



PLANNING AND ZONING FOR DOWNTOWNS



IN
PARTNERSHIP
WITH



MICHIGAN
MAIN STREET



MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION



LEAH DuMOUCHEL, AICP

DIRECTOR OF PROGRAMS AND COMMUNICATIONS

WHO WE ARE



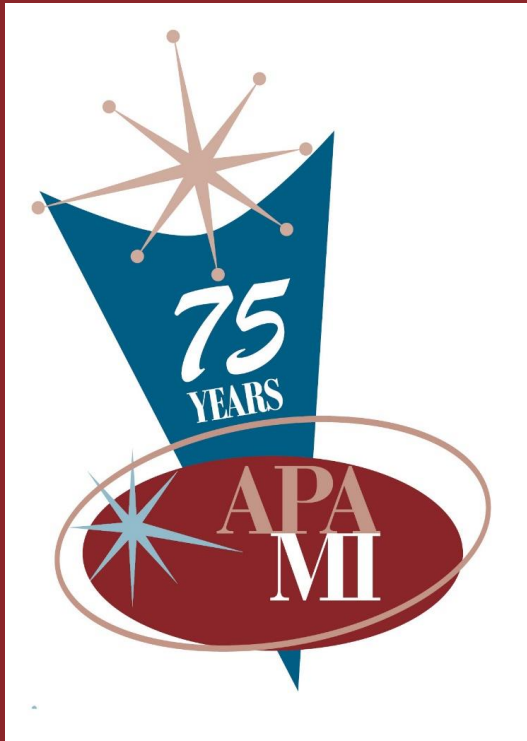
1919 W. STADIUM, SUITE 4
ANN ARBOR, MI 48103
(734) 913-2000
INFO@PLANNINGMI.ORG

MICHIGAN ASSOCIATION OF PLANNING



OUR MISSION The Michigan Association of Planning (MAP) exists so that Michigan will consist of healthy, safe, attractive, prosperous, equitable and successful communities based first and foremost on quality community planning.

MAP provides **information**, **education**, and **advocacy** to professional and citizen planners so that they can make better land use decisions.



WE ARE...

A non-profit membership-based organization established in 1945

WE SERVE...

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

WE PROVIDE...

- Timely information
- Books and publications, including Michigan Planner magazine
- On-site workshops
- Training workshops and conferences for officials



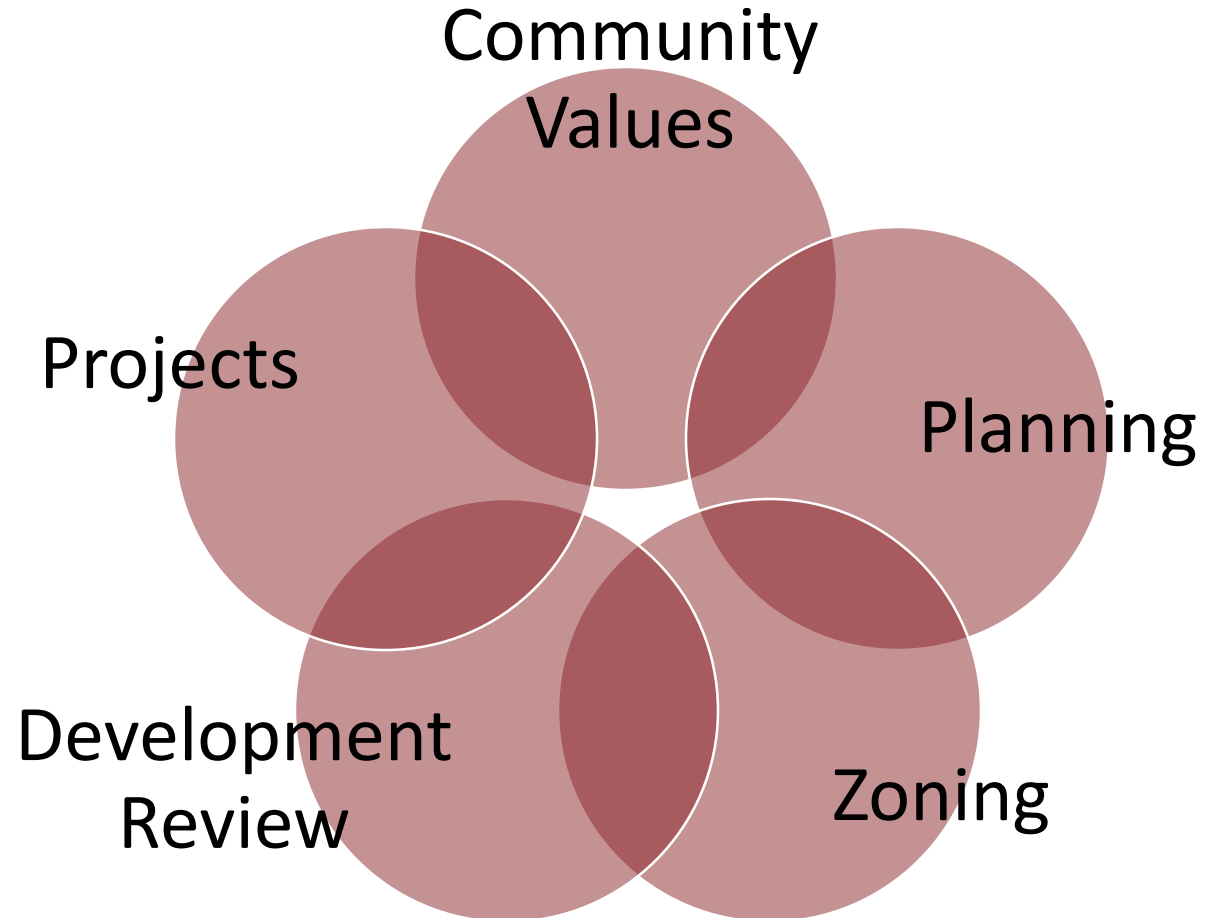
INTRODUCTIONS

ORGANIZATION

involves creating a strong foundation for a sustainable revitalization effort, including cultivating partnerships, community involvement, and resources for the district



