



## LINCOLN PARK PLANNING COMMISSION

February 10, 2021 at 7 p.m.

### REMOTE MEETING VIA ZOOM

Call: 1 646 558 8656

Web: [www.zoom.us](http://www.zoom.us)

Meeting ID: 810 1274 2985

Participant ID is #

## AGENDA

- I. **Call to Order**
- II. **Roll Call**
- III. **Approval of Previous Minutes**
- IV. **Approval of Agenda**
- V. **Old Business**
  - A. 2020 Planning Commission Annual Report
- VI. **New Business**
  - A. Election of Officers
  - B. Zoning Text Amendment: Flat Work Replacement Criteria
- VII. **Policy Review and Discussion**
- VIII. **Education and Training**
  - A. Michigan Association of Planning Regional Workshops for Officials  
<https://www.planningmi.org/regional-workshops>
    - i. Planning & Zoning Essentials – March 3 & 4 from 6-8 PM, or March 23 & 24 from 1-3 PM. \$75 for members, \$100 for nonmembers.
    - ii. Managing Risk – March 9 from 6-8:30 PM. \$65 for members, \$95 for nonmembers.
    - iii. Site Plan Review – March 10 & 11 from 1-3 PM. \$85 for members, \$105 for nonmembers.
- IX. **Reports from Department and Other Boards and Commissions**
- X. **Public Comments**
- XI. **Comments from Planning Commissioners**
- XII. **Adjournment**

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The City of Lincoln Park will provide necessary reasonable auxiliary aides and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the meeting to individuals with disabilities at the meeting/hearing upon seven (7) days prior notice to the City of Lincoln Park. Individuals with disabilities requiring auxiliary aides or services should contact the City of Lincoln Park by writing or calling the following: The Building Department, 1355 Southfield Road, Lincoln Park MI 48146; 313-386-1800 ext. 1296

**CITY OF LINCOLN PARK  
COUNTY OF WAYNE, STATE OF MICHIGAN  
PLANNING COMMISSION MEETING OF DECEMBER 17, 2020**

A Planning Commission meeting of December 17, 2020, via Zoom for Lincoln Park, Michigan was called to order at 6:07 p.m. by Mr. Kissel, Commencing with the Pledge of Allegiance.

**PRESENT:** Palmer, Kissel, Horvath, Persinger, Duprey

**ABSENT:** Briones, Loduca

**EXCUSED:** Graczyk

**ALSO PRESENT:** Leah DuMouchel, John Meyers, Lillian Ross, Matt Yanda, Maureen Tobin, Liz Gruden, Anthony Sircjl, Foxhall host, Tracey Yrebrough, Mites Herch

**APPROVAL OF MINUTES**

Moved by: Persinger to approve the minutes as submitted

Supported by: Duprey

**MOTION CARRIED unanimously**

**APPROVAL OF AGENDA**

Moved by: Persinger to approve the agenda as submitted

Supported by: Duprey

**MOTION CARRIED unanimously**

**OLD BUSINESS**

**(A) Site Plan Review: 3387 Fort Street – Plumbing Contractor**

Site plan was reviewed by Leah DuMouchel with proposed motion to City Council:

*I move that the City of Lincoln Park conditionally approve the site plan numbered PPC 20-008, proposing a plumbing contractor establishment at 3387 Fort Street and consisting of the pages and revision dates found under 'Site Plan Documents' above, based on the finding that the proposal substantially complies with the requirements of §1296.01. This approval is conditional upon the submittal, within 45 days of the date of this report, of a revised Site Plan resolving the items noted above under "Conditions to be addressed before final approval" and subject to administrative review and approval and satisfactory completion of each of the items noted above under "Conditions of Approval."*

Moved by: Horvath to accept proposal

Supported by: Persinger

**MOTION CARRIED unanimously**

**(A) PUBLIC HEARING: 3387 Fort Street – Plumbing Contractor**

Public Hearing opened at 6:23 pm

No public comments

Public Hearing closed at 6:24 pm

**(B) SPECIAL LAND USE: 3387 Fort Street – Plumbing Contractor**

Proposed Motion: that the Lincoln Park Planning Commission grant Special Land Use Approval for Plumbing Contractor Establishment at 3387 Fort Street, as requested in PPC 20-008, based on an affirmative finding of compliance with the criteria set forth in Section 1262.08 of the Lincoln Park Zoning Code.

