

## Zoning: Basic Questions

### What is the role of the planning commission?

The planning commission was originally given the responsibility of writing and adopting the master plan for the community. In 2002, this 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.

### Why do we need a master plan?

Policies regarding land use are expressed through the master plan. A master plan will include a description of the community, outline goals and objectives and map areas of different land uses, ranging from residential to industrial. The Michigan Zoning Enabling Act requires that a zoning ordinance be based on a plan to help guide zoning decisions.

### What is the role of the Zoning Board of Appeals?

It is nearly impossible to write a set of regulations affecting the development of land that can be universally applied. Many communities in Michigan and throughout the country had hundreds or thousands of parcels of land to which zoning standards had to be applied. As a result, it was clear that a means of providing relief from the strict requirements of the zoning ordinance was needed for property owners with unique conditions related to their property. So, each state's zoning enabling acts required that any community which adopted a zoning ordinance must also have a zoning board of appeals. The zoning board of appeals exercises three basic roles or functions:

- Interpreting the ordinance (text and map)
- Deciding appeals from administrative decisions
- Granting variances (use and nonuse).

### What is a variance?

A variance is the permission granted to deviate from the requirements of the zoning ordinance. There are two types of variances—use variances and non-use variances. Non-use variances are often referred to as dimensional variances. The authority to grant variances rests with the zoning board of appeals.

### If we grant a variance and the person to whom we granted the variance sells the property, is the variance still in force?

Zoning runs with the land—not the person! Like any zoning decision, the variance granted is generally permanent and stays with the property—not with the property owner.

### What is a special land use?

The Michigan Zoning Enabling Act permits consideration of special land uses. Special land uses are uses listed in a zoning district which are generally compatible with the purpose and intent of the district but, due to their individual or unique characteristics and potential impact, warrant a more in-depth analysis prior to approval.

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