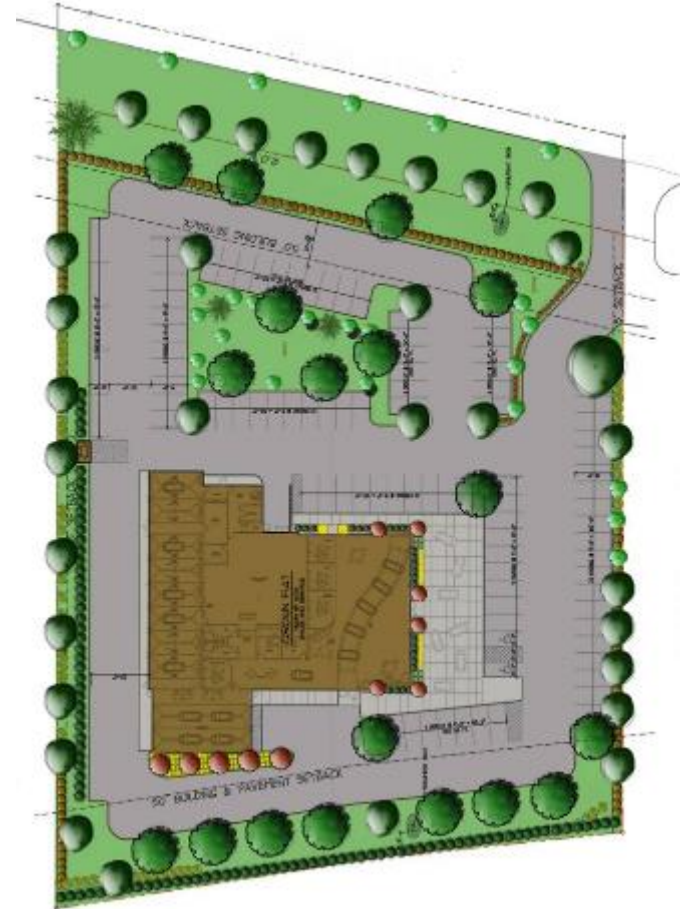
**Rezoning should not be done with site plans as all uses must be considered, not just one that may be proposed**

# Zoning Approvals

Special Land Use

Site Plan Review

Planned Unit Development



# Zoning or Rezoning Approvals

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## Zoning Ordinance Requirements

1. Uses/activities requiring review
2. Standards for decisions
3. Application and review process
4. Approving body or official

**All must be specifically written into the ordinance**

# Zoning Approvals

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## Decision Guidelines

- Are review standards met?
- Are all ordinance requirements met?
- ***If all standards and requirements are met, approval MUST be granted!***
- Document reasons for approval or denial

# Zoning Approvals

## Special Land Use

**Definition:** A use that is considered generally compatible with other allowable uses in the district, but only in certain locations, and requiring additional review and approval

This is a DISCRETIONARY decision

### Example: Community Commercial District

#### Permitted Uses

- *Retail uses*
- *Restaurants without drive-through facilities*
- *Offices*
- *Banks without drive-through facilities*

#### Special Land Uses

- *Drive-through uses*
- *Vehicle sales and service*
- *Vehicle fueling stations*

# Zoning Approvals

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## Special Land Use

### Review Standards - Examples

#### General/Discretionary

*The project will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the intended character of the general vicinity.*

#### Specific/Nondiscretionary

*The use shall have direct access to a major arterial street, as designated in the master plan.*

# Zoning Approvals

## Site Plan Review

### Review Standards

- Zoning requirements
- Building arrangement
- Parking and loading
- Natural features/landscaping
- Lighting/Signs
- Vehicle and pedestrian circulation
- Stormwater and utilities
- Other local requirements...



### After Approval

- Changes only with mutual consent of community and applicant
- Drop dead dates

Required for all special land uses and planned unit developments, and most larger new developments.

