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WELCOME!
PLANNING AND ZONING ESSENTIALS

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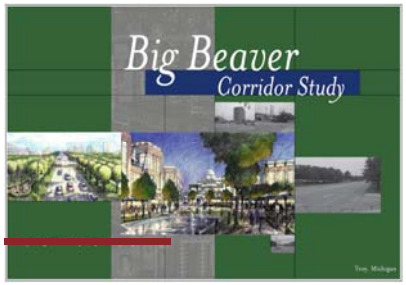
MICHIGAN ASSOCIATION OF PLANNING

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Today's Presenter

Rod Arroyo, AICP
Giffels Webster



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The **Michigan Association of Planning** …

- a non-profit membership-based organization
- established in 1945

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

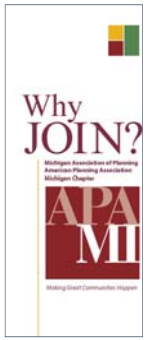
- professional planners
- local elected officials
- appointed land use decision makers such as planning commissioners and zoning board members

75 YEARS
APA MI

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MAP provides:



- Timely information
- Books and publications
- On-site workshops
- Training workshops and conferences for officials

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In Your Workshop Packet . . .

- Certificate
- Workshop Evaluation
- MAP Publication Catalog
- Officials Training Workshop Catalog
- Copy of Powerpoint
- Reference Book

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PLANNING AND ZONING ESSENTIALS

Michigan Association of Planning



TODAY'S AGENDA

1. WHAT IS PLANNING?
2. THE PLANNING COMMISSION
3. CREATING A SUCCESSFUL MASTER PLAN
4. BREAK
5. HOUSING
6. ZONING BASICS
7. DEVELOPMENT REVIEWS
8. MAKING EFFECTIVE DECISIONS
9. RISK MANAGEMENT
10. PUTTING IT ALL TOGETHER

BE READY TO PARTICIPATE

PLANNING AND ZONING ESSENTIALS



WHAT IS PLANNING?

PLANNING AND ZONING ESSENTIALS

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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."

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Making Great Communities Happen

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WHY PLAN?

- To ensure that quality of life is maintained and improved
- To foster a shared vision for the future of the community
- To assist in the protection of property rights
- To promote economic development
- To increase the level of certainty regarding future developments

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THE PLANNING COMMISSION

PLANNING AND ZONING ESSENTIALS

The Planning Commission is 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**.

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Planning is Inspirational

Planning Creates Opportunities

Planning Sets the Stage for Change

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AUTHORITY

- **Michigan Planning Enabling Act (MPEA)** *enables* establishment of a planning commission, assigns duties, etc.
- The **Michigan Zoning Enabling Act (MZEA)** *enables* the development and administration of a zoning ordinance.

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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

MICHIGAN ZONING ENABLING ACT (MZEA)

Beyond the Master Plan…

- Drafting/adopting zoning ordinance
- Planning Commissions
- Rezoning/conditional rezoning
- Zoning approvals (special land use, site plan review, PUD)
- Open space preservation
- Purchase of development rights
- Zoning board of appeals

AUTHORITY AND RESPONSIBILITY

- Study current planning issues
- Be aware of planning and action by other entities
  - Downtown Development Authority (DDA)
  - Historic District Commission
  - Corridor Improvement Authority
  - Parks and Recreation Commission
  - Brownfield Redevelopment Authority
  - And Others (State, County, Regional)

QUESTIONS?





CREATING A SUCCESSFUL MASTER PLAN

PLANNING AND ZONING ESSENTIALS

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THE FUTURE BELONGS TO THOSE WHO PREPARE FOR IT.

"Ralph Waldo Emerson"

WHAT IS A MASTER PLAN?



A MASTER PLAN IS . . .

A Master Plan is a **land use and infrastructure plan that sets forth local goals, objectives and policies for community growth and/or redevelopment over the next 10-20 years.**

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A MASTER PLAN SHOULD . . .

- **Identify** and analyze existing conditions
- **Promote** cooperation between stakeholders toward common goals
- **Communicate** those goals and priorities
- **Guide** long-range development of the community for 20 years

LEVELS OF MASTER PLANNING

- Watershed (Clinton River)
- Regional (SEMCOG)
- County (Oakland)
- Multi-jurisdictional
- Municipal
- Corridor
- District/Sub-district

Your Master Plan

What you have → Background Studies, Existing Conditions

What you want → Public Input, Goals and Objectives, Future Land Use Plan

How you get there → Recommendations, Implementation Strategies

WHY DO WE NEED A MASTER PLAN?

Master Planning Process





TO INCREASE *UNDERSTANDING* THROUGH PARTICIPATION

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TO PROMOTE *COORDINATION* ON DEVELOPMENT AND REDEVELOPMENT PROPOSALS

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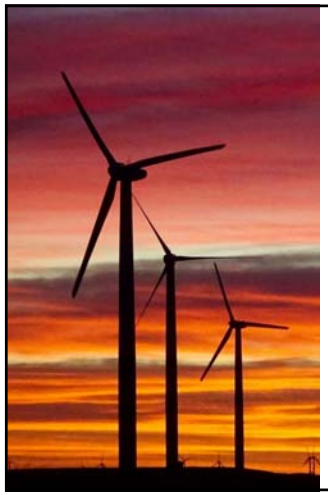
TO PROTECT AND ENHANCE *COMMUNITY CHARACTER*

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TO DEVELOP A *SHARED VISION* FOR *QUALITY OF LIFE* FOR ALL RESIDENTS

32



TO ANTICIPATE AND PLAN FOR SOLUTIONS TO *EMERGING ISSUES*

33



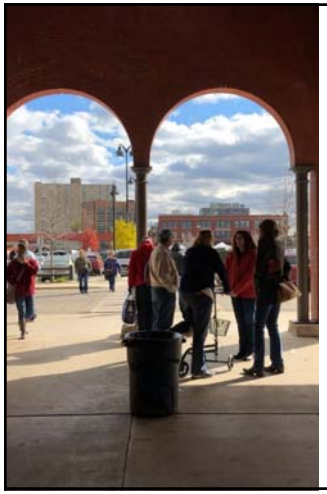
TO SUPPORT COMMUNITY EFFORTS FOR *GRANTS AND FUNDING*

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TO PRESERVE AND PROTECT OUR *NATURAL ENVIRONMENT*

35



TO ENHANCE OR DESIGNATE *SPECIAL AND UNIQUE AREAS*

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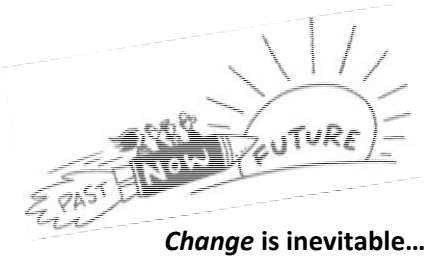
TO CREATE THE *LEGAL BASIS* FOR ZONING, SUBDIVISION DESIGN, AND THE CAPITAL IMPROVEMENT PLAN

37



TO *GUIDE* LOCAL DEVELOPMENT DECISIONS

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***Change* is inevitable…**

Things will *not* remain the same in your community 20 years from now….even 10 years from now.

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LEGAL BASICS

Master Planning Process



Michigan Planning Enabling Act, Public Act 33 of 2008

- Establishes the makeup of **planning commissions**
- Authorizes creation of a **master plan**, including:
  - **Components** of the master plan
  - **Adoption procedures** for the master plan
- Requires a **5-year review** of the master plan
- Requires the planning commission prepare an **annual written report** to the governing body

The Five Year Review

- Mandated by the MPEA
- Update current information and policies
- Reflect recent **trends and emerging issues** and new opportunities
- Identify **key redevelopment sites**

Question: How many of you have participated in a 5 year review with your community?

THE ANNUAL REPORT

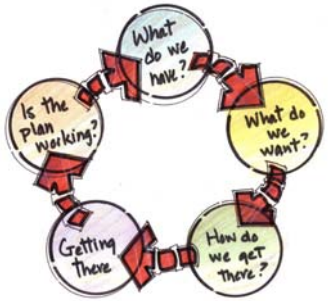
The MPEA requires the Planning Commission to prepare an **annual written report** to the governing body concerning its:

- Operations
- Status of planning activities
- Recommendations regarding actions by the legislative body related to planning and development

MASTER PLAN PROCESS



The Planning Process



- What do we have? (Research & Analysis)
- What do we want? (Visioning & Goal Setting)
- How do we get there? (The Plan)
- Getting there (Implementation)
- Is the plan working? (Plan Monitoring)



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Step I: Review the Master Plan

MPEA Language:

Sec. 45(2): "At least every **5 years** after adoption of a master plan, a planning commission shall **review the master plan** and determine whether to commence the procedure to **amend the master plan or adopt a new master plan**."

