



CITY OF ALBION PLANNING COMMISSION

REGULAR MEETING

TUESDAY, SEPTEMBER 15, 2020

ZOOM MEETING

7:00 P.M.

AGENDA

- I. Call to Order (Reminder: turn off cell phones)
- II. Roll Call of the Commission
- III. Approval of Prior Meeting Minutes:
 - August 18, 2020
 - September 1, 2020
- IV. Correspondence
- V. Order of Business
 - A. Review/Approve Site Plan for Christ Apostolic Church of Albion, 440 Bemer Street
 - B. Review Planning Commission Parliamentary Procedures
 - C. Excuse Absent Board Members
- VI. Public Comments (Persons addressing the Planning Commission shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- VII. Adjournment

PLANNING COMMISSION PUBLIC HEARING PROCESS

- 1) The Planning Commission Chair opens the hearing
- 2) Chair summarized the process
- 3) Staff presents report on applicant's request
- 4) Chair reads any correspondence into the record
- 5) Public speaking portion of hearing
 - Individuals in support
 - Opposition speakers
 - Questions & rebuttal (directed through the Chair)
 - Public speaking portion of hearing closed
- 6) Finding of facts
- 7) Board begins deliberations
- 8) Motion is made
- 9) Roll call vote taken

Planning Commission
August 18, 2020

I. Call to Order

The August 18, 2020 Planning Commission meeting was called to order at 7:00 p.m. via Zoom by Chairman Strander and a quorum declared.

II. Roll Call of the Commission

PRESENT: D Atchison, L Reid (joined at 7:15 p.m.), M Lelle, T Pitt, G Strander, S Kipp and J Verbeke

ABSENT: A Amos, S Ponds

Staff Present: Haley Snyder, Acting City Manager, Jill Domingo, City Clerk, John Tracy, Director of Planning, Building & Code Enforcement and Elizabeth Loomis, Code Enforcement Officer

III. Approval of Prior Meeting Minutes

A. January 22, 2020

D Atchison moved, M Lelle supported, CARRIED, to approve the prior Planning Commission minutes as presented. (vv) (7-0)

IV. Correspondence – N/A

V. Order of Business

A. Approve 2019 Planning Commission Report

T Pitt moved, D Atchison supported, CARRIED, to approve 2019 Planning Commission report as presented. (vv) (7-0)

B. Request Approval – Medical Marihuana Processor Application-Hongrui Enterprises

Comments were received from Commissioners G Strander; M Lelle; D Atchison; T Pitt and J Verbeke; John Tracy, Building, Planning & Code Enforcement Director; Kevin Sea, Owner Hongrui Enterprises and John Fraser, Attorney for Hongrui Enterprises

T Pitt moved, M Lelle supported, CARRIED, to Approve Medical Marihuana Processor & Grower Applications and Site Plan for 1100 Industrial Blvd for Hongrui Enterprises as presented. (vv) (7-0)

C. Request Approval-Medical Marihuana Grower Application-Hongrui Enterprises

Items B, C and D were vote on as one unit.

D. Review/Approve Site Plan for 1100 Industrial Ave/Exterior of Premises

Items B, C and D were vote on as one unit.

E. Excuse Absent Board Members

L Reid moved, D Atchison supported, CARRIED, to Excuse Commissioners A Amos and S Ponds. (vv) (7-0)

VI. Public Comments

Comments were received from John Fraser, Attorney Hongrui Enterprises

VII. Adjournment

T Pitt moved, M Lelle supported, CARRIED, to adjourn the August 18, 2020 Planning Commission Meeting (vv) (7-0)

Chair G. Strander adjourned the meeting at 7:30 p.m.

Recorded By: Jill Domingo, City Clerk

Planning Commission
September 1, 2020

I. Call to Order

The September 1, 2020 Special Planning Commission meeting was called to order at 7:00 p.m. via Zoom by Chairman Strander and a quorum declared.

II. Roll Call of the Commission

PRESENT: A Amos, D Atchison, L Reid (joined at 7:20 p.m.), M Lelle, T Pitt, S Ponds, G Strander, S Kipp and J Verbeke

ABSENT: All members were present

Staff Present: Haley Snyder, Acting City Manager, Jill Domingo, City Clerk and John Tracy, Director of Planning, Building & Code Enforcement.

III. Approval of Prior Meeting Minutes

A. August 18, 2020

D Atchison moved, M Lelle supported, CARRIED, to approve the prior Planning Commission minutes as presented. (vv) (9-0)

IV. Correspondence – N/A

V. Public Hearing- Reclassify 500 Bemer St. from M-1 Light Industrial to an R-2 Multiple Family Residential District

Chair G Strander opened the public hearing at 7:02 p.m.

Director of Planning, Building & Code Enforcement Tracy gave the following overview of the applicant's request:

- The property surrounding 500 Bemer St is East-commercial; North-1-94; South-M-1 Light Industrial & R-2 Multiple Family District; West-Township
- Background: Subject property located at 500 Bemer St was to have been a 2nd phase of a manufactured housing community planned in the late 1990's that had not been developed. Phase I of the manufactured housing community was completed on a separate parcel of land abutting 500 Bemer St., currently known as Westover Community, Westover Blvd. PN: 51-017-201-02, which had never filled all sites with manufactured homes and has now been vacant without any manufactured homes for several years plus. Subject property was previously zone R4 up until September of 2019, when the property was rezoned by the City to M-1 Light Industrial. Currently the property located at 500 Bemer St is part of a sale of land, along with completed Phase I property with existing infrastructure (streets and utilities). The applicant is requesting to rezone/reclassify subject property located at 500 Bemer St, P/N 51-017-201-03 from M-1 Light Industrial to R-2 Multiple Family Residential District.

Staff Recommendation: Recommend approval of reclassification/zoning from M-1 Light Industrial to R-2 Multiple Family Residential for future residential use.

Questions/Comments/Responses were received from the following:

- Donald Westphal, Owner 500 Bemer St. stated this project started 20 years ago and was slated for approximately 200 mobile homes. He has been searching for a company to purchase the property and move forward with the project. A company that purchased property he owned in the Grass Lake community is interested in purchasing 500 Bemer St, along with the Phase I (Westover) property. This company owns several properties throughout the Midwest and is able to finance the properties. They have been successful with their other properties. The company is working on getting Phase I back in shape. The utilities have been inspected by the City and are awaiting official report as the permit to occupy is contingent on the utilities being in good condition. The permit to construct expires in April 2021 and they have already requesting an extension to that date.
- Commissioner A Amos asked exactly where the property is located? Is it behind Family Dollar?
- Director Tracy stated the 500 Bemer St. is west of where the new Apostolic Church is being built and the Phase I (Westover) property is off 27 Mile Rd. 500 Bemer St. will have only have access from 27 Mile Rd at this time.
- Donald Westphal stated they may want to extend Bemer St. at some time in the future
- Commissioner T Pitt asked if the company purchasing the property is the same company that purchased Andover in Grass Lake and when the properties would be available to occupy.
- Donald Westphal stated yes, the same company did purchase Andover in Grass Lake and they would like to have houses available for occupancy this fall.
- Commissioner A Amos asked what the price range of the houses?
- Donald Westphal stated the price range will be from \$40,000 - \$125,000. The price of the home also covers installation. They will own the house but will lease the land. They will pay a monthly lease rate in the high \$300.00 range. The owner will be responsible for water, sewer and garbage. The property owner will pay taxes on the improved value of the land.
- Commissioner J Verbeke asked if the City will benefit from the tax benefit of the increased value of the land.
- Donald Westphal stated that as the value of the land increases so will the taxes
- Commissioner S Ponds asked what price range will the houses start for Albion?

- Donald Westphal stated that properties will probably start around mid-range in Albion depending on the house itself.
- Commissioner J Verbeke asked if the owner is responsible for selling the house?
- Donald Westphal stated the home owner can use a realtor or sell the property themselves
- Commissioner A Amos asked if the lot price will be the same for all lots and whether or not there will be a community center?
- Donald Westphal stated the lot price will depend on the lot location (i.e. a corner lot would be a higher cost) and will have a small sales office. May have a community center

Chair G Strander closed the public hearing at 7:34 p.m.

VI. Order of Business

A. Approve Reclassifying 500 Berner St from M-1 Light Industrial to an R-2 Multiple Family Residential District

T Pitt moved, A Amos supported, CARRIED, to Approve Reclassifying 500 Berner St from M-1 Light Industrial to an R-2 Multiple Family Residential District. (vv) (8-1) (Verbeke dissenting)

B. Excuse Absent Board Members

No action was necessary as all members were present.

VII. Public Comments

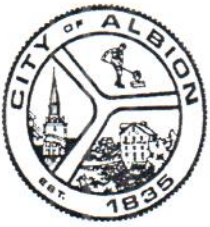
No comments were received.

VIII. Adjournment

T Pitt moved, S Ponds supported, CARRIED, to adjourn the September 1, 2020 Special Planning Commission Meeting (vv) (9-0)

Chair G. Strander adjourned the meeting at 7:38 p.m.

Recorded By: Jill Domingo, City Clerk



City of Albion

Planning, Building, Code Enforcement

Office: 517-629-7189

Email: jtracy@cityofalbionmi.gov

Planning Commission Meeting September 15, 2020, 7:00 p.m. on Zoom Site

Case Number: 2020-044

Reference: Preliminary site plan review for erecting proposed church

Site Location: 440 Bemer Street
P.N.: 51-017-201-10

Site Zoned: C – General Commercial District

Acreage: 9

Property owner of record: Christ Apostolic Church of Albion
501 N. superior St.
Albion, MI. 49224

Applicant: Terron Erwin
965 Haven Rd.
Albion, MI. 49224

440 Bemer St. Property Back Round: Undeveloped 9-acre parcel zoned C – General Commercial District. Frontage located on south side of property adjacent to Bemer St... Surrounding property: East - Commercial; North - I-94; South R-2 Multiple Family District; West R-2 Multiple Family District.

Applicant Request: Site plan review for erecting 40,018 square foot structure. Christ Apostolic Church is planning to relocate primary campus to said property.

C – General Commercial District: This district is intended to provide for a diverse mix of retail business and services in areas which abut major thoroughfares. Uses within the commercial district tend to be more automobile-dependent.

Development Standards

• Lot & Structure Standards

Lot area (min.)	None
Lot Width (min.)	None
Building Height (max.)	3 stories or 36'

• Setbacks

Front (min.)	25 feet
Rear (min.)	10 feet
Side (min.)	None
	15 ft. when abuts residential

• Parking

Church	1 per each 4 seats
Office	1 per each 200 sq. ft.
Dwelling unit	2 per unit

Submitted Site Plan

3 stories (Plan. Dept. request expl.)

Exceeds min. requirement

Exceeds min. requirement

Exceeds min. requirement

820 seats / 4 = 205

1,711 sq. ft. / 200 = 9

2 units x 2 = 4

total required spaces 218

236 spaces indicated on site plan
(7 barrier free spaces)

Parking lot green space

Parking areas greater than 10,000 sq. ft. require 1 sq. ft. of landscaped area for each 15 sq. ft. of parking lot.

Site plan does not include requirement

- **Refuse Enclosure**

included on site plan

Additional site plan requirement – missing and / or insufficient

- **Location of sidewalks for public use.** Sidewalks indicated next to structure only.
- **Location / type of proposed perimeter and internal landscaping.**
- **Exterior lighting/light poles.** Listed as #9 on Key Notes, page CP101 but not located on site plan. Type of lighting not listed.

NOTE: Applicant indicates possible addition of structure for van garage.

Site plan copies issued to:

Albion Department of Public Safety for review – awaiting reply.

Public Services for review (water, sewer & streets) – awaiting reply.

Soil Erosion & Sedimentation Control Review: applicant required to have submitted plan to Calhoun County.

Staff Recommendation: Planning Commission review of site plan with applicant, address listed items not included on site plan with applicant. Conditional approval based on: applicant making corrections according to planning commission and supplying required information; approval of Albion Department of Public Safety; approval of City of Albion Public Services (water, sewer & street); approval for soil erosion & sediment by Calhoun County.

Applicable Sections of Chapter 100, City of Albion Zoning Ordinance:

- Article 4, Section 4.8 C-Commercial District
- Article 3, Section 3.11 Landscaping & Screening; Section 3.12 Parking & Circulation
- Article 5, Section 5.5 Site Plan Review Procedures

John Tracy

Director of Planning, Building & Code Enforcement



CITY OF ALBION—APPLICATION FOR SITE PLAN REVIEW

City of Albion Planning Department (517) 629-7189

SAFEbuilt Inspection (269) 729-9244

Application Instructions: Complete all sections of this form. Type or use black ink. No application will be considered submitted or processed by the Planning Department until a complete application and all required documents are received.

Required Documents: (Major Projects)

- Twelve sets of plans, drawn to scale in black line or blueprint.

Base Fee: \$275 Plus: Consultant Charges if applicable (actual cost).

Additional Instructions: The applicant, or a representative with a letter of authority or power of attorney for the applicant, must be present at a meeting of the Albion Planning Commission concerning this application.

Remember to contact **SAFEbuilt Inspection office at (269) 729-9244** to see what building and/or trade permits may be necessary for your project.

FOR OFFICE USE ONLY
Permit #: 2020 - 044
Stamp here for "Date Received" RECEIVED AUG 21 2020 BY: _____ Received by

Deposit to Account: #101-400-483.00
Stamp here for "Paid" P AUG 21 2020 D
Amount: _____

Stamp here for "Approved/Deny"
Date: _____

1. Property Information:

Property Zoned: C

Street Address: Use Complete Street Address, e.g. 101 North Main Street

440 BOMER ST.

Parcel Number

51-017-201-10

Present Zoning District

B3 C

Present Use of Site:

☐ Residential

☐ Industrial

☒ Commercial

☐ Other (describe)

Requested Zoning District

B3 C

Proposed Use of Site:

☐ Residential

☐ Industrial

☒ Commercial

☐ Other (describe)

2. Owner Information:

Name: Include Contact Person If Applicable

CHAIST APOSTOLIC CHURCH - TERNON ERWIN/DAVID TRAMMELL (517) 629-6857

Phone

Street Address: Use Complete Street Address, e.g. 101 North Main Street

503 N. SUPERIOR ST, PO BOX 125

City, State Zip Code:

ALBION, MI, 49224

3. Applicant Information:

Name: Include Contact Person If Applicable

TERNON ERWIN

Phone

(517) 960-5878

Street Address: Use Complete Street Address, e.g. 101 North Main Street

965 HAVEN RD

City, State Zip Code:

ALBION, MI 49224

4. Engineer or Architect Information:

Name: <i>Include Contact Person If Applicable</i>		Phone
DANIEL WHITE ARCHITECT, LLC		(417) 425-9618
Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i>	City, State Zip Code:	
8576 WEST FARM ROAD 76 PO Box 695	WILLARD, MO 65781	

5. Developer Information:

Name: <i>Include Contact Person If Applicable</i>		Phone
ZION CHURCH BUILDERS, INC		(269) 544-7211
Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i>	City, State Zip Code:	
PO Box 218	MATAWAN, MI 49071	

6. Project Description:

Provide a narrative description of the project including gross and net acreage of all parcels in the project, the total number of proposed structures, square feet, total and usable floor space, parking spaces, garages, open space, and other related information pertinent to this application.

7. Site Plan Specifications:

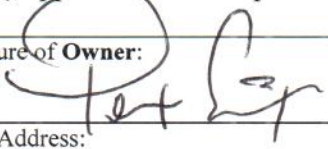
The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 100' or less, showing the site and all land within 150 feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict the following:

- North arrow, scale and date of original submittal and last revision.
- Location of proposed and/or existing property lines, dimensions, legal descriptions and setback lines.
- Location of existing public roads, rights-of-way and private easements of record and abutting streets.
- Project description, including the total number of structures, square feet, total and usable floor area, parking spaces, garages, open space and related information as pertinent or otherwise required by the ordinance.
- Existing topographic elevations at two foot intervals, proposed grades and direction of drainage flows.
- Location and type of significant existing vegetation.
- Location and elevations of existing watercourses and water bodies, including county drains and man-made surface drainage ways, floodplains, and wetlands.
- Locations of existing and proposed building and intended uses thereof, as well as the length, width, and height of each building.
- Proposed location of accessory structures, buildings and uses, including but not limited to flagpoles, lightpoles, docks, storage sheds, transformers, air conditioners and the method of screening where applicable.

- Location and dimensions of existing and/or proposed curbing, carports, barrier free access, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
- Location, size and characteristics of all loading and unloading areas.
- Locations and design of all sidewalks, walkways, bicycle paths and areas for public use.
- Location of all other utilities on the site including, but not limited, to natural gas, electric, cable TV, telephone and steam.
- Location and specifications for all fences, walls, and other screening features.
- Location for all proposed perimeter and internal landscaping.
- Location and size for screening of all trash receptacles and other solid waste disposal facilities.
- Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salt, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
- Identification of any significant site amenities.

