

# Taming the Beast: A New Approach to Updating Your Zoning Ordinance

September 26, 2024



# Zoning 101

# Zoning 101

- Connections



1. Master Plan
2. Understand how provisions or police power ordinances relate to one another

- Enabling Legislation



Know your history on legislative musts, maybes, and cannots

- Legal Framework



Know your law/court cases to understand not **just the cannots** – but the **why you cannot**

- Who is Responsible?



Understand who must, should, or could review

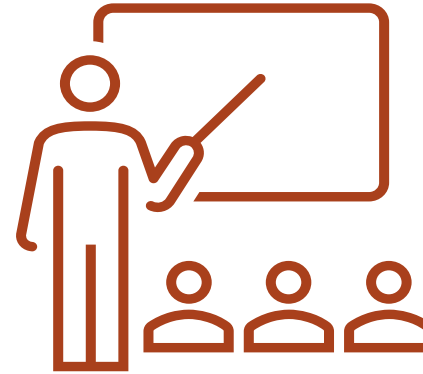
- Proper Process



1. Ensure you are following enabling legislation!
2. Read your current ordinance

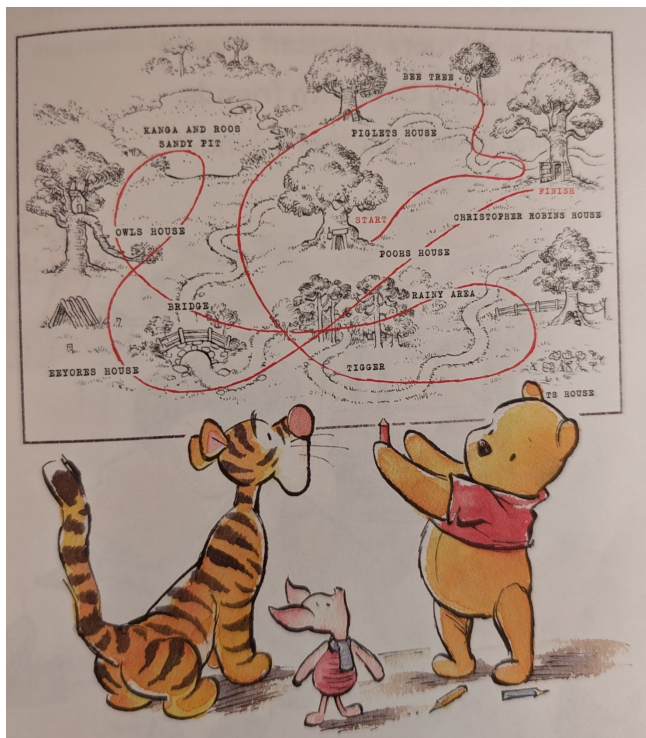
# Planning and Zoning Education

- MAP Training and Education
  - Planning and Zoning Essentials
  - Zoning Ordinance: A to Z
  - MAP's Zoning Reform Toolkit
  - <https://www.planningmi.org/aws/MAP/pt/sp/education-officials>
- MSU Extension – Land Use Education
  - [https://www.canr.msu.edu/land\\_use\\_education\\_services/](https://www.canr.msu.edu/land_use_education_services/)
- MTA/MML



# The Problems

# The Problems



Credit: "The little things in life"  
Catherine Hapka

**TOO COMPLICATED**



I was late for school.  
I started along.  
And I saw that  
six more things were wrong.