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Things to consider when reviewing the plan…

- ✓ Age and format of the plan (digital a must)
- ✓ New data available (*demographics, natural features, economic and development data*)
- ✓ Changes to the local economy—loss of a major employer or COVID-19 impacts
- ✓ Changes to local institutions—libraries, schools, post offices or other major facilities
- ✓ New transportation facilities or roadway enhancements

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Step I: Review the Master Plan

Review existing Master Plan for relevance

Decide whether to:

- **Re-affirm** the existing master plan
- **Amend** the existing master plan, including sub-area plans
- Prepare and **adopt a new master plan**

Best Practices
5-Year Plan Review

Re-affirm Master Plan

Evidence of review of your plan solidifies the community's intent and authority.

The Master Plan Review and its findings shall be recorded in minutes of the Planning Commission. The validity of the Plan must be reaffirmed

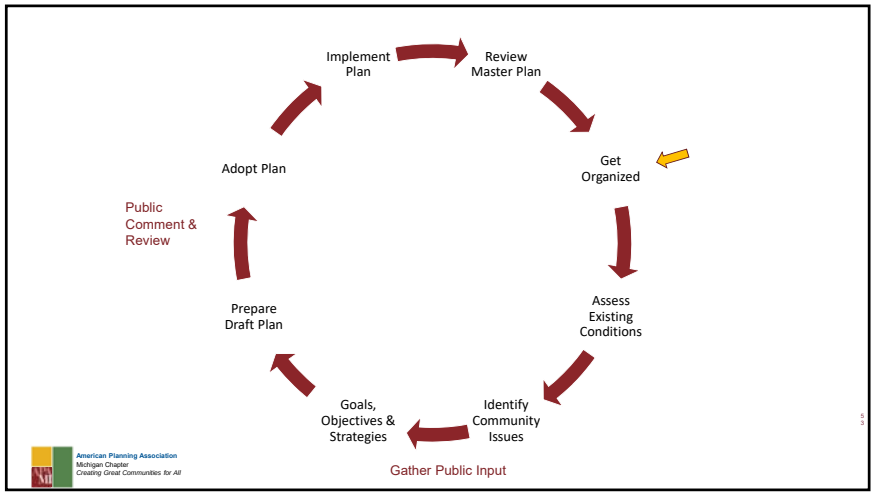
Best Practices
5-Year Plan Amendment

- ✓ Add content about Complete Streets
- ✓ Add an asset-based economic development plan
- ✓ Create sub-area or corridor plans
- ✓ Identify key redevelopment sites
- ✓ Develop a plan for commercial nodes
- ✓ Perform a housing study and plan
- ✓ Incorporate health considerations
- ✓ Plan for agricultural preservation and agritourism

Best Practice
Sub-area Plans

- Narrow in scope
- Focused on current issues or geography
- Flexible
- Supplement the Master Plan
- Satisfy the 5-year update requirement
- Less costly

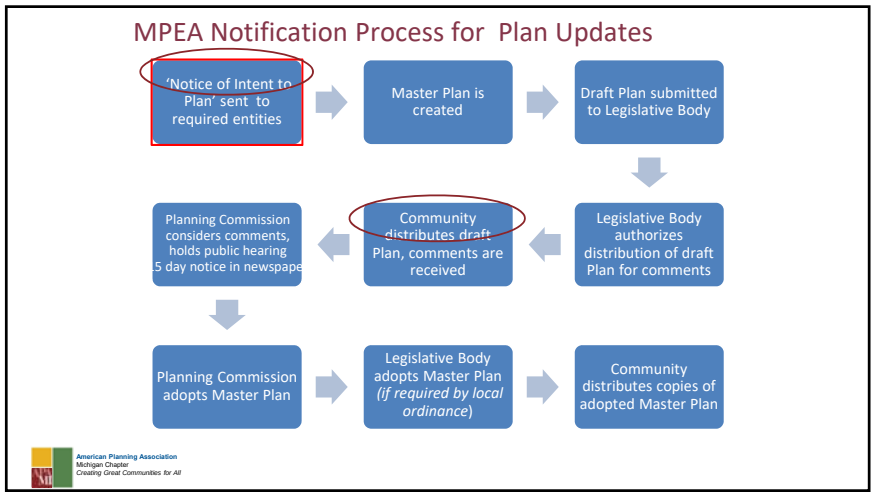
Subarea planning is an excellent process for a downtown or corridor plan or a focused housing strategy.



Step II: Planning to Plan

- "Before preparing a master plan, a planning commission shall send to all of the following […] a **notice** explaining that the planning commission **intends to prepare a master plan** and requesting the recipient's **cooperation and comment.**"

- Surrounding communities
- County or Regional Planning Commission
- Public utilities
- Transportation agencies



Step II: Planning to Plan

YOUR Master Plan process and the resulting document should reflect the ***unique character*** and priorities of **YOUR** community.

- Who will be involved in the process?
- How long will it take?
- What issues do we think need to be addressed?
- Do we need to hire a consultant?

If you are using a consultant, you will use your consultant of record or prepare a Request for Proposal (RFP)

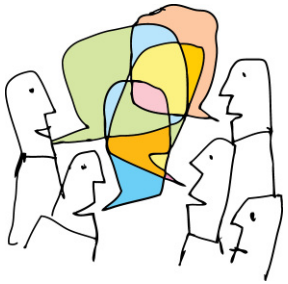
Step II: Planning to Plan

Are there emerging planning practices your community would like to explore?

- Placemaking
- Transit Oriented Design
- Complete Streets
- Aging in Place and changing populations
- Equity, health and income disparities
- Green Infrastructure
- Clean energy
- Habitat Corridors
- Food Systems
- Sustainability
- Economic Resiliency
- Community Health

Step II: Planning to Plan

- Identify key **stakeholders**, including those ***not*** normally at the table.
- People in the community who represent a diverse range of groups or organizations who can **influence change** and make a difference in the process.
- **Involving** stakeholders **early on and often** will build public support for the plan.



Discussion: Who should be involved in your community's master plan process?

Step II: Planning to Plan

Who are "stakeholders" for the plan?

- Neighborhood associations
- Business owners
- Faith based organizations
- Social service providers
- Students
- Non profit organizations
- Chamber of Commerce
- DDA, PC, ZBA, Brownfield Authority, etc.
- Anchor institutions
- Environmental organizations
- Housing advocates
- Finance (bank, investors)
- Developers
- Realtors
- Entrepreneurs

Step II: Planning to Plan

Ways to Inform

- Newspaper posting
- Charrettes
- One-on-one interviews
- Community workshops
- Focus groups
- Surveys
- Web portal
- Blog
- Fliers and yard signs
- Postcard mailings
- Announcements at governing meetings
- Attachments to water bills
- Local cable access TV
- Social media

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Best Practice
Community Engagement Plan

International Association for Public Participation (IAP2)

Spectrum of Public Participation

Inform | Consult | Involve | Collaborate | Empower

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Best Practice
Social Media and Online Engagement

American Planning Association (APA)

Using Online Tools for Public Engagement

- Supplement Existing Engagement Strategies
- Choose the Right Tools for the Situation
- Use the Data
- Connect the Dots

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Tools and Resources
Michigan Association of Planning's

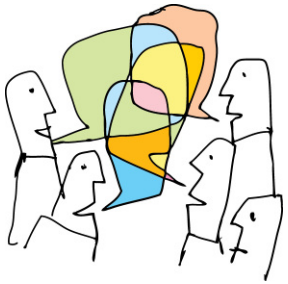
Community Engagement Workshop:
For Local Officials & Professional Planners

MAP's interactive community engagement workshop for staff and planning and zoning board members.



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Discussion: What types of community involvement have worked in your community?



Step III: Assessing Existing Conditions

- **Gather current demographics**
- **Inventory** existing land use, public facilities and natural features
- **Create** a community profile as a **starting point** for your plan.