8. Certification

*I hereby certify that I am the **owner** of record of the named property and that I have authorized the proposed work. I further agree to conform to all applicable laws of this jurisdiction. If a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.*

Signature of Owner: 	Phone (517) 960-5878	Date 8/21/2020
Street Address: 965 HAVEN RD	City, State, Zip Code ALBION, MI 49224	

I hereby certify that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

Signature of Applicant: 	Phone (517) 960-5878	Date 8/21/2020
Street Address: 965 HAVEN RD	City, State, Zip Code ALBION, MI 49224	

For Planning Department Use Only

9. Evaluation and Determination

SAFE BUILT SERVICES

Mechanical Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Plumbing Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Electrical Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Residential Building Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Commercial Building Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Plans Examination	<input type="checkbox"/> YES	<input type="checkbox"/> NO

PUBLIC SERVICES

Right of Way	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Curb Cut	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Soil Erosion	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Sewer Connection	<input type="checkbox"/> YES	<input type="checkbox"/> NO

ZONING PERMIT

Site Plan	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Non-conformity	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Special Use	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Variance	<input type="checkbox"/> YES	<input type="checkbox"/> NO

REVIEWER

<i>Staff whom Reviewed the Application:</i>	<i>Staff Hours:</i>	<i>Approved/Deny:</i>	<i>Date Applicant Notified:</i>
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Commission Action Required? ☐ YES ☐ NO

PUBLIC NOTICE

<i>Public Notice in Newspaper</i>	<i>Letter to Nearby Properties</i>	<i>Public Hearing Date</i>
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PLANNING COMMISSION

<i>Planning Commission Action (Approved/Deny)</i>	<i>CHECK HERE FOR CONDITIONAL APPROVAL</i> _____	<i>Vote</i> <i>Approval:</i> _____ <i>Deny:</i> _____
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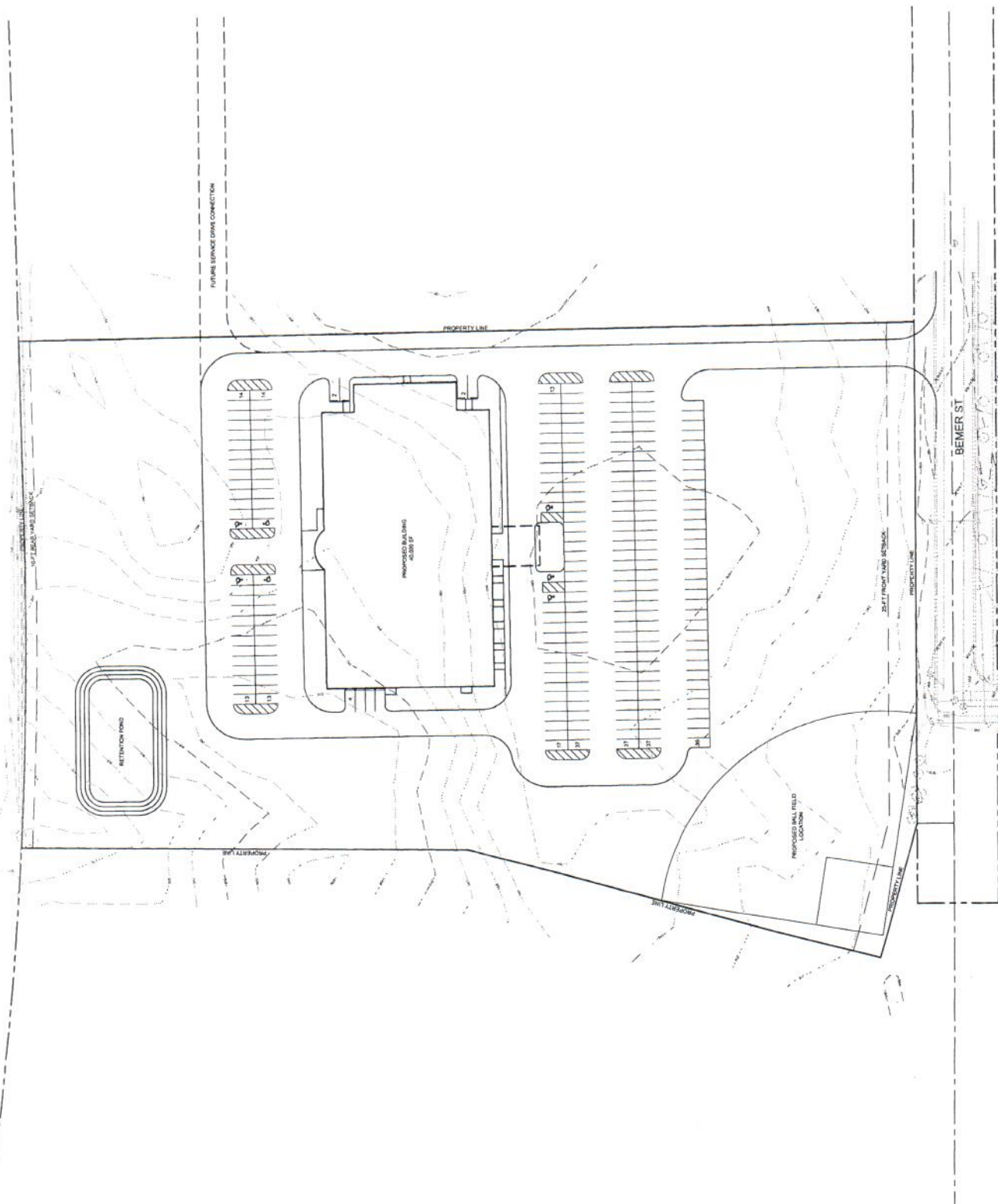
PLANNING DEPARTMENT APPROVAL/DENY

<i>Signature</i>	<i>Date</i>
<i>Notes</i>	<i>Stamp</i>

Revised 01-30-14



PARKING TOTALS:	
STANDARD SPACES (SPACE):	228
ADA SPACES:	7
TOTAL SPACES:	236



PRELIMINARY - NOT FOR CONSTRUCTION

DATE	19-09
NO.	60-61
DATE	08 JUN 19
NO.	260079
DATE	22 JUL 20
NO.	24 JUL 20

PR3
© 2019, 2020

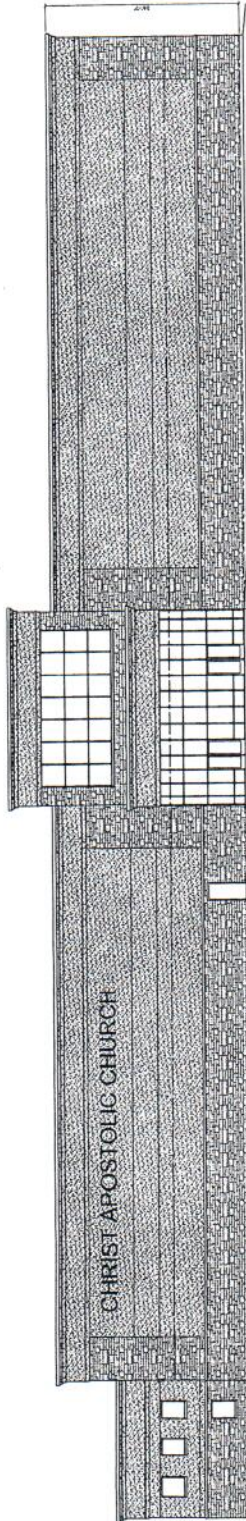
ELEVATIONS

ALBION, MICHIGAN

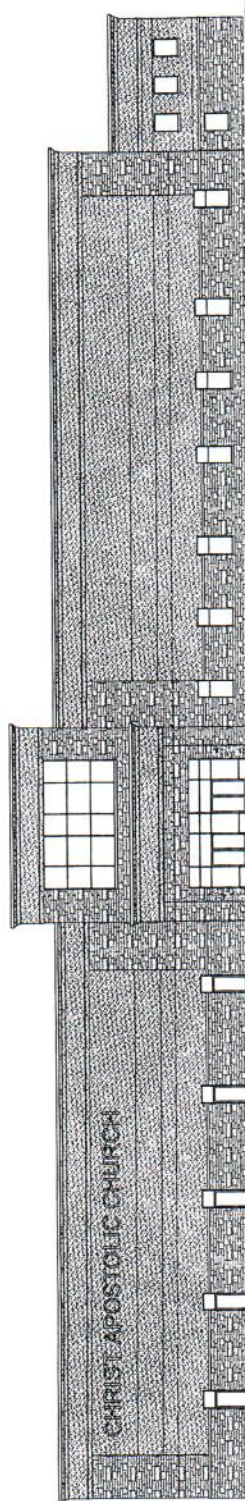
CHRIST APOSTOLIC CHURCH

A NEW FACILITY FOR

Daniel G. White, Architect, LLC
PO BOX 695, 8576 WEST FRANK ROAD, TOLSON, MISSOURI 65761
111 74259618
ARCHITECT FIRM
DOWCHARTERS@GMAIL.COM
ZION CHURCH BUILDERS, INC.
P.O. BOX 218, MATTMAN, MI 49071
1365447311 - 1365447311 FAX
1365447311 - 1365447311 FAX



2 NORTH ELEVATION
1/8\"/>

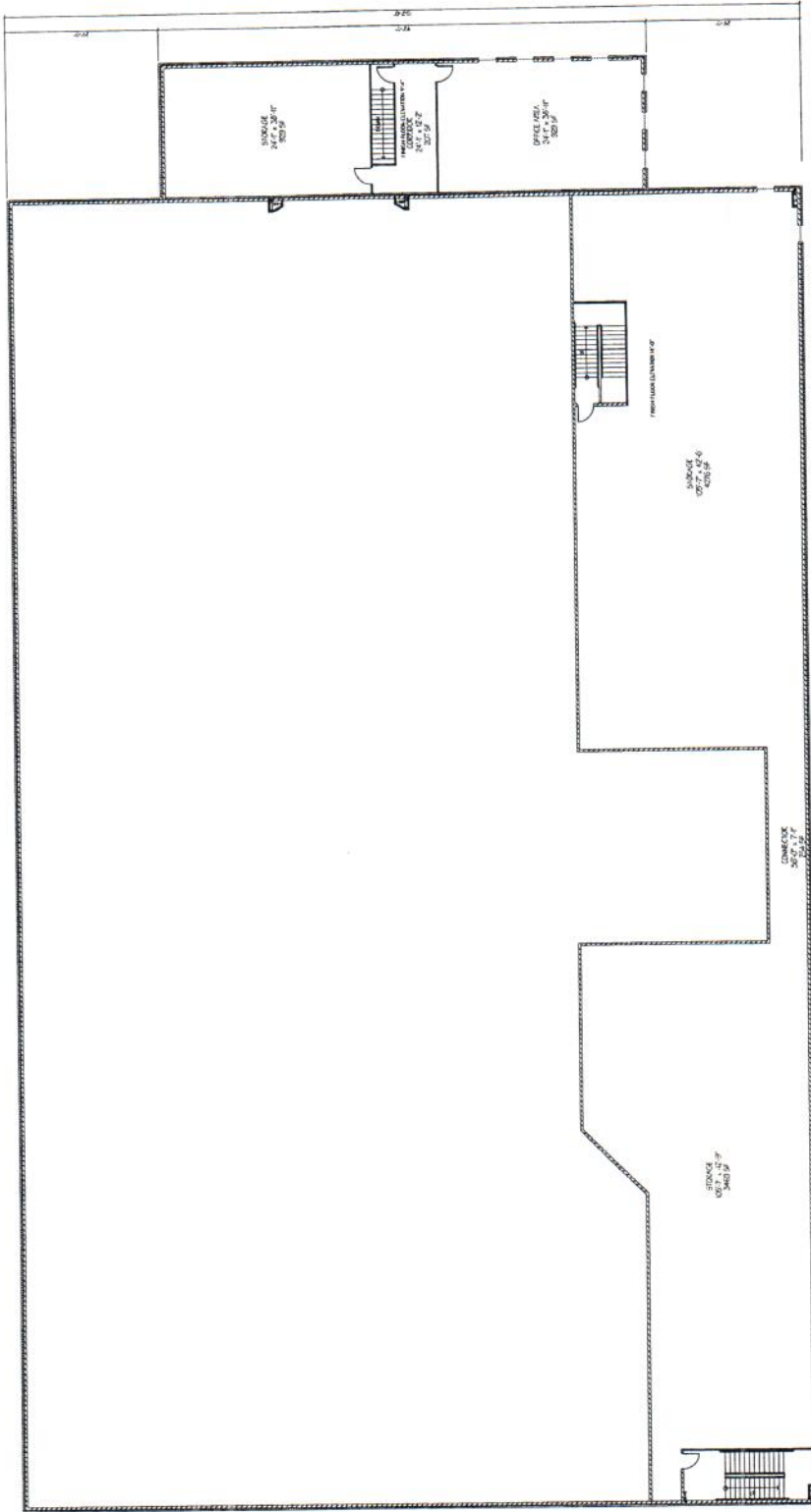


1 SOUTH ELEVATION
1/8\"/>

A NEW FACILITY FOR

(417) 255-9618
 DOWCREATIONS@aol.com
 ARCHITECT FOR:
 ZION CHURCH BUILDERS, INC.
 P.O. Box 218, MARYSVILLE, MI 49071
 (269) 544-7211 • (269) 544-7216 FAX
 E-MAIL: ZIONCHURCHBUILDERS@aol.com

UPPER LEVEL FLOOR PLAN





CITY OF ALBION—APPLICATION FOR ZONING PERMIT

City of Albion Planning Department (517) 629-7189

SAFEbuilt (269) 729-9244

ALBION ZONING ORDINANCE

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 30-23. Zoning Permit

(a) No land shall be used or occupied and no structure shall be designed, erected, altered or used hereafter until a zoning permit shall have been issued by the zoning inspector. It shall be the duty of the zoning inspector to issue a zoning permit, provided he is satisfied that the building, structure or premises, and the proposed use thereof, conform with all the requirements of this chapter. A zoning permit issued by the zoning inspector shall be required prior to the issuance of any building permit.

Application Instructions: Complete all applicable sections of this form. Type or use black ink. No application will be considered submitted or processed by the Planning Department until a completed application and all required documents are received.