# Zoning Approvals

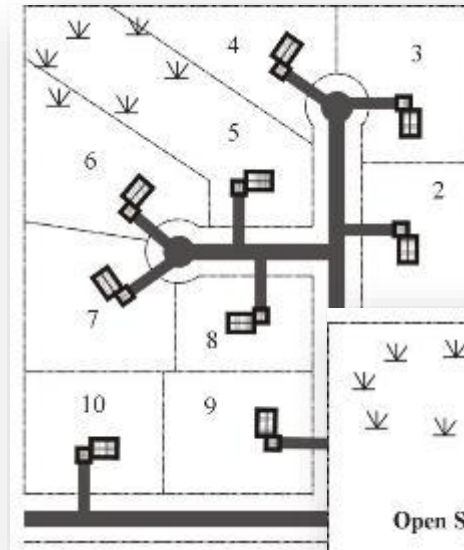
## Planned Unit Development (PUD)

Provide flexibility in certain situations.

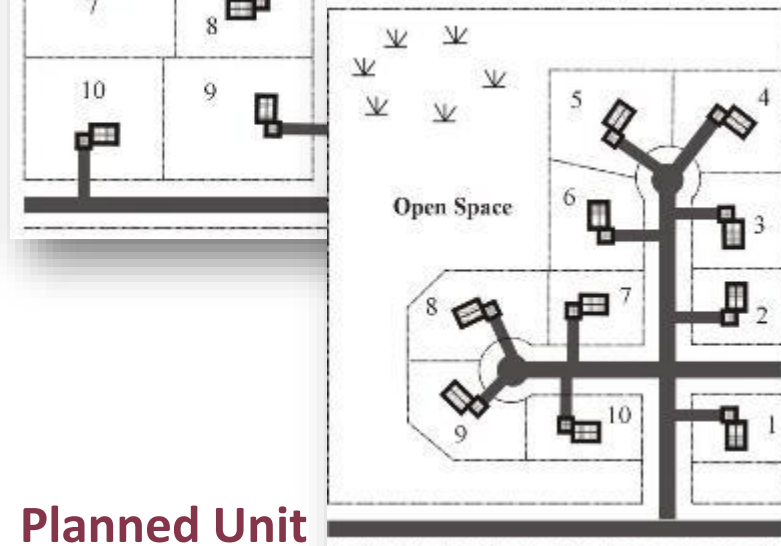
May allow mix of uses/densities

Flexibility granted for higher design standards

May include agreements (condition of approval) to ensure timing and compliance



Traditional Development

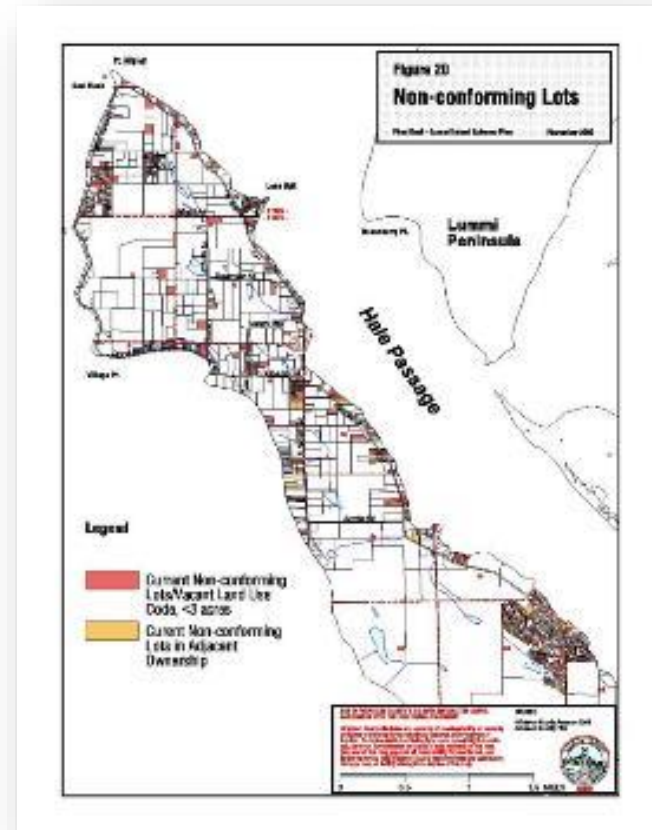


Planned Unit

# Zoning Approvals

## Nonconformities

**Definition:** A building, use, or lot that, when established, met the requirements of the zoning ordinance, but currently no longer complies with the ordinance



# Zoning Approvals

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## Nonconformities - Types

- **Nonconforming Use** = Use of a building or site that does not comply with allowable uses. Regulations: abandonment (intent to abandon), expansion/substitution.
- **Nonconforming Structure or Site Improvement** = Buildings or site improvements (parking, landscaping, etc.) that do not comply with dimensional standards. Regulations: rebuilding (act of God), enlargement/expansion/alterations.
- **Nonconforming Lot** = Parcels that do not comply with dimensional standards. Regulation: lots in common ownership (optional); otherwise, must be permitted to be used.