Credit: "Wacky Wednesday" Dr. Suess

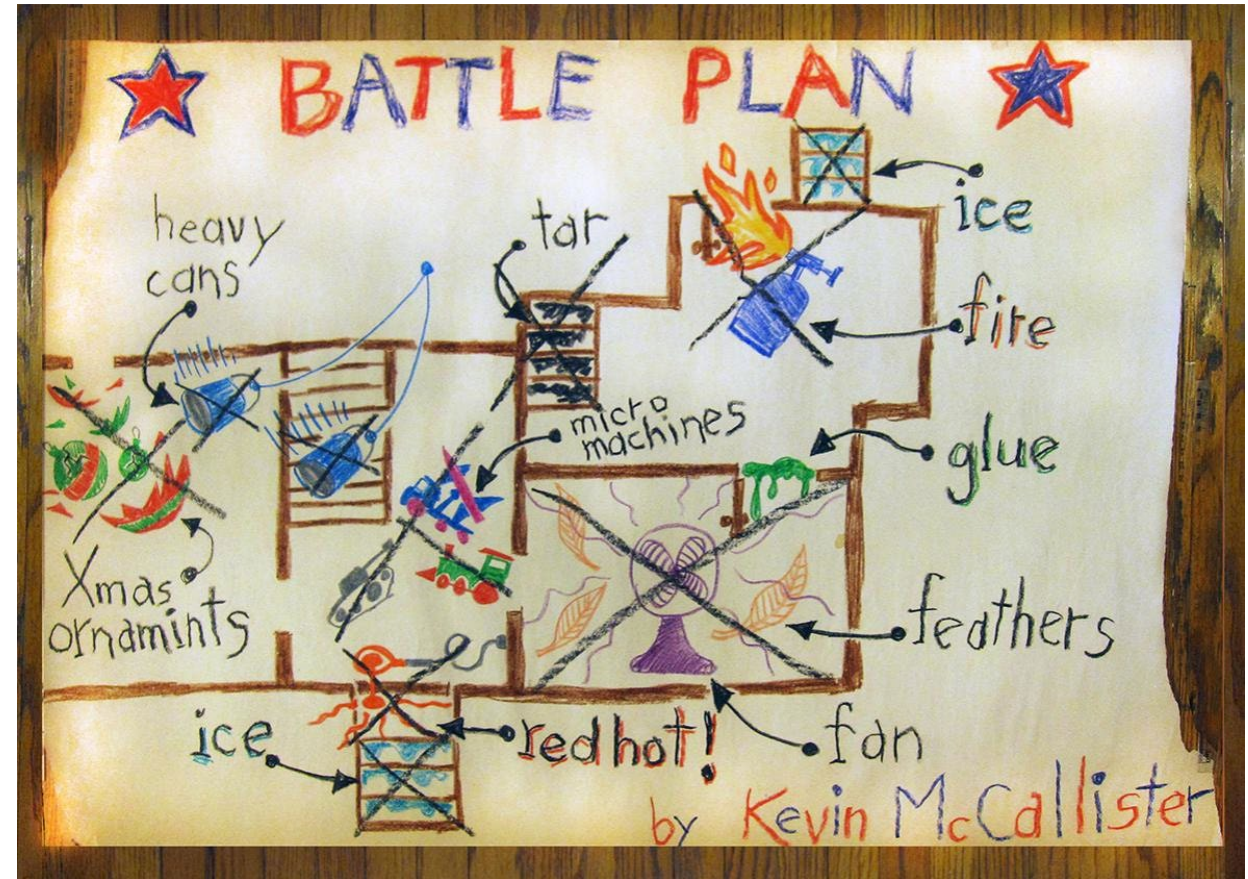
**WATCH THE RIP OFF AND  
REPLICATE**

# The Problems



Credit: "IT"

## SURPRISE PROVISIONS



Credit: "Home Alone"

## STICK TO THE PLAN

# The Problems



**INEFFECTIVE OR WRONG  
TOOL FOR THE JOB**



Credit:  
"Toy Story"

**REACTIVE PLANNING**



# The Problems



**ORDINANCE PROBLEM?  
SEND IT TO THE ZBA**



Credit:  
"Botched"

**TOO MANY NOSE JOBS**

# Why this Approach?

# Comprehensive Audit and Update

- Proactive



No one likes to be “under the gun” or the feel of the impatient person tapping their foot behind you.

- Engage the Public



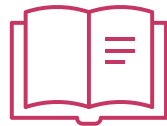
Who do you plan for? Find out what the community thinks.

- Reduce ZBA Workload



If you want to say “yes” every time on a variance, change the process so it is easier.

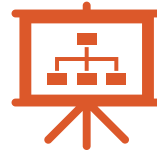
- Enhance Understanding and Usability



This is a document that staff, developers, and the public need to use. Do you find it easy or do you feel like the IT help desk walking people thru every step?

# Comprehensive Audit and Update

- Find the Right Place



Take a critical look at ordinance organization, redundancies, and inconsistencies. Is it easy to find the things you are looking for? Can you consolidate?

- More Efficient



Opportunity to review and fix your processes. Are there unnecessary steps? Can you process more projects administratively?

- Just Get it Over With



Rather constant “minor” amendments, maybe it is time to undertake a larger effort that will save time in the long-term.