Required Documents:

- Plot Plan or Site Plan as required (see handout materials)
- Proof of ownership
- Proof of payment for zoning permit application fee (see fee schedule invoice)

Residential and Commercial Application for Zoning Fee: \$45.00

1. Property Information:

Property Zoned: **C**

Street Address: *Use Complete Street Address, e.g. 101 North Main Street*

440 Berner St. Albion, MI

Parcel Number

51 017 20110

Use Classification:

☐ Residential

☐ Commercial

☐ Industrial

☒ New Construction

☐ Existing Construction

2. Owner Information:

Name: *Include Contact Person If Applicable*

Phone

CHRIST APOSTOLIC CHURCH - TERRON ERWIN/DAVID TRAMMELL (517) 629-6857

Street Address:

City, State Zip Code:

503 N. Superior St, PO Box 125

Albion, MI 49224

3. Applicant Information:

Name: *Include Contact Person If Applicable*

Phone

TERRON ERWIN

(517) 960-5878

Street Address:

City, State Zip Code:

965 HAVEN RD

Albion, MI 49224

Federal Employee ID Number/Social Security Number

Workers Compensation Insurance Carrier

440929648

FOR OFFICE USE ONLY

Permit #:

20 20 - 043

Stamp here for "Date Received"

RECEIVED
AUG 21 2020

Received by:

Deposit to Account: #101-400-483.00

Stamp here for "Paid"

AUG 21 2020

Amount:

Stamp here for "Approved/Deny"

Date

4. Plan Review Requirements

PLEASE ATTACH ADDITIONAL SHEETS TO ILLUSTRATE THE WORK BEING DONE. It is highly recommended that you show all public streets, sidewalks, and utilities that are near or will be affected by your project. For projects close to property lines, include any structures that may neighbor the property where the alteration will take place

5. Project Information: (Plot Plan is not required for projects that are only repair/replace.)

Estimated Start Date: <div style="font-size: 1.2em; font-family: cursive;">10/1/2020</div>	Estimated Finish Date: <div style="font-size: 1.2em; font-family: cursive;">12/1/2021</div>	Project Cost/Bid Price: <div style="font-size: 1.2em; font-family: cursive;">\$4,800,000.00</div>																		
<p>Application Request: <i>Check all that apply.</i></p> <table style="width: 100%;"><tr><td><input checked="" type="checkbox"/> New Construction</td><td><input type="checkbox"/> Relocation</td><td><input type="checkbox"/> Home Occupation</td></tr><tr><td><input type="checkbox"/> Addition</td><td><input type="checkbox"/> Land Division</td><td><input type="checkbox"/> Accessory Structure</td></tr><tr><td><input type="checkbox"/> Foundation Only</td><td><input type="checkbox"/> Variances</td><td><input type="checkbox"/> Alteration</td></tr><tr><td><input type="checkbox"/> Extraction/Fill/Grade</td><td><input type="checkbox"/> Planned Unit Development</td><td><input type="checkbox"/> Repair/Replace</td></tr><tr><td><input type="checkbox"/> Fence(s)/Screening</td><td><input type="checkbox"/> Change in Use</td><td><input type="checkbox"/> Demolition</td></tr><tr><td><input type="checkbox"/> Sign(s)/Billboard(s)</td><td><input type="checkbox"/> Telecommunications</td><td><input type="checkbox"/> Other</td></tr></table> <p>* Note, Describe Application Activity:</p> <div style="text-align: center; font-size: 1.5em; font-family: cursive; margin-top: 20px;">See attached</div>			<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Relocation	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Addition	<input type="checkbox"/> Land Division	<input type="checkbox"/> Accessory Structure	<input type="checkbox"/> Foundation Only	<input type="checkbox"/> Variances	<input type="checkbox"/> Alteration	<input type="checkbox"/> Extraction/Fill/Grade	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Repair/Replace	<input type="checkbox"/> Fence(s)/Screening	<input type="checkbox"/> Change in Use	<input type="checkbox"/> Demolition	<input type="checkbox"/> Sign(s)/Billboard(s)	<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Relocation	<input type="checkbox"/> Home Occupation																		
<input type="checkbox"/> Addition	<input type="checkbox"/> Land Division	<input type="checkbox"/> Accessory Structure																		
<input type="checkbox"/> Foundation Only	<input type="checkbox"/> Variances	<input type="checkbox"/> Alteration																		
<input type="checkbox"/> Extraction/Fill/Grade	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Repair/Replace																		
<input type="checkbox"/> Fence(s)/Screening	<input type="checkbox"/> Change in Use	<input type="checkbox"/> Demolition																		
<input type="checkbox"/> Sign(s)/Billboard(s)	<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Other																		
<table style="width: 100%;"><tr><td style="width: 50%;">Structure Frame: Check all that apply</td><td style="width: 50%;">Exterior Wall: Check all that apply</td></tr><tr><td><input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete</td><td><input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete</td></tr><tr><td><input type="checkbox"/> Masonry <input type="checkbox"/> Wood <input type="checkbox"/> Other</td><td><input checked="" type="checkbox"/> Masonry <input type="checkbox"/> Wood <input type="checkbox"/> Other</td></tr></table>			Structure Frame: Check all that apply	Exterior Wall: Check all that apply	<input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete	<input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete	<input type="checkbox"/> Masonry <input type="checkbox"/> Wood <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Masonry <input type="checkbox"/> Wood <input type="checkbox"/> Other												
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<table style="width: 100%;"><tr><td style="width: 70%;">Are there any structural assemblies that are being fabricated off site?</td><td style="width: 10%; text-align: center;"><input type="checkbox"/> YES</td><td style="width: 20%; text-align: center;"><input checked="" type="checkbox"/> NO</td></tr><tr><td>Will there be heating, air conditioning, or ducting installed as a part of this project?</td><td style="text-align: center;"><input checked="" type="checkbox"/> YES</td><td style="text-align: center;"><input type="checkbox"/> NO</td></tr><tr><td>Will this project include new or upgraded attachments to water or sewer facilities?</td><td style="text-align: center;"><input checked="" type="checkbox"/> YES</td><td style="text-align: center;"><input type="checkbox"/> NO</td></tr><tr><td>Will this project include the installation of new electrical circuits or fixtures?</td><td style="text-align: center;"><input checked="" type="checkbox"/> YES</td><td style="text-align: center;"><input type="checkbox"/> NO</td></tr><tr><td>Will this project change the footprint of the existing structure(s)?</td><td style="text-align: center;"><input type="checkbox"/> YES</td><td style="text-align: center;"><input checked="" type="checkbox"/> NO</td></tr></table>			Are there any structural assemblies that are being fabricated off site?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Will there be heating, air conditioning, or ducting installed as a part of this project?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Will this project include new or upgraded attachments to water or sewer facilities?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Will this project include the installation of new electrical circuits or fixtures?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Will this project change the footprint of the existing structure(s)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO			
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Will this project include new or upgraded attachments to water or sewer facilities?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO																		
Will this project include the installation of new electrical circuits or fixtures?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO																		
Will this project change the footprint of the existing structure(s)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO																		
Manufactured/ Modular – Serial Number:																				

6. Site Plan Projects [As Required in Section 30-422 (1) (2)]

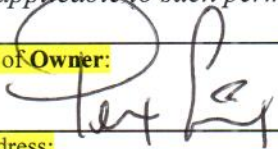
All Projects Regulated By Section (30-421)		
<input type="checkbox"/> Multi-Family	<input type="checkbox"/> Mobile Home District	<input type="checkbox"/> Special Use Permits
<input checked="" type="checkbox"/> Commercial/Business	<input type="checkbox"/> Plats	<input type="checkbox"/> Planned Unit Development
<input type="checkbox"/> Industrial	<input type="checkbox"/> Condominium	<input type="checkbox"/> Other _____

7. Declarations and Certification

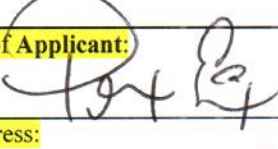
Applicants who wish to appeal the decision of the Zoning Administrator must do so in writing to the Planning Department within 10 days of receiving notification that the Zoning Permit has been denied. The Zoning Board of Appeals typically meets on the second Wednesday of each month and will seek to deal with all appeals in a timely fashion.

Remember to contact SAFEbuilt at (269) 729-9244 to see what building permits will be required for the project. SAFEbuilt will not issue an occupancy permit until all ZONING and BUILDING permits have been completed and approved by the appropriate authorities.

*I hereby certify that I am the **owner** of record of the named property and that I have authorized the proposed work. I further agree to conform to all applicable laws of this jurisdiction. If a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.*

Signature of Owner : 	Phone (517) 960-5878	Date 8/21/2020
Street Address: 965 HAVEN RD	City, State, Zip Code ALBION, MI 49224	

I hereby certify that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

Signature of Applicant : 	Phone (517) 960-5878	Date 8/21/2020
Street Address: 965 HAVEN RD	City, State, Zip Code ALBION, MI 49224	

For Planning Department Use Only

8. Evaluation and Determination

SAFEBUILT (BUILDING & TRADES INSPECTIONS)

Mechanical Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Plumbing Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Electrical Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Residential Building Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Commercial Building Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Plans Examination	<input type="checkbox"/> YES	<input type="checkbox"/> NO

PUBLIC SERVICES

Right of Way	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Curb Cut	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Sewer Connection	<input type="checkbox"/> YES	<input type="checkbox"/> NO

CALHOUN COUNTY

Soil Erosion	<input type="checkbox"/> YES	<input type="checkbox"/> NO
--------------	------------------------------	-----------------------------

ZONING PERMIT

Site Plan	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Variance	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Non-conformity	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Special Use	<input type="checkbox"/> YES	<input type="checkbox"/> NO

PLANNING DEPARTMENT APPROVAL/DENY

<i>Signature</i>		<i>Date</i>
<i>Notes</i>		<i>Stamp</i>



Christ Apostolic Church is planning to relocate our primary campus to the property plot consisting of 9.004499541 acres and is located at 440 Bemer St, Albion.

The erected structure will be 40,018 square feet under roof with usable floor space yet to be determined, but near to that total.

There will be two parking lots adjoined. One on the north side, I-94 facing side, and another on the south side, Bemer Street, facing side. Total parking spaces is currently at 236.

We may have one additional structure to be identified as a van garage and open fields for outdoor events.

Christ Apostolic Church

P.O. Box 125, 501 N. Superior St. Albion, Michigan 49224 Voice: 517.629.6857 Fax: 517.629.8876
Email: cacalbion@sbcglobal.net Web: www.cacalbion.com

Section 4.8 C - General Commercial District

C

A. Purpose.

This district is intended to provide for a diverse mix of retail business and services in areas which abut major thoroughfares. Uses within the Commercial District tend to be more automobile-dependent.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in Section 4.12: Full Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of Article 5: Plot Plan & Site Plan Review, Article 6: Special Use Review, and Article 7: Supplemental Regulations.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Accommodation & Food/Event Services	
Bakeries, Confectioneries, and Ice Cream Shops	P
Banquet Halls/Wedding Venues	P
Caterers/Food Service Contractors	P
Coffee Shops	P
Convention Centers/Conference Centers	P
Delicatessens	P
Drinking Establishments/Taverns/Bars with no food service	S
Hotels and Motels (attached or detached units) §7.17	P*
Microbreweries & Distilleries (serving directly to the public)	P
Night Club	S
Restaurants (with or without Drive-Through or Eat in Car)	P
Wineries	P
Agriculture & Forest Products; Animals	
Animal Shelter	P
Cider Mills	P
Farm Product Sales	P
Greenhouse; Nursery; Hoophouse §7.8	P*
Kennels	P
Landscaping Establishment §7.8	P*
Veterinary Clinic/Animal Hospital with or without outdoor animal area or overnight boarding	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Arts, Entertainment & Recreation (continued)	
Amusement Arcades or Devices (Mechanical) & Similar Indoor Recreation	P
Archery Ranges (& as accessory use), Indoor	P
Art Galleries (Public)	P
Art/Cultural Uses (such as Studios for painter, sculptor, musician, photographer, or similar) where the intent is to either educate/teach such craft through lessons or provide for retail sales of such produced art	P
Bicycle Shops	P
Billiards Halls	P
Bowling Centers	P
Equipment Rental, Recreational (Outfitter)	P
Firearms Range, Indoor	P
Firearms Store	P
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club)	P
Golf Driving Ranges (Indoor or Outdoor)	P
Nature Parks/Nature Areas (Public)	P
Outdoor Performance Facilities	S
Public Parks, Playgrounds, Playfields §7.3	P*
Recreational Facility, Commercial (ex - go karts; miniature golf; disc golf; skating rinks)	P
Theaters/Performing Arts Facilities	P
Tours (Commercial Operations)	P
Zoos, Petting	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Commercial, Services & Retail	
Agricultural Equipment Dealers/Repair	P
Antique Stores	P
Automotive Accessory Sales (auto parts)	P
Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change; Tire Sales §7.15	S*
Automobile Service Station §7.15	S*
Automobile Towing Businesses	P
Bait & Tackle Shops	P
Boat and Boating Accessory Sales	P
Boat/RV/Recreational Equipment Repair & Storage	P
Building & Garden Equipment & Supplies Dealers	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Car Washes §7.15	P*
Cash Advance Stores	P
Clothing, Clothing Accessory, Jewelry & Shoe Stores (including shoe repair)	P
Commercial/Industrial Equipment Rental & Leasing	P
Commercial Equipment Repair & Maintenance	P
Convenience Stores	P
Crafts/Trade Offices/Shops (small scale craft making)	P
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment	P
Dry Cleaning & Laundry Collection/Distribution Station	P
Dry cleaning and laundry plants serving more than one outlet	P
Electronic & Precision Equipment Repair & Maintenance	P
Electronics & Appliance Stores	P
Extermination & Pest Control Services	P
Farm & Feed Supply Stores	P
Film Production Facilities including sound stages and other related activities	P
Financial Institutions	P
Fix-it Shops and Lawnmower Repair	P
Flea Market	P
Florists	P
Funeral Homes & Mortuaries §7.9	P*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Commercial, Services & Retail (continued)	
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)	P
Furniture Refinishing (Upholsterers)/Furn. Repair	P
Garden Supply Stores (not greenhouse or landscaping supply; no outdoor storage)	P
General Merchandise Stores/General Retail	P
General Rental Centers (ex: furniture, appliances)	P
Gift Shops	P
Grocery and Meat Market	P
Hardware Stores	P
Health & Personal Care Stores	P
Health Spa	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Interior Designers/Showrooms	P
Laundromat (self-service)	P
Liquor Store (sale by package only) – where liquor is 51% or more of sales	P
Liquor Store (sale by package only) – where liquor is less than 51% of sales (accessory to main purpose)	P
Locksmiths	P
Manufactured Home Dealers	P
Medical Marijuana Processor Facilities §7.24	P*
Medical Marijuana Provisioning Facilities §7.24	P*
Medical Marijuana Safety Compliance Facilities §7.24	P*
Medical Marijuana Secure Transporter §7.24	P*
Movie Rental Stores	P
Office Developments	P
Office Supply Stores	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, trailers, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment	S
Pawn Shops	P
Personal Services	P
Beauty Shops	P
Barber Shops	P
Massage Therapy	P
Pet & Pet Care Stores (except Veterinary & Animal Shelters)	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Commercial, Services & Retail (continued)	
Printing/Binding/Publishing of Print Material	P
Professional Cleaning Services	P
Professional Offices (in which chattels or goods, wares or merchandise are not commercially exchanged or sold)	P
Attorney	P
Architect	P
Landscape Architect	P
CPA	P
Registered Engineer	P
Real Estate Agencies	P
Securities and Stock Market Brokerages	P
Insurance Agencies	P
Financial Counseling	P
Tax Services	P
Recording Studios	P
Resale Shops/Thrift Shops	P
Shopping Center – Multiple Businesses	P
Shoe Repair	P
Small Engine Repair	P
Sporting Goods, Toys, Hobby, Book & Music Stores (incl Musical Instruments)	P
Studios for dance, physical exercise and music	P
Tailors (pressing/altering/repair of apparel)	P
Tattoo; Body Piercing Studio	P
Taxidermy Shops	P
Watch Repair	P
Communications	
Television/Radio Broadcasting Studios (excluding transmission facilities)	P
Wireless Communications Support Structures (ex: cell towers) §7.22	S*
Construction & Contractors	
Lumber/Building Material Sales and Storage	P
Special Trade Contractors Offices & Showrooms – no outdoor storage	P
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	P
Energy	
Propane Distributor/Propane Supply Facilities	S
Wind Energy Conversion Systems §7.23	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Human Care & Social Assistance	
Adult Commercial Day Care Facility – Small Group	P
Adult Commercial Day Care Facility – Large Group	P
Adult Foster Care Large Group Home (13-20 adults)	P
Adult Foster Care Congregate Facilities (over 20 adults)	P
Ambulance Service	P
Assisted Living Home/Nursing Home/Convalescent Home	P
Child Caring Institution	P
Laboratories (Medical or Dental)	P
Hospitals, Sanitariums, and Charitable Institutions for Human Care (not for penal purposes)	P
Institutions (headquarters for religious, philanthropic and charitable organizations).	P
Offices/Clinics – Medical, dental, social worker, psychologist/psychiatrist, chiropractor	P
Miscellaneous	
Accessory Structures & Uses Incidental to Principal Uses §3.7	P*
Community Garden §7.7	P*
Parking Lots (as a principal use)	P
Parking Structures	P
Planned Unit Developments, Commercial/Industrial §7.21	S*
Public Facilities	
Community Centers & Auditoriums (public)	P
Government Facilities	P
Transportation, Storage & Wholesale	
Crating and Packing Services	S
Mini-Warehouses or Storage Facilities (including self-storage)	S
Scenic & Sightseeing Transportation/Ground Passenger Transportation	P
Towing Businesses	P
Truck Washes	S
Wholesale Businesses	P

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board Of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C. Development Standards.