# Making Effective Decisions

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Authority

Roles and Responsibilities

Elements of Effective Decisions

Risk Management

# Roles and Responsibilities

## Planning Commission (Appointed)

- Master Plan
- Zoning Ordinance
- Subdivision
- Zoning Reviews
- Site Plan Review
- Annual Report

## Legislative Body (Elected)

- Appointments
- Ordinance Adoption
- Zoning Reviews
- Budgets
- Master Plan (optional)

## Zoning Board of Appeals (Appointed)

- Variances
- Appeals
- Interpretations
- Other Duties

# Roles and Responsibilities

## Working Together

### Community

- Cross membership (required and recommended)
- Communication (minutes, reports)
- Joint meetings, master plan

### Region

- Master plan sharing
- Cooperative planning – corridors, public facilities, etc.
- Joint planning commissions



# Roles and Responsibilities

## Purposes of Zoning

- Protect property values
- Protect natural resources
- Prevent nuisances
- Ensure land use compatibility
- Prevent overcrowding
- Prevent overuse of land



# Elements of Effective Decisions

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***Information***



***Preparation***



***Deliberation***



***Documentation***

# Elements of Effective Decisions

## INFORMATION

### Initial Contact

- Inform applicant of forms, filing dates fees and meetings
- Never answer questions from memory
- Note all contacts

### Application Process

- Application forms
- Accept only complete applications
- Application deadlines



The image shows a 'TOWN OF BLUFFTON ZONING PERMIT APPLICATION' form. At the top left is the town's seal. To the right of the seal, the text reads 'TOWN OF BLUFFTON ZONING PERMIT APPLICATION'. Further right, contact information for the Growth Management Customer Service Center is provided: '20 Bridge Street, Bluffton, SC 29910, (843) 785-4522, www.townofbluffton.com, applications@townofbluffton.com'. The form is divided into several sections: 'Applicant' and 'Property Owner' information, 'Project Information' (including address, location, zoning district, acreage, and tax map number), 'Project Description', 'Minimum Requirements for Submittal' (with two checkboxes), a 'Disclaimer' regarding liability, signature lines for both 'Property Owner' and 'Applicant' with date fields, and a 'For Office Use' section with 'Received By' and 'Date Approved' fields. At the bottom, it says 'Town of Bluffton Zoning Permit Application' and 'RPW file: 11/20/2011'.

# Elements of Effective Decisions

## PREPARATION

### Before the Meeting

- Read application materials
- Do a site visit

### Site Visits

- No “Ex parte” contacts
- Written permission to enter site
- Use review standards to guide visit



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# Elements of Effective Decisions

## DELIBERATION

### Rules for Speakers

- Respectful, civil discourse
- Comments through the Chair
- Follow rules for speaking time
- Spokesperson

### Rules for Decision Makers

- Communicate procedures
- Comments through the Chair
- Deliberate in the open
- Express opinions
- Use ordinance standards for decisions



# Elements of Effective Decisions

## DOCUMENTATION

### Motions must contain:

- Maker/second
- Request
- Action
- Findings of fact (additional, formal documentation)
- Reasons (support for decision – related to review standards)
- Conditions (as applicable)
- The vote



Motions must be clear to all and in proper form

# Elements of Effective Decisions

## DOCUMENTATION

- May be attached to any affirmative decision
- Must be reasonable and bear a relationship to the review standards



If this condition was not attached to the decision, the review standards would not be met and the request denied

# Making Effective Decisions

## Planning

Have a plan and stick to it

## Patience

Not everything will happen in your term; adopt a long-range perspective

## Persistence

Take advantage of the opportunities to implement the Plan; they don't come along very often