The planning and development cycle

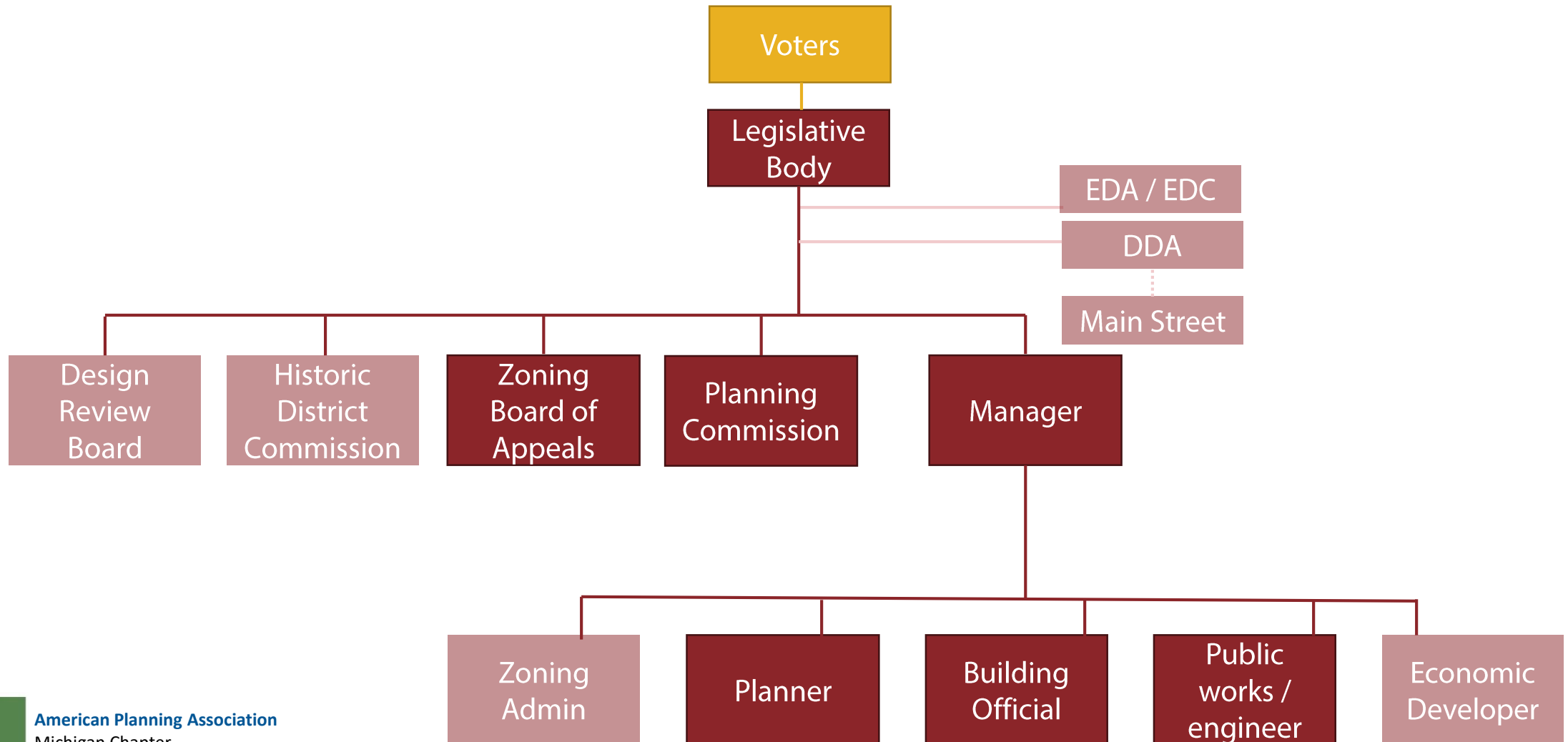


THE PEOPLE



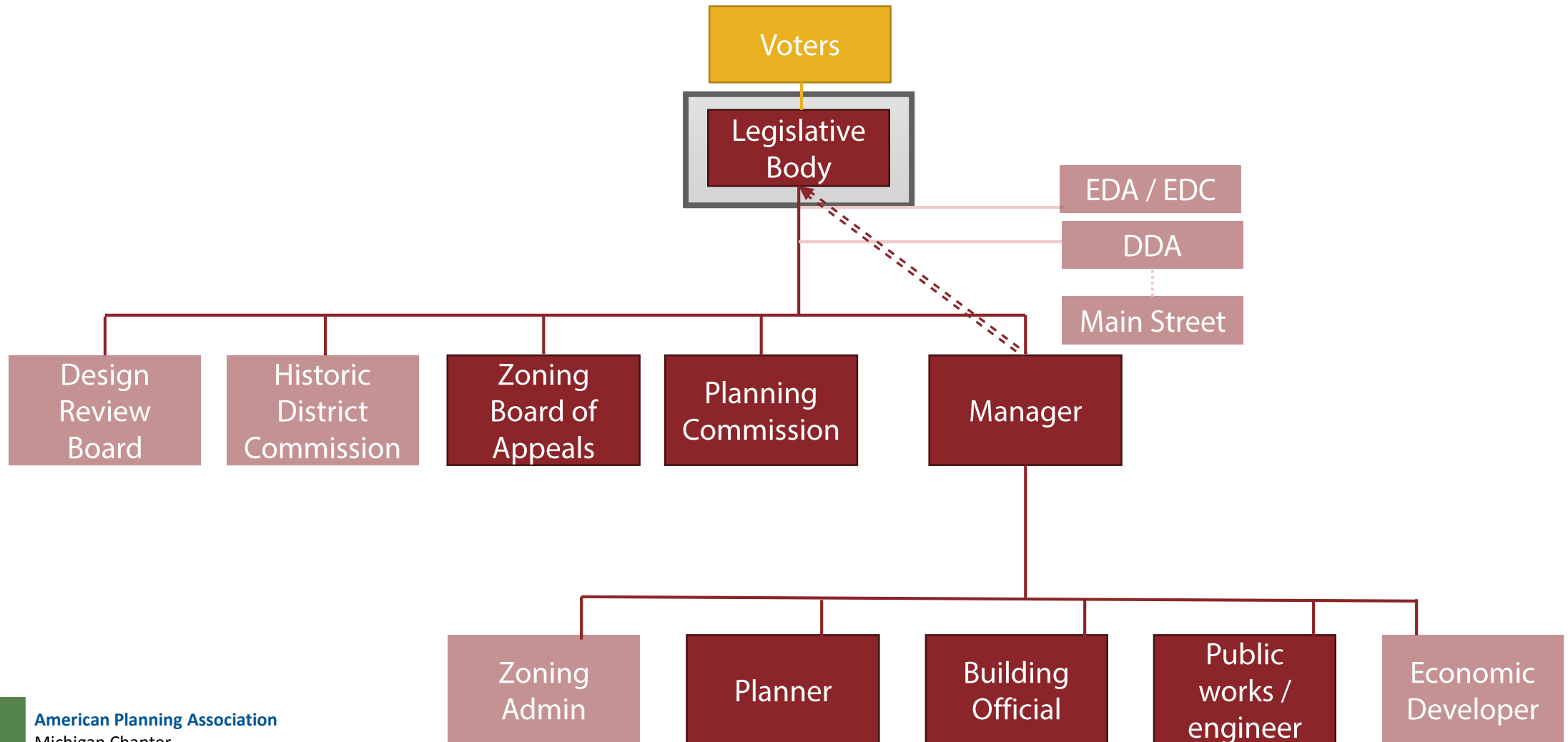


The People in Your Planning and Development Process



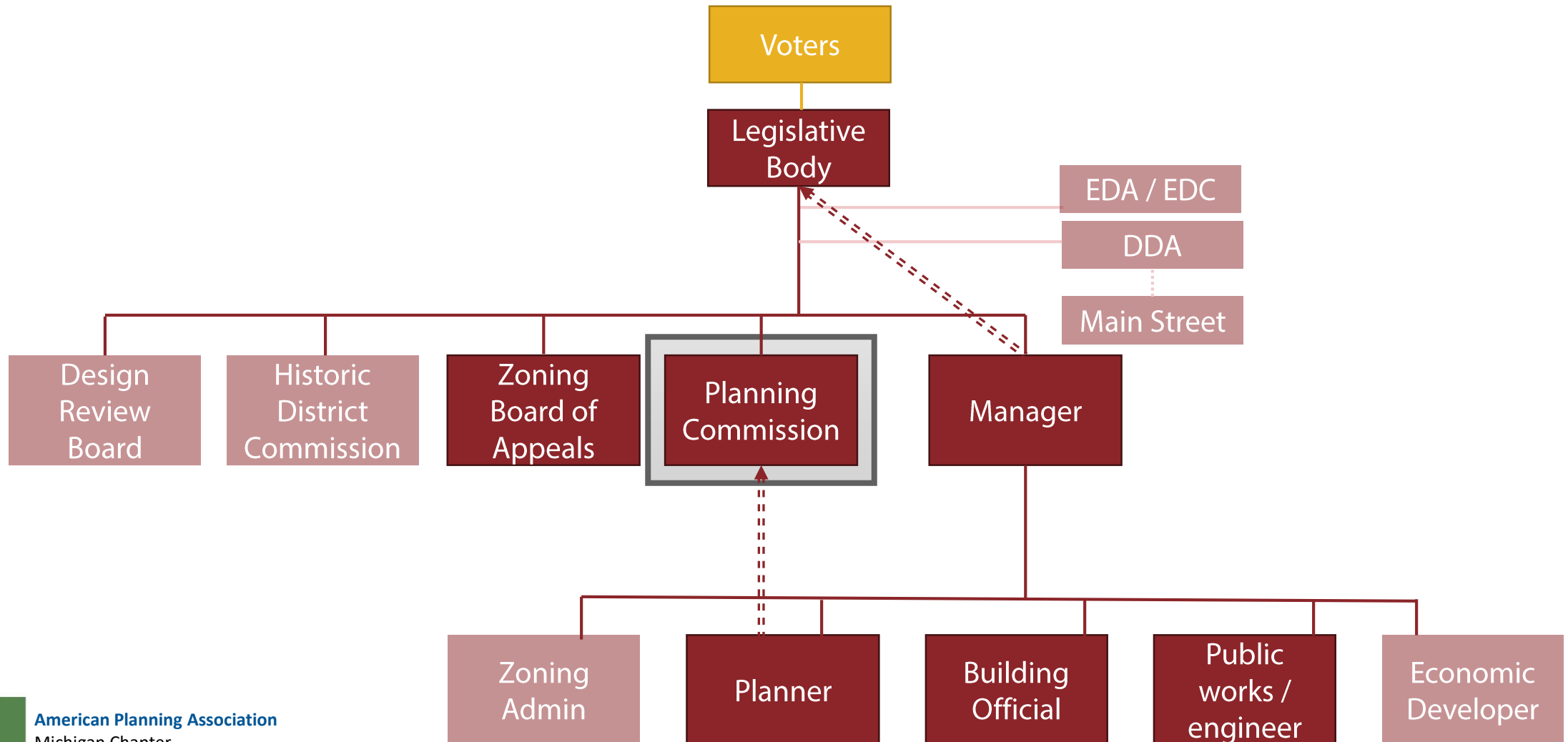


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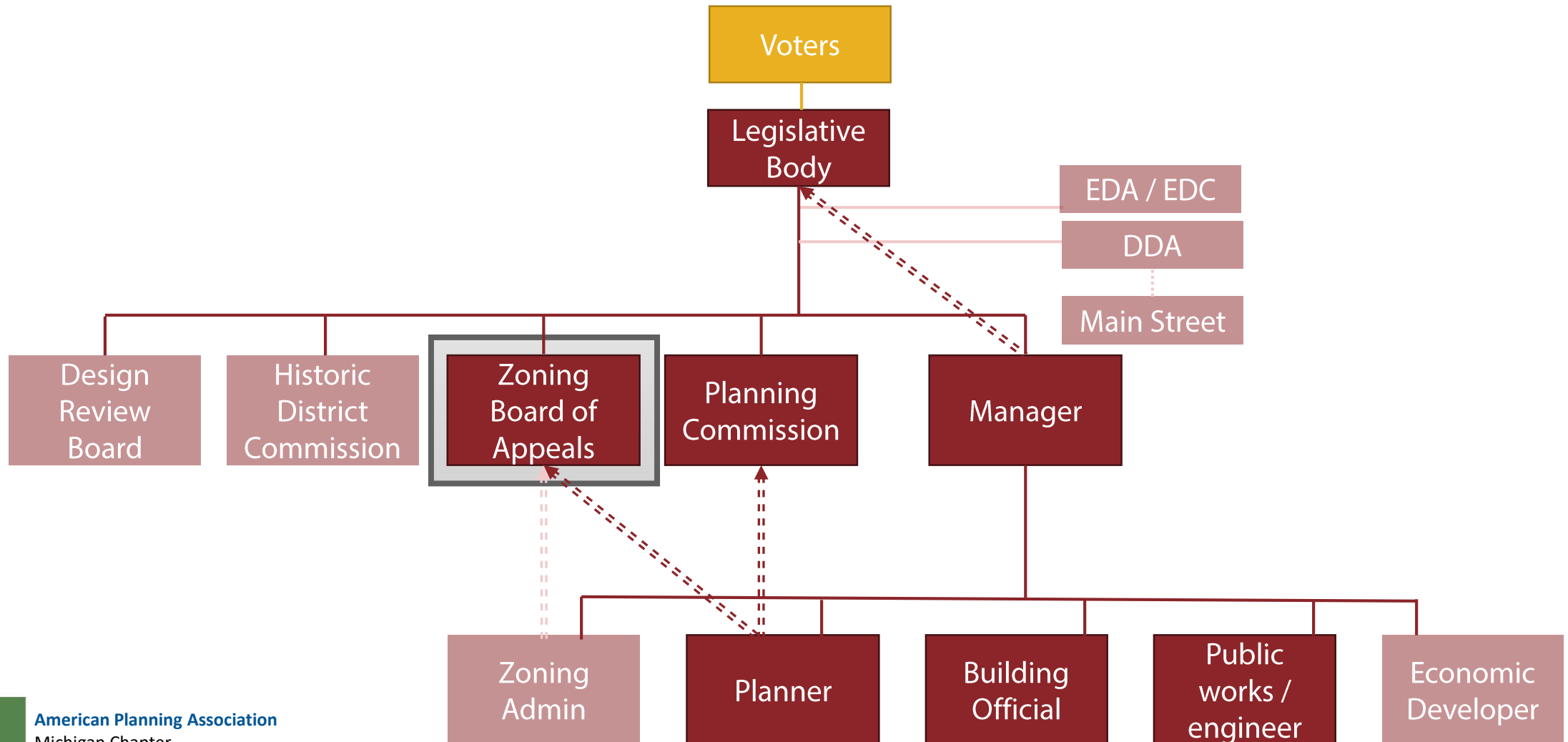


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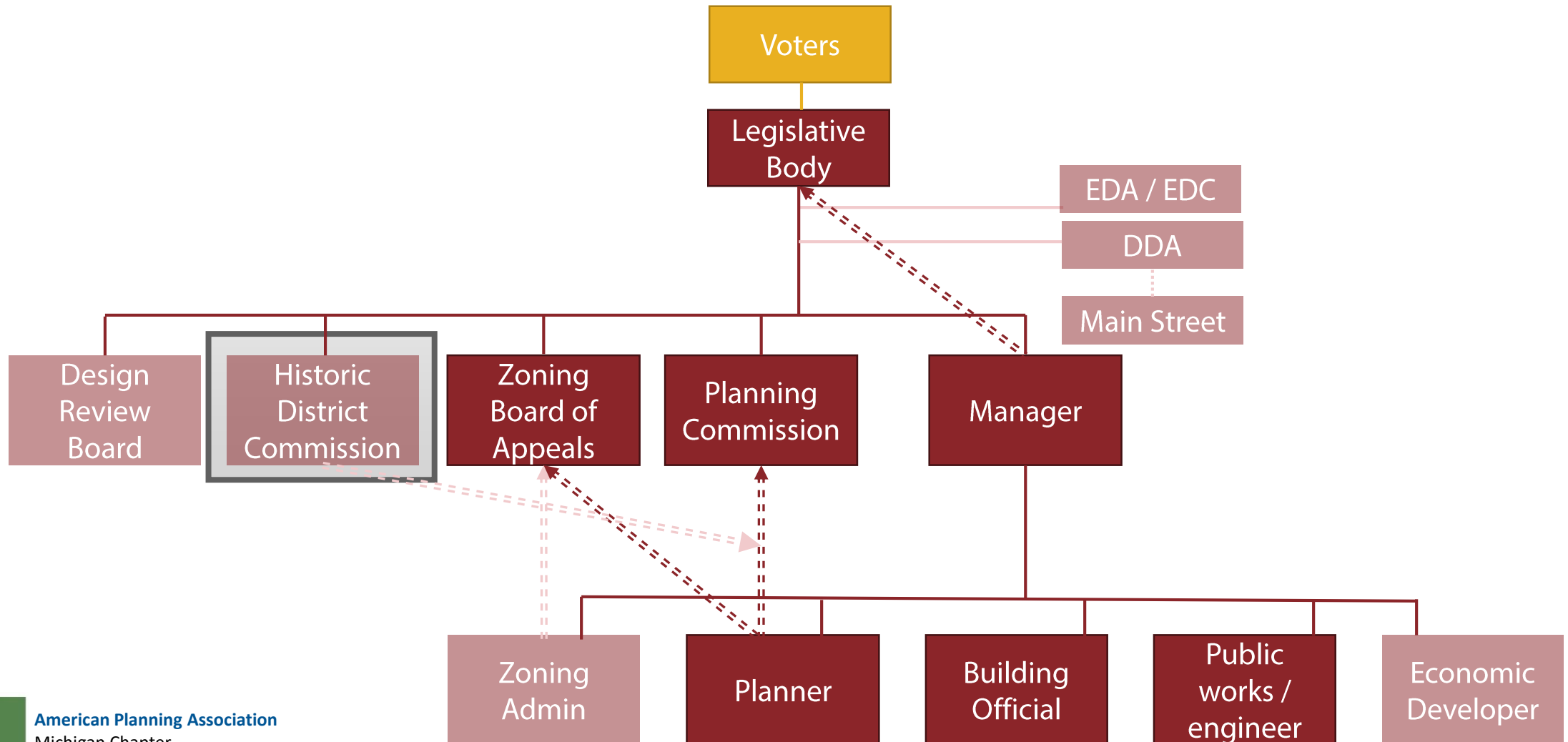