Table 4.8

See Figure 4.8

1. Lot & Structure Standards

a. Lot Area (min.)	None
b. Lot Width (min.)	None
c. Building Height (max.)	3 stories or 36' (over 3 stories up to 5 allowed as Special Use permit)
d. Building Coverage (max.)	None

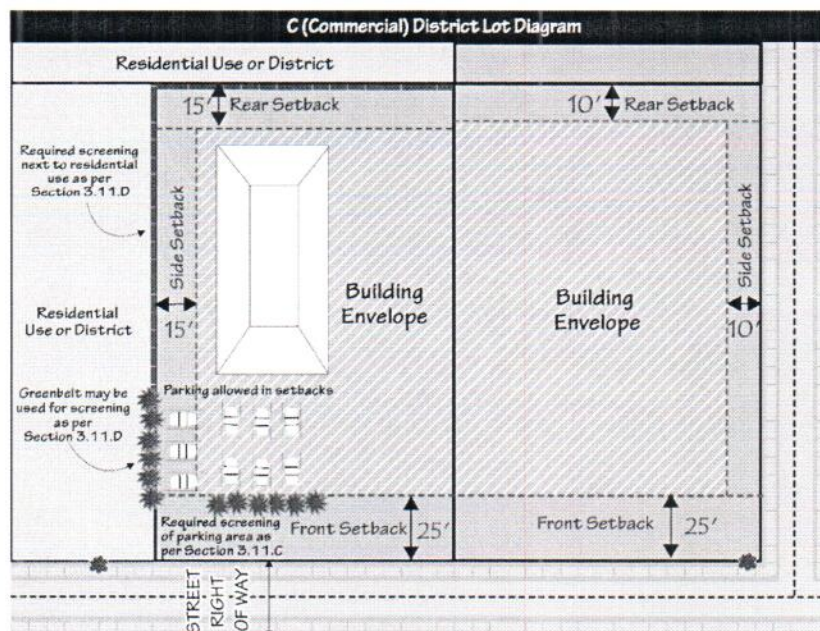
2. Setbacks

a. Front (min.)	25 feet
b. Rear (min.)	10 feet 15 feet when rear yard abuts a residential district or residential use
c. Side (min.)	None 15 feet when side yard abuts a residential district or residential use
d. Side - street - corner (min.)	10 feet

3. Additional Development Standards

a. Accessory Structures	Regulated by §3.7.
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.11.
c. Fences	Regulated by Chapter 18, Article VII of the Code of Ordinances.
d. Parking	Regulated by §3.12.
e. Outdoor Cafes	Regulated by Chapter 22, Article IV of the Code of Ordinances.
f. Signs	Regulated by Chapter 64 of the Code of Ordinances.

Figure 4.8



Planning Commissioners Handbook

Published by the Michigan Municipal League

Written by Steve Langworthy
LSL Planning
Community Planning Consultants

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About the Author:

Steve Langworthy is a partner in the firm of LSL Planning. His more than 25 years of planning experience includes six years as the Planning Director and Zoning Administrator for the City of Kentwood and extensive experience in a variety of communities as a consulting planner. Steve has authored numerous master plans, zoning ordinances and special studies for communities of all sizes and levels of government.

Steve has extensive experience as a lecturer. He has conducted hundreds of zoning seminars and training programs for local government clients, the Michigan Municipal League, the Michigan Townships Association, and the Michigan Society of Planning Officials. He authored the Planning Commissioners Handbook for the Michigan Municipal League and was a principal author of the ***Township Guide to Planning and Zoning***, published by the Michigan Townships Association.

Foreword

Along with the other appointed and elected municipal officials in your community, members of a planning commission accept responsibility to protect the personality and vitality of your community. To carry out their duties, these volunteers must digest a mountain of information and negotiate a maze of delicate situations.

This handbook was written to help new planning commissioners become effective commissioners. The topics covered include tools for planning commissioners, preparing for meetings, meeting the public, how knowledge of the zoning ordinance and applying ordinance standards will help you make decisions that will stick and what the future holds for planning commissioners.

As the state association of cities and villages, the Michigan Municipal League is committed to providing a variety of educational resources for both elected and appointed municipal officials to assist them in doing their jobs. The League is a non-partisan, nonprofit association working through cooperative effort to strengthen the quality of municipal government and administration.

This handbook is the latest step in our continuing effort to help municipalities meet the daily challenges of governing. Our thanks go to community planning consultant Steve Langworthy of LSL Planning for developing this text. His knowledge, creativity, insight and responsiveness are most appreciated. Contributing to the legal accuracy of this book was League Associate General Counsel Sue Jeffers. The Information and Publications staff of the Michigan Municipal League added a measure of common sense and smooth flavor.

Our aim is to produce publications that will help make your job easier. We welcome suggestions for additions to this publication and your comments in regard to all our publications. Let us know how we are doing and how we can be of further assistance!

Daniel P. Gilmartin
Executive Director

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**Chapter 2:
The Planning Commissioner's Toolbox**

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**Chapter 5:
Making Tough Decisions**

**Chapter 6:
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**Chapter 7:
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Glossary

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Introduction

Congratulations!

§1 As a new planning commissioner, you may find yourself a little bewildered and overwhelmed. Since experience is not one of the conditions of appointment to the planning commission, you may wonder just what it is you are supposed to be doing.

This handbook has been written to provide you with some hints about how to be an effective planning commissioner. Rather than trying to teach you about the laws and regulations governing planning and zoning, we will concentrate on what you might expect to encounter as a commissioner and some of the methods you may use to prepare, make and enforce your decisions.

During your term as a planning commissioner you will encounter a wide variety of situations, people and problems. You will need patience, tact and diplomacy. Knowing how to act in stressful circumstances is one of the most important parts of the job, and one that is best learned through experience.

This Planning Commissioners Handbook is your head start on learning how to deal with these difficult situations.

You are encouraged to seek other sources for learning about the intricacies and technical details of zoning, planning and other related topics. These, too, will be a significant part of your job as a planning commissioner. The Michigan Municipal League can suggest a number of publications and training opportunities that can help you on your way. For more information, contact them at 800-653-2483 or visit their excellent web site at www.mml.org.

Good luck! You have volunteered to provide a valuable service to your community and your time and efforts are much appreciated.

Chapter 1

What Was I Thinking?

§2 As you sit through your first planning commission meeting, this thought will probably go through your mind at least once. You've been thrown together with a group of others, some of whom know as little as you think you do. You have been asked to do an almost impossible job, using confusing documents, about which you know next to nothing. On top of which, the job offers little or no compensation!

For this privilege you get to listen to individuals and groups complain, plead, bargain, shout, criticize and lecture.

Yet, many commissioners wouldn't trade the job for anything.

Few voluntary non-elected appointments have the kind of authority granted a planning commissioner. Fewer still have the ability to affect the future of a community to such a great extent.

It Begins With a Philosophy

§3 The planning commissioner wears many hats from mediator, interpreter, visionary, researcher or teacher, to community builder.

Becoming an effective commissioner begins with a clear philosophy of your approach to the task.

Perhaps you had a desire to give something back to the community. Or, maybe something happened in your neighborhood that disturbed you. Most likely you did not get into the job for the money. After all, you did volunteer.

Ultimately, you will have to decide what kind of commissioner you will be.

What is a Planning Commission?

§4 Early in the history of zoning, it was recognized that when reviewing zoning and land use matters, elected officials needed input from a group of individuals who were not affected by political concerns. Having a group of interested volunteers judge land use decisions for the community was intended to allow a wide range of views to be fairly represented.

Elected officials are representatives **for** the people in the community. As such, they are accountable to the voters. As a planning commissioner, on the other hand, you are a representative **of** the people. This means that the members of the commission represent the various interests found in the community, such as professionals, business owners and homemakers.

In theory, this allows a planning commissioner to act without the political considerations that influence elected officials.

You will also find that having a variety of personalities on the commission serves a purpose.

Some of your fellow commissioners may consider themselves to be compromisers; always looking for the win-win solution. Others may believe that they are simply there to express the will of the people and suppress their own opinions.

Regardless of whether you agree with them or not, keep in mind that the reason the commission has more than one member is to allow for this variety of opinions.

Even though every commissioner has the best interests of the community at heart, their

The Land Use Challenge

§5 New development often brings out concerns over land use. Residents become concerned about losing the character of their community. Those who propose changes are acting to protect their own investment, whether personal or professional. Decision makers must, within the constraints of the law, allow for development which is consistent with the existing or planned character of the community and reject that which is not.

This can create land use conflicts and divide communities along philosophical lines. The master plan and zoning ordinances should prioritize these sometime conflicting or competing interests as a matter of policy. In each decision the commissioners must apply the policy to the specific facts at hand. The planning commission, often caught in the middle, may look back and say, “How did we get into this mess?”

In truth, advocates for development and preservation have common goals. Most of the time, both seek better use of the land from their own perspectives: the developer to protect his or her financial interest, and the neighbors to maintain their quality of life. Planning commissioners must weigh each of these interests.

approaches may differ from yours since each is based on their own philosophy. Over time

you will come to understand some of the motivations of the other commissioners and may find yourself appreciating their views.

Developing your own philosophy and style is an important step in becoming an effective planning commissioner.

The Job

§6 As a planning commissioner you will be dealing with one of the most enduring elements of society – land. At the same time, you will be dealing with people. You will find that this can create some difficult situations.

Your decisions can have a serious effect on the use and value of land in your community. Decisions based on the land can have lasting implications. Consequently, your decisions must be based on the long term interests of the community.

These decisions are not always easy. In some instances, you will know the land owners, neighbors or applicants personally.

As you develop and refine your philosophy and style, keep in mind that the planning commissioner’s job is to help create and carry out policies regarding the physical development of their community.

That’s the easy part. If being a planning commissioner was simply a matter of following policies and obeying the dictates of a law, then only one member would be needed. Instead, planning commissions must constantly ensure that they treat each person and property in a fair and consistent manner.

This book discusses several practical aspects of being a new commissioner, including dealing with those who jealously guard their view of the community and those who may seem as though they are intent on destroying it.

Sounds like a tough job. No wonder so many people want it. Welcome aboard!

Chapter 2

The Planning Commissioner's Toolbox

§7 In the first chapter, we noted that being an effective commissioner begins with a clear understanding of your job and your approach to it. In much the same way, a community must also have a clear picture of why it exists and how it intends to grow.

Every community needs to plan locations for development where natural features and the environment are protected, where community character will not be diminished and where expenses for new roads and services will be at a minimum. This may include rehabilitating existing structures and reclaiming unused or abandoned properties as well as developing new areas.

The planning commission was originally given the responsibility of writing and adopting the master plan for the community. In 2002, this requirement was changed to require more involvement by the legislative body in the planning and adoption process. The planning commission remains the authors of the first draft of the zoning ordinance. This ensures a direct connection between the master plan and zoning ordinance.

While the 2002 change allowed the city or village council to be the adopting authority of the master plan, it is *required* to adopt the zoning ordinance because it is the law.

The Jigsaw Puzzle

§8 Building a community is a little like constructing a jigsaw puzzle, with each new development project providing a piece of the puzzle. The master plan might be considered the top of the jigsaw puzzle box. It shows us

the final form of the puzzle – our vision for the future.

Corner Pieces

§9 Policies concerning growth may be thought of as corner pieces of the puzzle. They anchor the rest of the community and allow for orderly development.

These policies may range from:

1. actively encouraging growth.
2. allowing growth to take its own course with as little government interference as possible.
3. allowing development provided that adequate utilities, roads, schools, fire, police and other public services are available.
4. trying to slow down the rate of growth.

Typically a master plan describes the community, outlines goals and objectives and maps areas of different land uses ranging from agricultural to industrial.

Plans for new development are then reviewed to ensure consistency with what was planned.

The Zoning Ordinance

§10 Communities continually wrestle with complex issues brought on by new development. The need to provide design flexibility, coupled with the desire to maintain some degree of control, has created the need to find innovative regulations.

Local control of the use of land (with some exceptions, such as state and federal land uses) is an accepted legal principle. Land use

is controlled by separating land into various use areas, called zoning districts.

The rules governing these districts are listed in a zoning ordinance that contains provisions controlling the type and intensity of development allowed.

The zoning ordinance should be based generally on the master plan. The future land use classifications of the plan are reflected in the ordinance's zoning districts. The density and intensity planned for the land use districts are translated to the uses permitted, lot sizes and other regulations.

Future Land Use and Zoning are NOT the Same

§11 The primary difference between future land use and zoning is a matter of timing. The future land use map shows the intended use of land at the end of the planning period, which could be many years in the future. The zoning map shows land as it is intended to be used today. Accordingly, the two maps will not be identical in every respect.

For example, one area of the community may have a future land use designation for industrial use. However, the goals and objectives of the master plan may indicate that industrial uses should not be established without public water and sewer services.

In order to ensure that a conflict in land uses is not established, the zoning map may designate the area for low intensity development. The master plan may then include a statement that the area is intended as a future location for industrial uses, pending provisions for public utilities. One justification for this action, which should be noted in the master plan, may be that the area has poor soils that will not accommodate private septic and water systems on the scale necessary for residential or high density development without public utilities.

Now What?

§12 Once the master plan and zoning ordinance are in place, it is important that they be kept current. A master plan that is not kept up-to-date and actively followed and implemented may lead to problems for the community in the future. The 2002 amendment to the Municipal Planning Act requires a community to review its plan at least every five years.

As noted earlier, changes to the Municipal Planning Act now require the legislative body to "approve the plan for distribution," or if it elects to do so, become the adopting authority for the plan. After preparing a proposed plan, the planning commission must submit the proposed plan to the legislative body for review and comment. Before the adoption process can proceed, the legislative body must approve the distribution of the proposed plan. If it does not, it must return the plan to the Commission with its objections. The Commission must then revise the plan until it is accepted by the legislative body.

The long-term effect of this change to the adoption process will have to be determined. But even if the Planning Commission maintains the responsibility of completing and adopting the master plan, the legislative body should be involved in all of the critical steps of the process in order for the plan to be assured of adoption and effectively implemented.

Failure to consistently follow the plan may discredit its use as a defense for actions that may be challenged by property owners or developers.

Likewise, consistent and vigorous use of the plan will lend credibility to the community's attempts to implement controversial decisions on rezonings or other zoning actions.

While the courts of the State of Michigan do not recognize the absolute authority of the master plan, they do lend much more credibility to actions supported by careful planning than those that appear to be taken arbitrarily against an individual property owner.

Conclusion

§13 As a new commissioner, the plans and ordinances for your community probably appear somewhat bewildering. In fact, we have only covered two of the documents that you will likely see. Others, such as the land division ordinance, capital improvement plan and recreation plan, are also valuable resources.

By far the greatest responsibility of the commission is to provide guidance for land use and development in the community. A properly developed, well thought-out master plan and an effective zoning ordinance can be of great value to a community. They provide an improved quality of life, more efficient use of financial and other resources, a cleaner environment and an economically healthy community.

Both the master plan and the zoning ordinance should be consistently and accurately followed to make sure they are applied fairly and consistently to those they affect. Together they are valuable tools in building the kind of community you want.

Keeping them current and relevant to today's conditions is hard work, but the rewards make the effort worthwhile.

Chapter 3

Preparing for Meetings

§14 Being a planning commissioner can mean either just showing up for the meeting, or putting in the time needed to make informed decisions. It is difficult to ask a volunteer to put forth an extra effort to be ready for a meeting, but those who occupy a seat as a commissioner have taken on the responsibility to do the best possible job for their community.

Planning commissioners cannot reach a fair and impartial decision without a firm base of knowledge about the matters placed before them. Gaining this knowledge will take the efforts of the community's staff, the applicant

and each commissioner.

As a planning commissioner, there are some positive "fact finding" steps you can take to make sure you are ready to make the best possible decision – based not on perception, but on facts.

Information

§16 In order to prepare for the meeting, you must make sure that you have all of the relevant information needed to make a decision. At a minimum, you will need to have copies of applications, site plans and other supporting material in sufficient time to allow you to study and prepare. You should expect to have at least a week to review the materials.

Site Visits

§17 Visiting the site is often a critical step in the decision making process. Even if you have lived in the community all of your life, individual sites take on a new personality when a specific project is to be built.

Some precautions should be used. **Site visits should always be made individually rather than as a group.** Meeting on site (even with less than a quorum) raises several concerns.

- ➔ A site visit by a majority of the membership of a decision making body must be advertised under the Michigan Open Meetings Act and steps must be taken to insure that the requirements of the Americans With Disabilities Act (ADA) are met.
- ➔ Practically, it is hard for the visiting members to avoid talking among themselves about the proposal. These

Before Attending the Meeting

§15 Make sure you have everything. Follow this checklist:

1. Do you have your zoning ordinance or other applicable ordinances?
2. Have you examined the agenda and related materials?
3. Do you have your questions written down?
4. Have you completed the site visit? (If not, at least drive by the sites on the way to the meeting.)
5. Have you reviewed the standards that will be used for each decision?
6. Remind yourself that the purpose of preparing for the meeting is not to **make** a decision, it is only to gather the information needed to **prepare** you for the decision that is to come.

side discussions, however, can violate the spirit as well as the letter of the Open Meetings Act.

There are two cautions to keep in mind when visiting a site.

1. Do not go onto the site unless specific written permission has been granted by the property owner or the site is otherwise available to the public (such as an existing shopping center). This can help avoid misunderstandings and problems with trespassing.

Resist the temptation to design the site. Your job is to review the applicant's plans and to identify your concerns. It is the applicant's job to design the site to meet those concerns.

If permission has not been granted and you feel as though your decision cannot be made without viewing the site, look for other ways to get the same information. This might include aerial photos or surveys. Or, you may request that the applicant submit photographs, slides or video tape, particularly for larger, inaccessible sites.

Do not allow your decision to be influenced by the applicant's reluctance to allow you on the site. Many people are concerned about liability or they simply are determined to protect their privacy. There are other ways to gather the information and you should not make a decision until the information is obtained.

