

CITIZEN PLANNING SERIES

The Zoning Ordinance

Zoning helps define how properties are used, what new buildings look like, and how much development can occur in a community—all factors that have important and far-reaching impacts on the future of the community. A good understanding of how a zoning ordinance works, then, is critical for anyone that’s involved in local land use issues.

What’s the difference between a zoning or land use permit and a building permit? Why do I need both?

A zoning or land use permit allows for a site to be developed according to the terms of the zoning ordinance, and is concerned with the placement on the site, height, and other basic design issues. Building permits are issued by the construction or inspection department **after** the land use permit is received, in order to ensure that the building is structurally sound, safe, and sanitary. Building permits are issued according to requirements found in the state construction code.

Can zoning restrictions be changed for my property?

Individual property owners can request a change from a zoning restriction in cases of hardship through the **variance** process. Variances offer legal relief to property owners by changing height, setbacks, or other requirements. Variances are reviewed and acted on by the Zoning Board of Appeals.

A zoning ordinance is a local law that regulates land and buildings in order to protect the health, safety, and general welfare of all citizens. Together with the master plan, the zoning ordinance is an important tool that allows the community to guide development and land use in a way that achieves their long term goals.

Zoning Districts and Map

A zoning ordinance—which includes both a zoning map and text—divides a township, village, city, or county into different districts (zones). The zoning map shows the legal boundaries for each district. Districts regulate the uses, building size, and other features for all properties in the district.

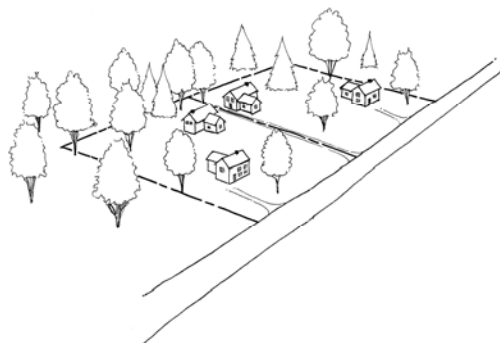
Zoning districts are often based on the types of uses that are allowed, with separate districts for residential, commercial, agriculture, recreation, and industrial development. This is known as “use-based” zoning, and is intended to separate uses that may

be incompatible. For instance, an industrial district—which could allow activities that create noise, smoke, or heavy traffic—keeps industrial nuisances at a distance from the community’s major residential areas.

Zoning districts may also be organized around building or architectural types, neighborhood patterns, or other physical and cultural features. This is known as “form-based” zoning because it takes into account the “form,” or character, that the community wants to develop or maintain, and encourages development to be consistent with that form.

Types of Regulations

Each zoning district includes sets of regulations designed to ensure that development is safely designed. Regulations address use, dimensions, and other aspects of development:



Zoning controls where and how development occurs, through regulating features such as setbacks, height, and lot size.

Can zoning districts be changed?

As a community's conditions change, plans are updated, and new uses are proposed, it's sometimes necessary to change the zoning. Changes to zoning, known as **amendments**, can involve changes to language in all or part of the zoning regulations. Or, rezonings can change the zoning district for one or more properties. Amendments are reviewed by the community's planning commission, with final decisions made by the legislative body. Both types of changes are reviewed by the planning commission, who makes a recommendation to the legislative body. The legislative body has final authority over whether or not the change is adopted.

Does the public have a say in zoning decisions?

Final decisions on development proposals are made by the planning commission or legislative body, based on whether or not the proposal meets the standards of the ordinance. But the public can participate by providing comment and input at public hearings. Hearings are held on many types of zoning decisions, including amendments, variances, special use reviews, and certain types of developments.

- **Use regulations** state what types of land use can be located in each zoning district. Some uses are allowed "by right," which means they can be allowed through a simple application process. Others, called special uses, are subject to extra requirements and additional review. These are more intensive uses that need additional review in order to protect the neighborhood from any negative impacts.
- **Dimensional regulations** control features such as building height, floor area, yard area, and the building footprint, or outline.
- **Setbacks** control the distance between the building and the street or property line. Setbacks are specified for the front, side, and rear of a lot.
- **Density regulations** limit the number of homes or other buildings that may be built on a piece of land. Usually this is done by requiring a minimum property size—such as one home per acre.

Ordinances also include general development standards that regulate features of larger developments, including parking, landscaping, lighting, and street layout.

Administration

The zoning ordinance is developed by the planning commission, with the legislative body having final approval over zoning ordinance adoption and any changes to the map or text. The zoning administrator

reviews applications for land use permits and other requests, and interprets the ordinance to determine if new developments or uses meet its requirements.

Master Plans & Zoning Ordinances

A community's master plan and zoning ordinance are closely linked. State law requires zoning ordinances to be based on a master plan, and master plans must include guidance as to how zoning regulations should be written. The zoning ordinance also offers important ways to achieve a master plan's goals. By defining appropriate uses of land, regulating density, creating standards for development, and offering incentives for different development types or patterns, the zoning ordinance offers clear direction on where and how development should occur.

It's important to remember, though, that the master plan is a guide without the force of law behind it, while zoning is an enforceable law. Because it affects the use and value of private property, state law is very specific about how zoning ordinances are structured, what's included, and how zoning authority can be limited. In order to meet these legal obligations, while balancing community goals with the interests of property owners, zoning ordinances are often complex legal documents. For detailed zoning questions we recommend working with the local zoning administrator, planner, or attorney. Other resources are available on the website below.

Where can I find more information?

This series is intended to provide basic information to citizens that haven't been closely involved in the planning process, but would like to shape future changes in their community. **This is introductory information only.** There are many additional resources available for those that need more in-depth information or would like to be more closely involved in the planning process.

The remainder of this planning series is available on the New Designs for Growth website, which also includes links to a variety of local, state, and national planning resources. Visit www.newdesignsforgrowth.org, or contact the Northwest Michigan Council of Governments at (231)929-5000 for more information.

We encourage you to take advantage of additional planning resources, or to contact your local planning department to learn more about specific issues and get involved.