Moved by: Persinger to accept proposal

Supported by: Duprey

**MOTION CARRIED unanimously**

**NEW BUSINESS**

None

**POLICY REVIEW AND DISCUSSION**

None

**EDUCATION AND TRAINING**

- A. Michigan Winter Cities Planning and Development – Michigan Association of Planning and Michigan Economic Development Corporation. Workshop, tools, and resources to help our community thrive during the cold winter months. January 14, 2-3:30 pm plus self-paced segments and guidebook. \$20  
<https://www.planningmi.org/assets/COVID19/MAP%20MEDC%20Winter%20Cities%20Program%20Brochure%20January%202021.pdf>
- B. Citizen Planner Online – Michigan State University Extension. Self-paced version of the gold standard of Commissioner training. \$275.  
[https://www.canr.msu.edu/michigan\\_citizen\\_planner/](https://www.canr.msu.edu/michigan_citizen_planner/)

**REPORTS FROM DEPARTMENTS AND OTHER BOARDS AND COMMISSIONS**

None

**PUBLIC COMMENTS**

Discussion of the building with John Meyers

**COMMENTS FROM PLANNING COMMISSIONERS**

**ADJOURNMENT**

Moved by: Duprey to adjourn

Supported by: Persinger

**MOTION CARRIED unanimously**

Meeting adjourned at 6:33 p.m.

MICHAEL HORVATH, Secretary

City of Lincoln Park Planning and Development

## 2020 Annual Report: City of Lincoln Park Planning Commission

February 1, 2021

The following report is based on the requirements in §1220.08 of the Lincoln Park Zoning Ordinance.

### SUMMARY OF ACTIVITIES

*The Planning Commission shall make an annual written report to the City Council concerning its operations and the status of the planning activities, including recommendations regarding actions by the City Council related to planning and development. The City Manager shall prepare the Capital Improvements Program Plan.*

#### Administration

Officer Elections. The following officers were elected in January 2020: Kevin Kissel, Chair; Joseph Palmer, Vice Chair; Mike Horvath, Secretary.

Member Appointment to Zoning Board of Appeals. Commissioner Horvath was appointed to serve on the Zoning Board of Appeals. It is important for the Planning Commission to have representation on this board in order to inform the ZBA proceedings with the PC's intent, and to report back to the PC on issues of appeal which should be addressed through regulatory adjustments.

Training. The City's regular Planning Consultant (Beckett & Raeder, Inc.) provided two training sessions in 2020: 1) A 3-hour training session on site plan review for members of the Planning Commission; and 2) a 3-hour training session for the Zoning Board of Appeals, and Planning Commission members were welcome to attend. Both sessions were Michigan Association of Planning (MAP) training modules and were conducted remotely via Zoom.

Annual Review of the Development Review Process. In compliance with the Redevelopment Ready Communities program with which the City of Lincoln Park is engaged, the Commission set aside time at its December meeting to consider its development review process. 2020 was a unique year for development review as all meetings and administration moved rapidly to an online format early in the year due to the Coronavirus pandemic. The City and applicants alike adapted extremely well, however, and the online format proved to serve certain meetings, such as pre-application meetings, better than in-person ones. The forced move to an online platform also shed light on the fact that the City must be prepared for technology-based review meetings. The Planning Commission anticipates that the newly updated site plan review chapter will greatly improve the development review process for both City staff and applicants. Additionally, the Commission believes it important to have design and development standards that both meet the community's needs and are up-to-date, especially as new people move into the City.

#### Development Review

Site Plan Review. The following site plans were approved in the City in 2020.