Step III: Assessing Existing Conditions

- ✓ Population, employment, income, housing, transportation, education, and crime data
- ✓ Land use, natural resources, recreation, public facilities
- ✓ Historical sites and important photos
- ✓ Existing planning documents

Step III: Assessing Existing Conditions

Identify current trends

- Demographic
- Development
- Regional
- Market/Economic
- Funding
- Regulatory

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POPULATION TRENDS



LAND USE TRENDS



HOUSING TRENDS



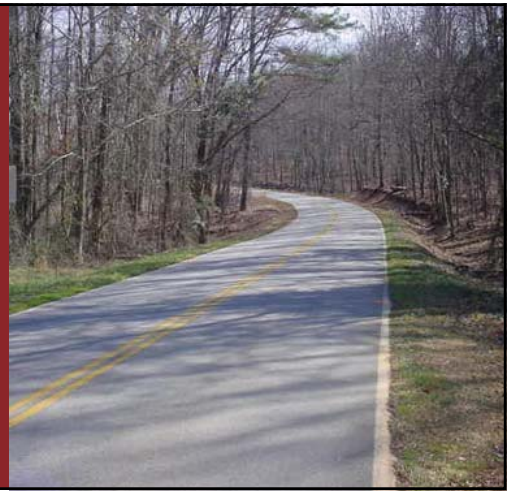
BUSINESS AND ECONOMIC TRENDS



INFRASTRUCTURE



TRANSPORTATION SYSTEMS



EQUITY INDICATORS

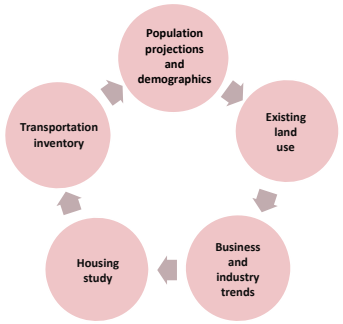


Information gathered through this process allows us to:

Draw connections

Identify concerns and opportunities

Develop recommendations



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Step III: Assessing Existing Conditions

Tools:

- Windshield surveys – drive around and observe
- Walking audits
- Building permit reviews
- GIS comparisons with historic maps
- Reports and data – Census or existing studies
- Public works service requests



Photo source: Giffels Webster

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Step III: Assessing Existing Conditions

- Existing conditions should clearly identify, explain and support issues and strategies raised in the plan through:
  - Maps
  - Tables
  - Charts
  - Photographs
  - References for data
- Graphics must be meaningful and contain appropriate citations

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QUESTIONS?



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Step IV: Identify Community Issues

Community issues will be identified by:

- Public input supplementing existing conditions data
- Prioritizing and expanding on information collected
- Identify assets, threats, and opportunities to help develop ***community wide*** goals

"Blend technical evaluation with community input"

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Step IV: Identify Community Issues

- Visioning workshops
- Focus groups / Task Force
- Charrettes
- Open House / Town Hall
- Resident surveys
- Op Ed pieces (Local Paper)
- Local cable programming
- Outreach meetings
- Web portal

Traditional Methods of Community Engagement

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Step IV: Identify Community Issues

Emerging Methods of Community Engagement

Online engagement platforms allow users to:

- View and comment on a specific problem, project
- Upload pictures
- Propose improvements

Examples:

- Map.Social
- MySidewalk.com
- Bang the Table
- ArcGIS Story Maps

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Best Practices
Documentation and Use of Community Input

Share outcomes and results of all public participation processes

- Take minutes or notes at all public forums interviews, focus groups, town meetings
- Share Twitter feeds and Facebook comments
- Count participants at all meetings and summarize comments

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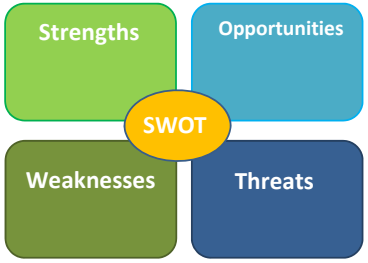
Best Practices
Documentation and Use of Community Input



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Step IV: Identify Community Issues



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Best Practices
Identification of Community Issues

Connect land use patterns to desired community goals

Think about how the community should function in the future

Consider quality of life – health, movement, jobs, aging, public services, food, etc.

Listen!

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QUESTIONS?



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Step V: Goals and Objectives

- Goals are **broad** enough to establish tone
- Objectives are **realistic** and **achievable**
- Both **clearly depict a desired future** as envisioned by the community
- Can be supported by **maps, graphics, charts, pictures**, etc. when describing visions and implementation strategies.

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Step V: Goals and Objectives

Incorporate the results and findings from background studies and public input into a master plan with goals, objectives and policies.

- **Goal: A statement that describes, usually in general terms, a desired future condition.**
- **Objective: A statement that describes a specific future condition that is to be attained within a stated period of time.**
- **Strategy: A course of action or rule of conduct to be used to achieve the goals and objectives of the plan.**

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Step V: Goals and Objectives

Developing **SMART** Objectives

- **S**pecific
- **M**easurable
- **A**ttainable
- **R**ealistic
- **T**ime Bound

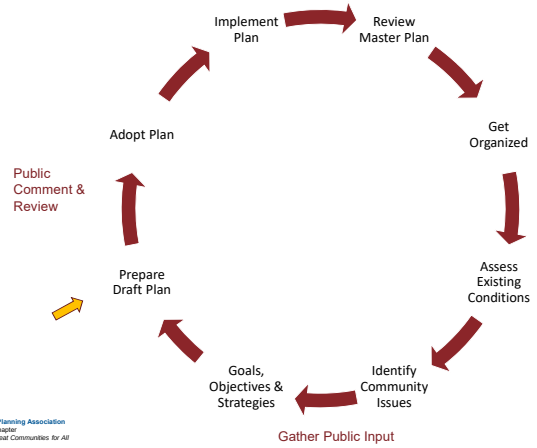
Best Practices
Goals, Objectives and Action Strategies

Link Goals with implementation and **action strategies**

Prioritize actions

Set timeframes and assign responsibility for each action.

This typically occurs in the implementation section (coming soon)

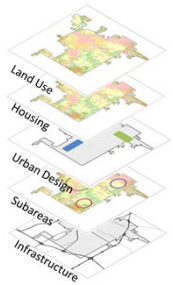


Step VI: Draft Plan

"A master plan **shall** address land use and infrastructure issues and may project 20 years or more into the future. […] shall include maps, plats, charts."

See Sec. 33(1) of the Michigan Planning Enabling Act in your workbook (Page 6)

Step VI: Draft Plan



Traditional Plan elements:

- Population trends/demographics
- Existing and Future Land Use Maps
- Housing and neighborhoods
- Economic development
- Parks and recreation
- Public facilities and infrastructure
- Environment and natural resource management
- Transportation and circulation
- Redevelopment strategies
- Capital Improvement Plan
- Zoning Plan
- Community-wide goals
- Implementation Plan

Step VI: Draft Plan

Emerging Plan elements:

- Sustainability / Resilience
- Equity
- Health
- Hazard Mitigation
- Asset Management
- Arts and Culture
- Missing Middle Housing
- Local Food
- Mobility
- Transit Oriented Development
- Complete Streets (required)

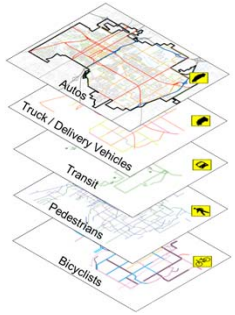


Source:7continents5oceans.com

Step VI: Draft Plan

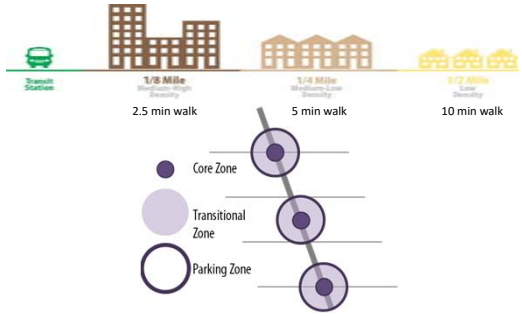
Complete Streets

- State requires that all users be considered
- Transit Priority Streets
- Walkable Thoroughfares
- Bicycle systems
- Workhorse Streets



Step VI: Draft Plan

Transit Oriented Development



Step VI: Draft Plan

Missing Middle Housing

- Multi-unit housing types such as duplexes, fourplexes, and bungalow courts, that are not bigger than a large house
- Integrated into blocks with primarily single-family homes to provide diverse housing choices
- Density supports transit and locally-serving commercial amenities

Benefits

- Increased choice of housing type while blending into existing neighborhood character.
- Higher density but perceived as less dense because they are smaller in scale
- More palatable to communities that resist multifamily housing

Step VI: Draft Plan

- A **Zoning Plan** is intended to highlight key areas where existing zoning is inconsistent with the goals of the Master Plan.
- These areas can be designated as priority rezoning areas for implementation of the Master Plan

Connecting Future Land Use with Zoning Categories

QUESTIONS?