2. Do not discuss the proposal with the property owner, neighbors or applicant outside of the meeting. The intent of information gathering is to insure that everyone has the same information on which to base a decision. This is not

TIP: Consider adding a line to your application form that allows the applicant the option to grant permission for the planning commission members to conduct a site visit.

possible if individual commissioners contact or are contacted by interested parties outside of the meeting.

If you are contacted by the applicant or others, be prepared to tell them that you are required to conduct all of your discussions only when the other commissioners are present.

Encourage them to come to the meeting (tell them when and where) or ask them to submit their comments in writing (tell them to whom and by what date).

If a contact cannot be avoided, it should be reported to the rest of the members during the meeting, along with the general content of the conversation.

You may feel free to request information from the community's staff. But whatever information you receive should also be made available to each of the other members.

Remember – you are only one person on the planning commission. The only time you should take action as a commissioner is in the presence of the other members at a scheduled meeting.

During Your Site Visit

§18 Look closely at traffic conditions, natural features, surrounding land uses and general neighborhood characteristics. Visits

§19 The Michigan Open Meetings Act (1976 PA 276, MCL 15.2621 et seq.) was intended to make sure that the decision making process followed by government bodies always takes place under the watchful eye of the public. Even though you can simply meet the letter of the Act, it is just as important that the spirit of open meetings be observed. Don't look for ways around the Act. Look for ways you can make it work better for you.

at different times and on different days of the week would also be useful. For example, visiting a site during a peaceful Sunday afternoon may not be representative of traffic conditions during rush hours.

Describe your site visit findings to the rest of the planning commission so that they may have the benefit of your observations.

Using the Site Plan

§20 For many proposals you will be asked to review a site plan. A site plan is merely a depiction of the property showing proposed buildings, parking areas, streets and other details. Your objective when looking at a site plan is to ensure that at least the minimum dimensional standards of the zoning ordinance are met with respect to yards, signs, parking, etc., and that the proposed use is designed in harmony with its existing and future surroundings.

To do this you need to be familiar with some basic site planning principles as they relate to the standards of the zoning ordinance. Some common standards, in abbreviated form, are described below to show their general intent.

1. Preservation of natural features or landscape.

§21 Site plans should show significant natural features in enough detail to see how they are affected by the project. The two

general approaches to natural features are preservation and integration.

Preservation measures should be used when features are so sensitive or so valued that any change to them would have a negative effect on the community in terms of aesthetics, environmental quality or safety. In these areas, development should be either prohibited or restricted to projects which have little negative effect. Regulated wetlands and identified flood prone areas are examples of lands requiring preservation techniques.

"I didn't realize it would look like this. . . "
Veteran commissioners will tell you that when a project is built, everything is bigger and closer than it looked on the site plan.

Natural features may also be integrated into a site allowing them to remain as natural as possible. This could include the use of small wetlands as aesthetic features or maintaining vegetated areas as screening or visual interest. In this way, natural features often help market projects.

These techniques can be implemented through conditions placed on project approvals, using this standard as support.

The potential of environmental contamination, particularly where underground storage tanks are or have been present, should also be considered. Many lending institutions now require an environmental audit to determine the likelihood of contamination prior to funding projects.

2. Compatibility with surrounding uses.

§22 This standard can be used to require landscaping, fences or walls to make sure that proposed uses will be adequately screened or separated from surrounding

property. It can also relate to locating buildings and parking areas to make sure one site does not unduly affect another.

3. Safety of vehicular and pedestrian circulation.

§23 The purpose of reviewing circulation is to ensure proper driveway spacing, adequate setbacks for clear visibility and proper placement of parking areas. Requiring parking lot setbacks, particularly along the roadway, can foster driveway safety, control glare and headlight spray and improve aesthetics.

Special consideration should be given to uses with large parking areas to ensure that circulation is safe and does not conflict with pedestrians, other vehicles and adjacent uses. Shared driveways may also be required to reduce the number of access points.

Service drives (front and/or rear) may be needed to allow access between properties so that vehicles do not have to enter the public street.

Site plans should not be reviewed as part of a rezoning.

§24 Inexperienced commissioners can easily be sidetracked by discussions of landscaping, setbacks and other issues. Site plans are essentially meaningless during a rezoning (except as part of a planned unit development (PUD)) since the approval cannot be conditioned on compliance with the plan.

Once zoned, the property can be used for any use permitted in the new district, regardless of any promises made or plans shown by the applicant.

A common misconception is that local communities have no input on driveway locations. Although local regulations cannot conflict with the road authority, it can control driveway locations through the site plan review process.

4. Ensuring adequate emergency access.

§25 Involve the fire and police authorities in the site plan review process and have them submit a recommendation to you. Your community may have regulations that address fire lane standards and building access.

5. Control of exterior lighting.

§26 Lighting should be adequate to illuminate the area, yet not shine on adjacent properties, particularly in residential areas. Requiring “cut-off” fixtures or reducing the height of light poles can be effective ways to meet this standard.

6. Proper drainage and removal/storage of surface waters.

§27 Most commissioners are not trained engineers. Normally, local engineering staff, drain commissioners or other sources need to be consulted to ensure that a site is properly engineered to avoid excessive stormwater runoff. The same is true of the adequacy of public and private sanitary sewer and water services.

7. Architectural controls.

§28 Generally, site plans will not deal with the actual design of a building. Rigid architectural controls tend to stifle creativity and can encourage monotony.

However, they may be appropriate in designated areas rich with historical buildings and character. There will usually be an architectural review board or historic commission with the authority to review

exterior finishes and improvements to ensure that the historical or unique character of the district is not jeopardized.

Site plans that meet all of the standards of the zoning ordinance must be approved.

Chapter 4

Meeting the Public

§29 Land use issues, as you will no doubt discover, can bring out strong emotions. Faced with a room full of angry and concerned people, you may find it difficult to maintain the decorum and professionalism needed. Although many planning commissions attempt to follow Robert's Rules of Order in their meetings, there are other more subtle aspects that are important to consider.

Being Fair

§30 The foremost concern of any planning commission should be to ensure fairness for all concerned. To ensure fairness, keep some simple things in mind:

1. **Everyone must have the opportunity to speak and present evidence at public hearings.** While some limitations may be placed on this right, as described later, no action should be taken that would unreasonably deprive a person of their right to be heard.
2. **Recognize emotional responses and treat them with concern and understanding.** Strong responses, within limits, should be expected and understood. Controlling your own emotions is essential, even if the comments get personal.
3. **One of mankind's greatest fears is not death – it's public speaking.** Make an effort to look beyond the mannerisms and nervousness to find the speaker's message.
4. **Regardless of how many people show up** to oppose or support a project, you must represent the long-term interests of entire community, not just those at the public hearing.

§31 Dealing with Emotional Responses

1. **Repeat the concerns you hear.** "What I hear you saying is..."
 2. **State your concern.** Restate the concern by noting your understanding and agreement.
 3. **Narrow the issue to the items that are at the root of the concern.** Do this by a series of questions that will not embarrass the speaker, but will force them to confront the true issues.
 4. **Find out what you can do** about the issues that surface, but be careful not to promise more than can be delivered.
 5. **Do not try to answer all questions** when no answer will be acceptable.
5. **Listen.** Public meetings are your chance to take the pulse of the community and to learn more about the neighborhood in which a project is planned. Take advantage of the effort those attending the meeting have made and learn as much as you can.

Follow the Rules

§32 Playing fair means playing by the rules. Having an effective set of meeting rules helps provide a sense of professionalism as well as ensuring that meetings are orderly.

Rules do not need to be rigid. They occasionally need to be altered to take certain events into account.

Nor should they be too confining. Keeping a subtle balance between the degree of formality required, and the informality that is sometimes needed is a learned art.

Hearing rules should be made a part of the bylaws of the commission and printed on the back of the meeting agenda so that everyone is aware of them.

Rules for Speakers

§33 You will soon learn that people do not often come to a meeting in support of a particular project. Most people have concerns that they wish to address, while others are simply opposed to what is being proposed.

Having written meeting rules and procedures is especially valuable when there are many people who wish to speak. Without a few basic rules it would be easy for one or two people to dominate the meeting, thus depriving others of the chance to speak their mind.

- 1. Direct all comments to the chairman.**
This rule can help avoid debates between members of the audience, between the presenter and the audience, and between the commission and the audience or presenter. Since zoning hearings can become emotional, following this policy is important to ensure that the chair controls the meeting.
- 2. Limit speaking time, when necessary.**
If there are many people who wish to speak, it is appropriate to limit the time of each speaker to 3-5 minutes, with the exception of the applicant. The applicant should be given as much time as needed, within reason, to present his or her case.
- 3. Limit the number of times one person may speak.** Generally, each person needs to be given only a single opportunity to speak. At the discretion of the chairman, people may be allowed to speak a second time to respond to earlier

comments. However, the chairman should emphasize that comments should not be repeated. Your rules may also require a sign-up sheet for those people wishing to speak, with the chairman recognizing only those who have signed up.

- 4. The chairman may also ask if there is a spokesperson for the audience,** and ask that the spokesperson speak for the others present who agree with his/her point of view. The chairman should allow those for whom the spokesperson is speaking to be recognized, either through a show of hands or by standing. The spokesperson may be given additional time in recognition of his/her role.
- 5. After the public hearing is closed, it should remain closed.** Further comments should not be accepted unless specifically requested by a commissioner.

Rules for Commissioners

§34 As commissioners you should also agree to follow your own set of rules for how you present yourselves to the public.

- 1. All comments should be directed to the chairman.** Just as the audience must be recognized by the chairman, so too should the commissioners. Not only does this show respect for the role of the chairman, it sets an example for the audience to follow.
- 2. All deliberations should be in the open.** This goes beyond strict legal requirements. It is important that the audience view the commission as an open, fair and deliberative body.

Remember, people are generally suspicious of government. Don't add substance to that perception.

- ⊖ Do not hold private conferences prior to the meeting.

- ☛ Don't meet in a group in a small room or other place outside the chamber in which your meeting is held.
 - ☛ When arriving at the meeting, stay in the chamber.
 - ☛ While socializing is acceptable, make sure that the audience doesn't get the wrong impression.
 - ☛ Make all of your comments aloud during the deliberations. If you have a question, ask the applicant or the chairman, rather than your neighbor. Don't allow yourself to be caught up in a private discussion with another commissioner. Make all of your comments loud enough so that everyone can hear.
3. **Express your opinions.** Don't just vote without letting everyone know why you are voting, whether for or against the issue. Your comments may help others to decide (or change their vote). It also lets the applicant and the audience know the strengths or weaknesses of the proposal.
4. **Do not attempt to always answer every question.** Some comments cannot be answered and may be asked just to express frustration.

When a question such as, "What will I do when the cars start running off the road and into my house?" is asked, calmly try to narrow the question down to specifics. Once you get a handle on the real problem, you may be able to suggest a solution.

5. **If things get out of hand, take a recess.** Long evenings and emotional topics can make for short tempers. A breather may be helpful.

6. **Do not feel compelled to make a hasty decision** on the night of the hearing. Everyone should feel comfortable with their vote – if not, obtain whatever additional information is needed before proceeding with the decision.

Keeper of the Gavel

§35 The chairman of the commission is entrusted with enforcing meeting rules. Having a strong chairman is important both to the operation of the commission and to public perception.

The role of the chairman is to maintain order throughout the meeting. The chairman should announce each agenda item and note the rules that apply to the hearing. During the meeting, the chairman should ensure that courtesy is maintained and that speakers are not interrupted.

Keeping Faith with the Public

§36 People tend to be naturally suspicious of governmental proceedings that may affect them. How many of your neighbors know a planning commission even exists? Be patient and understanding when addressing this suspicion. You will not always be able to satisfy their wishes. But, you can make sure that the public knows they have been heard and that you are acting responsibly.

Following rules of fairness, preparing for meetings, and making effective decisions can affirm the confidence placed in you by those who appointed you and those you serve.

Chapter 5

Making Tough Decisions

§37 In these days of increasing litigation and public participation, it is not enough to deny an application because of a vague notion that the use is not a good idea, or that it will hurt the neighborhood. Even applications that are approved need to be well supported.

Following an effective decision making process is one of the most important ways to avoid challenges to decisions. Careful consideration and support of decisions through the use of the standards of the zoning ordinance is important. These standards must be written into the ordinance (except rezonings) and if all standards are met, the application must be approved.

If the decision is challenged, the importance of using the ordinance's standards becomes self-evident. A well supported decision provides the background needed to build a solid legal foundation for the decision. The use of standards will help avoid the "arbitrary and capricious" label often given to zoning decisions that are not well supported.

Proper decision making starts with the basics:

1. Knowledge of the zoning ordinance;
2. Knowledge of relevant case facts; and
3. Using ordinance standards to reach a decision.

1. Knowledge of the zoning ordinance

§38 Too often, members are not well versed in the language, meaning and application of their zoning ordinance. Each planning commissioner must be familiar with the relevant parts of the ordinance when reviewing an application for a zoning decision. Not only should the commissioner

know the meaning of the regulation, but it is particularly important that he or she understand its purpose.

2. Knowledge of relevant case facts

§39 Facts are critical to good decision making. Sources of facts include:

- a. the application and supporting materials;
- b. the master plan or other relevant plans;
- c. staff and agency reports regarding impacts on public services, natural resources, character of the area, traffic, parking and other criteria;
- d. a visit to the site to see the physical characteristics of the property and adjacent parcels (see Chapter 3) and;
- e. public hearing comments.

3. Use of ordinance standards

§40 Following an effective decision making process is one of the most important ways to support your decisions. Proper and consistent use of the standards of the zoning ordinance or other ordinances is essential.

Making Everyone Happy

§41 In most cases, it is impossible to please everyone, and you probably shouldn't try. One of the most difficult aspects of planning and zoning is the need to balance the various, often competing, interests of property owners and residents.

Property right laws tell us that zoning has a public interest that will allow residents to have the right to peace and quiet of their neighborhood and to have the value of their property protected.

“My home is my castle” is not an idle remark. Those who follow the NIMBY and BANANA principles sometimes represent this view. The NIMBYs believe that the project is well designed, and needed, but located in the wrong place. “Not In My Back Yard” is their battle cry.

Others believe that the project should not be built anywhere in their community, or perhaps anywhere at all. Their motto is “Build Absolutely Nothing Anywhere Near Anything” – BANANA.

On the other hand, the law holds that owners of property have a right to a reasonable return on their investment and that zoning cannot unreasonably deprive the owner of that return.

In the midst of these many competing interests and views are the local authorities for zoning – the zoning administrator, the planning commission, the board of appeals and the legislative body, the city/village council.

Satisfying these competing interests is simply not always possible. The intent of zoning is to help commissions avoid the necessity of trying to judge between them. Instead, zoning decisions should treat each person, property and point of view in a fair and consistent manner.

The following guidelines may help you deal with these competing interests and concerns.

☉ **The master plan and zoning ordinance are current and accurately reflect the community.**

Keeping your master plan and zoning ordinance up-to-date, continually reflecting the needs and desires of the community, can help focus the discussion on individual projects to judge their consistency with the character of the community.

The master plan should be reviewed each year to make sure it stays relevant to current conditions. A comprehensive review should be considered about every five years.

Remember, you are a part of a **planning** commission. Set aside time to do some planning each year.

The zoning ordinance must be constantly reviewed to ensure that binding court rulings are included, new legislation recognized and master plan changes noted (e.g., new land use classifications).

☉ **There are written rules of procedure (bylaws, notices, hearing procedures, etc.) and they are consistently followed.**

The entire zoning process, starting from the time that a person first approaches the community, to the issuance of the occupancy permit, should be clearly understood by all parties involved.

- ✎ If applications are incomplete (inadequate site plan, fee unpaid, etc.), do not accept them.
- ✎ If you learn that notices were not sent or published properly, stop the process and start over.
- ✎ Do not take action unless the applicant or a representative is present (unless legal time limits dictate otherwise).

☉ **All zoning decisions should be based upon the standards set forth in the zoning ordinance.**

Following an effective and consistent process is one of the most important methods of making supportable decisions.

The consistent and proper use of standards will help avoid the “arbitrary and capricious” labels often given to zoning decisions that are not well supported. As you debate each application, you may find

it easier to focus your comments if you discuss each of the applicable standards in turn.

The standards that you use should be written into the ordinance (except rezonings) and if all standards are met, the application must be approved.

If you are unclear about whether a standard is met and are not ready to make a decision – don't. Zoning decisions are permanent. Take care that the decision you make is well supported. On the other hand, don't drag out the review unnecessarily.

☛ **Decisions are always based on the standards of the ordinance and facts, not on emotion or opinion of the applicant.**

A roomful of people who show up to oppose a project should not be the only reason for denial.

Nor should the past actions (or lack of action) of the applicant be used as a basis for a decision.

The Role of the Public

§42 If there are doubts about an applicant's performance, make proper use of conditional approvals (except for rezonings), performance bonds and proper documentation for possible enforcement later.