- 4032 Fort – Carryout Restaurant
- 3476 Fort – Massage Therapy
- 804 Southfield – Fuel Station Expansion and Retail

- 970 Fort – Auto Sales and Service
- 1519 Southfield – Taco Bell
- 3387 Fort – Plumbing Contractor

Special Land Use. The following Special Land Uses were approved in the City in 2020.

- 804 Southfield – Fuel Station Expansion and Retail
- 970 Fort – Auto Sales and Service
- 3387 Fort – Plumbing Contractor

Rezoning. There was one rezoning in the City of Lincoln Park in 2020, at 1805 J. A. Papalas. This property had been rezoned from General Industrial District (GID) to Municipal Business District (MBD) in 2019 in anticipation of a proposed mixed-use development. Development plans changed, and the applicant wished to include a medical marijuana growing, processing, and provisioning facility to the mix of uses, thus resulting in a need to revert to the original GID zoning designation. The rezoning application was originally tabled due to the City’s marijuana licensing regulations not being in place at the time of the rezoning consideration. Once timing was appropriate, the rezoning request was amended to include only one of the original parcels. The Planning Commission motion to recommend the rezoning to Lincoln Park City Council failed, but Council voted to approve the rezoning based on applicant testimony and the parcels’ history of GID zoning.

## Zoning Amendments

Package Delivery Lockers. The City had been approached to permit the addition of package delivery lockers to certain commercial properties within the City. The zoning text amendment included the addition of a definition for a “package delivery locker” as well as the addition of design and installation standards for such lockers.

Screening Wall Alternatives. As a result of the solid masonry wall requirement consistently prohibiting development proposals, the City amended this requirement to add more flexibility and to provide more clarity. The zoning text amendment updated §1294.28 to include screening wall alternatives, such as an “Eco-Wall,” as well as to allow an applicant to choose between the wall and the landscape buffer instead of requiring both.

Waste Management. The Zoning Ordinance did not have specific requirements for waste management, and it became apparent that the City should have clear requirements for waste management so that developers know what is expected and so that the City has the legal justification for any requirements. The zoning text amendment added a requirement for a “waste management plan” as part of the site plan review requirements as well as design, placement, and ownership standards for trash receptacles and dumpsters.

Site Plan Review. There has historically been much confusion regarding the site plan review requirements in the Zoning Ordinance. This zoning text amendment reorganized and simplified the site plan review chapter (§1296.01) to be more concise and to more clearly define roles and responsibilities of both the City and the applicants, making the City’s development review process more transparent.

Lot Division. It came to development staff's attention that there was an inconsistency between §1224.06, Division of Lots, and §1294.32, Schedule of Area Regulations. The zoning text amendment eliminated these inconsistencies.

Signage Conflicts in the Zoning Ordinance. As a result of the newly adopted Sign Code in April 2020, there were several discrepancies and inconsistencies in the Zoning Ordinance. This zoning text amendment addressed these discrepancies in seven sections of the Zoning Ordinance and eliminated any conflict between the two ordinances.

Standards for Marijuana Businesses. In November 2019, voters in the City of Lincoln Park passed a referendum opting into permitting marijuana businesses in the City. The City Council adopted a police power ordinance governing the process and requirements for acquiring such a license, and the Zoning Ordinance is the tool for which to implement any standards. The zoning text amendment addressed four sections of the Zoning Ordinance and included definitions, the types of marijuana business permitted after Special Land Use approval in the General Industrial District, site design standards for such establishments, and parking requirements.

## Policy Review and Study

Zoning Text Amendments. Prior to the consideration of any proposed zoning text amendment, the Planning Commission held a policy review and discussion, providing insight and feedback on all proposals. In 2020, the Planning Commission held policy review and discussions on the following zoning text amendments that were subsequently adopted by City Council: Screening Wall Alternatives, Waste Management, Site Plan Review, Lot Division, Signage Conflicts in the Zoning Ordinance, and Standards for Marijuana Businesses.

Redevelopment Opportunities Package. The City has been working on creating a Redevelopment Opportunities Package to market City-owned properties that are prime for redevelopment. This process is still in the beginning stages, but the Planning Commission held a policy review and discussion on the subject to become informed on the project.