Step VII: Plan Adoption

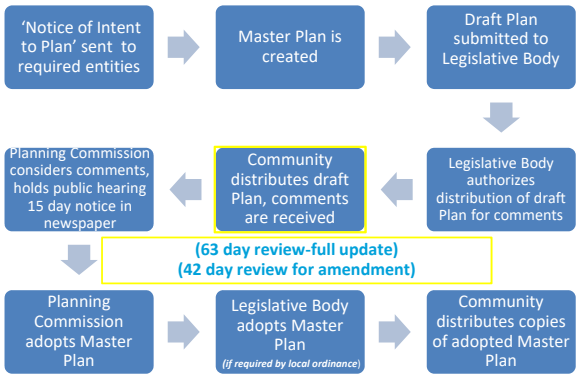
Per the Michigan Planning Enabling Act, the Master Plan must be adopted by the planning commission or legislative body.

Step VII: Plan Adoption

Steps for plan approval:

- Planning Commission submits draft to legislative body for review and comment.
- Legislative body approves plan for distribution to relevant government stakeholders. Stakeholders comment and planning commission modifies plan to reflect comments, if necessary.
- Public hearing and public review period.
- Planning Commission votes to:
  - Adopt plan (if PC has authority to adopt).
  - Legislative Body also adopts if it exercised its authority to do so.

MPEA Notification Process for Plan Updates



Best Practices

Public Hearing for Adoption

A transparent master planning process featuring **ample** opportunity for **public input** will result in a **smoother adoption process**.

- Community trends, issues and visions will be identified **early on.**
- **Garners strong public support** for the master plan even before adoption.

While reviews and comments are advisory, public hearings and comment periods allow for:

- Other "sets of eyes" to review the plan.
- Increased transparency of planning process



Step VII: Plan Adoption

Sec. 51 of the Planning Enabling Act: "To promote public interest in and understanding of the master plan, a planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.

"A planning commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the master plan."

Step VIII: Implementation

Sec. 65 of the Planning Enabling Act: "Planning Commission shall annually prepare a **capital improvements plan** based on recommendations within master plan."

Implementation

Transportation

What Do We Want?

An efficient and safe multi-modal transportation network that offers mobility options to residents of all ages and abilities.

ACTION STRATEGY	LEAD BODY	TIME FRAME	POTENTIAL FUNDING SOURCE	SUPPORTING PARTNERS
ZONING ACTION ITEMS				
Review and amend the Zoning Ordinance as needed to require improve access and connectivity throughout the city.	PC & CC			
OTHER ACTION ITEMS				
Adopt a Complete Streets policy that establishes non-motorized transportation as a policy priority, reflecting that the city will consider opportunities for improvement non-motorized connections and facilities whenever new construction projects take place.	CC			
Educate the community about the benefits of a strong non-motorized network. Help business owners identify opportunities to support non-motorized travel within the city and encourage residents to incorporate non-motorized travel into their daily lives to alleviate traffic congestion and improve public health.	PC & CC			
Work with SMART to improve bus stops to make them more safe and attractive. Explore opportunities to incorporate art into bus stops.	CC			
Minimize required street pavement width, where possible, based on need to support travel lanes, street parking and emergency, maintenance service vehicle access.	CC			

Source: Giffels Webster

Step VIII: Implementation

The Planning Commission should:

- **Promote plan implementation**
- **Shape program development**
- **Monitor and evaluate goals, objectives and actions**
- **Recommend the zoning ordinance or amendments to the ordinance**
- **Keep the priorities on the table and find ways to move forward**
- **Review the Master Plan every 5 years**

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Step VIII: Implementation

- Zoning Ordinance Standards and Map
- Subdivision and Condominium Regulations
- Special Design Plans and Study Area Plans
- Capital Improvement Programming
- Site Plan, Special Land Use, and Rezoning Review
- Local Land Trusts and Conservancies
- Access Management Planning and Regulation
- Federal and State Grant Programs

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QUESTIONS?



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BREAK. UP NEXT. . . HOUSING

PLANNING AND ZONING ESSENTIALS

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INTRODUCTION
PLANNING FOR HOUSING

Purpose of this Training Module

- Attainable Housing
- Federal and State Housing Laws
- Housing Strategies

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Introduction – MAP'S 2016 Housing Policy

To thrive, communities need an adequate supply of housing close to employment, public transportation, and public facilities like libraries, parks, and public schools.



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Introduction – MAP'S 2016 Housing Policy

The housing stock must include affordable and accessible for-sale and rental units, not only to meet social equity goals, but in order to ensure community economic, cultural and demographic diversity.



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Introduction – MAP'S 2016 Housing Policy

Communities must develop their housing stock without sacrificing sound regulations to protect the environment and public health.



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Introduction – MAP'S 2016 Housing Policy

Why?

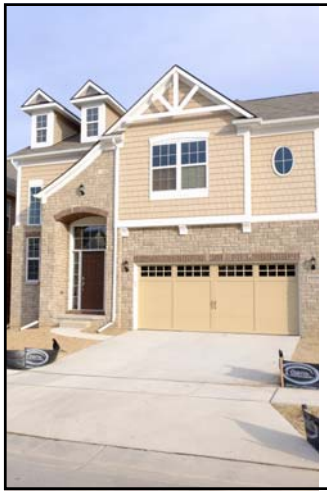
- To allow older residents to stay in the city
- To attract younger residents
- To attract families
- To support local businesses

Where?

- Throughout the community



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ASSESSING HOUSING NEEDS

PLANNING FOR HOUSING

Assessing Housing Needs - Location

Are there employment centers and/or local businesses that need workforce housing nearby?

- Survey local businesses about average wages and number of employees as well as whether they feel their employees live close enough to workplaces.
- Review Census data on commuting patterns to see inflow and outflow of commuters.

"Workforce" housing is generally considered housing that is affordable to workers and close to their jobs

Employees commuting long distances can be problematic for employers.

Long commutes increase stress and financial hardship for employees.

ASSESSING HOUSING NEEDS - AFFORDABILITY

Is the local housing stock attainable, affordable and accessible?

Where will your young adult children live? Where will you go when you can't or don't want to maintain a 4,000 s.f. house?

- Are there both for-sale and rental units?

Introduction

High Housing Costs

The Urban Land Institute reports that small housing, under 1,400 square feet, has historically represented about 16 percent of new construction, but it now averages closer to 7 percent.

When combined with the next size category, 1,400 to 1,800 square feet, the overall distribution of "small homes" has declined from just under 40 percent of all new construction to 22 percent.

Homes over 2,400 square feet have increased from 32 percent to 50 percent of new construction since 1999.

Labor, materials, and permitting fee costs have also increased.

ASSESSING HOUSING NEEDS - AFFORDABILITY

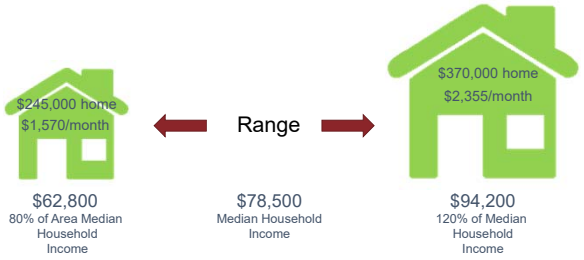
Affordable: Cost burden for housing should be less than 30% of household income to be considered "affordable"

ASSESSING HOUSING NEEDS - AFFORDABILITY

Attainable: Housing costs that are affordable for households between 80-120% of area median income (AMI).

According to the US Dept of Housing and Urban Development (HUD), the Detroit Metro AMI was $78,500.00 in 2020.

ASSESSING HOUSING NEEDS - AFFORDABILITY



ASSESSING HOUSING NEEDS - AFFORDABILITY

$391,000 – average cost of new construction single family home in Metro Detroit (2019)

$370,000 is "affordable" for those making 120% of area median income

Introduction

We are witnessing a shift in household demographics

- 30% of households in the U.S. are single persons
- By 2025, 75-85% of households will not have children
- By 2030, 20% of Americans will be 65+
- 1/3 of Baby Boomers and 2/3 of Millennials want to live in missing middle housing.

Source: Dan Parolek, MissingMiddleHousing.com

ASSESSING HOUSING NEEDS - AFFORDABILITY

In addition to housing costs, it is important to consider transportation costs - typically the 2nd highest household expense after housing.

ASSESSING HOUSING NEEDS - AFFORDABILITY

The Housing and Transportation Affordability Index by the Center for Neighborhood Technology offers resources aimed at exploring the affordability of a community's housing stock.