Approvals and denials must be thoroughly supported, clearly stating how the ordinance standards were or were not met.

Zoning cannot be a popularity contest decided by a show of hands by the audience or names on a petition. If it were, only one commissioner would be needed to count the votes or read the applause meter.

Many zoning approvals require public input, usually in the form of a hearing. The dilemma for most decision makers is trying to

determine what weight to give the comments (and complaints) of the public.

As noted earlier, it will quickly become obvious to you that most people do not generally come to a meeting in support of a particular project. Most have concerns they wish to have addressed or they may simply oppose any development.

Similarly, petitions, letters and other written expressions of concern are useful, but only to the point where they provide new information.

While public input is a valuable part of decision making, you cannot simply mirror the wishes of those who send letters or come to the meeting. Your job is to follow the standards and requirements of the zoning ordinance. You are obligated to protect the interests of the applicant, the neighbors and the entire community.

Neighbors can provide a unique perspective on the neighborhood which may create the need for further study or information to be provided by the applicant or gathered by the community.

Ultimately, the role of the public is to provide information to the decision makers, not dictate their actions.

The Experts Say

§43 You may also wonder how much influence staff reports and opinions should have on your decision. In most cases, your municipal staff members are trained in their various fields and are providing you with their professional opinion. Their recommendations should be supported by the facts and application of the ordinance standards just as your decisions are expected to be.

Their view of how the facts relate to the standards may differ from yours. Ultimately, it is the decision of the commission that will stand.

Conclusion

§44 Zoning decisions are rarely easy. And they are not usually a matter of right and wrong. Balancing the needs of the community and the private property owner has been entrusted to you, and it is essential that you honor that trust.

Chapter 6

Making Your Decisions Stick

§45 It won't matter how well you have followed the principles in the previous chapters if you fail to properly document what you did. As a new commissioner you may have a tendency to rely on the members who have the most experience to remember past actions. There is no doubt that their memories are valuable, but their recall may not be complete. The only reliable methods of documenting actions are the written word and exhibits.

Meeting Minutes

§46 In smaller communities, keeping minutes may be one of the least glamorous parts of building a written record. As a new commissioner, the task may be dumped on you, much to the relief of the previous victim. Regardless of who has the job, it should be taken seriously. There are no firm rules or formats for minutes, but there is a basic principle.

Minutes should contain enough detail so that a person not present can understand:

- ➡ What matters were discussed (nature of the request, applicant, location);
- ➡ Who spoke at the meeting and the general content of their comments (including name and address);
- ➡ What action was taken by the commission (including the vote and any conditions attached);
- ➡ Why that action was taken and on what standards of the ordinance it was based.

Motions

§47 A motion must have: a maker and second; a description of the nature of the request; the action taken (approval, approval with conditions, denial, tabling); any conditions attached to affirmative decisions (except rezonings, to which conditions cannot be attached); and the reasons for the action taken (applicability of standards).

Some commissions have found it useful to have a blank motion format to help them form a proper motion. This can be an effective practice, as long as the motions are not completed prior to the meeting.

Because having staff or legal counsel prepare a motion or several motions in advance can create the perception that decisions have already been made, this practice is discouraged.

Some hints for making motions:

- ➡ Although the chairman can make sure everyone understands the motion by restating it, it may be preferable to have the person who is recording the motion do the restatement. Do not ask the person writing the minutes to "clean it up later," or say, "you know what we want to say." Take the time when the motion is made to get the wording right. To ensure accurate recording of the minutes, it is often useful to have the commissioner making the motion submit a written copy of the motion to the member taking minutes.
- ➡ Reference relevant sections of the ordinance and staff reports. If discussion on the issue is thoroughly documented in the minutes, the minutes may be adequate to represent information related

to compliance with the standards of the ordinance. Otherwise, a summary of the discussion is appropriate.

- ➡ Conditions may be imposed on any zoning decision, except rezonings (unless part of a planned unit development (PUD) rezoning).

Conditions attached to a decision have one purpose: to make sure that the standards used to make the decision are met. In other words, if the condition was not in place, the project would fail to meet the standards of the ordinance and must be denied.

Accordingly, a condition placed on an approval must have a reasonably direct relationship to one or more of the standards used to reach the decision.

- ➡ If the motion includes the need for further action, it should state who will be responsible to see that action completed. For example, “a revised site plan shall be submitted for the zoning administrator to certify that all conditions have been met.”

Finding of Fact

§48 One of the most effective means of documenting decisions is through a “finding of fact.”

A finding of fact is a concise statement of the action taken by the commission members. Normally it includes the same information contained in the motion, as noted above, but in greater detail.

The finding may be drafted during the meeting and completed as part of the approval of the minutes at the following meeting. Or it may be drafted prior to the following meeting. However, if drafted after the meeting, the author is not permitted to add points that should have been made during the meeting but were not. The purpose of the finding is not to create additional

support, but to more thoroughly document the support which was provided by the members during the meeting.

Neither the findings nor the minutes are official until reviewed and adopted by the commission.

Post-Decision Documentation

§49 Once the decision is made, there are some administrative steps that should be taken to help complete the record.

The applicant and secretary of the approving body should each sign and date two or three copies of the approved site plan. The applicant should keep one copy and the community should keep at least one other. This provides a record of what site plan was approved and when.

A copy of the minutes should be sent to the applicant following review by the approving body along with a letter specifically noting the action taken by the approving body, including any conditions placed on the approval.

This letter may include further instructions regarding the proposal. For example, if the approval granted was for a preliminary site plan, the letter may state that final site plan approval is necessary prior to issuance of a building permit. If other approvals are necessary, such as a variance, this should be noted as well.

Record Keeping

§50 The records of all applications should be complete, from the first contact to the final approval.

Try this test of your record keeping: can you pick up the office file of any application that has been approved and constructed and follow each step – from the first contact of the applicant to the last permit?

Generally, all records regarding zoning applications are considered permanent and are kept in perpetuity.

Project files should include, at a minimum:

- ➡ Relevant pages of minutes at which the proposal was discussed;
- ➡ Staff notes, meeting notes, correspondence, telephone conversation notes, etc.;
- ➡ A copy of the application and supporting material;
- ➡ An approved/signed copy of the site plan; and
- ➡ Follow-up correspondence (as noted above).

If You Build It, We Will Come . . .

§51. . . to make sure it complies with the site plan that was approved. Someone should be given direct responsibility to make sure that any conditions or changes required by the commission are fully completed. Sending the building official a copy of the approved site plan could help this process.

TIP: If you are sued, check with your municipal attorney and make sure that he or she is experienced in land use litigation. Not all municipal attorneys are skilled in land use law and they will not mind if you ask them about their qualifications. If they are not as experienced as you would like, you should find another attorney to represent your city or village in the suit.

How to Avoid Litigation

§52 The short answer to avoiding litigation is simple – you can't! Governments are always open to lawsuits, regardless of the quality of their decisions. Far too often, disappointed applicants or neighbors look to the courts to solve their problems. As a result, you should not be overly influenced or concerned about whether or not your decision will result in a lawsuit – provided you have followed the ordinance and acted within your authority.

However, there are some actions you may take to strengthen your legal position should your decision be challenged.

Following an effective decision making process, as we have outlined here, is a start. As you have seen, the zoning process involves a wide variety of technical, administrative and judgmental factors.

Technical factors may include complying with the numerical requirements of the zoning ordinance such as setbacks, height and parking.

The administrative requirements include ensuring that notices are mailed and published, meeting procedures followed and other similar actions.

Finally, and probably most important, make sure that you properly use the judgmental factors to make effective zoning decisions. The standards provided in the zoning ordinance are the clearest guide you have to reaching a decision. All decisions must be based on these standards and the facts that are used to apply them.

Chapter 7

The Future for Planning Commissions

The New Age of Access

§53 We live in a time when the world is shrinking and our horizons are expanding. Communication technology is changing almost daily. Planning commissions will be faced with new challenges and opportunities that come with these changes.

Internet

§54 The Internet created exciting new opportunities for planning commissions to communicate with the public.

Contrary to popular belief, most commissioners want the public to be involved in their decisions, whether it concerns a new master plan, zoning change or a simple site plan review.

Many communities now have web sites that have details about tourist stops, census data, meeting agendas, schedules, boards and commissions and a wealth of other information.

Planning commissions may take advantage of this resource to summarize their past actions, provide information about future applications and hearings and to educate the public about planning issues.

The Web can also be a resource for information for the commission. The University of Michigan (<http://www.umich.edu>), Michigan State University (<http://www.msu.edu>) and the Michigan Department of Management and Budget (<http://mic/dmb.state.mi.us/dmbhome>) each maintain an extensive collection of data and maps at the state, county and local levels.

Another resource available through the Internet is electronic mail, or e-mail. This may allow the public to simply e-mail their comments regarding a particular application if they cannot be present at a meeting.

In the future the Internet will be able to provide “real time” (or live) communication between participants through their computers or home television sets.

In other words, the possibilities are nearly endless. If properly used, they can make the zoning and planning process more open to input from a better informed public.

Visual Tools

§55 The variety of visual tools available today, from digital cameras to video recording, provides an opportunity for commissioners and the public to participate together in the planning and zoning process.

Recording images of a proposed site, with a picture of future buildings and parking areas superimposed on it provides an accurate depiction of the design, circulation and environmental issues that might arise.

Another useful tool that is becoming available is geographic information systems, or GIS. A GIS ties a graphical map to information available about that map. For example, a map may depict property lines, but a GIS would provide additional information about the zoning, land value, ownership or any other data available about that property.

Other opportunities include:

- **Videoconferencing** for educational seminars, joint community meetings or

other purposes are also being made more available and affordable.

- ➡ **Computer CDs** with thousands of pages of information on a wide variety of topics are easily obtainable.

Future Implications

§56 Changes in technology are rapidly improving the availability of information. As people become more aware of their environment and the level of concern about how their community develops increases, it is likely that at least some of those who come to meetings or participate from their homes will be more knowledgeable and their views more sophisticated.

The implications for planning commissions in the future are widespread.

- ➡ As a planning commissioner, you will have to become more knowledgeable about projects and their potential effects on the community.
- ➡ You will be expected to absorb increasingly more technical information about the environment and technology. As a result, you will probably become more dependent on experts to guide your decisions.
- ➡ As your decisions become more technical, zoning ordinances will likely become more complicated and sophisticated. Ensuring compliance with ordinance standards will become even more important.
- ➡ The information you receive is likely to be more accurate and presented in ways that are more easily understood. The use of surveys, focus groups and informational meetings will become much more valuable as methods of securing opinions improve.

Training

§57 Planning commissioners should actively seek out training opportunities that are available through several statewide organizations, including the Michigan Municipal League, the Michigan Society of Planning Officials, the Michigan Townships Association and others. Some communities have adopted policies that require attendance at training sessions as a condition of appointment or reappointment to the planning commission.

The New, Improved Commissioner

§58 In short, planning commissioners of the future will need to be better trained to deal with the public, understand technical issues and be aware of development alternatives that may be available.

To accomplish this, commissioners will need a clear vision of the future of their community, more sophisticated regulations and a degree of sensitivity in dealing with the public.

You Can Do It!

§59 As you go through your term as a planning commissioner, you will learn much about building a better community. You should also have a sense of accomplishment and satisfaction in knowing that you are helping the community through its many changes.

Glossary

Accessory Building, Structure or Use – A building, structure or land use that is supplemental to the main structure or use.

Americans With Disabilities Act (ADA) – A comprehensive federal civil rights statute, Public Law 101-336, enacted in 1990, that provides disabled individuals with legal protection from discrimination in a broad range of public and private sector activities and services.

Americans With Disabilities Act Accessibility Guidelines (ADAAG) – Issued in conjunction with Titles II and III of the Americans With Disabilities Act on July 26, 1991, the guidelines contain general design standards for building and site elements, such as accessible entrances, routes, ramps, parking spaces, stairs, elevators, restrooms, signage, etc.

Barrier Free – Accessible to and usable by all citizens, including persons with permanent or temporary conditions which reduce coordination or mobility or make walking difficult or insecure, and persons with visual or hearing impairments, elderly persons and wheelchair users.

Barrier Free Environment – Containing no obstacles to accessibility and usability by people with disabilities.

Blight – Social and/or physical decay of the community. It is usually seen as decay of the central business district and a certain segment of the housing stock.

BOCA – Building Officials and Code Administrators International.

Brick or Stone Sand-Set Paver – Brick or stone set in sand and placed around a tree to allow water infiltration and give protection from pedestrians.

Builders Risk Insurance – Coverage which protects against physical damage to a building or structure during the course of construction. The coverage extends to equipment to be installed or incorporated in the structure. Coverage can be on either a named peril form or an all-risk form. Occupancy of the building or structure generally terminates coverage under the policy.

Building – Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition usually includes tents, awnings or vehicles situated on private property and used for purposes of a building.

Building Code – A set of regulations governing the construction of buildings.

Building Inspector – A state registered individual, usually employed by a municipality, responsible for the inspection of a structure for which a building permit has been issued by the municipality.

Building Official – A state registered individual responsible for the administration and adoption of construction codes. May include inspection responsibilities.

Building Permit – An official document issued by a city, village, township or county which grants permission to a contractor or private individual to erect a building or make improvement to an existing structure.

Clear Floor Space – The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

Cluster Development – A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.

Community Development – A plan or program for improving or revitalizing a designated area or areas of a community, often including historical preservation.

Community Development Block Grant Program – The principal federal program providing grants to states, cities, towns and counties to devise innovative and constructive neighborhood approaches to improve the physical, economic and social conditions in their communities. The program has two components: Entitlement and Small Cities. The Entitlement portion of the program provides funds on a formula basis to cities and urban counties of over 50,000 population. The Small Cities portion of the program is available to small cities, townships and villages of less than 50,000 population and non-urban counties on a competitive basis. The program began as part of the Housing and Federal Community Development Act of 1974, amended, Public Law 93-383.

Composting – Decomposition of leaves, grass clippings and other biodegradable wastes.

Comprehensive Plan – See master plan.

Conditional Use – A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a zoning ordinance. Special land uses have characteristics that make them potentially incompatible with adjacent uses of land unless special care is taken during the review process.

Condominium Act – 1978 PA 59, as amended. An act relative to condominiums and condominium projects. Major purposes of the act are to provide consumer protection and improve administrative procedures.

Condominium Project – A plan or project consisting of not less than two condominium units established in accordance with the Condominium Act, 1978 PA 59.

Condominium Structure – A building or structure constructed within a condominium project and intended for uses permitted in the zoning district in which it is located.

Condominium Subdivision Plan – The drawings and information prepared in accordance with Section 66 of the Condominium Act, 1978 PA 59.

Condominium Unit – The portion of a condominium project designed and intended for separate ownership use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use as a time-share unit or any other type of use.

Cul-de-sac – A street, one end of which is closed and consists of a circular turn around.

Dedication of Land – A means of extending to developers the cost of certain public services needed to serve new development. For example, in lieu of requiring a cash payment for such improvements, governments may use their regulatory powers to require that developers dedicate land to parks needed for a new subdivision.

Density – The number of dwelling units or useable area per acre allowed on a parcel of land.

Discretionary Standards – General standards in an ordinance which are used to review site plans, special land uses, etc., to determine if a land use proposal is compatible with adjacent uses of land, natural resources and public services as regulated and defined in the zoning ordinance.

Easement – A right to use property owned by someone else, usually for a specific purpose. Most easements are used by utility companies.

Egress – Traffic outlets from private property to public roadways or exits from buildings or other facilities.

Eminent Domain – One of three major powers of local government (police power, taxation and eminent domain) which allows it to take private property for public use “with just compensation.”

Environmental Assessment – A multiphase analysis of a parcel of property to determine the likelihood of discovering hazardous contamination on the parcel. Environmental assessments commonly include visual inspections of property, document searches to determine proper use of a parcel and detailed soil and groundwater sampling to ascertain the presence of hazardous or toxic constituents.

Excepted Parcel – Land excluded from a development project that may border it on up to three sides.

Façade – The exterior of a wall of a building or all walls of adjacent buildings facing in one direction.

Fair Market Value – The cash value of a property sold by a willing seller to a willing buyer.

Fence – A structure erected upon a property line or front yard setback line for the purpose of separating properties, or for

screening, enclosing and/or protecting the property within its perimeter.

Fence, Decorative – A permanent barrier not used for enclosure. Any such fence may be a part of the overall landscape plan and may be composed of natural materials.

Finding of Fact – In an administrative proceeding setting, a concise statement of the action taken by the members of a planning commission which has the responsibility of determining the facts relevant to decide the issue or controversy being considered.

Floodplain – Nearly level, lowland areas that are subject to overflow flooding from bodies of surface water.