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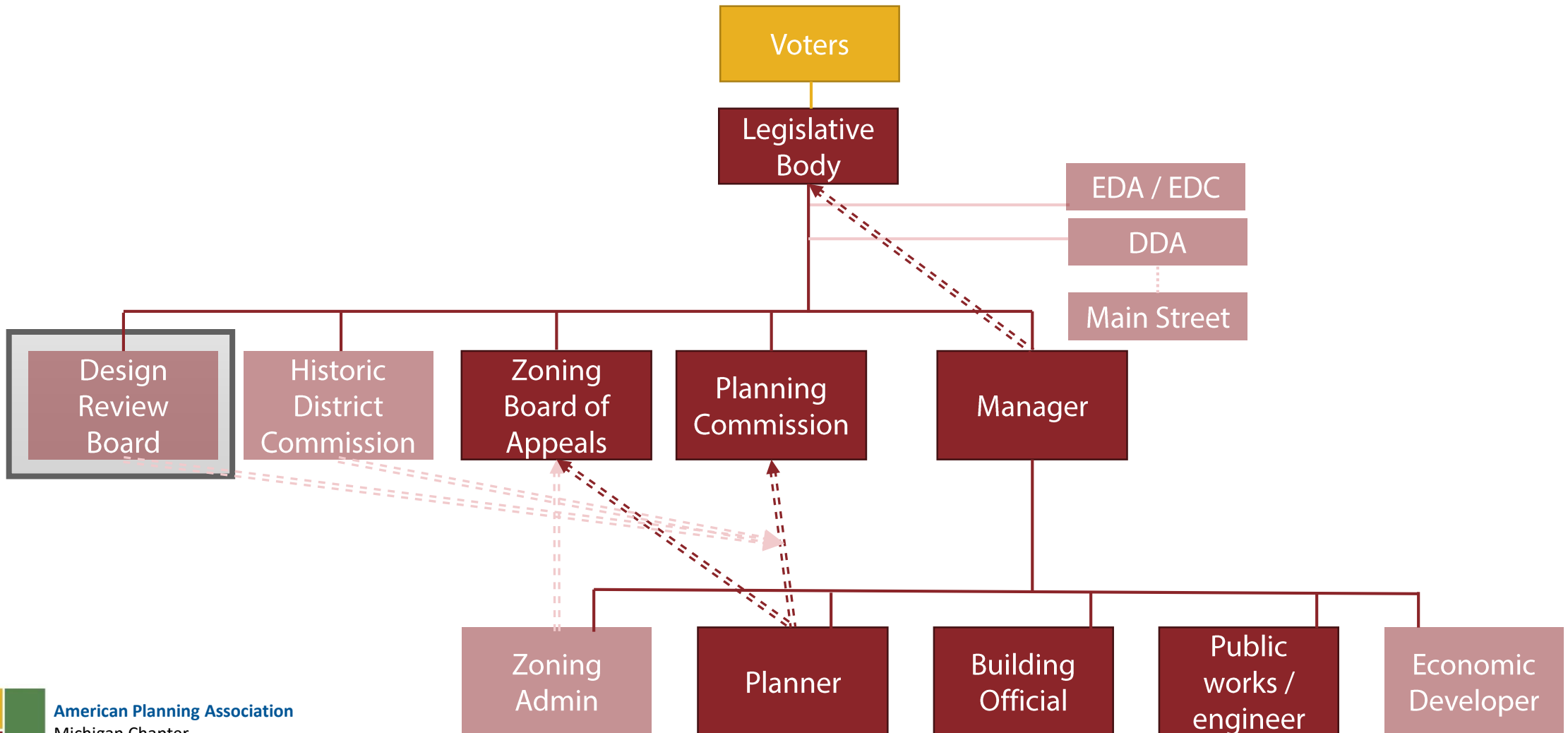


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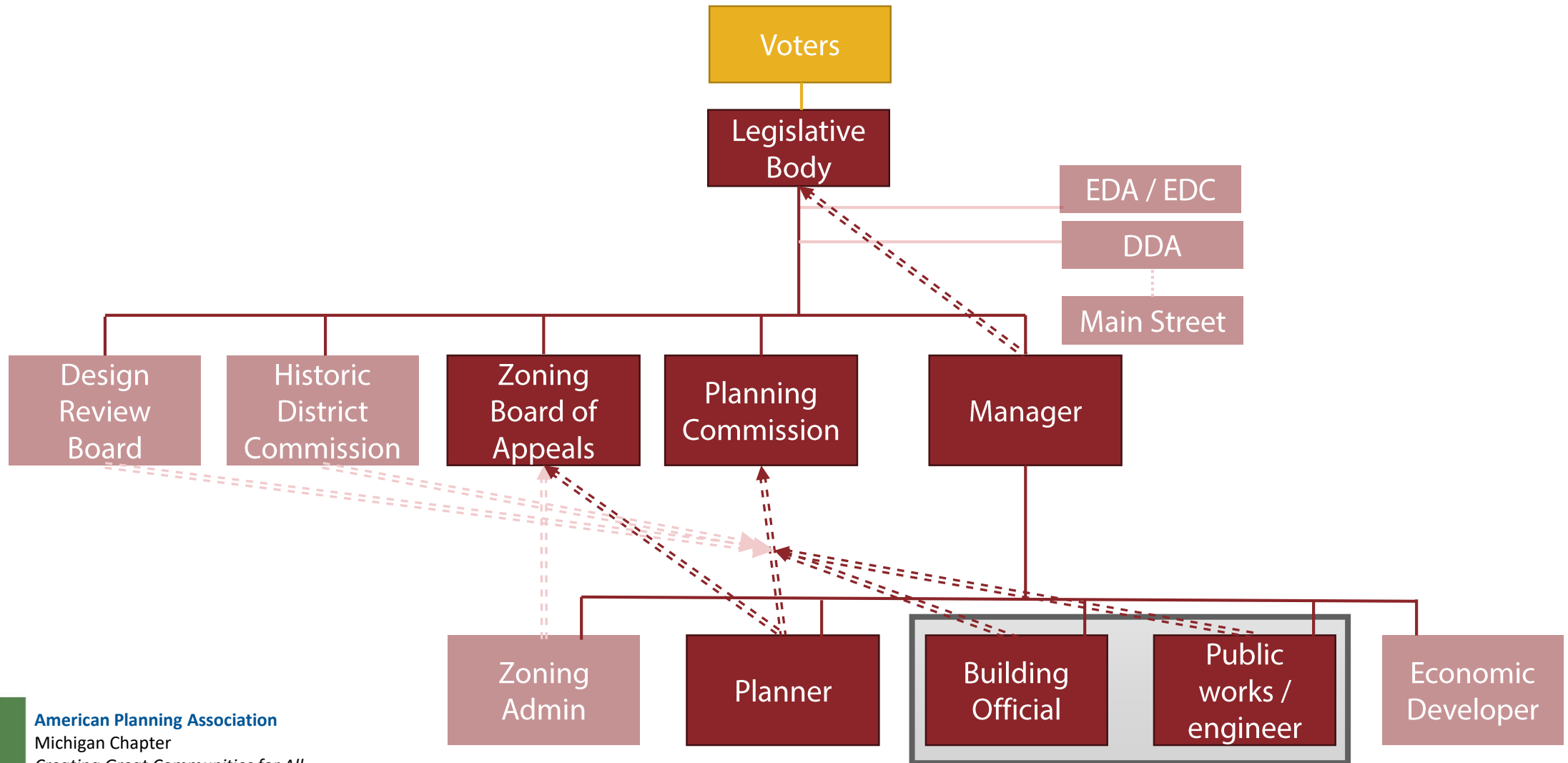


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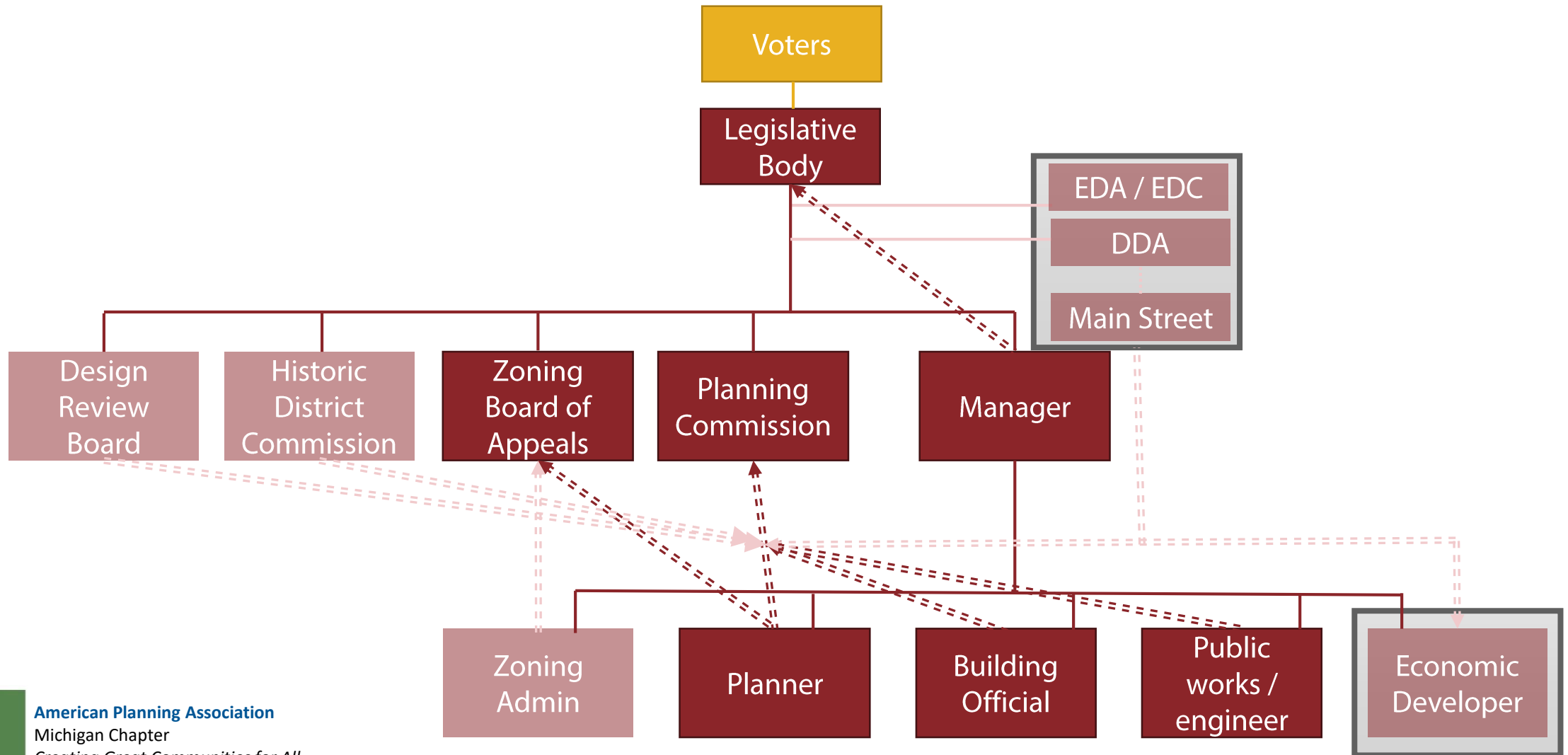


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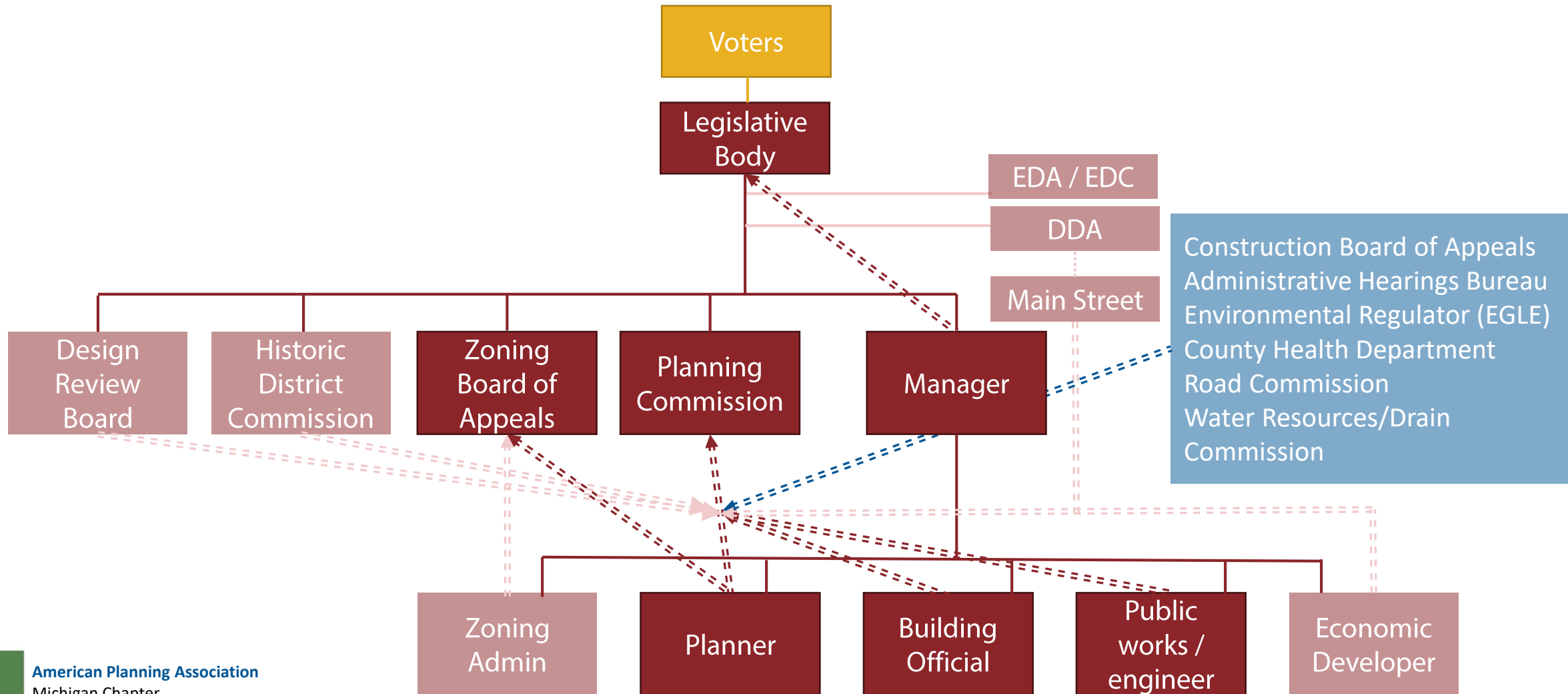