Sign Revision Rollout. Beckett & Raeder, Inc. created a handout to distribute to the business community and relevant departments summarizing the updated sign ordinance that the City adopted in April 2020. The Planning Commission held a policy review and discussion to become informed on the status of the newly adopted Sign Code.

Auto Service and Makerspace Overlay. There are limited industrial properties in the City, and the purpose of the Makerspace Overlay is to permit the "missing middle" section of manufacturing so that smaller-scale operations may occupy buildings outside of industrial areas without posing a nuisance to adjacent land uses. This is a novel idea and still taking form; however, the Planning Commission held a policy review and discussion about the Makerspace Overlay idea, possible definitions, and possible provisions.

## Implementation of the Master Plan

The City adopted its updated Master Plan in November 2019. The new Master Plan has a robust action plan, and the City has made progress on implementing the following action items:

- *Remove parking minimums downtown and replace with accommodation based on evidence of demand* – businesses downtown are exempt from minimum parking requirements.
- *Maintain sidewalks so that they are safe and clean for all users* – all site plan reviews require that City sidewalks be brought up to City standards.
- *Host regular food truck events downtown* – the City is currently working on a food truck ordinance.
- *Adjust the zoning ordinance to permit ultralight-impact manufacturing in commercial zones (“maker spaces”)* – the Planning Commission has had a policy discussion on this topic.

### Regional Correspondence

No requests were received.

### Zoning Board of Appeals

The Zoning Board of Appeals participated in a three-hour training session in 2020.

The Zoning Board of Appeals reviewed three (3) dimensional variance requests in 2020. A dimensional (non-use) variance allows for a deviation from the dimensional (i.e. height, bulk, setback) requirements of the Zoning Ordinance. In order to grant a dimensional (non-use) variance, proof of practical difficulties must exist, and the request must meet all of the required standards outlined in the Zoning Ordinance.

#### 1. 961 Moran Avenue

- Request: A 215 sq. ft. dimensional variance from the 40% lot coverage requirement in the Single-Family Residential District (§1294.32) to increase the lot coverage to 2,135 sq. ft. (Ordinance allows 1,920 sq. ft.).
- Rule being deviated from: 40% maximum lot coverage (§1294.32)
- Number of standards met: 4 of the 12 required standards were met
- Outcome: Approved

#### 2. 1382 Fort Street

- Request: A dimensional variance from the standards for wall signs in the Central Business District (§1276.05: Standards According to Sign Type) to allow for a 600 sq. ft. painted wall sign and a 220 sq. ft. painted wall sign.
- Rule being deviated from: 100 sq. ft. maximum area of a wall sign (§1476.05 of the Sign Code)
- Number of standards met: 2 of the 3 required standards were partially met
- Outcome: Approved

#### 3. 900 Fort Street

- Request: A dimensional variance to locate a pole sign further than 350 feet from a limited access interstate highway.
- Rule being deviated from: 350-ft. maximum distance to an interstate limited access freeway right-of-way (§1476.10(e)).
- Number of standards met: 1 of the 12 required standards was met
- Outcome: Denied

The Zoning Board of Appeals reviewed three (3) use variance requests in 2020. A use variance allows for a use of land that is otherwise prohibited in a zoning district. In order to grant a use variance, proof of an unnecessary hardship must exist, and the request must meet all of the required standards outlined in the Zoning Ordinance. Approval of use variance requests is typically quite rare as a use variance realistically functions as a rezoning request that avoids going before both the Planning Commission and City Council.