Geographic Information System (GIS) – A system that combines computer aided drafting and design and relational database managers to enable the collection and analysis of data with location and element attributes.

GIS – See Geographic Information System.

Grandfathering/Grandfather Clause – Legally, the exemption from regulatory or legislative enactments due to an entity's existence or operation prior to activation of a rule, act or law.

Greenway – A linear open space that stretches into or around municipalities, usually containing trees, shrubs and grassy areas.

Home Occupation – An occupation that is a secondary use, which is clearly subservient or incidental to the use of a one-family dwelling unit for residential purposes, usually subject to special conditions.

Hydrography – When used in the context of mapping, hydrography refers to the display of the locations of streams, lakes

and other bodies of water. In the context of a geographic information system, hydrographic refers to a layer of the graphic database containing this information.

Hypsography – Topographic relief or the mapping of varying elevations on the earth's surface. Commonly seen displayed as contour lines on various map products.

Infrastructure – The network of services and facilities which are necessary for the development, operation and growth of a city or village, including streets, water supply, sewerage, storm drains, etc.

Impact Fee – A charge to developers for the cost of off-site improvements needed to serve a new development. Impact fees provide up-front financing for the expansion of public facilities, such as the expansion of water and sewer treatment facilities or arterial roads, needed to serve a new development.

Industrial Park – A coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions and restrictions. The development may be on one parcel, may be subsidized, may have condominium ownerships or a combination of these types.

Infrastructure – Those services and facilities which are necessary for the development, operation and growth of an organization, municipality or nation. Such services and facilities would include transportation, communication, utilities, productive enterprises, retail centers, residential developments, recreation sites, etc.

Land Development Transfer Act – A potential alternative to annexation. 1984 PA 425 allows the conditional transfer of land from one local unit of government to

another, based on local consent, for a period of not more than 50 years for the purpose of economic development. An intergovernmental contract stipulates conditions. For example, the manner and extent to which taxes and revenues are shared.

Land Use – Refers to the determinations made as to how various areas of land may be used.

Lien – A claim on assets, especially property, for the payment of taxes or utility service charges.

Lot – A piece of land divided from a larger parcel.

Lot Lines – The boundaries of a land parcel.

Manufactured Housing – A factory-built, single-family structure manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame.

Master Plan – An officially adopted municipal government document which serves as a policy guide to decisions about the physical, social, economic and environmental development of the community.

Non-Conforming Use – A use which lawfully occupied a building or land at the effective date of an ordinance, or amendments thereto and that does not conform to the use regulations of the district in which it is located.

Nondiscretionary Standards – Measurable criteria such as a setback, height or bulk regulation that must be met or complied with in order to get a zoning approval.

Older/Urbanized Communities – Those communities in a region that are more than 100 years old and/or were largely developed by the mid-twentieth century. Because the population total is, and will remain, fairly static, most “growth” in this metropolitan area will mean a shifting of population, rather than new in-migration population. The older/urbanized communities are generally the ones drained by inter-regional shifting.

Open Space – That ground area and the space above such ground area, which is unimpeded from the ground to the sky by any structure, except that the area may be used for environmental, landscaping or recreational purposes. Parking lots, storage areas for vehicles and material and roads shall not be considered as open space.

Ordinance – A law or an order enacted by a municipal government, usually pertaining to a specific subject, as in an Animal Control Ordinance.

Ordinance Code – A systematic integration of all municipal ordinances into a single book, organized by subject matter, tied together by a common numbering system and thoroughly indexed.

Other Permitted Use – A land use permitted in a zoning district only under special conditions. The term does not include principal uses permitted in the ordinance.

Performance Bond – A financial security collected by a community from an applicant to insure that required improvements are actually constructed.

Performance Standard – A regulation that admits or denies a particular use in a

zoning district on the basis of the proposed use’s capability to meet noise air pollution vibration, heat, visual impact or other standards.

Planned Unit Development (PUD) – A zoning development management approach to physical growth which combines housing, commercial, light manufacturing and open space uses all in the same zone, while maintaining an overall density comparable to conventional development.

Plat – The map of a subdivision, showing the number and dimensions of lots, public rights-of-way and easements.

Principal Use – The primary, major, main, leading, outstanding or chief use which land serves or is intended to serve.

Reasonable Accommodation – The principle by which employment and public accommodations are made accessible to people with disabilities. Under the Americans with Disabilities Act , employers are required to make certain adjustments to the known physical and mental limitations of otherwise qualified disabled applicants and employees, unless it can be demonstrated that a particular adjustment would be unreasonable or impose an undue hardship on the employer.

Required Parking – The minimum number of square feet or spaces required by the zoning ordinance to be reserved for parking automobiles.

Rezoning – The process for changing a zoning from one classification to another.

Riparian Corridor – The green area along a waterway such as a river, stream or lake.

Riparian Right – The legal right to use or distribute both above and below ground water sources of riparian land.

Setback – The required minimum horizontal distance between the building line and the related front, side or rear property line.

Sidewalk Pit – The small patches of soil found amid the sidewalks of the most urbanized sections of a city. The pits are designed as “street planters” for trees and other greenery.

Sign – The use of any words, numerals, figures, devices, designs or trademarks that are used to show an individual firm, profession or business and are visible by the general public.

Site Condominium – A condominium project in which each co-owner owns exclusive rights to a parcel of land known as a condominium unit. According to the master deed, the owner has a right to construct a residence or other authorized building within the condominium unit.

Site Plan – A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Special Land Uses – Those uses of land which may be appropriate and compatible with existing or permitted land uses in a particular zoning district if individualized care is taken to assure that the characteristics of the use under consideration are compatible with adjacent land uses, the natural aspects of the site and the general character of the area, including availability of public services and facilities.

Subdivision – The legal separation of a parcel of land into lots for future sale and/or development.

Topology – A display of information that produces one uniform data set that is

derived from two or more data sets. For example, when we query the geographic information system (GIS) for all of the vacant parcels that are five acres or greater and are within two miles of an expressway node, the resulting display of the data that meet the conditions would be topology.

Unnecessary Hardship – A standard an applicant must prove has been met in order to gain approval for a variance.

Urban – A geographic area having the characteristics of a city, especially in terms of population. Opposed to rural, which usually describes an area of small population and agricultural activity.

Urban Sprawl – A generic term to describe what is really a two-part process – sprawling low density growth at the suburban fringe and the concurrent disinvestment and abandonment of older urbanized communities.

Use – The purpose to which a land parcel is being or is proposed to be put.

Variance – The decision to alter the provisions of a land use ordinance, usually on a single piece of land.

Zoning – Designating certain geographical areas of a community for specific purposes, as residential zone, commercial zone or agricultural zone.

Zoning Board of Appeals – The body that considers appeals from administrative zoning decisions.

Zoning Classification – The name given to types of zones such as single family residential, rural residential, agricultural, regional shopping, neighborhood shopping, office, industrial, etc.

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Zoning Ordinance, kept current, **§41**

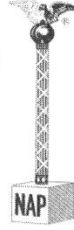
Zoning Ordinance, updating, **§12**

Zoning, defined in the Glossary

Zoning, related to future land use, **§11**

APPENDIX A. BASIC PARLIAMENTARY INFORMATION

BASIC PARLIAMENTARY INFORMATION
NATIONAL ASSOCIATION OF PARLIAMENTARIANS®
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 Prepared by the NAP Educational Resources Committee
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PROCEDURE FOR HANDLING A MAIN MOTION

What is Happening/Notes	The Chair Says/Does	Members Say/Do
Obtaining and assigning the floor		
A member rises when no one else has the floor		"Mr./Madam President/Chairman"
	Recognizes the member by name, title or nodding	
How the motion is brought before the assembly		
Member sits after		"I move that (or "to")..."
Another member believes the motion is worth discussing		"I second the motion" or just "Second"
"Is there any debate?" is a less formal alternative to "Are you ready for the question?"	"It is moved and seconded that (or "to") ... Are you ready for the question?"	
Consideration of the motion		
See rules for debate (sidebar)		Debate
The chair puts the question to a vote of the assembly		
	"Are you ready for the question?"	Further debate
After debate is ended, or if the formal motion Previous Question has been moved and adopted to stop debate, a vote is taken	"The question is on the adoption of the motion that ..." "Those in favor of the motion, say aye." (Pause) "Those opposed say no." (Pause)	Members vote
The chair announces the results of the vote		
	"The ayes have it, the motion is adopted, and ... (indicating the effect of the vote or ordering its execution)." OR "The noes have it and the motion is lost."	

PRINCIPLES UNDERLYING PARLIAMENTARY LAW

As stated in *Robert's Rules of Order Newly Revised*, rules of parliamentary law balance the rights of individuals or groups within an organization's total membership. These rules are based on a regard for the rights:

- of the majority,
- of the minority, especially a strong minority greater than one third,
- of individual members,
- of absentees, and
- of all these together.

Ultimately the will of the majority decides matters, but only after full and free discussion. The rights of all (even those absent) must be protected. This pamphlet will help you run meetings more efficiently and effectively and help protect the rights of all members.

RULES FOR DEBATE

1. Members first obtain the floor.
2. The maker of the motion may speak first.
3. Debate is made to the chair; it is confined to the merits of the motion and not the motives or personalities of other members.
4. Amendments may be offered to improve the motion. They must be approved by the body, and the motion must still be adopted as amended.
5. Debate can be closed only by the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

PERTINENT FACTS

- A **main motion** brings business before the assembly.
- A **subsidiary motion** assists the assembly in treating or disposing of a main motion.
- A **privileged motion** deals with matters of immediate importance. It does not relate to the pending business.
- An **incidental motion** is related to the parliamentary situation so that it must be decided before business can proceed.

MEANING OF SYMBOLS

- # Main motion when no other motion is pending.
- I In order when another has the floor; may interrupt.
- S Requires a second.
- D Is debatable.
- A Can be amended.
- M Requires a majority vote (i.e. more than half of votes cast).
- $\frac{2}{3}$ Requires a 2/3 vote (twice as many in the affirmative as in the negative).
- + Usually no vote is taken; the chair decides.
- N No vote; chair responds.
- R Vote may be reconsidered.
- * See *Robert's Rules of Order Newly Revised*, current edition, for specific rules.

¹TYPES OF AMENDMENTS

- To insert (within) or add (at the end of a sentence or paragraph) a word, consecutive words, or paragraph.
- To strike out a word, consecutive words, or a paragraph.
- To strike out and insert (which applies to words) or to substitute (which is applied to at least a paragraph of one or more sentences.)
- To strike out a word or paragraph and insert it in a different place.

RANKING MOTIONS

Motions on this page are listed in rank order, with the highest ranking at the top. After a motion has been stated by the chair, higher ranking motions are in order but not lower ranking

motions except that Amend and Previous Question can be applied to amendable and/or debatable motions of higher rank than themselves.

	Interrupt	Second	Debate	Amend	Vote	Reconsider
PRIVILEGED MOTIONS						
# Fix the Time to Which to Adjourn		S		A	M	R
# Adjourn		S			M	
# Recess		S		A	M	
Raise a Question of Privilege	I				+	
Call for the Orders of the Day	I				+	
SUBSIDIARY MOTIONS						
Lay on the Table		S			M	R*
Previous Question		S			$\frac{2}{3}$	R*
# Limit or Extend the Limits of Debate		S		A	$\frac{2}{3}$	R*
Postpone to a Certain Time (or Definitely)		S	D	A	M	R*
# Commit or Refer		S	D	A	M	R
Amend ¹		S	D	A*	M	R
Postpone Indefinitely		S	D		M	R*
MAIN MOTIONS						
		S	D	A	M	R

NON-RANKING MOTIONS	Interrupt	Second	Debate	Amend	Vote	Reconsider
INCIDENTAL MOTIONS						
Appeal Chair's Decision	I	S	D*		M*	R
Close Nominations or Close the Polls		S		A	$\frac{2}{3}$	
Consider by Paragraph or Seriatim		S		A	M	
Create a Blank		S			M	
Division of the Assembly	I				N	
Division of the Question		S*		A	M*	
Object to Consideration of a Question	*				$\frac{2}{3}$ *	R*
Parliamentary Inquiry	I				N	
Point of Order	I		*		+	
Reopen Nominations or Reopen the Polls		S		A	M	R*
Request for Information	I				N	
² Request for Permission to Withdraw a Motion	*	*				neg
Suspend the Rules		S			$\frac{2}{3}$ *	
MOTIONS THAT BRING A QUESTION AGAIN BEFORE THE ASSEMBLY						
Take from the Table		S			M	
³ Rescind or Amend Something Previously Adopted		S	D	A	*	R*
³ Discharge a Committee		S	D	A	*	R*
⁴ Reconsider	*	S	D*		M	

NOTES

² Before a motion has been stated by the chair, it can be withdrawn or modified by the maker. After it has been stated by the chair, it can be withdrawn or modified only by unanimous consent or by a majority vote of the assembly.

³ An Incidental Main Motion which usually requires a majority vote with previous notice, a $\frac{2}{3}$ vote without previous notice, or a majority vote of the entire assembly/membership.

⁴ Hasty or ill-advised action can be corrected through the motion to Reconsider. This motion can be made only by one who voted on the prevailing side and made only on the same day the original vote was taken. In a session of more than one day, a reconsideration can also be moved on the next succeeding day within the session on which the meeting is held.

FORMS OF VOTING

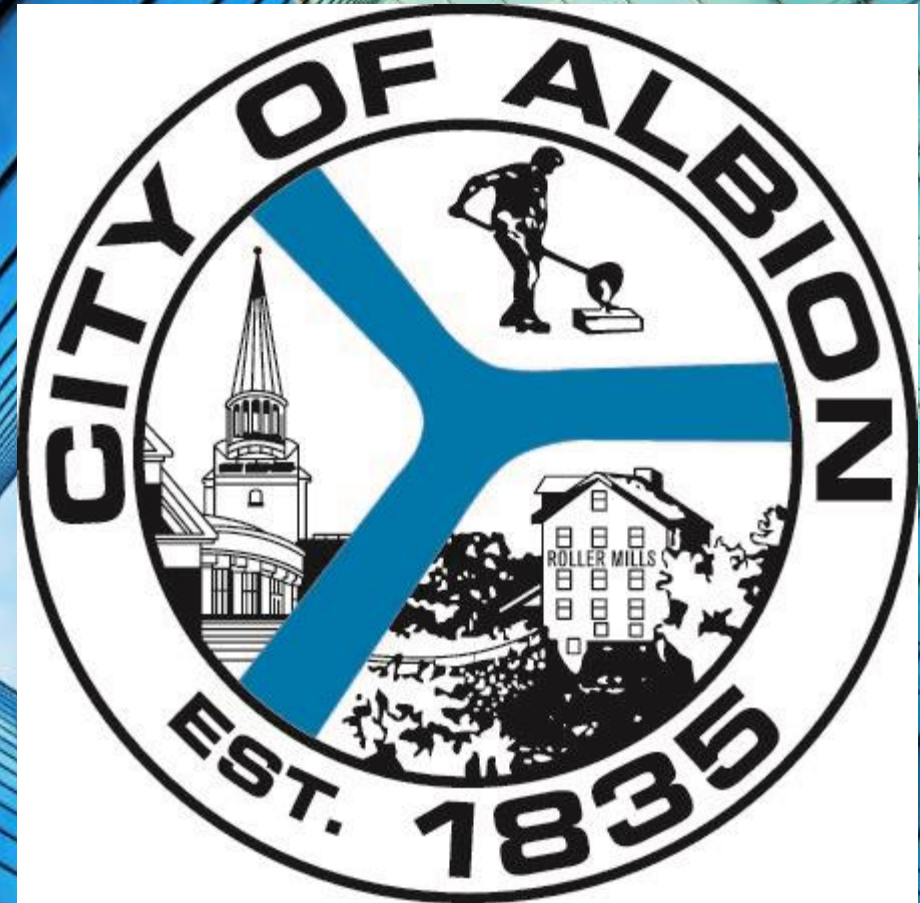
- A **voice vote** is the most commonly used form of voting (ayes and noes).
- A **rising vote** is the normal method of voting on motions requiring a $\frac{2}{3}$ vote for adoption. It is also used to verify a voice vote or a vote by show of hands. The chair can order a rising vote or a single member can call for a Division of the Assembly.
- A **show of hands** is an alternative for a voice vote, sometimes used in small boards, committees, or very small assemblies, or for a rising vote in very small assemblies, but only if no member objects.
- Some conventions use **voting cards**, provided to delegates, to raise for voting.
- A **count** can be ordered by the chair or by a majority vote of the assembly.
- **Unanimous consent** is a vote of silent agreement without any objection.
- A **ballot** or **roll call** vote can be ordered by a majority of the assembly.