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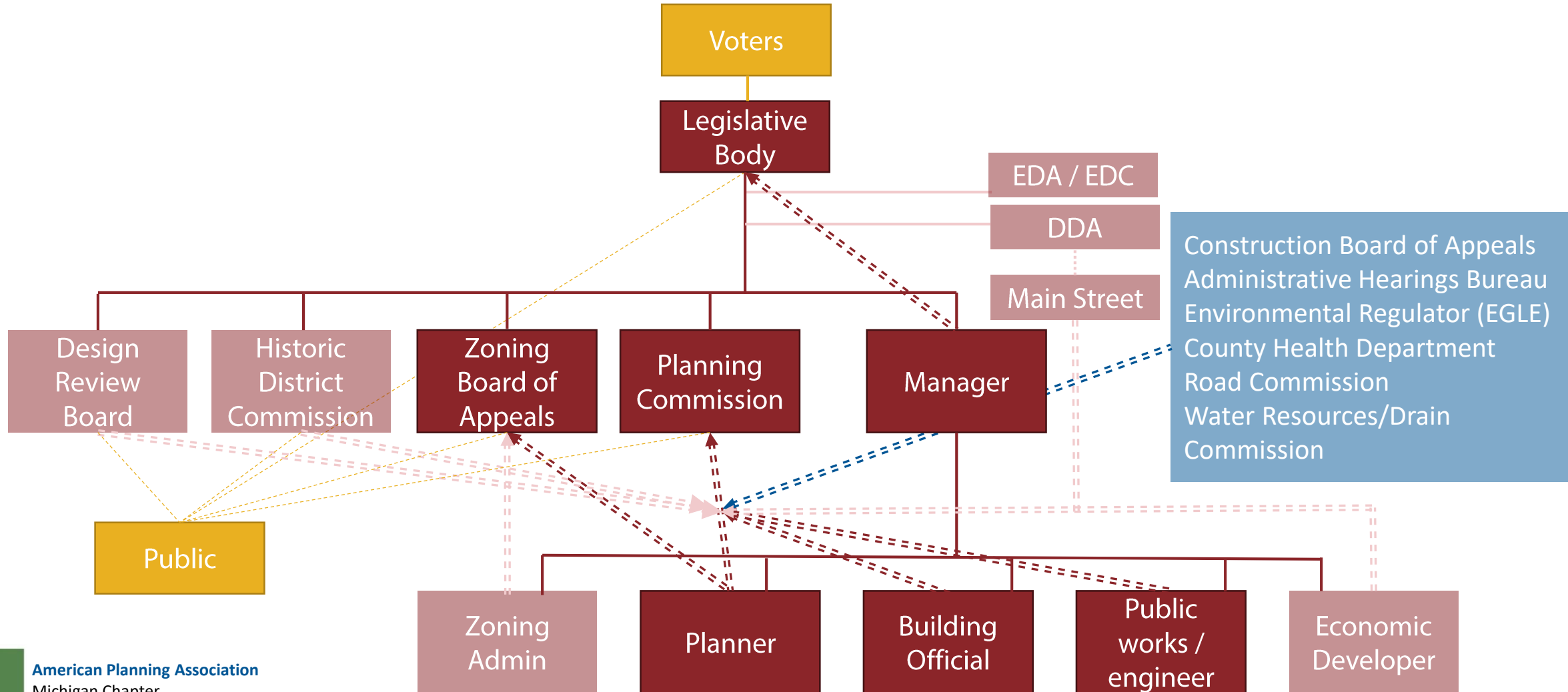


The People in Your Planning and Development Process





The People in Your Planning and Development Process



LAWS AND DOCUMENTS





ENABLING LEGISLATION

Planning Enabling Act

PA 33 of 2008

- Establishes the makeup of **planning commissions**
- Governs **master planning**, including components, adoption, and review
- Assigns responsibility for the **capital improvements plan**
- Requires the planning commission prepare an **annual written report** to the governing body

Zoning Enabling Act

PA 110 of 2006

- Authorizes **zoning ordinances** and their adoption procedures
- Requires zoning ordinance to be based upon a **plan** designed to promote the **public health, safety, and general welfare**
- Creates specific **zoning tools** like special land uses, open space preservation, and planned unit development

Recodified TIF Act

PA 57 of 2018

- Authorizes all bodies that use **tax increment finance**, including DDAs, TIFAs, LDFAs, CIAs
- Generally requires a defined **boundary**, a calculation of the tax **capture**, and a development plan showing how the funds will be **spent**
- Authorities have **financial powers** to buy, sell, borrow, lease, etc.



GUIDING DOCUMENTS

COMMUNITY

Master Plan

- Vision and recommendations for the whole community
- Includes proposed projects (downtown plan incl), and changes to zoning ordinance
- Responsibility of planning commission

Capital Improvements Plan

- 6-year plan, updated annually
- Coordinates master plan recommendations with community's budget
- Responsibility of planning commission, but often done administratively in practice

Zoning Ordinance

- Local land use law
- "Shall be based" on the findings of the master plan
- Recommended by the planning commission; adopted by the legislative body

DOWNTOWN

Development Plan

- Identifies eligible projects to be funded with TIF
- Should include downtown projects from Master Plan or other docs
- Responsibility of DDA

Tax Increment Finance Plan

- Projects TIF capture in the district for the life of the plan
- Estimates the funds available for projects in the Development Plan
- Should coordinate with the community's budget
- Responsibility of the DDA

Design / SOI Standards

- May implement a review body that assesses exterior changes
- May have associated zoning requirements (PC and legislative body responsible)
- Legislative body creates board, board creates standards



PLANNING

PROMOTION

positions the downtown or commercial district as the center of the community and hub of economic activity, while creating a positive image that showcases a community's unique characteristics



WHY PLAN?

DOES THIS REALLY HAVE
ANYTHING TO DO WITH ME?

- To increase *understanding* through participation
- To promote *coordination* on development and redevelopment proposals
- To protect and enhance *community character*
- To develop a *shared vision* for *quality of life* for all residents
- To anticipate and plan for solutions to *emerging issues*
- To support community efforts for *grants and funding*
- To preserve and protect our *natural environment*
- To enhance or designate *special and unique areas*
- To create the *legal basis* for zoning, subdivision design, and the capital improvement plan
- ***To manage change***



“If you don't know where you are going,
you'll end up someplace else.”
— Yogi Berra



TO GET TO THE DOING



The Master Plan's Implementation Chart, and the Project List in the Authority plan if you have one, positions the downtown director's task list

- ✓ Community-driven, data-supported, prioritized projects and programs *have already been identified*
- ✓ Names responsible parties and necessary partners (could be you!)

THE PLANNING PROCESS





PLANNING BASICS

What you have

Studies and plans
Existing conditions

data

+

What you want

Public engagement
Goals and objectives

preference

=

How you get there

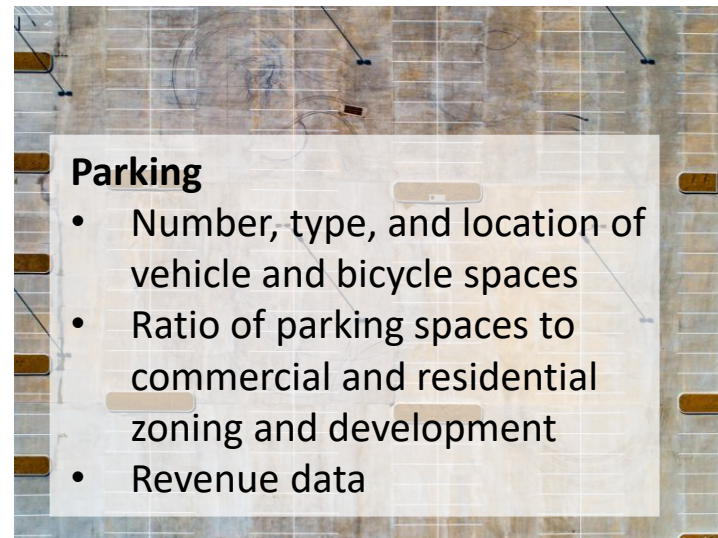
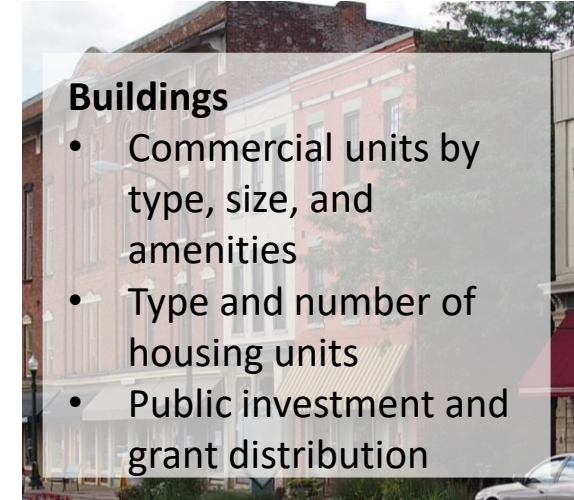
Policies
Action plan

plan



DATA

- Downtown data is often fine-grained and hand-collected due to its small size and unique boundaries
- GIS stores inventories, shows relationships, and integrates with municipal systems. Google Maps can do the first two





DATA: STUDIES

Market Studies

- Analyzes demographic / consumer preferences and competing businesses in the trade area
- Peer community comparison and benchmarking categories
- Surveys and focus groups: business owners, consumers
- Building & space usage
- Addresses business recruitment, retention & expansion; supporting entrepreneurs; niche development
- Marketing, image, & branding
- **Smaller scale, drilling toward specifics**
- **May produce specific estimates of land use quantities; compare to zoning**

Economic Strategies

- Identifies economic opportunities and challenges
- Addresses business and talent attraction/retention, education, and infrastructure
- Coordinates with a regional economic development strategy (CEDs)
- **Larger scale, focused on relationships**
- **May propose specific roles and activities for downtown organizations; integrate into downtown plan and master plan**



COMMUNITY ENGAGEMENT

- Close liaison with business owners; can serve as a stakeholder group
- Public engagement can be tricky, as downtowns often serve an entire region, but relationships and control are concentrated in a much smaller area
- Downtowns often serve the most vulnerable and overlooked members of the community, including the unhoused
- They also generally host the community's flagship investments and wealthiest members





ENGAGEMENT: PUBLIC PARTICIPATION PLAN

- Identifies key stakeholders, including those not normally at the visioning table
- Describes public participation methods, and venues for each
- Details desired engagement techniques for priority development sites
- Includes both traditional and proactive methods
- Identifies how results will be reported out
- Community regularly reviews and updates the plan
- Governing body gets an update on engagement activity least annually



POLICIES / GOALS

- Policies and goals are a critical element of a master plan
 - There should be at least one policy statement about the downtown in the master plan, and it should harmonize with any downtown plan
- They are not required in downtown plans, but they can be included
 - Should broadly reflect public and stakeholder sentiments
 - Intended to help guide decision-making by establishing general desired outcomes





POLICY DOCUMENT: FUTURE LAND USE MAP

- The future land use map is the policy document on which the zoning map is based
- It shows the desired designation of each parcel based on the information contained in the Master Plan
- Its categories are generally fewer and more general than the zoning map; there are generally 1-2 that are specific to the downtown area
- **Category descriptions include desired land uses and development features**
- It does not have the force of law, but it is referenced and documented in development review
- Rezoning that are inconsistent with the master plan may be susceptible to legal challenge, and diminish the plan's utility over time

The MPEA requires a “zoning plan” in the master plan that describes what needs to change in the zoning ordinance to implement the future land use map.



ACTIONS

- Review your community's entire suite of adopted plans and strategies to find items assigned to downtown staff or organizations, or projects to which you can contribute even if not named
- **These items are your responsibility.** Create a spreadsheet and review it at every meeting
- Where progress stalls, note barriers
- **Track and celebrate successes (and put them in your reports!)**





A MASTER PLAN SHOULD . . .