ASSESSING HOUSING NEEDS - AFFORDABILITY

The recommended standard of affordability is that housing and transportation costs together are less than 45% of household income.

ASSESSING HOUSING NEEDS - AFFORDABILITY

"Traditionally, a home is considered affordable when rent or mortgage costs consume no more than 30% of household income. But this measure misses a key cost: transportation. How much does it cost to travel to and from everyday destinations?" – Housing and Transportation Affordability Index

Housing + Transportation
as a % of Income

Troy: 60% (37% housing)
Detroit Metro: 52% (29% housing)



ASSESSING HOUSING NEEDS

Housing + Transportation
as a % of Income

Troy: 60% (37% housing)
Detroit Metro: 52% (29% housing)

Question:

How Should This Data Be Used in the Master Plan process?



SELECTED HOUSING LAWS

Federal Housing Laws

Fair Housing Act (FHA) – 1968

- Prohibits discrimination concerning the sale, rental and financing of housing based on race, religion, national origin, sex, (and as amended) handicap and family status.



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Fair Housing Act

- Zoning ordinances may not contain provisions that treat uses such as affordable housing, supportive housing or group homes for people with disabilities differently than other similar uses.
- Ordinances may not be enforced more strictly against those types of housing uses.
- Zoning and land use decisions may not be based on neighbors' fears that members of protected classes would occupy a dwelling.

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Fair Housing Act

Land use policies may be considered discriminatory if it can be proven that these policies have a disproportionate impact in minorities, families with children or people with disabilities:

- Density or design requirements that make residential development prohibitively expensive
- Prohibitions on multifamily housing
- Limiting households to four or fewer unrelated adults

It's important for municipalities to make "reasonable accommodations" related to housing for those that are considered handicapped / disabled per federal law.

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Fair Housing Act

Exception:

- Housing for older persons (80% of the units are occupied by at least one person over the age of 55 or 100% of the occupants are age 62 or older)

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Michigan Zoning Enabling Act

Exclusionary Zoning and Housing

"A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use …in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful."

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Michigan Zoning Enabling Act

Exclusionary Zoning and Housing

- When there is a "demonstrated need" for a use, a location must exist where the use may be appropriately located.
- Consider appropriate locations for housing.

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Michigan Zoning Enabling Act

Exclusionary Zoning and Housing

- Check your ordinance for standards that, in effect, prohibit certain housing types, such as manufactured homes, efficiency-type units, multiple-family dwellings and other non-single-family homes on individual lots.

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Michigan Zoning Enabling Act

Inclusionary Zoning

- Requires a specified number of affordable units either within market-value projects or at specified, offsite locations.
- Inclusionary zoning has risen in popularity as a private-sector alternative to affordable housing in light of decreased government funding and a general shift away from building affordable units in favor of subsidizing existing units.

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Michigan Zoning Enabling Act

Inclusionary Zoning in Michigan

- Example: Using Planned Unit Development (PUD) ordinances to tie specific percentages of affordable housing to density bonuses
  - Leelanau Township offers a density bonus of 25% if 10% to 20% of the development is affordable to a family earning less than the median income of Leelanau Township.
  - Ann Arbor allows an increase in density if the project provides between 10% - 15% affordable units in the project.

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HOUSING STRATEGIES

PLANNING FOR HOUSING

ENCOURAGE INFILL



Single Family Homes

Provide for a variety of lot sizes (how viable are lots ½ acre or greater in your community?)

Consider location/ connectivity to minimize transportation costs that may be associated with sprawling low-density residential development



Missing Middle



Image source: Opticos

Missing Middle

- Medium-density, high-quality, marketable options for walkable urban living.
- "Missing" housing types since the early 1940s due to regulatory constraints, the shift to auto-dependent patterns of development, and the incentivization of single-family home ownership."

Missing Middle Housing Overview

- For seasoned residents, it allows for aging in place in the community
- For younger residents, it allows for millennials to afford investment in the community
- Maintains property values, because of common maintenance
- Provides flexible options to attract developers

Missing Middle Housing Overview

Characteristics of these housing types include:

- Walkable (homes are set in walkable context)
- Medium density but lower perceived density
- Smaller, well-designed units
- Smaller footprint and blended densities

Missing Middle Housing Overview

- Is generally priced to be more attainable to existing residents looking to move
- Can be more fiscally beneficial to community. Larger single family homes tend to generate more public school children and demand more services. Missing middle housing in smaller units tends to have fewer children and can have a positive fiscal impact.

Missing Middle Housing Overview

Where will your young adult children live? Where will you go when you can't or don't want to maintain a 4,000 s.f. house?

Missing Middle Housing could be one of the options.

What are Accessory Dwellings?

Granny Flats

Mother-in-Law Suites

Granny Cottages

Secondary Suites

Backyard Cottages

Carriage Flats

Attic Apartments

Casitas

Laneway Houses

Basement Apartments

Accessory Dwellings

- Complete living spaces that are secondary to another primary living space on the property.
- Attached to the primary home (basement, attic, or attached garage)
- Detached from the home in their own structure.
- Construction costs range from $50,000 - $400,000
- Sizes range from 300 – 1,000 square feet

What are Accessory Dwellings?





What are Accessory Dwellings?


Source: sightline.org


Source: greenfab.com


Source: thekitchn.com


Source: domain.com


Source: Emily Gilbert Photography

Who Wants Accessory Dwellings?

- Anyone looking for a smaller, more manageable home in a neighborhood setting
- Homeowners seeking living space for family members and/or caregivers
- Homeowners seeking to add income

Students
Millennials
Grown Children
Empty nesters
Aging seniors
Parents

Potential Actions

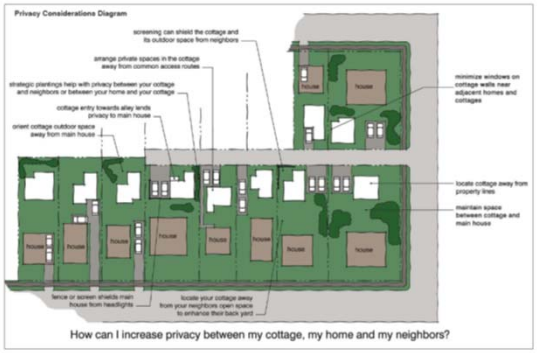
Example: Seattle, WA Design Standards for Backyard Cottages

- "Backyard Cottages"
  - Minimum lot size: 4,000 sf
  - One off-street parking space required
  - Requires home owner to live in one of the units (either main home or ADU) for at least six months of the year
  - Maximum floor area: 800 sf
  - Guide illustrates best practices for ADU placement, screening, etc.



Buffering actions

Example: Seattle, WA Design Guidelines



Accessory Dwellings

- Permitted/Special Uses: Accessory dwellings may be allowed as permitted uses (by-right) or as special/conditional uses.
- Permitted uses should contain clear standards.
- Special land uses require public hearing and may contain some discretionary standards.

Missing Middle Housing as Detached Units

Example #1

Cottage Court Bungalows

- Detached Single Family Units
- Fronting on common green area / walkable
- Garages are rear facing or detached
- Typically one-story, but may have second floor bonus bedroom





MISSING MIDDLE HOUSING AS DETACHED UNITS

Example #1A Cottage Court Bungalows – Danielson Grove





MISSING MIDDLE HOUSING AS DETACHED UNITS

Example #1B Cottage Court Bungalows – Ingelnook Cottage Homes

MISSING MIDDLE HOUSING AS DETACHED UNITS

Example #1C
Concept Plan for Farmington Hills
Costick Center Frontage

About 5.5 units / acre
55' equivalent lot width
Building footprint approx. 40'x60'



Plan by Giffels Webster

Units front on green space

Missing Middle Housing - Attached Units

Example #2

Duplexes

- Two attached units in one building
- Can be designed to appear as a single family home from the street, but often does not.
- Garages can be front facing, rear facing or detached
- Two story

Missing Middle Housing - Attached Units

Duplexes



Villas of Stonebrook, Novi Source: Pulte / Atwell

Missing Middle Housing - Attached Units

Duplexes

Typical design floor plan with high quality brick finishing materials



Villas of Stonebrook, Novi Source: Pulte / Atwell

Missing Middle Housing - Attached Units

Duplexes

Or if a community has no applicable standards, the entire street-facing façade may be a garage





West Fargo, ND Photo source: Giffels Webster

Missing Middle Housing - Attached Units

Duplexes

Design can create an appearance that resembles a single family home



Giffels Webster File Photo

Missing Middle Housing - Attached Units

Example #3

Fourplexes / Quadplexes (Small Multiplex)

- Four attached units in one building. Two upstairs and two downstairs
- Can be designed to appear as a single family home from the street
- Garages are typically side facing, rear facing or detached
- Two story

Missing Middle Housing – Attached Units

Example #3 – Fourplex Units



Louisville. Source: MissingMiddleHousing.com



Los Angeles Source: Flickr Michael Sebastian

Missing Middle Housing – Attached Units

Example #4 – Fourplex Townhouse



Source: Architectural Designs

Missing Middle Hybrid – Detached Units

Example #5 – Single Family Detached Condos. Density similar to low density multiple family units (4-6 dus per acre). Units typ. 15-20' apart, no lot lines, general condo, condo unit is from "interior paint in", so no exterior maintenance by unit owner.



