Sources of Planning and Zoning Authority

- Derived from state's sovereign police power, reserved by government to protect health, safety and welfare
- Zoning is a legislative modification of nuisance law.
  - Designed to limit the harm one landowner may do to another, or to society as a whole, based on his or her use of the land

Sources of Planning and Zoning Authority

*Village of Euclid (Ohio) v. Ambler Realty Co., 272 U.S. 365 (1926)*

- U.S. Supreme Court upheld zoning as a proper exercise of the police power to protect the public welfare.

Sources of Planning and Zoning Authority

*Village of Euclid (Ohio) v. Ambler Realty Co., 272 U.S. 365 (1926)*

- But U.S. Supreme Court warned that zoning ordinances must "find their justification in some (proper) aspect of ... protecting the public welfare."
  - e.g., child safety and security, fire protection, traffic control, disease prevention, noises, odors, unsightliness, etc.

© Michigan State University
Enabling Legislation

- The Planning and Zoning Enabling Acts give permission to adopt a master plan and zoning ordinance
- Provides direction as to what approvals can be made, who must review them, and how decisions are to be made. Development processes are not defined
- Requires municipality to consider land use factors for the proposed new, replacement use/development, not consequences of the loss of the previous use
- Additional legislation further preempts planning practices at local level (i.e. inclusionary zoning, Federal Fair Housing)

Master Plan

- Guide for the future
- Establishes Vision
- Facilitates investment decisions
- Coordinates programs, policies, and funding to support desired outcomes
- Policy document
- Not law

Area Specific Plans

- Adopted as part of the Master Plan
- Establishes land use and development goals for a particular area of the city
- Protects character, encourages reinvestment and revitalization
- Provides a strategic focus for neighborhood and business organizations
- Utilized by investors, developers, City Staff and Planning Commission when evaluating a redevelopment project
- Not law

Zoning Ordinance

- Law
- Comprised of text and maps
- Purpose and Intent
- Neighborhood character
- Sets policies and procedures
- Requires neighbor input
- Implements Master Plan and Area Specific Plans
Articles 12 and 13 of the City of Grand Rapids Zoning Ordinance provides process and procedure information for all private development applications. The Ordinance outlines several possible review paths depending on the nature of the application.

In general, the review path is dictated by the proposed use of the project. City staff works with applicant to understand the scope of a project and direct the project through the appropriate review path. Staff suggestions are made based on our expertise, experience and knowledge of the Master Plan and Zoning Ordinance.

Tools in decision making process
- 2002 Master Plan, Green Grand Rapids, GR Forward and Area-Specific Plans
- Public Testimony
- Data, maps, aerial photographs
- Site visits
- Neighborhood context and history of the area
Community and neighborhood engagement happen at varying points of a redevelopment process.

1) For projects that propose a “permitted use” and meet all of the zoning ordinance regulations, neither a neighborhood meeting nor a public hearing is held on the individual project. The community/neighborhood engagement process happened during the development of the Master Plan, Area Specific Plan and Zoning Ordinance – where the community vision (Master Plan) and regulations to implement that vision (Zoning Ordinance) are established. If the project meets the requirements of the Ordinance, then it reviewed administratively via the LUDS permit process. Staff does encourage a developer to contact the neighborhood/business association to discuss their project prior to a LUDS submission.

2) For projects that require Commission and/or Board approval (i.e. Special Land Use, Planned Redevelopment District, rezoning, etc.), a developer is strongly encouraged to meet with the neighborhood or business association prior to application. The Planning Commission is required to hold a public hearing to gather input from the general public, and the application is reviewed for compliance with the standards of the Zoning Ordinance. The Michigan Zoning Enabling Act requires the City to send notice to all properties within 300 feet of the request and publish in the newspaper.

"The purpose of the neighborhood meeting is to educate occupants and owners of nearby properties about the proposed development application, receive comments and address concerns about the development proposal; and resolve conflicts and outstanding issues, where possible. The meeting is intended to result in an application that is responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials."

Section 5.12.04 Neighborhood Meeting

---

REDEVELOPMENT CHALLENGES

- GR is rapidly developing
- New people/out of town in development
- Developers don’t always listen to “suggestions”
- Concern for equitable development and affordable housing
- Balancing flexibility with prior community issues
- Preservation versus redevelopment
- Emerging business opportunities
- Managing change
## BELKNAP AREA SPECIFIC PLAN
### CONTEXT DISTRICT SUMMARY

<table>
<thead>
<tr>
<th>BUILDING TYPE</th>
<th>BELKNAP TR Traditional Family Housing</th>
<th>SELKNAP MH Mixed Housing District</th>
<th>BELKNAP CR Cottage Retail District</th>
<th>BELKNAP NT Neighborhood Transitional</th>
<th>BELKNAP NC Neighborhood Center District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family House</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Duplex / Triplex</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Rowhouse</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Apartment House</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Apartment Center Hall</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Cottage Retail Building</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Mixed-Use Building</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

| BUILDING HEIGHT (max.)                     | 35 feet                               | 35 feet                         | 35 feet                           | 35 feet                              | 45 feet                                |

[ ] Denotes that Building Type is permitted in District by right.  
(Building Types not indicated as permitted by right are NOT allowed within the District.)