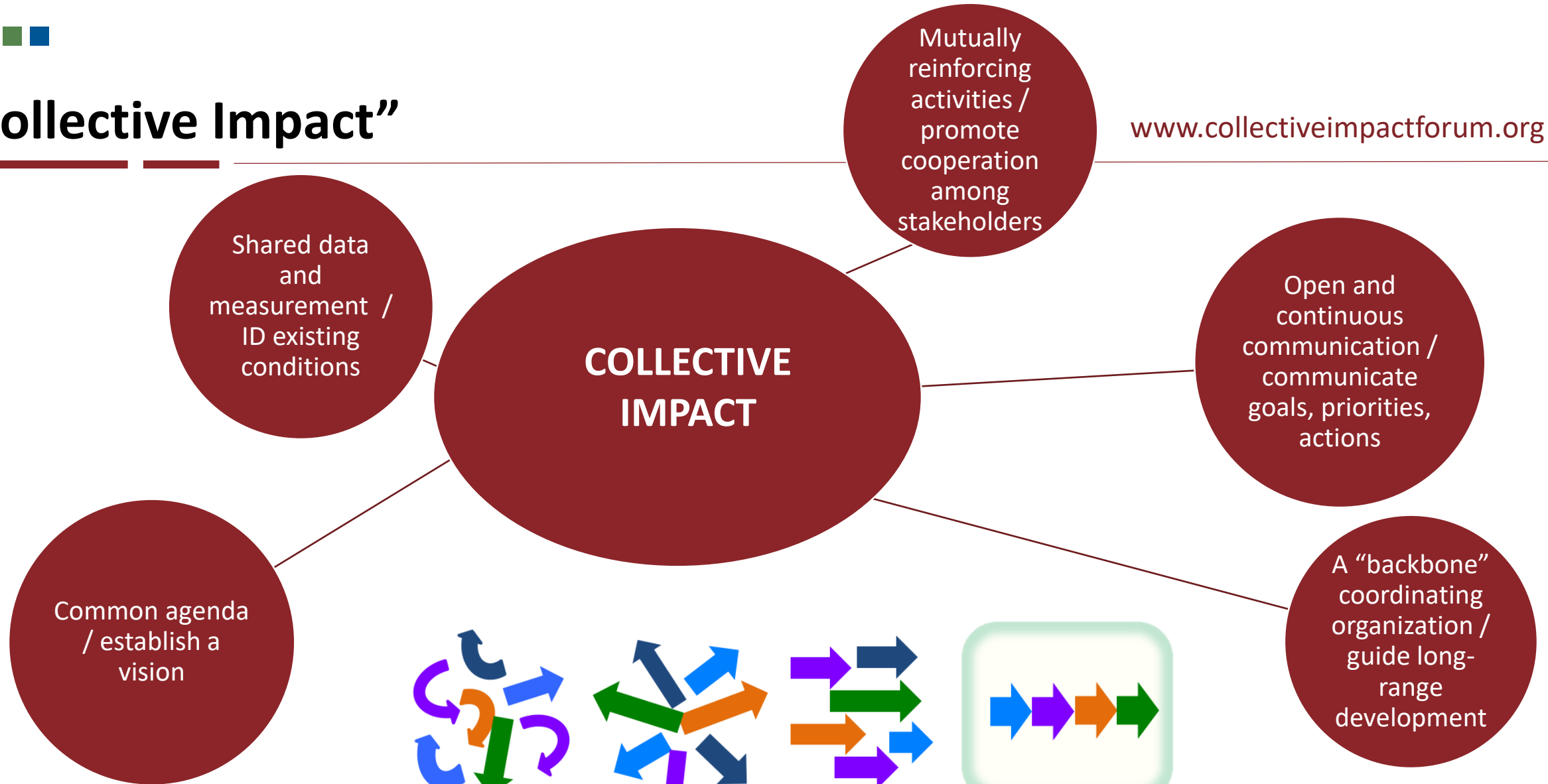
- **Establish** a vision for the community
- **Identify** existing conditions
- **Promote** cooperation between stakeholders
- **Communicate** goals, priorities, and intended actions
- **Guide** long-range development of the community for 20 years

*RRC Best Practice 1.1:
“The master plan
establishes goals,
implementation actions,
timelines, and
responsible parties.”*

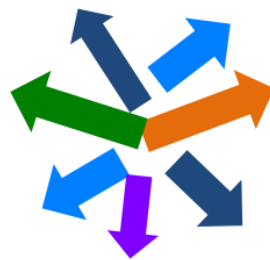


“Collective Impact”

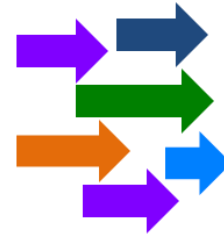
www.collectiveimpactforum.org



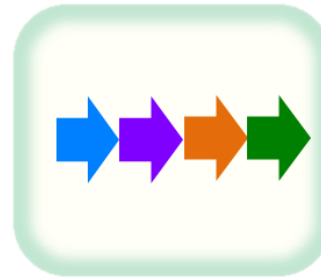
DISORDER & CONFUSION



INDIVIDUAL IMPACT in isolation



COORDINATED IMPACT with alignment



COLLECTIVE IMPACT with collaborative action

DOWNTOWN PLANNING





Planning language

Land Use

- What you can DO on the land
- Major categories: residential, commercial, industrial, agricultural
- Can be refined as much as the community likes
 - Commercial = service, office, retail
 - Commercial also = barber, bank, furniture sales
- May also refer to a type of activity shared across use categories, like drive-throughs and outdoor storage

Site Design

- Function and features of the parcel
- Major categories: parking, setbacks/build-to lines, landscaping, access, drainage, lighting
- Can be as tightly or as loosely controlled as the community likes
 - Denser development requires attention to shared functions
 - Cumulative effect produces “community character”



DOWNTOWN LAND PLANNING: CORE AREA

- **USES:** “Active” uses are those which are accessible to the general public and draw regular foot traffic: restaurants and retail are the classic examples. Identify the land uses that contribute to your downtown’s vibrancy, and also those which do not.
- **SITE DESIGN:** Walkability requires small parcel sizes, zero setbacks, and large windows. Visual consistency requires tight sign and architectural control. These are built investments that last a long time, as does the cost of lax standards or enforcement.
- These conditions are hard to sustain, so identifying a core area, and even limiting requirements to the ground floor, can concentrate these efforts to the geography that is expected to produce the “downtown experience.”



DOWNTOWN LAND PLANNING: EDGES

- **USE:** “Downtown” is the natural home for land uses outside of experience and walkability: administration, services, housing, offices, open space, transit, specialized or legacy industry.
- **SITE DESIGN:** Uses may be further constrained by intensity (medical offices only under 2,000 square feet, for example). Diverse uses in tight spaces can benefit from “buffering”: placing buildings, vegetation, or open space to reduce noise and visual impacts.
- Streets, sidewalks, and alleys have a heavy coordination burden, including loading, waste removal, pedestrians, transit, bikes, scooters, parking, and outdoor dining and sales. Building and site standards—and the cost of implementing them—support this functionality.



DEAR DOWNTOWN: PLANNERS ARE SORRY

We made two things illegal in the 20th century that we shouldn't have

Mixed Uses

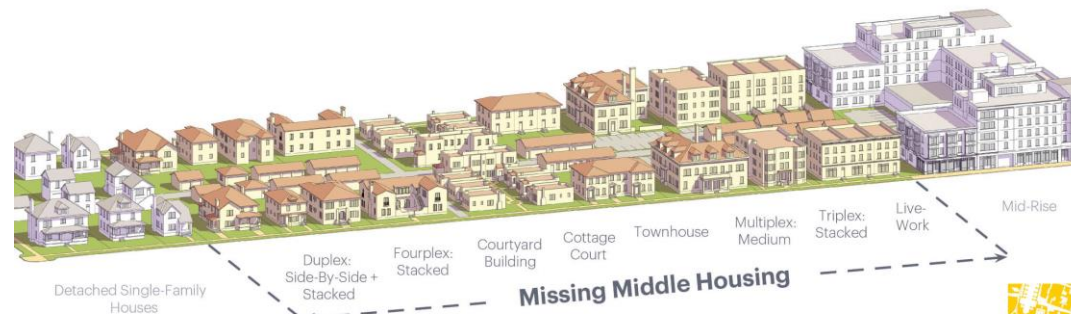
Downtown is where commercial and residential uses have traditionally coexisted by right, but have been outlawed over time

- Residential uses support businesses; businesses are amenities to residences – but may not be right for all
- Mixed uses can support a low-car lifestyle
- Mixed uses can support safety with round-the-clock activity and “eyes on the street”

Missing Middle Housing

Near-downtown neighborhoods can be an excellent site for “missing middle” housing

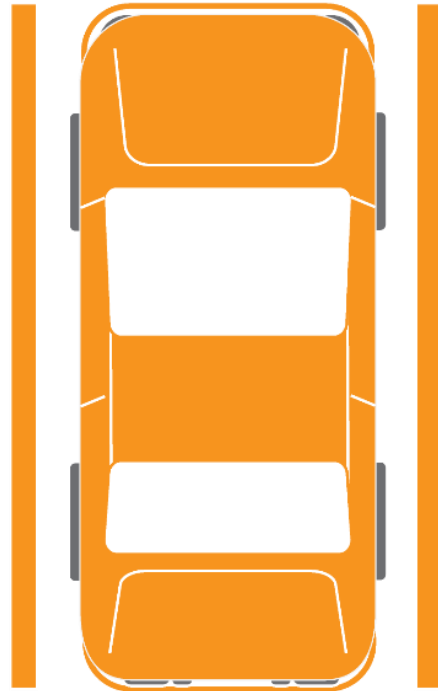
- Denser than is traditionally allowed in single-family zones, attractive to people who prefer amenities over yardwork
- Supports downtown businesses
- Can be a site of land use conflict between commercial and residential uses; acknowledge, use site design to remediate as possible



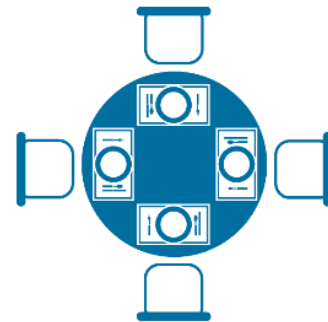
DOWNTOWN LAND PLANNING: PARKING

Downtown parking is special!

- “Walkable” is the opposite of “parkable”: per-parcel parking requirements are **incompatible** with tight development
- That means it has to be planned!
 - Supply: Compare the usable building square footage and permitted use categories to the total downtown parking spaces
 - Location: Calculate one-, five-, and ten-minute walk distances from public parking areas and compare with building square footage and uses
 - Access: Lighting, wayfinding, and visual interest all affect walkability, which has a safety component that must be addressed when compelling it.
 - Funding: **Downtown parking takes time and money.** Building owners, business owners, visitors, and residents share in it.



200' Parking Stall
sq. ft.



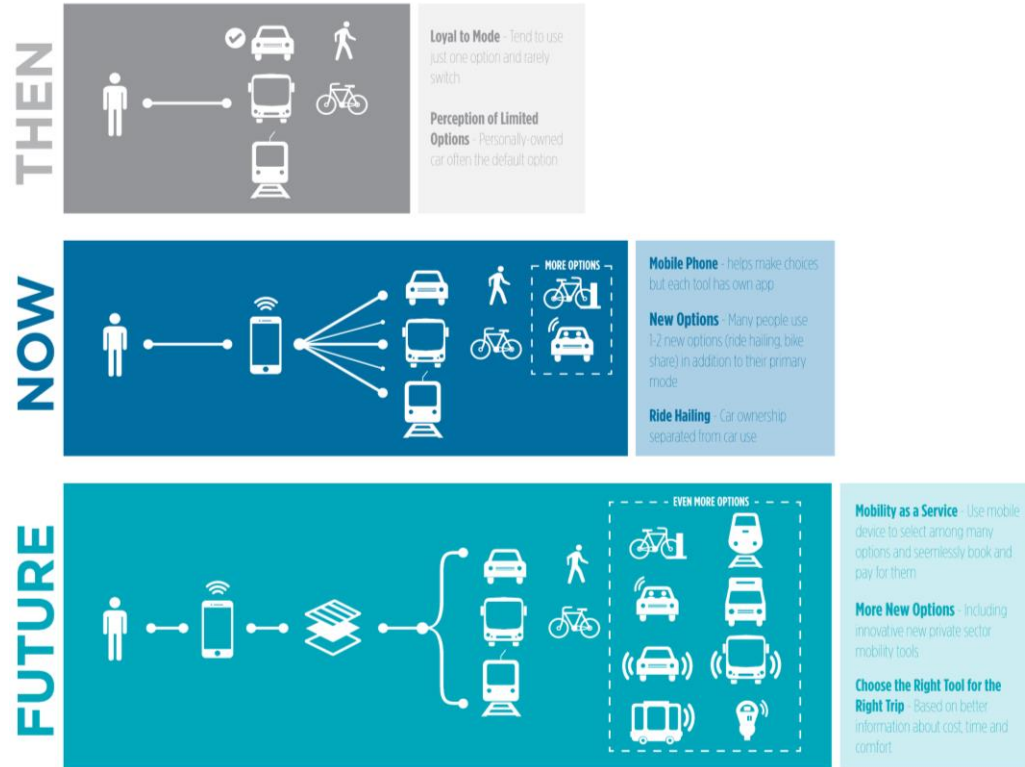
25' Dining Table
sq. ft.