City of Albion

Boards & Commissions

Recruitment,
Application Process,
Orientation, and
Training



City of Albion Boards & Commissions

Labor Relations Committee

Albion Building Authority (ABA)

Albion Trust

Albion Housing Commission

Albion District Library Board of Trustees

Board of Review

Building Board of Appeals

Downtown Development Authority (DDA)

Economic Development Corporation (EDC)

Tax Increment Finance Authority

Brownfield Redevelopment Authority Board

Election Commission

Local Officers Compensation Commission

Planning Commission

Public Safety Pension Board

Zoning Board of Appeals (ZBA)

Function of Boards & Commissions

Labor Relations Committee: To oversee the labor relations process and provide Council input regarding labor relations issues.

Albion Building Authority: The responsibilities of the Authority include, but are not limited to, the acquisition, ownership, maintenance, furnishing, equipping, improving or renovating of an existing building or facility or the construction of a new building or facility. Currently, the Authority manages Maple Grove Apartments, a City-owned housing project for elderly and/or handicapped persons.

Albion Trust: To manage funds generated through the operation of the Maple Grove Apartments.

Function of Boards & Commissions (cont'd.)

Albion Housing Commission: To provide decent, safe and sanitary housing for low to moderate-income housing for residents of the City of Albion.

Albion District Library Board of Trustees: To make rules and regulations as necessary for the proper operation of the Albion District Library.

Board of Review: Revising and correcting property assessments and hearing hardship appeals.

Building Board of Appeals: To consider appeals from the decisions of the officials charged with the enforcement of property maintenance codes and tree appeals.

Function of Boards & Commissions (cont'd.)

Downtown Development Authority: To conduct downtown development activities in accordance with the provisions of PA 197 of 1975, as amended, including, but not limited to, the definition of a development area, the creation and implementation of a development plan, etc. (The power to levy and collect a tax according to Section 12(1) of 1997 is not included.)

Economic Development Corporation: To strengthen and revitalize the local economy by alleviating and preventing conditions of unemployment, ultimate responsibility for attracting, assisting and retaining local industries and commercial enterprises, providing means and methods for encouragement of attracting new and expanding current industries and commercial business.

Function of Boards & Commissions (cont'd.)

Tax Increment Finance Authority: To finance public improvements within a TIFA district by allocation of tax increment revenue, to assist with redevelopment or new development of industrial properties within the district, to sell “tax allocation bonds” as necessary to assist public improvements within the district.

Brownfield Redevelopment Authority Board: To facilitate the implementation of Brownfield Plans relating to the identification and treatment of environmentally distressed (functionally obsolete and/or blighted) areas so as to promote revitalization within the municipal limits of Albion.

Function of Boards & Commissions (cont'd.)

Election Commission: To attend to all matters of the election process as defined by State Law, Federal Law or City Charter. Also, to mitigate conflicts between State Law and City Charter in any case where election procedure is in doubt.

Local Officers Compensation Commission: To determine salaries of all local elected officials.

Planning Commission: Possesses powers and functions required of Planning Commissions under the provisions of PA 285 of 1931, State of Michigan, as amended, including, but not limited to, comprehensive planning, initiating zoning amendments, granting special use permits and planned unit developments (under certain situations), and recommending the Public Improvements Program.

Function of Boards & Commissions (cont'd.)

Public Safety Pension Board: To oversee the State regulations governing Act 345 pensions for the Public Safety Department.

Zoning Board of Appeals: To hear appeals and make decisions necessary for the enforcement of the Zoning Ordinance.

Specific Roles of Boards & Commissions

Advisory:

- Deliberates and makes recommendations to City Council which may or may not be adopted

Administrative:

- Statute or local mandates guide process
- Can make independent decisions which may be appealed to the City Council or Circuit Court

Boards & Commissions Terms & Residency Requirements

BOARD NAME	TERM OF OFFICE	RESIDENCY
Albion Building Authority	3 years	Except for the member from Maple Grove Apartments, residency is at the discretion of the appointing authority
Albion Trust	5 years	At the discretion of the appointing authority.
Albion Housing Commission	5 years	At the discretion of the appointing authority
Albion District Library Board	4 years	Members appointed must be qualified electors of the participating municipality that makes the appointment
Board of Review	2 years	Must be City resident and taxpayer
Building Board of Appeals	5 years	At the discretion of appointing authority
DDA	4 years	At discretion of appointing authority. Goal is to maintain a majority of residents on the Board
EDC	6 years	At the discretion of appointing authority. Goal is to maintain a majority of residents on the board.
TIFA	6 years	At the discretion of appointing authority. Goal is to maintain a majority of residents on the Board
Brownfield	6 years	At the discretion of appointing authority. Goal is to maintain a majority of residents on the Board
Election Commission	Clerk/City Attorney/Chief of Public Safety	N/A
Local Officers Compensation Commission	5 years	Must be a City resident
Planning Commission	3 years	One member may be a non-resident, with the consent of Council, who possesses an interest in planning in the City of Albion. Except for one member as indicated above, all must be City residents
Public Safety Pension Board	4 years	At large members – at discretion of appointing authority
Zoning Board of Appeals	3 years	At discretion of appointing authority. Goal is to have all members be residents of the City

Boards & Commissions Recruitment

Expectations:

- The Albion City Council requires that every member of a board or commission meet the following qualifications:
 - Appointee is not in default to the City (appointee does not have unpaid water/sewer bills, property taxes, income taxes).
 - For most Boards & Commissions, appointee should be a resident of the City.

Boards & Commissions Application Process

- Applications may be obtained online, in the City Clerk's office, or the office of the City Manager.

Application Link:

http://www.cityofalbionmi.gov/document_center/BoardsCommissions/Rev_Application_CityBoard_Commission_1.doc

- Completed and signed applications shall be submitted to the City Clerk's office.
- A list will be maintained in the City Clerk's office of the applications that have been received.
- A copy of the list of applicants will be provided to the Mayor and City Manager as it is updated.

Boards & Commissions Application Process (cont'd.)

- The City Clerk will provide the notification to the following for background/status checks:
 - Human Resources
 - Water Billing
 - Code Enforcement
 - Income Tax
- The departments are to forward a written communication (email or hard copy) of the background/status results to the City Clerk. The Clerk will complete and attach the checklist in the applicant's file.
- Upon receipt of all of the background/status checks, a hard copy of only the first two (2) pages of application will be provided to the Mayor. Any outstanding issues will be noted in the notice to the Mayor.

Boards & Commissions Appointments

- The Mayor will advise the City Manager of his recommendations for appointment and those names will be placed on the earliest available Council agenda for consideration.
- Upon approval by City Council, the City Clerk will notify the applicant and arrange for them to be sworn in.

Boards & Commissions Appointments

For appointments to open seats, the following are taken into consideration:

- City Charter rules and statutes (e.g., one 1 member of Planning Commission can be a non-resident)
- Representation across precincts
- Balanced demographics
- Skill sets and expertise in areas relevant to specific positions

Newly Appointed Boards & Commissions Members Orientation

Newly appointed board/commission members will be provided a copy of:

- Board/Commission bylaws
- Most recent minutes
- Meeting dates:
http://www.cityofalbionmi.gov/government/city_boards_commissions_and_committees/schedule_of_city_board_and_commission_meetings.php
- List of members and their contact information
- A City precinct map, current zoning map, and future land use map:
[City of Albion Precinct Map - color.pdf](#)
[City of Albion Zoning Ordinance Districts Rev. 08-10-2017.pdf](#)
[Future Land Use Map 08-15-17.pdf](#)
- An updated electronic copy of the City's Comprehensive Plan
http://www.cityofalbionmi.gov/document_center/BoardsCommissions/Comprehensive%20Plan%20Update_Final_Planning%20Commission%20adopted%2011282016.pdf
- Planning Commission Annual Report
http://www.cityofalbionmi.gov/government/city_boards_commissions_and_committees/planning_commission.php
- City Employee Handbook: [City of Albion Policy and Procedure Manual Handbook 2000.pdf](#)
- Appropriate Communications: [Memo - Appropriate Communications.pdf](#)
- Governance & Protocol Policy: [Protocols Policy.pdf](#)

The Clerk will maintain and update the Boards and Commissions Handbook and each January provide a hard and electronic copy to the Mayor, City Council, City Manager, City Attorney, and Human Resources. Updated pages throughout the year will also be provided.

Newly Appointed Boards & Commissions Members Education and Training

Newly appointed board/commission members will be:

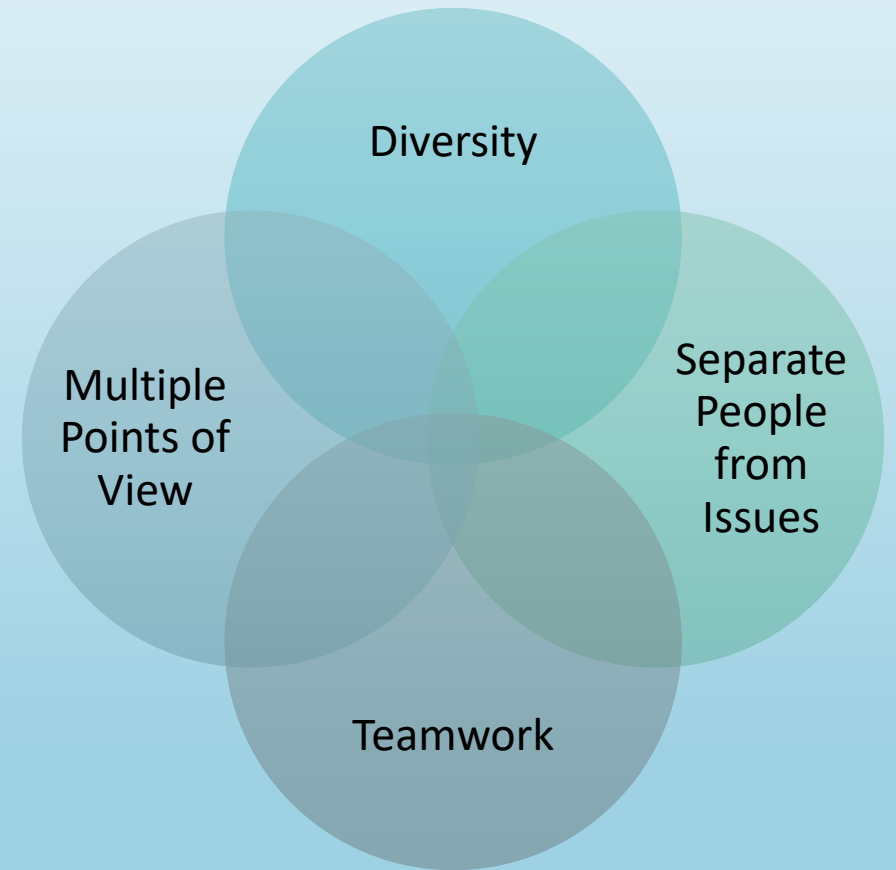
- Able to meet with the Director of Planning, Building, and Code who will review planning, zoning, and development information.
- Invited to participate in collaborative work sessions between boards and commissions, including joint trainings on development topics.
- Provided with Newly Elected or Appointed Officials Training (e.g., MML)
- Notified of additional trainings relevant to accomplishing stated goals and objectives.
- Provided with notes from trainings by a member of their board or commission.
- Able to request additional trainings.

Boards & Commissions Responsibilities

- Regular attendance
- Advanced preparation and review of materials
- Observe and model decorum at all times
- Follow parliamentary procedure to conduct meetings
- Make recommendations to City Council as required by law or upon request
- Abide by the requirements of the Open Meetings Act
- A quorum is required to conduct business and is defined as a majority of the members appointed and serving
- Members must either contact the Board Chair and/or staff if they are unable to attend so that the presence of a quorum can be determined

Boards & Commissions

- Diversity on Boards & Commissions ensures that a breadth of community perspectives can be heard
- Thoughtful consideration of all points of view is strongly encouraged
- Separate people from issues when conflict arises
- Teamwork and consensus building are paramount



Boards & Commissions Training

Role of the Chairperson:

- As the presiding officer, the chair is key to the effectiveness of meetings
- The chair must use parliamentary procedure to conduct smooth meetings
- The chair must set the tone by ensuring that all voices are heard and divergent perspectives are given consideration
- The chair must treat the public with courtesy and diplomacy

Boards & Commissions Training

Successful Meetings:

- Public hearings are public meetings...*not meetings of the public*
- Refrain from displaying negative gestures and sounds of disagreement
- Technical jargon should be clarified so all can follow the meeting
- Treat the public with dignity and respect and thank them for their participation

Boards & Commissions Training

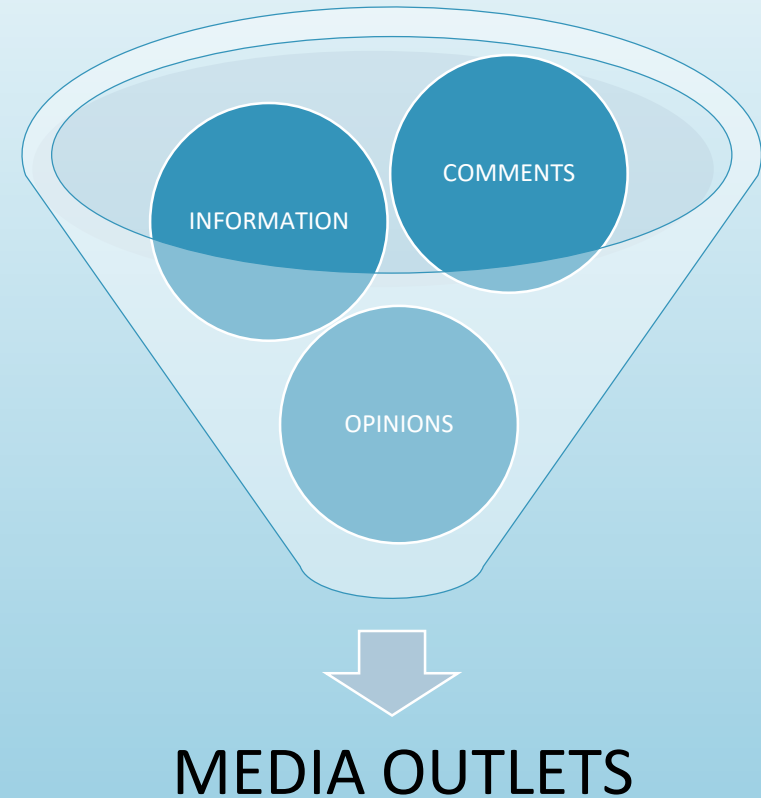
The Challenging Meeting:

- Plan the agenda strategically and carefully
- Convey that you are aware of concerns so that all will remain calm and receptive during deliberations
- Anticipate and prepare in advance, responses to difficult questions that may arise
- Request that the issue(s) be restated so that all are working with the same set of facts
- Explain the rules relative to public comment from the outset of the meeting
- Ensure that all who wish to speak have the opportunity to do so
- Model polite listening behavior
- Apply speaking time limits impartially and consistently

Boards & Commissions Training

Media Relations:

- Albion is covered by all forms of media
- Weigh whether you are the appropriate person to speak with the media on a given topic
- Be mindful of the possibility that the media may misquote or misrepresent your comments
- You have the right to expression as a private citizen, but be sure to clarify with the media that you are expressing your viewpoint and not representing the opinion of others



Boards & Commissions Training

Helpful Resources:

- City of Albion Community Engagement Statement: http://www.cityofalbionmi.gov/document_center/BoardsCommissions/Community%20Engagement%20Statement.pdf
- City of Albion Comprehensive Plan 2017-2021: http://www.cityofalbionmi.gov/document_center/BoardsCommissions/Comprehensive%20Plan%20Update_Final_Planning%20Commission%20adopted%2011282016.pdf
- City of Albion Capital Improvement Plan 2017-2022: http://cityofalbionmi.gov/visitors/2017-2022_capital_improvement_plan.php
- Future Land Use and Zoning Plan: http://www.cityofalbionmi.gov/document_center/BoardsCommissions/FLU_Zoning%20Plan_PlanCommEdits_08152017.pdf
- City of Albion Planning Commission Annual Report: http://www.cityofalbionmi.gov/government/city_boards_commissions_and_committees/planning_commission.php
- City of Albion Planning Commission Meeting Agendas & Minutes: http://www.cityofalbionmi.gov/government/city_boards_commissions_and_committees/plagovernment/city_boards_commissions_and_committees/planning_commission_packets.php
- Michigan Planning Enabling Act: <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-33-of-2008.pdf>
- Michigan Zoning Enabling Act: [http://www.legislature.mi.gov/\(x3eqqx2ix0ez34nsk1zysl45\)/documents/mcl/pdf/mcl-Act-110-of-2006.pdf](http://www.legislature.mi.gov/(x3eqqx2ix0ez34nsk1zysl45)/documents/mcl/pdf/mcl-Act-110-of-2006.pdf)