# The Audit

# Project Logistics for the Audit and Update

- It is important to carefully consider **who is part of the working group**, in contrast to **who should be made aware of the efforts**?
- Led by the Planning Commission?
- Led by a subcommittee – who are the members?
  - Staff
  - ZBA
  - DDA
  - Legislative Body
  - Planning Commission
  - Municipal Attorney



**When and how do  
you engage the  
public?**



# Ordinance Organization

- Short Title
- Definitions
- Zoning Districts
- Use Requirements
- General Provisions
- General Development Design
- Parking & Loading
- Landscaping
- Signage
- Nonconformities
- Administration & Enforcement
- Amendments
- Zoning Board of Appeals
- Enactment & Effective Date

**Make sure it works  
for your staff!**

## Zoning Ordinance Formatting



As part of our kickoff for the zoning ordinance update, this document will review some important changes to the formatting of the current zoning ordinance. We are using Microsoft Word for the development of the project and will provide this to you at the end of the process. Below is a table showing the current zoning ordinance layout and our proposed changes.

Current	New Layout - Comment
Article 1 Purpose & Intro	Keep the same
Article 2 Definitions	Keep the same
Article 3 Zoning Districts	Break into two additional articles below: Residential Zoning Districts (R-1, R-2, R-3, RM-1, RM-2, MH) ** Non-Residential Zoning Districts (AG, B-1, B-2, I-1 & I-2) **
Article 4 Use Standards	Update, but keep this Article
Article 5 Site Standards	Article General Provisions - To be a more traditional layout** Article Off-Street Parking- To be a more traditional layout** Article Signs- To be a more traditional layout** Reserve Article - For future use**
Article 6 Development Procedures	Article Site Plan Review- To be a more traditional layout** Article Special Land Use- To be a more traditional layout** Reserve Article - For future use**
Article 7 Admin, Appeals & Enforcement	Article Nonconformities- To be a more traditional layout** Article Administration & Enforcement- To be a more traditional layout Article Zoning Board of Appeals- To be a more traditional layout** Article Amendment- To be a more traditional layout** Reserve Article- For future use**
<b>Key:</b> New Article **	Article Enactment & Effective Date**



# Master Plan Recommendations

- What does your zoning plan or implementation chapter say about changes or things to evaluate in your zoning ordinance?

Table 6-2: Zoning Plan

Future Land Use Classification	Zoning Ordinance
Prime Agricultural	AG Agricultural
Rural Residential	R-1 One Family Residential
Low Density Residential	R-2 One Family Residential
Village Residential	R-3 One Family Residential
High Density Residential	RM-1 Multiple Family Residential
	<del>RM-2 Multiple Family Residential</del>
Mobile Home Park	MH Mobile Home Park
Local Business	B-1 Local Business
General Business	B-2 General Business
Light Industrial	I-1 Light Industrial
	<del>I-2 Heavy Industrial</del>
Public/Quasi Public	Is permitted within many of the listed zoning districts
<b>Key: *New District*    <del>Proposed to be Removed</del></b>	

## Landscaping

- Establish buffer or transition zones between existing farms and incompatible uses.
- Provide sufficient open space for each dwelling unit through generous yard spaces or common open space areas by reviewing the zoning ordinance.
- Balance growth and the need to protect natural resources by reviewing the zoning ordinances.
- Protect public health through careful stewardship of air, water, soil, and wildlife resources so that future generations may enjoy these resources in a condition that is equivalent to, or better than, their current state by reviewing the zoning ordinances.

## Nonconformities

- Preserve currently existing residential structures along M-53 (Main Street).
- Provide flexibility to farmers, recognizing their need to convert farmland to other legal uses.

## General Provisions

- Offer assistance and encourage outside signage that fosters pedestrian-oriented lighting and visibility.
- Update and enforce design guidelines and standards in commercial districts.
- Consider, and possibly adopt, architectural controls and/or a form-based zoning ordinance, including rear building facades in downtown area.
- Encourage consolidated commercial centers rather than unplanned linear Commercial Districts.
- Review the sidewalk and engineering standards for the Village to ensure proper implementation and repair of infrastructure.
- Encourage streetscaping within the downtown area to enhance the walkability, pedestrian oriented lighting and visibility, and making a sense of place by reviewing the zoning ordinance.

