



Creating pathways and partnerships  
for housing in Northwest Michigan.

## **Building a Housing Advocacy Team**

**Presenters: Tina Allen-Strategic Solutions NW**



# AGENDA



- Who makes land use decisions?
- What kinds of decisions are made?
- How are the decisions made?
- How do we get advocate before the laws are made?
- How do we best advocate when decisions are being made about a specific project?



As a model grassroots effort which began in 1992 under the auspices of the Traverse City Area Chamber of Commerce, New Designs for Growth was a guiding force that has helped to shape commercial and residential developments. As a collaborative team of community volunteers, advocates, planning and design professionals, developers and governmental representatives, the initiative continues to help shape the future of this region.

[New Designs for Growth :: Smart Growth Resources](#)  
[:: Citizen Planning Resources](#)



# The Decisions

Who

## WHO MAKES LOCAL LAND USE DECISIONS?

Government Level	Legislative Body	Elected Officials	Appointed
County	Commission	Commissioners	Planning Commission Zoning Board of Appeals
Township	Board	Trustees Supervisor Clerk Treasurer	Planning Commission Zoning Board of Appeals
City	Council or Commission	Council/Commission Members and Mayor	Planning Commission Zoning Board of Appeals
Village	Council	Council Members Village President	Planning Commission Zoning Board of Appeals



## Planning Commission

Depending on the capacities and activities of the community, a planning commission is generally expected to:

- Develop and maintain a Master Land Use Plan
- Make recommendations on approval of the Plan, and in some cases adopt the Plan
- Develop, upon direction from the governing body, capital improvement plans, recreation plans, and other community plans
- Develop a Zoning Ordinance and map
- Make recommendations on changes to the Zoning Ordinance and Map
- Review rezoning applications, site plans, and planned unit development applications
- Review the community's property purchases and development projects



## Zoning Board of Appeals (ZBA or BZA)

- All zoned communities must appoint a zoning board of appeals, or ZBA. The procedures and makeup of the ZBA are outlined in the zoning ordinance.
- The ZBA hears appeals on requirements or on zoning decisions and can grant variances to regulations in order to change one or more requirements of the zoning ordinance. In order to receive a variance, the property owner must show that the zoning regulation creates a hardship or prevents the development of the property.
- On request, the ZBA also provides interpretation of language in the zoning ordinance.



## Land Use staff—including Zoning Administrators and Planners

- Are hired to interpret and enforce the zoning ordinance.
- Staff reviews and processes applications for land use permits, site plan review, and other zoning issues. They also provide advice and assistance to the planning commission, the legislative body, and the ZBA.
- Staff has no authority over **changes** to the plan, zoning ordinance, or other local policies – authority rests with local officials.
- But, by providing assistance to government bodies, staff plays an important role in local decision-making.





## City Commission/Village Council/Township Board

- Responsibility for general land use decisions can be very different from community to community. Often elected officials decide or affirm:
  - Adoption of Master Land Use Plan
  - Adopting of Zoning ordinance
  - Zoning district/map changes
- Appoint Planning Commissioners and Zoning Board of Approval Members
- Hire Planning/Zoning Staff
- General Law Ordinances that may impact land use
- Moratoria



## Ad Hoc Committees:

- Planning Commission during Master Planning Process
- City/Township/Village Elected Boards/Commissions/Councils for any major decision
- Committees do NOT make final decisions but are investigative and advisory



# The Decisions

What



The decisions that guide what can and can't be done to develop and use housing are made primarily at the City, Village, Township, or sometimes County level.