Orion Township Source: Pulte / Atwell

Missing Middle

Example #5 Courtyard Multifamily

Support downtown and commercial core areas by providing moderately dense housing types that transition from predominately single-family neighborhoods.



Courtyard Multi-family: Savannah, GA
Image Source: Giffels Webster:

Missing Middle

Example #6 Multiplex Multifamily

Ensure the zoning ordinance permits a variety of housing types to be developed in moderate- higher-density areas

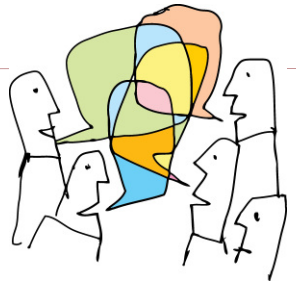


Multiplex: New Town, MO
Image Source: Giffels Webster:

Why Can't We Do That?

Missing Middle and Accessory Dwellings

- Single family residential dwellings are permitted in single family residential zoning districts, typically the most restrictive zoning districts in a community
- Smaller dwelling units are typically in the form of "apartments" and only permitted in multiple family residential districts
- Most of these missing middle housing types don't fit in single family or multiple family districts. They have been viewed as too intense for single family. Also, multi-family districts are not designed for a fourplex on a lot.
- There can be perceived concerns about increased renters in a neighborhood, particularly for accessory dwellings. Starting with a small pilot program with a limited number of units may help to address these perceptions and show successes.



Discussion: Should your master plan include and/or encourage missing middle housing in appropriate locations?

MIXED USE DENSITY



Mixed Use/Density

- Encourage higher density in downtown areas or commercial core areas.
- Permit greater building heights with upper story stepbacks, if needed.
- Reduce minimum floor area requirements.
- Remove or reduce parking requirements.
- Form-based standards can address appearance and impact of new buildings on the public realm.

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Mixed Use/Density

Step-back Design

Add an additional floor for residential uses in core areas, but require step-back design so it is not perceived as additional height from the street



Source: Giffels Webster:

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MIXED USE / DENSITY

Concentrate density and larger scale development in specific areas that may already have more intense development and where existing conditions provide opportunity.



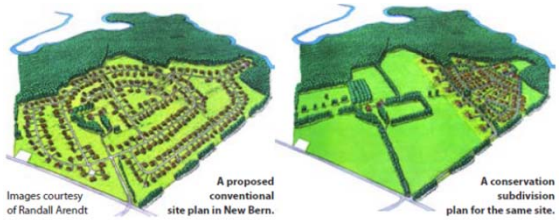
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SINGLE FAMILY DESIGN WITH OPEN SPACE
(CLUSTER /OPEN SPACE / CONSERVATION DESIGN)



CONSERVATION SUBDIVISION DESIGN

An open space and agricultural preservation strategy aimed at preserving 50-70% of land area



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CLUSTER / OPEN SPACE DESIGN

Cluster and open space options are often found in more suburban locations, where the open space goal is 20% preserved versus 50% or more for conservation design.

- Can preserve important natural features
- Can create recreation space
- Can create open space areas that complement the project design

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CLUSTER / OPEN SPACE DESIGN

Cluster and open space options may or may not include density bonuses.

Density bonuses could foster higher quality amenities or could enable affordable units within the development

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Cluster Option with Attached Single Family





OPEN SPACE SUBDIVISIONS

MZEA: Sec. 506. ….a qualified local unit of government shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance, but not more than 50% for a county or township or 80% for a city or village, that could otherwise be developed, as determined by the local unit of government under existing ordinances, laws, and rules on the entire land area, if all of the following apply:

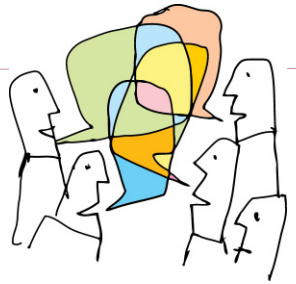
OPEN SPACE SUBDIVISIONS

MZEA: Sec. 506. ….
(a) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre *(about 11,600 sf lot min).*
(b) A percentage of the land area specified in the zoning ordinance, but not less than 20% for a city or village, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance.
(c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon the extension.
(d) The option provided under this subsection has not previously been exercised with respect to that land

CLUSTER / OPEN SPACE DESIGN

Key issues

- What are the goals of the regulations?
- Is making this form of development optional enough for your community?
- How are buffering / transition areas handled?
- Is the form of development linked to attainable housing options? Should it be?
- What are the long-term maintenance implications? Common areas are typically maintained by a condo association or development property owner (rental properties).



Discussion: What is working and what needs work with cluster single family developments in your community?



NEXT STEPS

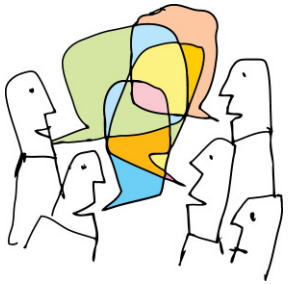
PLANNING FOR HOUSING

Next Steps

- Understand the housing needs of your community
  - Location, affordability and accessibility
- Develop a housing chapter with specific goals, objectives and strategies
- Amend the zoning ordinance to provide housing choices that are affordable, accessible, and manageable, regardless of age
- Have open discussions with the community with benefits in mind: attracting and keeping residents who will be engaged in community neighborhoods and civic life

Next Steps

- Understand concerns and apply zoning standards to mitigate those concerns (commonly traffic, parking, ownership)
- Strive to include renters in community conversations, wherever they live. Renters may be your neighbors, your children, your parents, or even you.



Discussion: What are the community issues you hope to focus on in your plan?

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BREAK. UP NEXT. . . ZONING BASICS

PLANNING AND ZONING ESSENTIALS

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ZONING BASICS

PLANNING AND ZONING ESSENTIALS

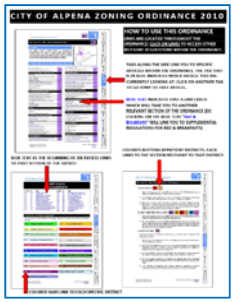
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Master Plan		Zoning Ordinance
Long Range	→	**Immediate**
Guidance	→	**Regulatory**
Policy	→	**Enforced**

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.

THE ZONING ORDINANCE



Question

- What is zoning?

Simple Answer

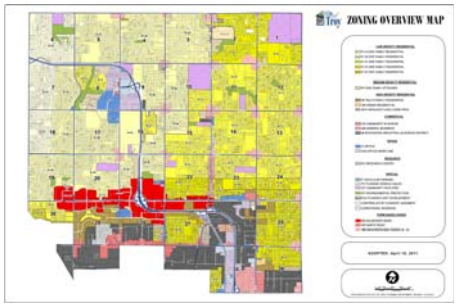
- An ordinance, adopted by a local government, that regulates development of land, uses, activities, and structures

EXAMPLE CONTENT AND ORGANIZATION

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

ZONING DISTRICTS

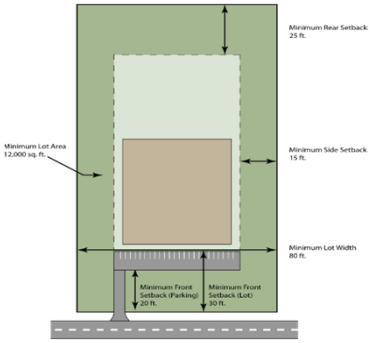
- Purpose and Intent
- Allowed land uses (Permitted/Special Land Uses). If not listed, the use is not allowed
- Development regulations (lot sizes, setbacks, building heights, etc.)