A master plan may nor may not address parking, but the zoning ordinance certainly does. Desired changes in the zoning ordinance must be supported in the master plan.

DOWNTOWN LAND PLANNING: MOBILITY

Transportation = “across-carry” in Latin; mobility = “capable of movement”

- Multimodal streets and sidewalks: use design **investments** to manage conflicts – street parking can buffer pedestrian areas, protected bike lanes can serve scooters, tree planters can mark outdoor business areas, etc.
- Curb management: new need created by the rise of ride-share and the pandemic-related explosion of food carryout; consider dispersing well-marked, well-signed areas on streets perpendicular to the main drag
- Parking diversification: new accommodations like bike lockers and scooter parking can be integrated into existing parking facilities and also placed in coordination with bike/scooter infrastructure. **It is time to address EV charging.**



A master plan will have a Transportation chapter, and its mobility recommendations should be informed by your detailed understanding. Changes in the zoning ordinance must be supported in the master plan.



DOWNTOWN LAND PLANNING: SOCIAL INFRASTRUCTURE AND CULTURAL ASSETS

“Social infrastructure” is the physical features that facilitate human connection. They are formal and informal gathering spaces that are universally designed and intentionally inclusive.

- Places to connect that don’t require spending money
- Small scale (bench) to large scale (amphitheater)
- Observe, preserve, and enhance

“Cultural assets” Integrate community treasures, many of which are downtown, into the planning purview

- Structures and buildings with historical designations in place, and those which are eligible
- Places with affinity groups (friends of the library, for example)
- Places designed by community members



PLAN INTEGRATION AND ALIGNMENT

A master plan is the legal foundation for the zoning ordinance. The enabling language is broad enough to also allow for a community to integrate more targeted development goals:

- Five Year Park and Recreation Plan
- Sustainability / Climate Action Plan
- Nonmotorized Transportation Plan
- Design Guidelines
- Subarea Plans – such as Downtown or Neighborhood Plans
 - *Downtown Plan informs the Master Plan: Collaborate with the Planning Commission*
 - *TIF plan informs the Capital Improvements Plan: Collaborate with the Planning Commission and elected body*



ZONING

DESIGN

*supports a community's transformation by enhancing the physical
and visual assets that set the commercial district apart*



HISTORY OF ZONING



Before zoning, land use problems were resolved by applying the law of nuisance: Party or parties suffer, then sue; the nuisance may be enjoined by the court. The high costs of litigation made this approach undesirable.

Zoning regulations were established with the idea of attempting to *anticipate* circumstances in which public safety and health would be jeopardized, and *proactively* regulate for avoidance.



What is Zoning?

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 menu on the left with tabs for different articles. A blue tab is selected. The main content area shows the text of the ordinance with blue text indicating links to other sections. At the bottom, there are colored bars representing different districts, each with a link to the relevant section. Red arrows point to these elements with explanatory text.

Zoning Ordinance

An ordinance, adopted by a local government, that regulates development of land, uses, activities, and structures for the purpose of:

- Protecting property values and natural resources
- Preventing nuisances
- Fostering predictability



A few things to know about zoning

- Zoning must be **based on a plan**. This is a check on its potential to be arbitrary and capricious.
- Zoning regulations and approvals are specific to the parcel, property, or site. Approvals do not change with ownership, and a business cannot take its approval to a new location. This is what planners mean when we say zoning “**runs with the land.**”
- Zoning decisions are **permanent**, unless temporary by their nature (e.g. mineral extraction).
- **Nonconformities** are a unique feature of zoning regulations compared to other regulations. A building that met the zoning standards when it was built, but the zoning standards have changed so that it no longer does, is “legally nonconforming.” This is what’s meant by the term “grandfathered in,” although some planners choose not to use that term because it is derived from a practice once used to disenfranchise Black voters.

Master Plan and
Future Land Use Map

Zoning Ordinance
and Zoning Map

Long Range



Immediate

Guidance



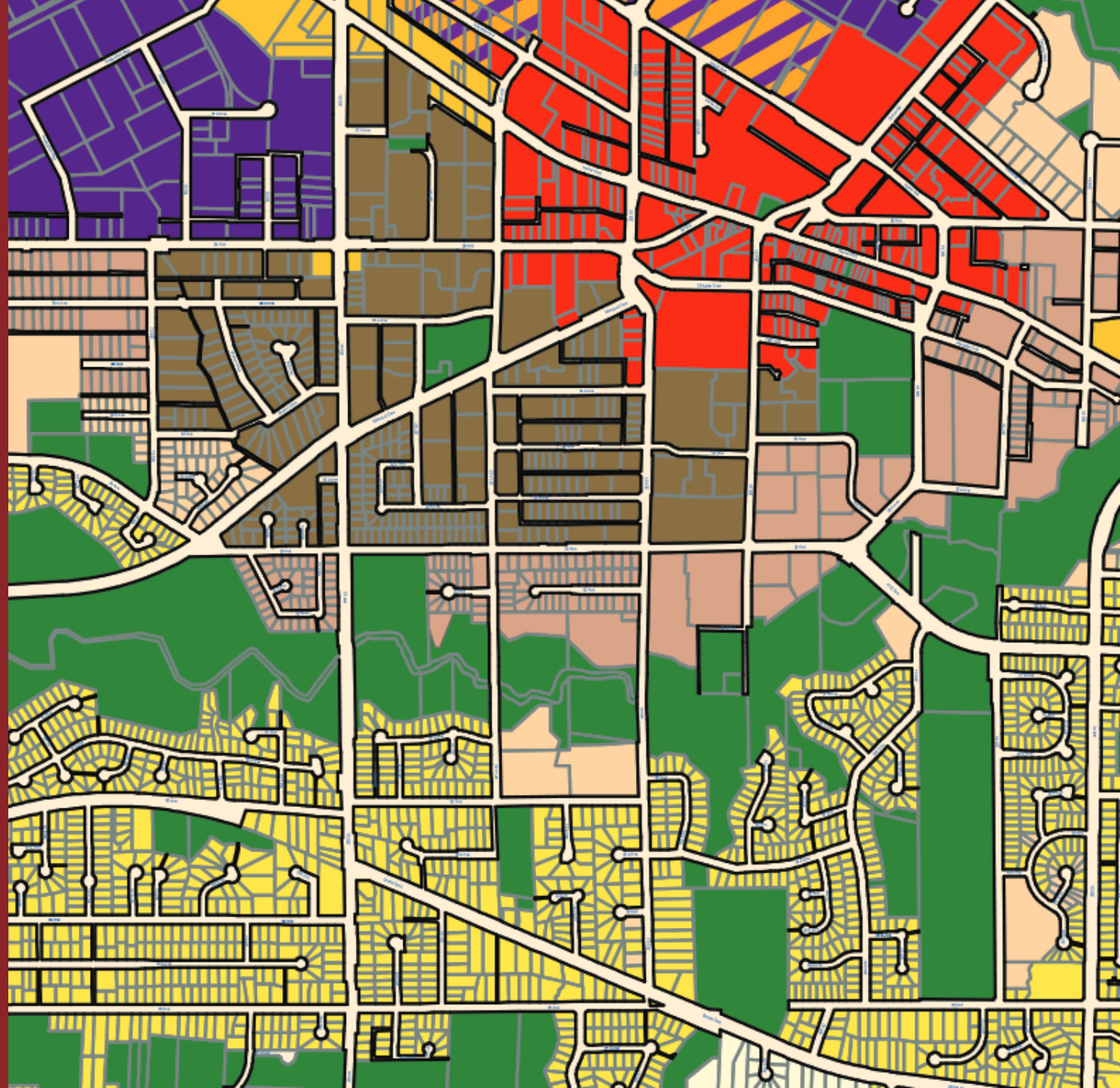
Regulatory

Policy



Enforced

HOW ZONING CONTROLS DEVELOPMENT





Zoning Districts

Zoning Districts Article

Site and Development Standards Article

Intent

- Purpose

Uses


- Permitted
- Conditions
- Special

Dimensions

- Lot
- Building

Form

- Site
- Building

- 
- Use Standards Article
- Auto Service Stations
 - Drive-Throughs etc.

Form Based Code

CONVENTIONAL ZONING

A diagram illustrating conventional zoning. It features three overlapping colored squares: a small dark red square at the top left containing the word "FORM", a medium green square below it containing the word "Operations", and a large pink square at the bottom right containing the word "USE". Below this diagram is a photograph of a CVS/pharmacy building, which is a single-story structure with a flat roof and large windows.

FORM-BASED CODES

A diagram illustrating form-based codes. It features three overlapping colored squares: a medium pink square at the top left containing the word "USE", a medium green square below it containing the word "Operations", and a large dark red square at the bottom right containing the word "FORM". Below this diagram is a photograph of a CVS/pharmacy building, which is a two-story structure with a brick facade, multiple windows, and a more complex architectural style.



Overlay Districts

Additional regulations applied “over” the base zoning to address special situations. Examples:

- A greater rear setback from a waterfront than required for landlocked parcels in the same district
- An adjusted setback to accommodate an easement that spans multiple properties
- Using zoning to enforce requirements of a historic district that spans multiple zoning districts
- Architectural standards that apply just to Main Street





GENERAL PROVISIONS

Provisions that apply across multiple districts or use types

- Accessory Buildings
- Home Occupations
- Temporary Uses
- Fences and Screening
- Nonconformities





SIGNS

- May be in the zoning code OR in a separate ordinance
 - Determines who is in charge of approval and who changes the ordinance
 - Affects whether signs can be legally nonconforming
- May regulate type, number, size, and placement of signs, but not content: *“If you have to read the sign to enforce the regulation, the regulation is probably not legal.”*



HOW TO USE A ZONING ORDINANCE





Use verification

The most common service that planners provide to the business and development community is answer the question, “Can I do X at Y address?” If you’re the one being asked, you can get that ball rolling:

1. Find out what district the address is in (GIS is a miracle worker for this, but Google Maps and your zoning map can get you there)
2. Look up the district in the ordinance and find the permitted uses
3. See if the proposed use is included. If it’s not, it’s not permitted.
4. If it is, see whether it’s permitted by right or with special land use approval, and whether there are conditions attached to the use. This should all be in the use table or list.

Make it clear that you are not the authority on this, but you are happy to help navigate.



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This works like you want it to maybe half the time. The rest of the time, there’s some quirk--the use doesn’t exactly match, the applicant wants to add a feature that looks like a whole new use, etc.

This is the planner’s headache, not yours.

Send the query to the planner and copy the possible applicant.

Keep track of requested uses that aren’t permitted. That’s good information!



Approval process

- What uses or construction types require review?
- What type of review process is required?
- When are public hearings required?
- Who is the approving body or official?
- What information is required for review?
- What are the standards for decisions?

All must be specifically written into the ordinance



HANDHOLDING: ART, SKILL, AND ESSENTIAL SERVICE

The second most common service planners provide to the business and development community is handholding.

- Development is risky and expensive. Zoning is complex and opaque. Applicants approach the process with attitudes ranging from trepidation to outright aggression.
- Planners spend a surprising amount of time simply meeting with applicants to explain the process, answer specific questions, facilitate connections with other required entities, and look into possible solutions.
- This is an essential part of the process. If you can help, please do.



HOW TO *REALLY WORK* A ZONING ORDINANCE

When you can, and when you should

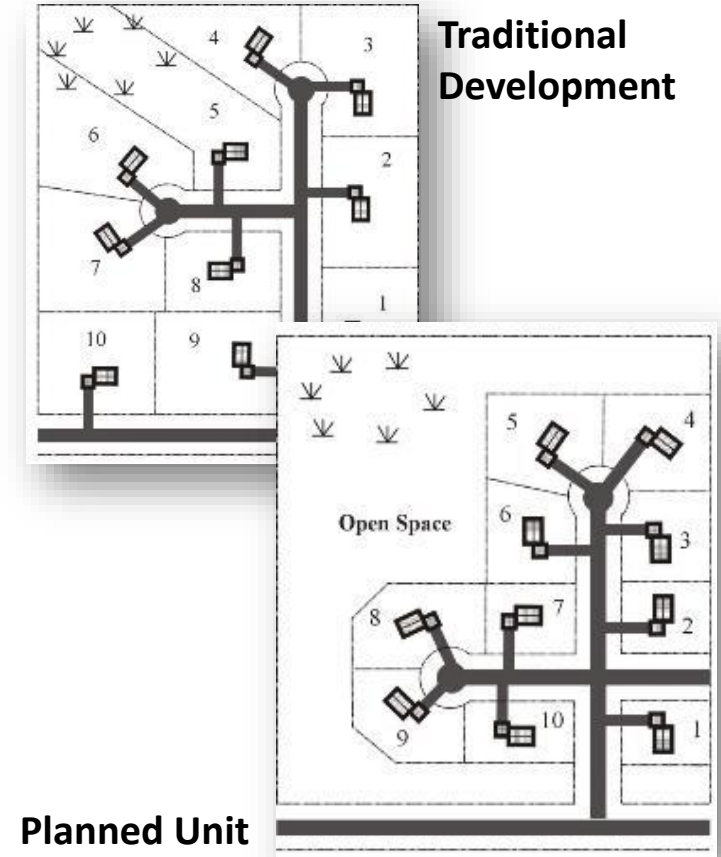




“It doesn’t fit”: Ordinance tools

Planned Unit Development provides flexibility in certain situations in exchange for a result that is **better** than the zoning ordinance would allow. It bundles planning and zoning into a single process that replaces zoning with a development agreement approved by legislative body

Conditional Rezoning is a voluntary offer from the applicant to do something “less” than the ordinance allows. The legislative process includes a development agreement, which will “run with the land” unless it expires





“It doesn’t fit”: Ordinance amendment

A **map amendment or rezoning** changes the zoning designation of a parcel from one existing district to another existing district through the legislative process

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

A **text amendment** can add the use to the district through the legislative process. This will apply to all parcels in the district and is generally only appropriate if it corrects an oversight or reflects a truly emerging use

REZONING CAVEATS:

- Rezoning should not be done with site plan approvals as all uses must be considered, not just one that may be proposed.
- “Spot zoning” is the term for a single+ parcel zoned differently than zoning around it, generally small in area and providing use rights that similar adjacent parcels do not enjoy. Most importantly, it is inconsistent with the master plan. These are typically invalidated in court.