Decisions like:

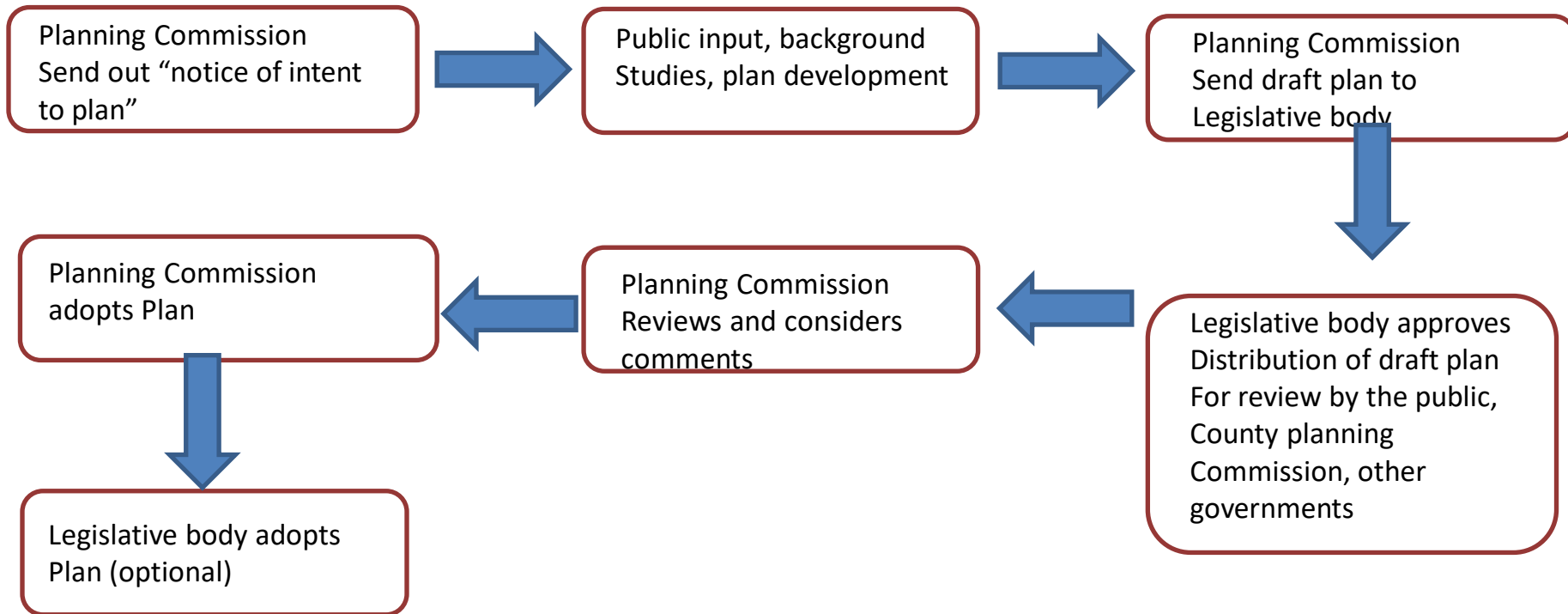
- Lot size (larger lot sizes means more cost per home)
- Home size (minimum square footage per home, including apartments)
- How many homes may be on one lot (Single-family can limit ability to have mother-in-law spaces)
- Who can live in a home (most common is only one family, so no allowance for unrelated roommates or families wanting to share homes)
- Allowance of short-term rentals (when allowed it limits number of homes available to full-time residents)



**A Master Plan**—sometimes called a comprehensive plan or land use plan—

- is a guide that’s intended to help shape land use decisions.
- Plans help the community understand current conditions and build a vision for the future—and identify what actions they need to take to achieve that vision.
- To do this, plans make recommendations about the development of land and public services like schools, roads, and sewer and water lines.
- In communities that are zoned, they also **serve as the foundation for zoning ordinance regulations**, which control how land and buildings are developed and used.
- Goals and objectives include recommendations on the future development of land, which is shown on a **future land use map**. The plan must also include a **zoning plan**.

## Master Plan Adoption Process





## **A Zoning Ordinance is a local law**

that regulates land and buildings in order to protect the health, safety, and general welfare of all citizens. It includes both a zoning map and text and divides a township, village, city, or county into different districts (zones).



## Zoning Districts and Map

The zoning map shows the legal boundaries for each district.