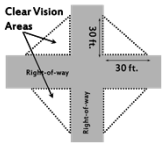
The Language of Zoning

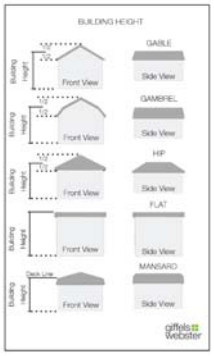
- Lot lines, frontage/width, area
- Setbacks, yards/required yards
- Building envelope

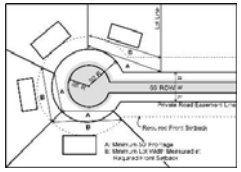
Definitions
Measurements
Regulations



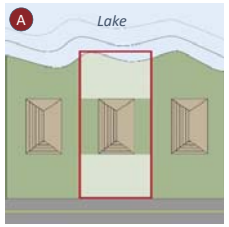
The Language of Zoning



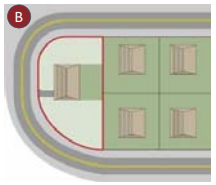


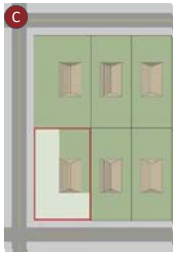


Question: Where is the front yard?



Definitions
Measurements
Regulations





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

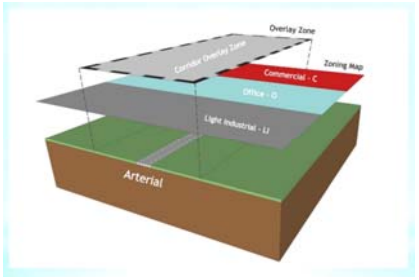
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ALTERNATIVE ZONING

Overlay zoning districts

For special situations, placing regulations "over" base zoning.



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Form Based Code

CONVENTIONAL ZONING



FORM-BASED CODES



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FORM BASED CODE

- Predictable built results
- Uses physical form rather than separation of uses as organizing principle for code
- Not design guidelines, but adopted regulations

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Form Based Code

- More graphics, fewer words
- Can be adopted city wide or just in certain districts or places
- Combine street design and zoning in one code



Illustration: LSL Planning, Inc.

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!***

REZONING OR MAP AMENDMENTS

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

REZONING OR MAP AMENDMENTS

- Deviations from the Master Plan are not recommended, but if made, should be explained.
- Rezonings should not be done with site plan approvals as all uses must be considered, not just one that may be proposed.

CONDITIONAL REZONING

- Rezoning for "certain use and development"
- Voluntary agreement – cannot be required as part of rezoning
- "Offers" made to restrict use/development (not variances)
- Time period (with extensions) to satisfy conditions or property "reverts" to previous zoning (follow rezoning process)

CONDITIONAL REZONING

Practices & Procedures

- Avoid "single use" offers
- Get advice from attorney, planners, etc.
- Off-site improvements should be related to rezoning
- Standards should be included in community's zoning ordinance

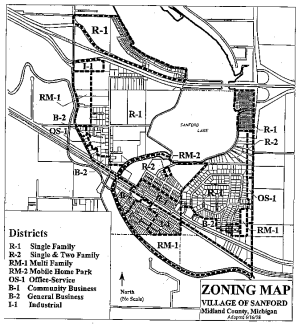
SPOT ZONING

Characteristics:

- Single+ parcel zoned differently than zoning around it
- Small in area
- Provides right to use not provided to similar adjacent parcels
- Most important: Inconsistent with master plan

Result:

- Typically ruled invalid if challenged in court



Sanford Village Zoning map; Yellow faux spot zone added

TYPES OF NONCONFORMITIES

- **Nonconforming Uses**
  Expansion, substitution, classification, intent to abandon
- **Nonconforming Buildings**
  Enlargement/extension, rebuilding (act of God)
- **Nonconforming Lots**
  Use, lots in common ownership
- **Nonconforming Sites**
  e.g., landscaping or parking not meeting current standards

Each type of nonconformity has its own rules; determining which rules apply in a given situation is critical.

QUESTIONS?



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DEVELOPMENT REVIEWS & OTHER DUTIES

PLANNING AND ZONING ESSENTIALS

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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, but requires coordination with professional staff and elected officials

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

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ZONING APPROVALS

1. What uses or construction require review?
2. What are the standards for decisions?
3. What type of review is required?
4. Who is the approving body or official?

All must be specifically written into the ordinance

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STANDARDS FOR DECISIONS

- 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

Site Plan Review

Site Plan: A legally binding, professionally prepared, detailed *graphic* and written document showing how a site will be developed.

If it conforms with the ordinance requirements, you must approve it.

Site Plan Review

When Needed?

Always:
- Special Land Uses
- PUDs
- Site Condos/Subdivisions

Usually NOT:
- Single and two-family dwellings on individual lots
- Accessory Buildings

Often:
- All nonresidential development (commercial/industrial)
- Multiple family development

WHO REVIEWS SITE PLANS?

By one or more of the following:

- Planning Commission
- Administrative Staff (Planner/Consultant, Zoning Administrator)
- Legislative Body (after Planning Commission recommendation)

Zoning Ordinance Must Specify

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

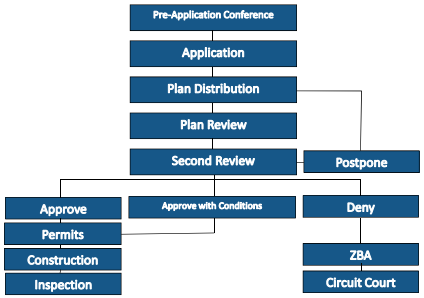
- Changes only with mutual consent of community and applicant
- Expiration Dates

Required for all special land uses and planned unit developments.

REVIEW STANDARDS

- Data Submission Requirements. *Examples: property description, location of structures within 100 feet*
- Non Discretionary Standards. *Examples: size of parking spaces, required setbacks*
- Discretionary Standards. *Examples: preserve native landscaping, the site encourages pedestrian activity*

Site Plan Review Process



SPECIAL LAND USE

Definition: A use that is otherwise compatible with the district, but only in certain locations, and requiring additional review and approval

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*

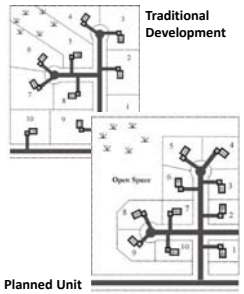
SPECIAL LAND USE

- Process dictated by local ordinance
- Varies widely from community to community.
- Follow your local ordinance

DISCUSSION: WHAT IS THE REVIEW PROCESS FOR SPECIAL LAND USES IN YOUR COMMUNITY?

PLANNED UNIT DEVELOPMENT

- 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



QUESTIONS?

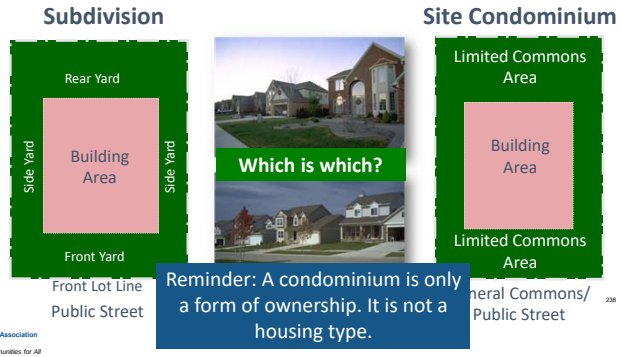


LAND DIVISION ORDINANCE

- Divisions without platting
- Must allow access
- Zoning compliance
- Public easements for utilities
- Lot width-to-depth ratio (1:4) unless otherwise stated
- Buildable lots
- Recorded with county



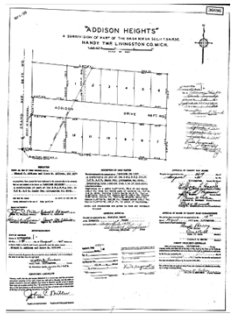
SUBDIVISION VS SITE CONDOMINIUM



Reminder: A condominium is only a form of ownership. It is not a housing type.

SUBDIVISION ORDINANCE

- Lot layout
- Roadway/pedestrian
- Drainage
- Utilities
- Street lighting
- Landscaping
- Natural features protection
- Review and approval process



SUBDIVISION ORDINANCE

APPROVAL PROCESSS

1. Pre-application meeting
2. Tentative preliminary plat submission
   - PC review (public hearing)
   - Elected body approval
3. Final preliminary plat submission
   - PC review
   - Elected body approval
4. Final plat submission
   - Elected body approval



SITE CONDOMINIUMS

- Local ordinance should specify that the district standards apply
- Local review process can be established in the Zoning Ordinance
- May include public or private roads
- Condominium Rules and the Condominium association also regulate the development



QUESTIONS?