“It doesn’t fit”: Nonconformities

A use, structure, lot, or site may be nonconforming.

- Each type of nonconformity has its own rules
- Ordinance has criteria for when a nonconforming status may end, for example, if more than 50% of the structure is destroyed. Change in ownership does not affect a nonconformity.
- They are the reason that changing the zoning ordinance does not produce an immediate effect
- Cuts both ways: can preserve a use or structure that is well-loved even as the context around it changes, and can also preserve a use or structure that (almost) everyone would rather just met the new regulations



DEVELOPMENT REVIEW

ECONOMIC VITALITY

focuses on capital, incentives, and other economic and financial tools to assist new and existing businesses, catalyze property development, and create a supportive environment for entrepreneurs and innovators that drive local economies



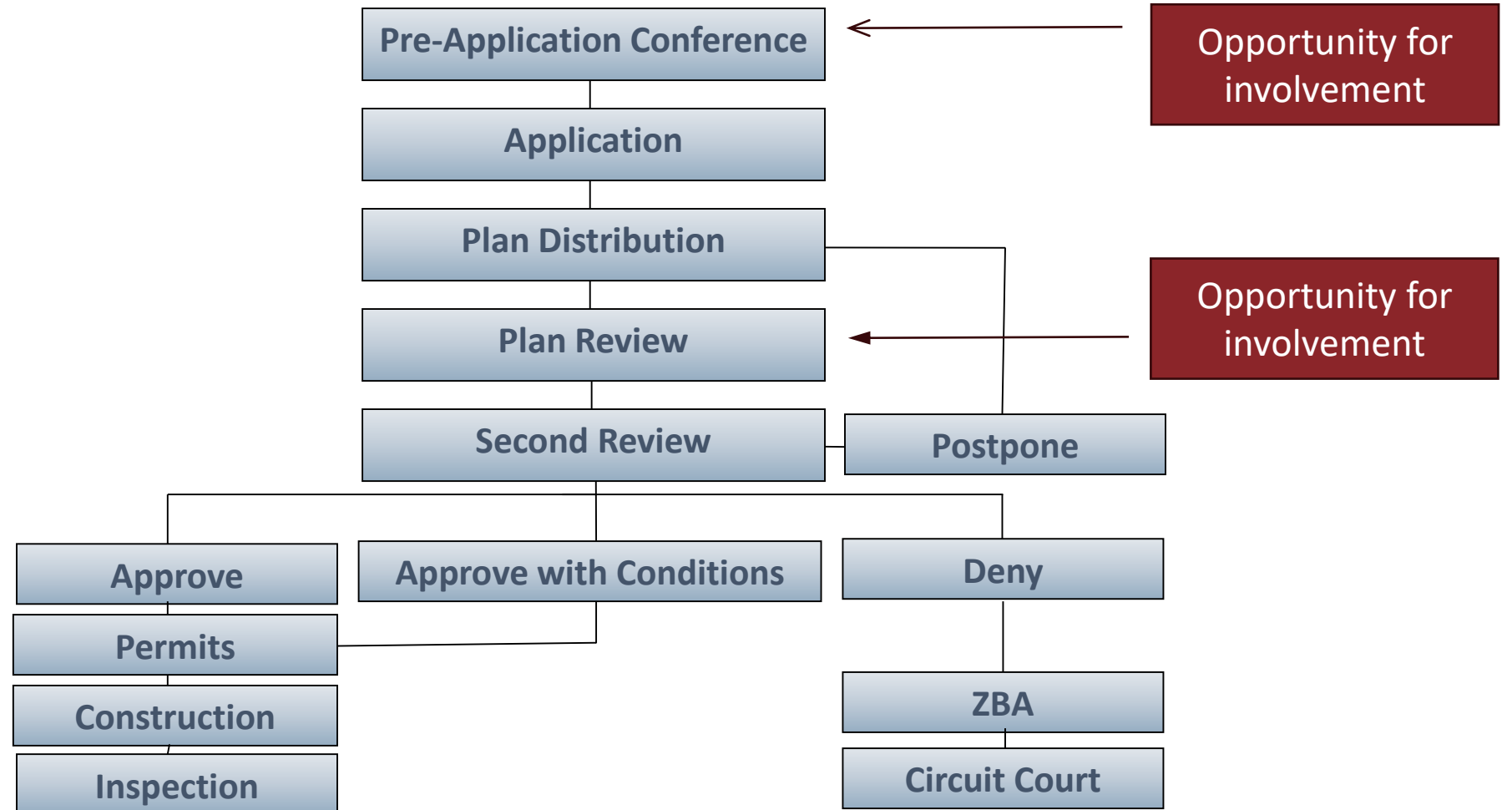
ZONING APPROVALS

Zoning compliance determination for other types of permits:

- Land Use Permits
- Business Licenses
- Rental Licenses (duplexes, nonconforming uses)
- Temporary uses
- Signs, Fences, Driveways
- Property Divisions



Typical Development Review Process



DUE PROCESS VS. CUSTOMER SERVICE





THE ESSENCE OF DUE PROCESS

Everyone gets the same process...

“The essentials of procedural due process are adequate notice, an opportunity to be heard, and a fair and impartial tribunal.”

Hughes vs. Almena Township, published by State of Michigan Court of Appeals May 2009





ZONING AMBASSADORSHIP

...and the same warm help in navigating it

- You may be the first line of contact with a new business, developer, or property owner
- Many may not understand approval process, due process and timeframes
- Be helpful and consistent with providing information
- You are an ambassador.

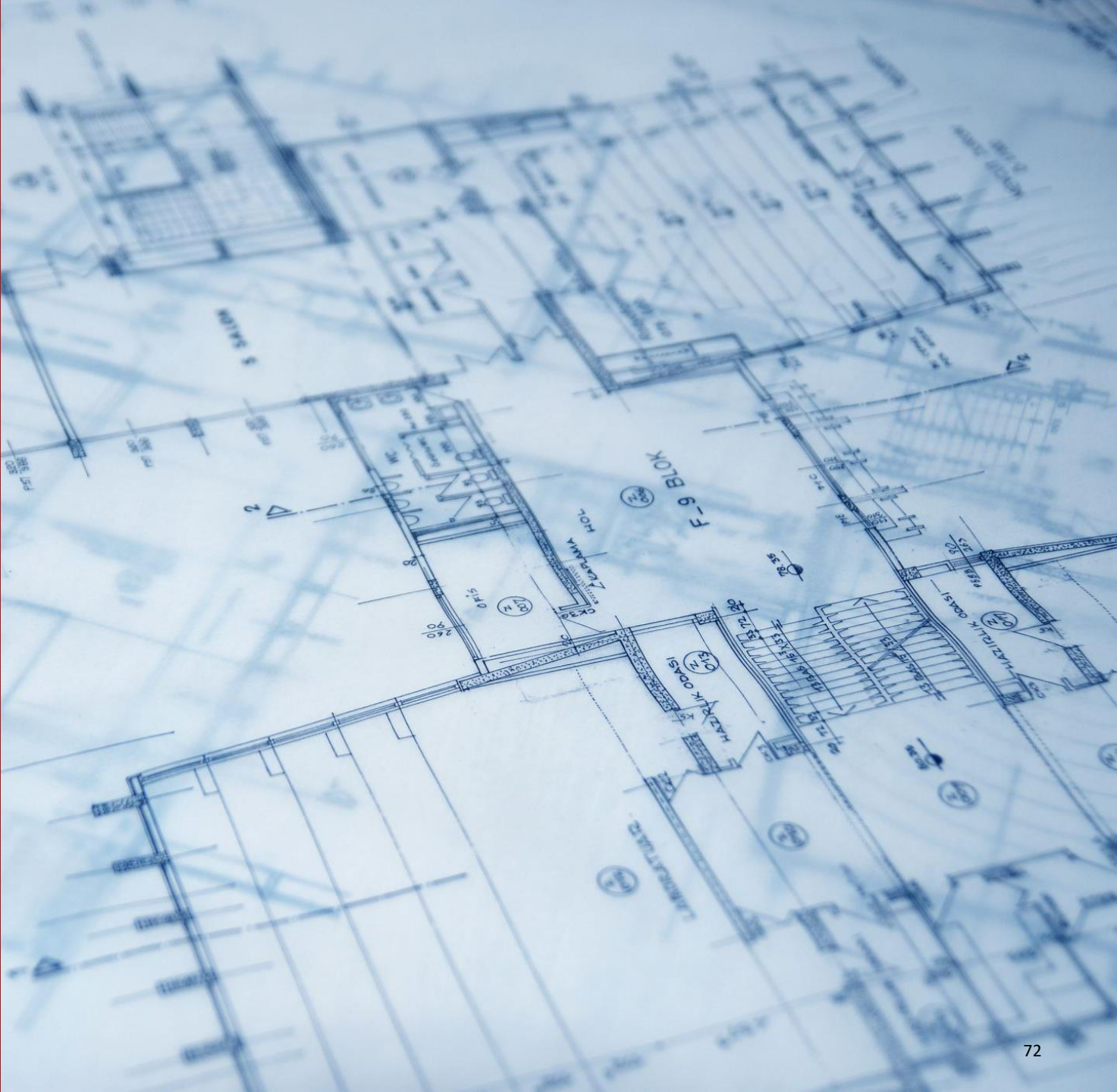


Question: Consistent with Due Process, what is needed in order to consistently make fair discretionary decisions and avoid arbitrariness?

Answer:

- (1) ***Standards*** to guide decision making provided in the ordinance; and
- (2) ***Findings*** made that connect the facts of the application to the standards in the ordinance.

SITE PLAN REVIEW

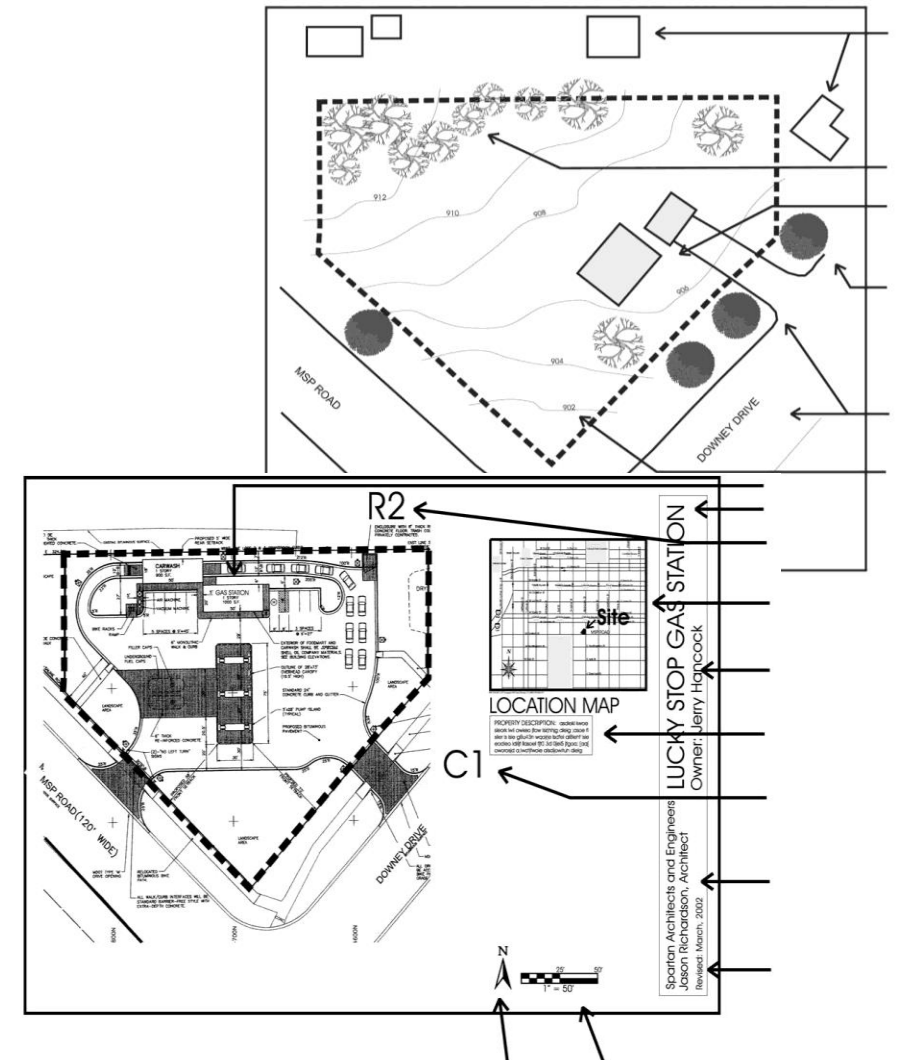




What is a Site Plan?