Districts regulate the uses, building size, and other features for all properties in the district. Zoning districts are often based on the types of uses that are allowed, with separate districts for residential, commercial, agriculture, recreation, and industrial development.

This is known as “use-based” zoning and is intended to separate uses that may be incompatible. For instance, an industrial district—which could allow activities that create noise, smoke, or heavy traffic—keeps industrial nuisances at a distance from the community’s major residential areas.

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







## Types of Regulations

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

**Use regulations** state what types of land use can be located in each zoning district. Some uses are allowed “by right,” which means they can be allowed through a simple application process. Others, called special uses, are subject to extra requirements and additional review. These are more intensive uses that need additional review in order to protect the neighborhood from any negative impacts.

**Dimensional regulations** control features such as building height, floor area, yard area, and the building footprint, or outline.

**Setbacks** control the distance between the building and the street or property line. Setbacks are specified for the front, side, and rear of a lot.

**Density regulations** limit the number of homes or other buildings that may be built on a piece of land. Usually this is done by requiring a minimum property size—such as one home per acre. Ordinances also include general development standards that regulate features of larger developments, including parking, landscaping, lighting, and street layout.



## **General Law Ordinance:**

An ordinance must advance a public purpose relate to local matters, and serve a lawful purpose, either as expressly provided for by law or as necessary for the general health, safety and welfare of the community.

## **Moratorium:**

Local units of government sometimes adopt moratoria to prevent anyone from developing or building something until regulations concerning the activity are developed and adopted.

- The narrow subject to which the moratorium applies
- An explanation as to how the moratorium is addressing a direct and immediate threat to public health, safety and general welfare.
- Findings of fact that support the public health, safety and welfare threat.
- A specific starting date.
- A specific ending date.
- Anything else the local government's attorney believes is important to convey.



**How**



You'll find the agendas and calendars for all Planning Commission, Zoning Board of Appeals, and Commissions or Boards posted on the local unit's official website. Sometimes you have to look around a little, but they'll be there at least by that afternoon.

- Strict use of Roberts Rules of Order-can seem very formal
- Direct any, and all comments to the Chair
- Follow Open Meetings Act which means that all decisions and discussions about those decisions where more than 2 decision-makers are present **MUST** be made at a public meeting.
- Wait your turn on the agenda if you're interested in making comments



## **The Agenda:**

At any regular meeting of the Planning Commission, there may be included:

- Discussion/updates of the Master Plan
- Discussion/updates of the Zoning Ordinance & Map
- Review of specific ordinances
- Review of Use-By-Rights projects
- Review of Special Land Use projects
- Review of Planned Use Development projects



## Providing Public Comment

The Open Meetings Act requires there be a public comment period at open meetings, but does it really matter?

Note to self...it's **Public Comment, not Public Discussion.**

Can be intimidating!

There are always rules that apply to making Public Comment:

- Time-usually limited to 3 minutes
- Only at certain times.
  - Public Hearings (only during that specific agenda item)
  - Items on Agenda (sometimes there is a specific time to talk about anything on the agenda that isn't a Public Hearing)
  - General Public Comment (anything that doesn't already have a specific place on the agenda)



## How can a Housing North Local Liaison help?

It's impossible for Housing North staff to be at every local meeting where land-use decisions are being made. We need you to represent Housing North and its initiatives as the eyes, ears, and voices in your communities.

- Planning Commission
  - Monitor agendas
  - Attend meetings
  - Be part of any Master Land Use Plan discussions
  - Introduce yourself as a Housing North Local Liaison and offer to connect them with staff for regional housing issues and initiatives
  - Take targeted messages from Housing North during Public Comment



- City Commission or Township Board
  - Monitor agendas
  - Attend meetings only when there are discussions related to Housing North initiatives on the agenda
  - Introduce yourself as a Housing North Local Liaison and offer to connect them with staff for regional housing issues and initiatives
- Housing North
  - Learn about and take targeted messages from Housing North during Public Comment
  - Help Housing North know when your community is embarking on the Master Plan process and if any new topics of concern arise locally