**1. 2278 Fort Street**

- Request: A use variance to allow for a used car sales establishment in the Neighborhood Business District, which is not a permitted use in the district.
- Rule being deviated from: Permitted uses in the Neighborhood Business District (§1276.02 and §1276.03)
- Number of standards met: 0 of the 4 required standards were met
- Outcome: Approved

**2. 625 Southfield**

- Request: A use variance to operate a powder coating business in the Municipal Business District.
- Rule being deviated from: Permitted uses in the Municipal Business District (§1278.02 and §1278.03)
- Number of standards met: 4 of the 4 required standards were met
- Outcome: Approved

**3. 2075 Fort Street**

- Request: A use variance to allow for a residential use in the basement of a commercial property in the Central Business District.
- Rule being deviated from: Residential use below a commercial use (§1280.02)
- Number of standards met: 1 of the 4 required standards was met
- Outcome: Denied

## REPORT ON OPERATION OF THE ZONING ORDINANCE

*In accordance with Section 308 of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall prepare an annual report to the City Council on the administration and enforcement of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.*

Following the completion of the Master Plan effort at the end of 2019, the Planning Commission has been quite proactive in addressing several zoning issues. The Planning Commission reviewed and made affirmative recommendations to City Council on seven zoning text amendments in 2020. Additionally, specific zoning issues that have been identified through the course of the Planning Commission's development review procedures this year include:

Automotive Service Stations, Repair Centers, and Public Garages. These uses have been problematic at times in the City, leading to attempted regulatory solutions which have had varying degrees of success. Currently, a standalone ordinance section establishes development criteria for these uses, but its application has been inconsistent. A mandatory 5,000-foot setback between similar uses, likely intended to dilute the quantity of such uses, has been difficult to administer and has not produced the intended result.



The Future Land Use plan that accompanies the Master Plan identifies an overlay district permitting auto-related uses in an area of the City with the greatest concentration of such uses.

*Automotive Service and Makerspace Overlay.* There are limited industrial properties in the City, and the purpose of the Makerspace Overlay is to permit the “missing middle” section of manufacturing so that smaller-scale operations may occupy buildings outside of industrial areas without posing a nuisance to adjacent land uses. This is a novel idea and still taking form, but the Planning Commission held an initial policy discussion on the topic. It is possible that the Makerspace Overlay could be combined with the Automotive Service Overlay district identified in the Future Land Use plan.

*Vehicle Sales.* The City routinely receives requests for vehicle sales establishments. The Zoning Ordinance specifies standards for Automotive Service Stations, Repair Centers, and Public Garages; however, these standards do not include vehicle sales establishments. Because there are so many requests for such establishments in the City, it is important to have enforceable development standards to help govern the appearance and condition of these sites.

It has been recognized throughout the City’s development review team, including City Management, Economic/Downtown Development Director, Building Official, and Planning Consultant that the extent of changes required to make the Zoning Ordinance support the City’s desired vision is such that a full rewrite of the ordinance is warranted.

City of  
**Lincoln Park**  
Crossroads of Downriver

Date:

Honorable Mayor and Council Members  
City of Lincoln Park  
Lincoln Park, Michigan

**Subject:**

To amend a municipal code of the city of Lincoln Park Chapter 1294, Provision Relating to All Districts. To adopt the addition of .43 Concrete Flat work replacement evaluation criteria.

**Purpose:**

The request is to amend the Provision relating to all districts - Ordinance (Chapter 1494). The purpose and intent of this amendment is to create replacement criteria for all concrete flat work, including sidewalks, service walks, patios, driveway approaches, driveways and garage flooring. This amendment is intended to provide clarity for all flat work replacement criteria in alignment with the Department of Public Services replacement criteria adopted in 2005 for public sidewalks and in 2017 for the public sidewalk replacement program. This will support the Building Department's ongoing exterior inspections of Rentals, Resales, Vacancy and Certificate of Occupancy registrations.

**Proposed Zoning Code Text Amendment**

Chapter 1294 Provisions for all related districts

**1294.43 Flat Work Replacement Criteria**

The following concrete Flat Work Replacement Criteria may include but not limited to: public sidewalks; service walks; driveway approaches; driveways; garage slabs; steps; porch caps; and patios.