MAKING EFFECTIVE DECISIONS

PLANNING AND ZONING ESSENTIALS

AUTHORITY

ROLES AND RESPONSIBILITIES

ELEMENTS OF EFFECTIVE DECISIONS

STATUTORY AUTHORITY

Planning

Planning Enabling Act
Public Act 33 of 2008
(MCL 125.3801 et seq)

Zoning

Zoning Enabling Act
Public Act 110 of 2006
(MCL 125.3101 et seq)

STATUTORY AUTHORITY

Additional Legal Constraints

- Federal Laws (e.g., religious institutions, cell towers)
- State Laws (e.g., public school land use exemption)
- Case Law (e.g., county facilities, family definition)
- Attorney General Opinions (e.g., incompatibility of offices)
- Other Local Ordinances (e.g., nuisance ordinances)

ROLES AND RESPONSIBILITIES

Planning Commission (Appointed)

- Master Plan
- Zoning Ordinance
- Site Condominiums
- Zoning Reviews
- Site Plan Review
- CIP's
- Annual Report

Legislative Body (Elected)

- Appointments
- Ordinance Adoption
- Zoning Final Action
- Budgets
- Master Plan (optional)

Zoning Board of Appeals (Appointed)

- Variances
- Appeals
- Interpretations
- Other Duties

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

Elements of Effective Decisions

Information

Preparation

Deliberation

Documentation

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INFORMATION - APPLICATION

Initial Contact

- Staff has informed applicant of forms, filing dates, fees and meetings

Application Process

- Complete applications
- Plans or other documentation
- Application deadlines



APPLICATION

Application Process

- Consider providing flow charts
- Consider providing online fillable forms



Source: Grand Blanc Township Development Manual by Giffels Webster

PREPARATION

Before the Meeting

- Read application materials
- Do a site visit

SITE VISIT OR MEETING?



- Individual Visits
- Written Permission to Enter Site
- Avoid Ex-parte Contacts
- What to Look For...

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DISCUSSION: "AS A DECISION MAKER, I NEED ALL THE INFORMATION I CAN GET TO MAKE A BETTER DECISION. I SHOULD BE ABLE TO GET THAT INFORMATION IN ANY WAY POSSIBLE."

IS THIS STATEMENT APPROPRIATE?

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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



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Appropriate Delays

- Incomplete application
- Extensive changes necessary to comply with ordinance standards
- Applicant requests delay in writing
- When necessary information from an agency or the applicant has not been received

Inappropriate Delays

- When receipt of another agency permit can be handled as a condition
- Minor changes to the plan are required which will not affect site layout and can be handled as a condition (e.g. variance request for a larger sign)

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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

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CONDITIONS

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

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MOTION -- MUSTS

- Site plan name and number
- Date of plan (including revision dates)
- The result (approved, approved with conditions, denied, postponed)
- Reasons for action(s) taken
- Any conditions (with time tables if applicable)
- Who will verify conditions are met (if applicable)

Motions should be:

- Clear to everyone
- Formed properly

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MOTIONS -- HINTS

- Phrase motions carefully to withstand scrutiny by a court.
- Ensure everyone is clear on motion.
- Reference relevant sections of ordinance and reports
- Conditions may be imposed on any zoning decision, except rezoning.

ROLL CALL VOTE

Do we need a roll call vote?

- Open Meetings Act – 2/3 majority roll call vote required for calling a closed session. Otherwise, votes may be by roll call, show of hands or other method that informs the public of vote
- Bylaws – Are roll call votes addressed?
- Ordinances and Plans – Roll call vote is good practice if voice vote is not unanimous

Sample Motion

Dissection: Introduction

Whereas, based on the above information which **demonstrates conformance** with the requirements of **Sections 6.5 and 10.2** of the Willis Township **Zoning Ordinance**, I move that the request by the **Adams Development** Company for a **special use permit** for a shopping center at **77 Sunset Strip, parcel #18-22-14-200-0010,** be **approved**, with the following **conditions**:

→ *Concluding Finding*
→ *Applicant*
→ *Approval Type*
→ *Site*
→ *Decision*

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Sample Motion

Dissection: Conditions

1. The landscape plan will be revised to include the six-foot high wall along the western boundary required by Section 11.12.
2. A copy of the driveway permit from the road commission will be provided.
3. Revised storm water runoff calculations to demonstrate the adequacy of the detention pond, as outlined in the engineer's report, will be submitted and approved by the Municipal Engineer.
4. The waste receptacles will be moved out of the fire lane, as requested in the Fire Chief's report.

Conditions

A revised, dated site plan and documents addressing the above will be submitted for staff approval within **60 days**.

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DISCUSSION: HOW DO YOUR COMMUNITIES HANDLE MOTIONS?

PERMIT ISSUANCE AND INSPECTIONS

- Final site plan approval does not authorize construction
- Must meet all conditions of approval, plus other agency permits / reviews
- Approved site plan = legal basis for future site compliance inspections



PERMIT ISSUANCE AND INSPECTIONS

- Send letter to applicant outlining next steps, who is responsible, and timeframe. Keep tickler of when approval expires.
- When plans for permit arrive, ensure all conditions of approval have been met
- Circulate plans to proper departments/inspectors.
- Time frame for construction to occur. Must be stipulated in ordinance

ENFORCEMENT

A **meaningful enforcement program** requires

- **Commitment**: willingness to commit staff and resources
- **Ordinances:** effective and enforceable provisions
- **Process:** fair and consistent enforcement procedures

QUESTIONS?





RISK MANAGEMENT

PLANNING AND ZONING ESSENTIALS

You **CAN'T always avoid** litigation

But you **CAN manage risk and liability** by:

- Avoiding conflicts of interest
- Using consistent rules and procedures
- Treating everyone fairly and consistently
- Keeping accurate and complete records
- Keeping current on your training through MAP



"So, I'm the only one who sees a conflict of interest here?"

"My wife works at the law firm representing an applicant. She works for another attorney in the same firm, but not in the same kind of practice.

Do I have a conflict?"

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Discussion: Which of the following may constitute a **conflict of interest?**

A. You are the applicant
B. Applicant is a relative
C. Applicant is a neighbor
D. Your firm works for the applicant
E. Applicant is a business associate
F. Business competitor
G. You do not want to vote contrary to overwhelming public comment

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Personal and legitimate belief: Anytime a Board member legitimately believes he/she cannot act impartially with respect to a request, he/she should advise the Board of the same, which should then be considered by the Board prior to any action on the item.

If you have to ask…

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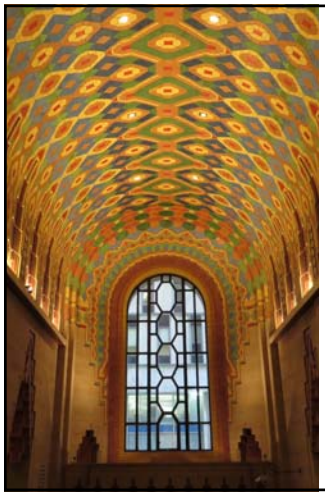
A member with a potential conflict of interest should disclose the conflict to the reasonable satisfaction of the Board, so that the same becomes part of the official public record prior to any action and/or deliberation on the matter.
This is important for all interests involved.

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A member abstaining due to a conflict of interest should not participate in the discussion of that item and should leave the room.

- *It is important to leave the room prior to any discussion and/or deliberation on the case as it is not ethical to go through the public hearing process, and then, before the vote, declare a conflict of interest and not vote.*
- *In the case of a Zoning Board of Appeals member, call in an alternate.*

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PUTTING IT ALL TOGETHER

PLANNING AND ZONING ESSENTIALS

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Planning

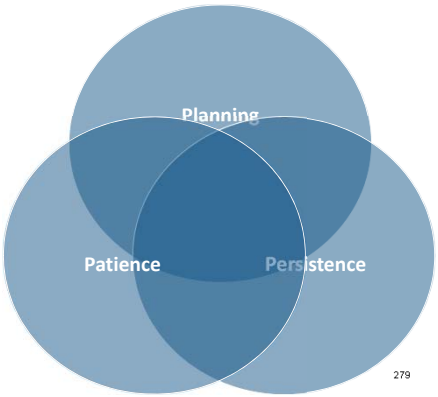
- Have a plan and stick to it

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



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QUESTIONS?



APA MI

Thank you!

FOR MORE INFORMATION ON ***MEMBERSHIP***, HOW TO ***BRING TRAINING TO YOUR COMMUNITY***, OR ***OTHER WORKSHOP TOPICS*** PLEASE SEE GIVE US A CALL OR SEND US AN EMAIL!

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