Documents and drawings, specified in zoning ordinance, necessary to ensure that a proposal meets zoning ordinance standards and requirements

- Existing features, natural site characteristics
- Proposal for use and development of a parcel
- Professionally prepared
- Legally binding – “Entitlement”





When is a Site Plan 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 Can Review A Site Plan?

Zoning Ordinance must specify, but typically:

- Staff/Consultant and/or
- Planning Commission and also sometimes
- Legislative Body

Reviewing/Approving authority can vary based upon the land use and the type of construction.



Smart Practice: Expand Administrative Review

- Allow staff to approve developments wherever possible
- Codify expectations for development
- Make decisions transparent to the public
- RRC supported best practice

3.5 Approval Authority

Approving permitted uses at the planning commission or staff level allows faster approval and respects the administrative nature of development review.

CRITERIA: The community streamlines the approval process by using administrative and planning commission approval authority.

ESSENTIALS EXPECTATIONS

- Site plans for permitted uses are approved administratively or by the planning commission.

CERTIFIED EXPECTATIONS

- Site plans for permitted uses are approved administratively or by the planning commission.
- Permitted uses do not require a formal public hearing (but allow for public comment and other engagement as deemed necessary).




What information is needed for a site plan?

The short answer is: More than almost anyone thinks.

For every regulation that applies, the site plan must show how it's met.

- Generally must be prepared by a licensed professional (read: expensive)
- May require a survey (read: expensive, and adds time)
- Architectural regulations require "elevations" or façade drawings (read: more expensive)

Requirements are spelled out in zoning ordinance or administrative documents, but are fairly consistent across communities



An approved site plan is a legally binding document.



What are the standards on which the decision is based?

- A site plan may be APPROVED, APPROVED WITH CONDITIONS, or DENIED
- Decisions will be based on a set of “Standards for Site Plan Review” as well as on the specific applicable requirements throughout the zoning ordinance
- Review standards summarize the intent of ordinance regulations to ensure that they are properly applied.
 - “Protection of natural features” is a review standard; a 50’ waterfront setback is an ordinance regulation.
- Documenting the relationship between the review standards and the site plan is the crux of site plan review

Common review standards

- ✓ Ordinance compliance
- ✓ Consistency with Master Plan
- ✓ Public safety
- ✓ Protection of natural features
- ✓ Compatibility with surrounding uses
- ✓ Ability to provide adequate services

If all standards and requirements are met, approval MUST be granted!



Planning
Commission

Planner

PLANNERS' BEST WORK: THE STAFF REPORT

- The staff report should represent the community's complete written response to the site plan application
- Background: Description of land and parcel, history and context as needed
- Master plan: Future land use language, relevant goals
- Zoning ordinance: Zoning district and requirements, relevant ordinance requirements, standards for site plan review
- Internal reviews: Comments from engineering, public safety, public works, **downtown organization**
- Other approvals: Right-of-way coordination, county stormwater approval, business licenses, health department authorization

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)



SPECIAL LAND USE

Definition: A use that is otherwise compatible with the district, but has characteristics that warrant additional requirements, standards, and/or review

- Process dictated by local ordinance
- Varies widely from community to community
- Generally requires a public hearing; often requires two meetings
- SLU approval is *in addition to* site plan approval

Example: Community Commercial District

Permitted Uses

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

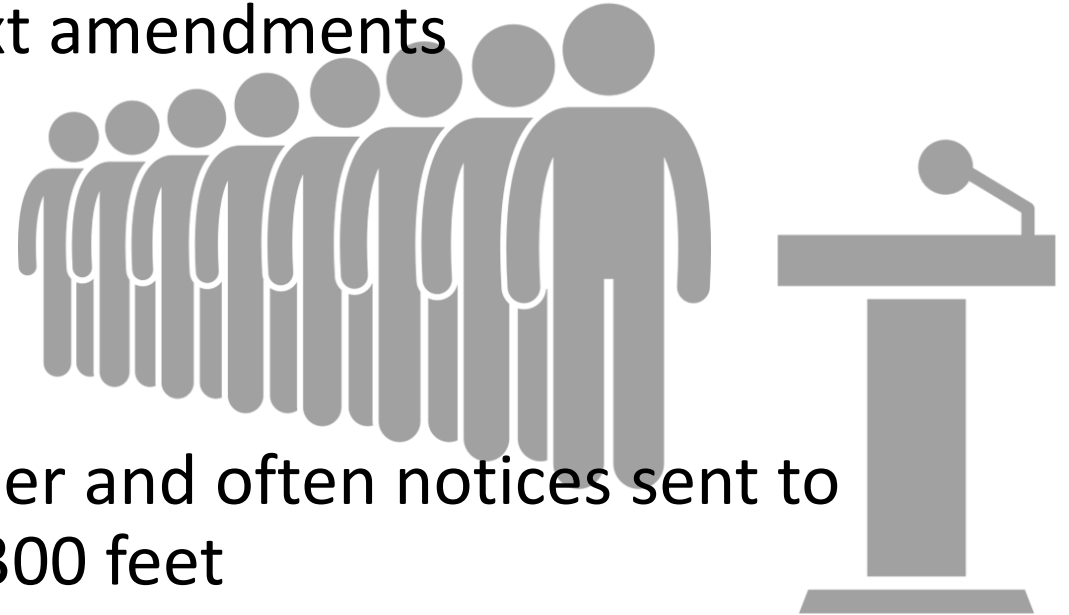
Special Land Uses

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



Meetings vs. Hearings

- All Planning Commission business must be conducted at a **public meeting**.
- Some business also requires a **public hearing** under state law.
 - Rezoning and zoning ordinance text amendments
 - Special land uses
 - Planned unit developments
 - Master plan adoption
- Public hearings: Advertised in newspaper and often notices sent to residents and property owners within 300 feet





Smart Practice: Communicate the Value of New Development

- Recognize, and remind the public, that communities with no new development face a host of other problems, including increased cost of services
- Showcase successes and how they align with the master plan
- Learn to read a pro-forma so you can help residents understand the relationship between the cost of the development—including approval delays —and the benefit to the private and public sectors
- Push back against personalizing applicants as “greedy developers” by focusing on the specific reasons why this project makes sense



Smart Practice: Support Local Developers



Things that support local development

- By-right development
- Administrative approval
- Counter assistance / handholding / ombudsperson
- Streamlined approval process
- Small developer training and education
- Pre-approved plans



Smart Practice: Stand By Your Plan

- Know what the plan says and the reasons behind the recommendations
- Respect the time and good thinking that went into the plan
- Keep it fresh!



AFTER APPROVAL





PERMIT ISSUANCE AND INSPECTIONS

- Site plan approval does not authorize construction
- Must meet all conditions of approval, plus other agency permits / reviews
- Approval may expire if “soil not moved,” this is in the ordinance
- Final approved document becomes the legal inspection standard





FEES AND BONDS

Fees

- Fees are charged to recoup the cost of reviewing, permitting, and inspecting private development
- Amount should have a relationship to the cost of providing the service
- They are generally nonrefundable unless clearly specified

Bonds

- Bonds can be charged to ensure the implementation of conditions of approval
 - Classic example is landscaping for approvals granted in winter
- Amount should be sufficient for the public to implement the condition
- They are generally refundable upon evidence that the condition has been met

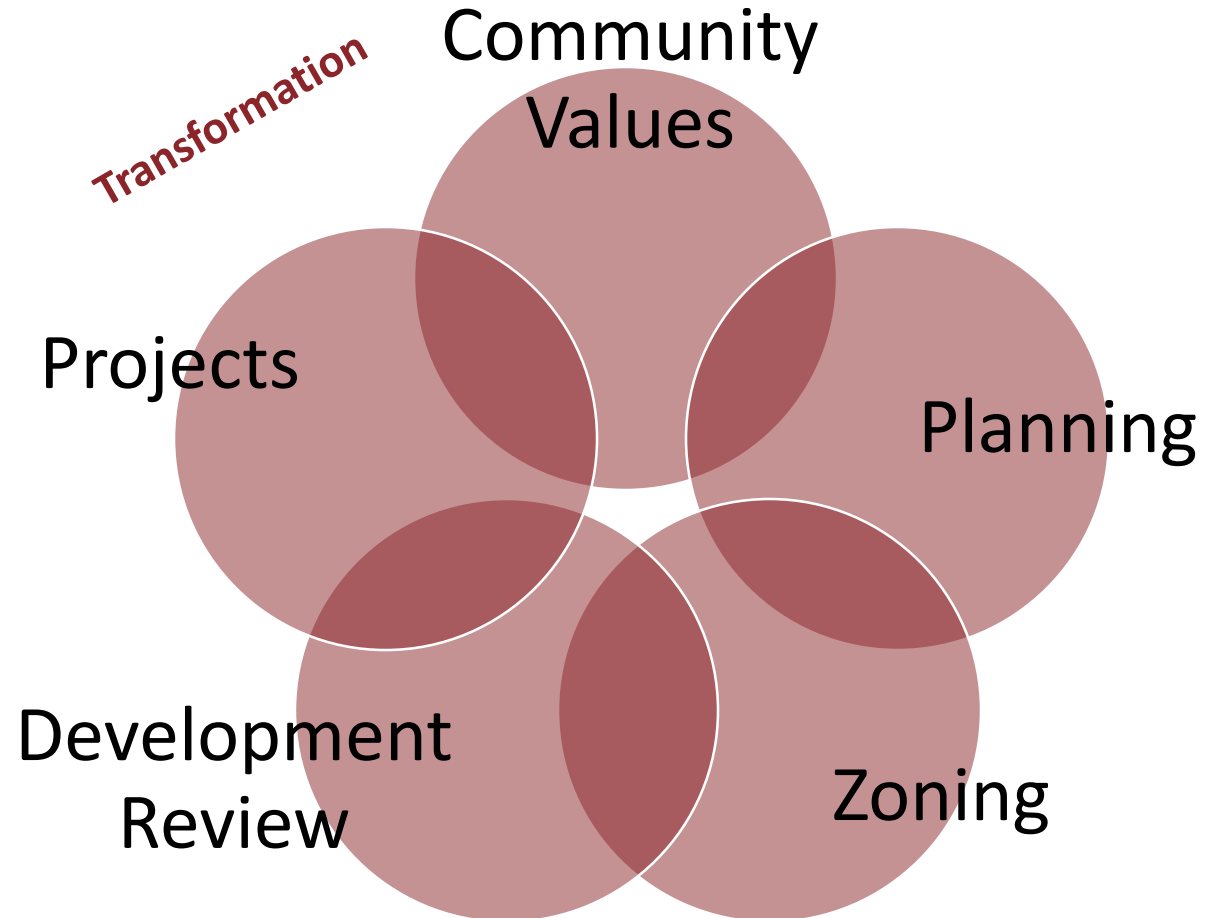


PROJECTS

COMMUNITY TRANSFORMATION



The planning and development cycle





IF ECONOMIC DEVELOPMENT = COMMUNITY DEVELOPMENT...

Downtown directors can serve as a catalyst for bringing in the types of development and businesses that meet the community's vision as set forth in the master plan and the DDA plan, developed from community engagement efforts

- "Authority" = the power to own and invest
- Knowledge of the process is its own power
- TIF is predicated on transformational investment





PUBLIC PROJECT REVIEW

Public Project Requirements

- Under the MPEA, once a planning commission has completed a master plan, they are responsible for **reviewing and approving** public infrastructure projects
- Public projects are defined as: a street, square, park, playground, public way, structure or utility



PLANNING FOR DOWNTOWNS
THANK YOU



IN
PARTNERSHIP
WITH



MICHIGAN
MAIN STREET



MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION

info@planningmi.org
planningmi.org