- 1) Trip hazards exceeding three quarters (3/4) of one inch.
- 2) Cross slopes exceeding one (1) inch per foot from the inside edge toward the outside edge (the outside edge being the edge of the sidewalk nearest the street line).
- 3) Individual slabs that are broken into more than three pieces.
- 4) Significant surface deterioration from spalling or pitting over 33% of an individual slab.
- 5) Holes in excess of three quarters (3/4) of one inch in depth or width.
- 6) If any section of the sidewalk is tilted from the outside edge toward the inside edge (the outside edge being the edge of the sidewalk nearest the street line).
- 7) Any section or sections where water ponding is evident.
- 8) Milling or grinding will not be permitted if at any point the trip hazard exceeds three quarters (3/4) of one inch.
- 9) No surface patch work will be permitted.

City of  
**Lincoln Park**  
Crossroads of Downriver

**Budget Impact:**

There will be no impact to the budget.

**Recommendation:**

It is recommended that the Mayor and City Council adopt the proposed Resolution as requested.

Respectfully Submitted,



John Meyers  
City of Lincoln Park  
Building Official

**PROPOSED RESOLUTION  
LINCOLN PARK CITY COUNCIL**

**DATE:**

**MOVED:** Breeding, Duprey, Higgins, Ross, Salcido, Tobin, Mayor Karnes  
**SUPPORTED:** Breeding, Duprey, Higgins, Ross, Salcido, Tobin, Mayor Karnes

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BE IT RESOLVED, THAT AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK, CHAPTER 1294 – PROVISIONS RELATING TO ALL DISTRICTS, BY ADDING SECTION .43 “FLAT WORK REPLACEMENT CRITERIA”

THE CITY OF LINCOLN PARK ORDAINS:

That Part Twelve of the Codified Ordinance for the City of Lincoln Park Title Six, Chapter 1294 Entitled Provisions Relating to All Districts be and is hereby amended by adding Section .43 entitled Flat Work Replacement Criteria as follows:

The following concrete Flat Work Replacement Criteria may include but not limited to: public sidewalks; service walks; driveway approaches; driveways; garage slabs; steps; porch caps; and patios.

- 1) Trip hazards exceeding three quarters (3/4) of one inch.
- 2) Cross slopes exceeding one (1) inch per foot from the inside edge toward the outside edge (the outside edge being the edge of the sidewalk nearest the street line).
- 3) Individual slabs that are broken into more than three pieces.
- 4) Significant surface deterioration from spalling or pitting over 33% of an individual slab.
- 5) Holes in excess of three quarters (3/4) of one inch in depth or width.
- 6) If any section of the sidewalk is tilted from the outside edge toward the inside edge (the outside edge being the edge of the sidewalk nearest the street line).
- 7) Any section or sections where water ponding is evident.
- 8) Milling or grinding will not be permitted if at any point the trip hazard exceeds three quarters (3/4) of one inch.
- 9) No surface patch work will be permitted.

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**YES:** Breeding, Duprey, Higgins, Ross, Salcido, Tobin, Mayor Karnes  
**NO:** Breeding, Duprey, Higgins, Ross, Salcido, Tobin, Mayor Karnes  
**ABSTAINED:** Breeding, Duprey, Higgins, Ross, Salcido, Tobin, Mayor Karnes

## Monthly Planning Report

Serving & Planning Communities throughout Michigan

February 2021

Top  
Story

### Michigan-based development guide offers solutions for everywhere

*"Incremental suburban retrofit calls for action on many fronts—code reform, redesigning thoroughfares, revising parking policy, leveraging infrastructure investments, changing land uses, and more."*

"Enabling Better Places: Commercial Corridors and Shopping Centers is published by the Congress for the New Urbanism (CNU) and the Michigan Municipal League (MML), with funding from the Michigan Economic Development Corporation (MEDC). The report breaks new ground in that it focuses on incremental steps to revitalizing suburban landscapes in Michigan—and its principles and techniques are applicable to communities nationwide.

"Suburban landscapes, which comprise much of the built environment, are vital for fiscal sustainability and economic development. 'A community that identifies opportunities to create new walkable places through targeted redevelopment of suburban areas can inject new taxable value into the budget—while making efficient use of existing infrastructure,' the authors note."