# Table of Uses

Non-Residential – Table of Uses					
Uses	AG	B-1	B-2	I-1	Req.
Commercial					Sec. ##.##
Retail businesses		P	P	SLU	
Industrial					
Trucking facilities				P	Sec. 4.19

# Table of District Dimensions

	R-1	R-2	R-3	RM-1	MHP	
					Park	Lots
Min Lot Area (Acres) A	2.5	1	0.5	9,600 sqft	10	5,500 sqft
Min Lot Width (Feet) A	165	120	100	80	-	-
Lot Coverage	35%	35%	35%	30%	-	-
<b>Setback (Feet)</b>						
Front	30	30	25	40	25	25
Side	15	10	10	20	10	10
Rear	40	40	35	30	35	35
<b>Building Height (Stories)</b>	2	2	2	2	2	2
(Feet)	25	25	25	30	25	25
Min Floor Area Dwelling Unit (SQFT)	900	900	900	-	600	600

# Footer – Page Numbering

- To assist in the maintenance of zoning ordinances, we recommend unique page numbering for each chapter/article. This makes it so when content is removed or added, only that article is required to be re-printed. See example →

Article 3 Administration  
Page: 3-1

# Number Sequence

- Our experience shows that an alternating number/letter/number/letter sequence helps minimize errors. See example →

## **Section 3.00 Name**

- A. Letter Heading 3
  - 1. Number Heading 4
    - a. Letter Heading 5
      - (1) Number Heading 6

# Font

- *Font Impacts Readability*

Calibri – 11 Point

Calibri -12 Point

Calibri - 13 Point

Times New Roman – 11 Point

Times New Roman – 12 Point

Times New Roman – 13 Point

Arial – 11 Point

Arial -12 Point

Arial - 13 Point

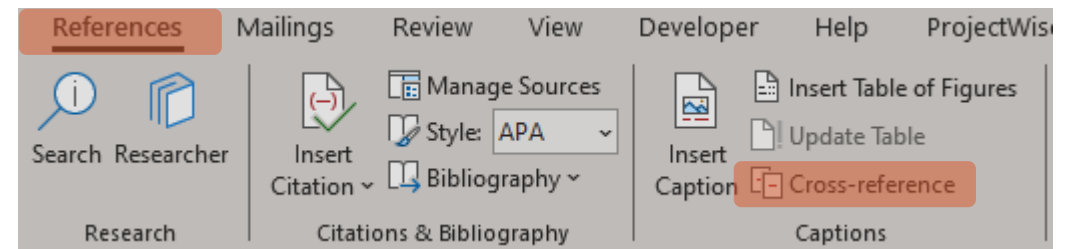
Franklin Gothic Book – 11 Point

Franklin Gothic Book – 12 Point

Franklin Gothic Book – 13 Point

# Shortcut & Hyperlinks

- Throughout the updated zoning ordinance, consider adding digital hyperlinks.



# Abbreviations

- Spell out abbreviations at the beginning of each article
- Not everyone may know industry terms.

# Final Document Format

- It is critical to select the final document format up-front
  - Online – hosted and maintained by code corporation or consultant?
  - Online – hosted and maintained by municipality
  - Hard copy formats?
- Considerations include functionality, cost, staff resources, ease of updates, etc.

# The Audit

- Use an audit checklist or a model ordinance as a reference
  - But be careful – what makes sense for some may not make sense for all
- Go article by article
  - Be holistic with corrections
  - Take bites, not the whole sandwich



Credit: Fat Boy Restaurant,  
Grand Rapids. "WGRD"

# The Audit

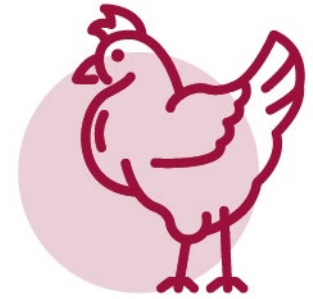
- Document audit findings in a report and present to the team
- Track concerns, comments, and the decision on how to move forward

<b>Article X Parking &amp; Loading</b>			
<i>Ref #</i>	<i>Topic</i>	<i>Checklist Considerations</i>	<i>Decision/Thoughts?</i>
Sec. 1	Purpose & Applicability	<input type="checkbox"/> A purpose statement should address: <ul style="list-style-type: none"> <li>• Proper onsite maneuverability</li> <li>• Safety for pedestrians and vehicles</li> <li>• Proper ingress and egress</li> <li>• Proper access for loading and unloading</li> </ul> <input type="checkbox"/> Clarify applicability of requirements - all zoning districts, unless otherwise stated; for new or expanded buildings, special land uses, change in use	
Sec. 2	General Provisions	<input type="checkbox"/> Clarify how to deal with fractional parking space requirements (round up or down) <input type="checkbox"/> Statement that existing non-conforming parking lots cannot be reduced in size <input type="checkbox"/> Parking duration limits (prevent off-street parking from becoming a storage lot) <input type="checkbox"/> Allow for off-site parking to serve proposed use – typically must be within 300 to 500 feet – make sure there is safe pedestrian access	