# Example



[HOME](#)

[BOARDS/COMMITTEES](#)

[MINUTES](#)

[SERVICES](#)

[FORMS & MORE...](#)

## Short-Term Rentals

### Status of Short-Term Renting in Casco Township

Casco Township passed [changes to the Zoning Ordinance](#) that allow both short and long-term rentals in all zoning districts in Casco

Township. The Board of Trustees also passed a [Regulatory Ordinance](#) to establish rules for registration of short-term rentals and penalties for non-compliance. The Regulatory Ordinance is in effect and will be strictly enforced for the 2019 rental season. All short-term rentals need

### Final Short-Term Regulatory Ordinance

*Discussed and Approved 01/22/2018*

[Final Short-Term Rental Regulatory Ordinance](#)

### Final Changes to the Zoning Ordinance

[Final changes to the Zoning Ordinance to](#)

[Permit Short and Long-Term Renting](#)

### Noise Ordinance

*Passed in April, 2017*

[Final Noise Ordinance](#)



## SHORT TERM RENTAL

The rental of any Single-Family Dwelling for a term of less than twenty-eight (28) days in any calendar year; the definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

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**Section 7. Amendment of Chapter 3.** Chapter 3 – General Provisions is amended to include a new Section 3.39 which reads as follows:

### **SECTION 3.39 RENTAL OF SINGLE-FAMILY DWELLINGS**

All Short Term and Long Term Rentals as defined in Chapter 2 shall be subject to the following regulations and performance standards:

- A. Regulations applicable to Short Term and Long Term Rentals.



appeals, and other matters.

HB 4722 would amend the Michigan Zoning Enabling Act to establish the rental of a dwelling—including, but not limited to, short-term rentals—to be a residential use of property that is permitted in all residential zoning districts, and not to be considered a commercial use nor subject to any permit requirements different from those applicable to other dwellings in the same zone. The bill would not prohibit zoning ordinance provisions that regulate noise, advertising, traffic, or other nuisances related to the rental of a dwelling, but only if such regulations are applied consistently to owner-occupied residences as well.



**CASCO TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN**

**SHORT TERM RENTAL ORDINANCE  
ORDINANCE NO. 0122-2018**

**AN ORDINANCE TO ADOPT SHORT TERM RENTAL REGULATIONS  
IN CASCO TOWNSHIP, MICHIGAN.**

**Sec. 01-01. Purpose.**

The Township Board finds that the Short-Term Rental of Single-Family Dwellings within Casco Township is a matter closely connected with the public health, safety, and welfare of the community. The Township Board has enacted this Ordinance in an attempt to strike an appropriate balance between the interests of community residents, community business owners, visitors to the community, and real property owners wishing to engage in Short-Term Rental of Single-Family Dwellings.

While visitors to the community who rent Single-Family Dwellings on a short-term basis bring many benefits to the community, they can simultaneously create concerns surrounding issues of traffic, parking, congestion, litter, noise, and other similar issues. Meanwhile, issues related to fire safety and life safety codes must be considered in order to maximize the safety and well-being of all in the community. This Ordinance is intended to strike a balance between competing interests.

The Township Board finds that the areas of the Township with predominately Single-Family Dwellings are especially susceptible to the negative effects of Short-Term Rentals, since these areas are the least intensively developed residential areas in the Township. Thus, this Ordinance will regulate Short-Term Rentals of only Single-Family Dwellings.

THE TOWNSHIP BOARD OF CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, BEING FULLY ADVISED OF THE CONTENTS AND LEGAL EFFECTS OF THE FOREGOING, HAS PASSED THE FOLLOWING RESOLUTION:





Step 1-Make general concern Public Comment

Step 2-Talk with staff/principle elected official to get discussion on agenda

Step 3-Watch agendas

Step 4-Make targeted Public Comment/Invite key stakeholders to join

Step 5-Watch agendas for decisions

Step 6-Repeat/Don't give up

Step 7-Publicly and privately thank those responsible for progress



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