*Congress for the New Urbanism*. More information: <https://www.cnu.org/publicsquare/2020/12/15/cnu-releases-report-incrementally-revitalizing-michigan-suburbs>. Link is to the document in a shared google drive published by CNU.

Legal and  
Legislative

### Zoning restrictions on MMMA caregiver locations affirmed

*"While the zoning ordinance goes further in its regulation of the medical use of marijuana, it does not do so in a manner that is counter to the MMMA's conditional allowance on the medical use of marijuana."*

"On remand from the Supreme Court for reconsideration in light of *DeRuiter*, the court held that the 'locational restriction' in plaintiff-township's zoning ordinance (regulating where medical marijuana dispensaries and medical marijuana nurseries may be located) did not directly conflict with the MMMA. Thus, it reversed the trial court's order that ruled the ordinance was preempted by the MMMA, and remanded. The court previously affirmed that order, concluding that it was bound by its earlier decision in *DeRuiter*. But the Supreme Court reversed its decision in *DeRuiter*, and later vacated its judgment in this case and remanded. After reviewing *DeRuiter* and *Ter Beek II*, the court concluded that the ordinance here was not preempted by the MMMA."

*Michigan State Bar e-journal*. More information: <https://www.michbar.org/e-journal/eJournalDate/01222021>

Legal and Legislative

## Unpublished MI Supreme Court opinion addresses nonconformities

*“Although the Township argues that the proposed improvement would result in ‘more of the building being located within the nonconforming setback(s),’ they have not provided any authority for the proposition that this constitutes an enlargement or alteration of the nonconformity itself.”*

Appellees filed a Land Use Permit Application with Lake Township, Huron County to add an additional level to their residence, which had a preexisting nonconformity regarding the setback requirements. The language of the ordinance reads that “No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity,” and upon denial of the permit, the applicants argued that the proposed improvements would not increase the nonconformity. In response, the Township argued that it was intent of the ordinance drafters to “prohibit any expansion or alteration of a nonconforming structure” within the specific parameters of the setback. However, the Court held that this interpretation was not in keeping with the plain language of the ordinance. The proposed improvements to the property, they said, would not further decrease the setback, or, in other terms, enlarge or alter the nonconformity of the setback. In simple terms, the building “would be just as nonconforming after the improvements as it was before.”

*State of Michigan Court of Appeals.* More information: <https://law.justia.com/cases/michigan/court-of-appeals-unpublished/2020/348559.html>. This summary has been edited for length.

Training and Education

## Michigan Association of Planning Regional Workshops for Officials

### Planning and Zoning Essentials

Public hearing procedures, site plan review, master planning, zoning ordinances, variances, how to determine practical difficulty, and standards for effective decision-making are covered.

Wednesday, March 3 and Thursday, March 4, from 6-8 PM OR Tuesday, March 23 and Wednesday, March 24, from 1-3 PM. Members: \$75; Nonmembers: \$100

### Managing Risk

Identifying a conflict of interest, applying discretionary standards during special land use reviews, reasonable expectations of a developer, and how your comprehensive plan can minimize risk.

Tuesday, March 9, from 6-8:30 PM; Members: \$65; Nonmembers: \$95

### Site Plan Review - taught by BRI!

Site design principles, such as pedestrian and traffic considerations, lighting,

utilities, ADA compliance, inspections, and landscaping.

Wednesday, March 10 and Thursday, March 11, from 1-3 PM; Members: \$85; Nonmembers: \$105

### Master Planning Process

Requirements, components, and stakeholder involvement you'll need to organize when drafting or amending a master plan.

Tuesday, March 30 and Wednesday March 31, from 6-8 PM; Members: \$75; Nonmembers: \$100

### Planning and Zoning for Inspectors and Code Enforcement Officers

Workshop offers inspectors and officers a concise history of planning and zoning, the local players involved in the community and their roles, a tour of a typical zoning ordinance and development reviews and best practices for administration.

Tuesday, March 16, from 1-3 PM; Members: \$45; Nonmembers: \$65

*Michigan Association of Planning.* More information: <https://www.planningmi.org/regional-workshops>