# Tips & Tricks

Important considerations as you review each section of the zoning ordinance:

- Short Title
- Definitions
- Zoning Districts
- Use Requirements
- General Provisions
- General Development Design
- Parking & Loading

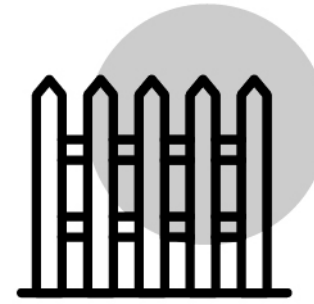




# Tips & Tricks

Important considerations as you review each section of the zoning ordinance:

- Landscaping
- Signage
- Nonconformities
- Administration & Enforcement
- Amendments
- Zoning Board of Appeals



# Training: Audit of Off-Street Parking & Loading Article

**Handout: Off-Street Parking &  
Loading Audit Checklist**



# Purpose & Applicability

- Purpose statement, to address:
  - Onsite maneuverability
  - Pedestrian safety
  - Proper ingress and egress
  - Proper access for loading and unloading
- Applicability statement
  - Must be included to indicate where and when the off-street parking and loading provisions would apply

## AUDIT OF OFF-STREET PARKING AND LOADING



# General Provisions

- Key topics to be addressed:
  - Fractional parking space requirements
  - Non-conforming parking lots cannot be reduced in size
  - Parking duration limits
  - Off-site parking
  - Authority to determine required parking for uses not listed?

# Minimum Parking Spaces

- Make sure to cross-check with your Table of Uses
- Check for consistent formula structure
- Review and update formulas based on contemporary standards!
  - Avoid unnecessary parking
  - Reduce development costs
  - Reduce impact to environment
  - Encourage business expansion/more efficient use of land
- Consider establishing parking "maximums"

# Incorporate Flexibility in Application of Requirements

- Authority for discretion typically given to the Planning Commission
- Best practices for incorporating flexibility:
  - Consideration of nearby public parking
  - Availability of transit (bus, bike, etc.)
  - Parking study provides evidence that required parking is excessive
  - Shared parking for multiple uses on same site
  - Deferred parking



# Bicycle Parking Accommodations

- Require bicycle parking to be visible from road/sidewalk and near building entrance
- May require X number of facilities (i.e., 1 bike rack per site)
- May require X number based on the quantity of the vehicular parking
- Carrot approach
  - If installing X bicycle parking spaces, may receive X reduction in required vehicle parking spaces

# Electric Vehicle Parking Accommodations

- At a minimum, clarify that voluntarily provided EV parking spaces may count toward the required number of parking spaces at the site
- May consider requiring a certain number of EV parking spaces based on the number of vehicle parking spaces provided
- EV formulas should be customized based on the use/zoning district





# Access Management Standards

- Minimum/maximum driveway length – in consideration of pedestrian mobility
- Maximum number of driveways and/or driveway separation standards
- Requirement for cross connections between adjacent properties
  - If not required, give authority to PC to require where determined necessary
- Cross-reference to engineering design standards (MDOT, county road commission, and/or municipality)

# Parking Lot Design Standards

- The basics:
  - Ingress and egress
  - Minimum maneuvering lane and space dimensions
  - Markings and signage
  - Edge protection (curbing, etc.)
  - Minimum exterior lighting
  - Parking lot maintenance
  - Stormwater management
- Allow design flexibility:
  - Permeable paving
  - Alternative surface for temporary uses?
  - Alternative surface for certain rural uses?
  - Is it appropriate for gravel surfacing throughout an entire community and/or entire zoning districts?

# Loading Space Requirements

- Clarify where loading spaces may be allowed (rear/side yards)
- Standards for screening where adjacent to residential uses/zones and/or where visible from right-of-way
- Review and update loading space requirements based on contemporary standards
  - Loading dock approach language
  - Prevalence of Amazon/UPS small vehicle deliveries
- Incorporate flexibility to modify or waive loading space requirements based on unique nature of the proposed use

For assistance, better call...