Types of buildings allowed in different areas use to guide official opinion on whether to support projects at public hearings.
Adjustment for GVSU Campus

Master Plan
Treat as historic - used w/ federal finding

Show no damage will occur
Belknap Lookout Neighborhood
Summary of Local Construction Projects 2018

Project: Parking lot on Plainfield (SLU) for use by Homewood Suites guests & employees
Status: Passed Planning Commission

Project: Self Storage on Clancy (SLU) by CopperRock Construction
Status: Construction in progress

Project: 3 Single Family Homes on Coldbrook (SLU) by Green Light Management
Status: Preparing for Planning Commission, still making changes (no NOBL decision has been made)

Project: Mixed Use Project at Bradford & Lafayette (Zone Change) by Bazzani
Status: Zone Change passed Planning Commission, not anticipating SLU. Securing financing.

Project: Road construction on Newberry (Monroe to Division) by the City of Grand Rapids
Status: Planned for 2018

Project: Embassy Suites at 710 Monroe (Liquor License)

Project: Coit Park renovations by the City of Grand Rapids Parks Department
Status: Construction in progress. Moving playground, new picnic area, replacing restroom.

Project: Fairview Condos (SLU) by CopperRock Construction
Status: Construction in progress

Project: Condos at 637 Coit (SLU) by RJM Properties
Status: Preparing for Planning Commission, still making changes (no NOBL decision has been made)
**Project:** Coit Square (PRD) by the Artesian Group  
**Status:** Passed Planning and City Commission, currently seeking Brownfield financing

Site plan, left  
Renderings, below

**Project:** Tear down and rebuild L&L Market over 2 lots (SLU) by L&L with RJM as contractor  
**Status:** Preparing for Planning Commission (NOBL has approved with conditions in an MOU)

**Project:** 433 Michigan  
**Status:** Construction to start this fall.

\[\checkmark\]

**Project:** Michigan Street sewer work and road reconstruction by the City of Grand Rapids  
**Status:** Construction in progress, done in May.

**Project:** Parking ramp for GVSU & Spectrum Health  
**Status:** Construction to start this summer, with partial opening expected in January 2020.

**Project:** Lafayette Avenue sewer work and road reconstruction by the City of Grand Rapids  
**Status:** Construction in progress, done in August.

**Project:** 719 Prospect sale by the State Land Bank  
**Status:** Agreement is in negotiation but will include NOBL in purchaser’s design process

**Project:** 500 Lafayette block  
**Status:** New health sciences building is open for classes, dedicating this summer; mixed-income housing on Trowbridge applying for LIHTC credits this fall
SPECIAL LAND USE Review Standards

The Planning Commission shall consider whether the proposed Special Land Use meets the following standards:

1. Master Plan/Zoning Ordinance
   The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the Zone District.

2. Neighborhood
   a. The proposed use will be compatible, harmonious and appropriate with the existing or planned character and uses of the neighborhood, adjacent properties, and the natural environment.
   b. Potentially adverse effects arising from the proposed use on the neighborhood and adjacent properties will be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.
   c. The proposed use will not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, visual clutter, and electrical or electromagnetic interference.
   d. The proposed use will not adversely affect the walkability of the neighborhood, impair pedestrian circulation patterns, disrupt the continuity of the urban street wall or otherwise hinder the creation of a pedestrian-oriented environment.

3. Environment
   The proposed use will retain as many natural features of the landscape as practicable, particularly where the natural features assist in preserving the general character of the neighborhood.

4. Public Facilities
   a. Adequate public or private infrastructure and services already exist or will be provided at no additional cost, and will safeguard the health, safety, morals, and general welfare of the public.
   b. The proposed use will not be detrimental to the financial stability and economic welfare of the City.
   c. The proposed use will comply with all other applicable City ordinances and policies and all applicable State laws.

5. Sale and/or Consumption of Alcohol
   Alcohol-related uses tend to have a particularly detrimental effect on a neighborhood where there is a concentration of such uses in proximity to each other. The standards of review for alcohol sales in Section 5.9.05.E. of the Zoning Ordinance shall be used in conjunction with the Special Land Use Review Standards.

Note: Applicable Site Plan Review Standards of Section 5.12.08.D. also apply to Special Land Uses.
ZONE CHANGE MAP Review Standards
The Planning Commission shall consider, and the City Commission may consider, whether the proposed amendment meets the following standards:

1. **Master Plan/Zoning Ordinance**
   a. The proposed Zone District or Neighborhood Classification designation is consistent with the purpose and intent of the Master Plan, including the Future Land Use Map.
   b. The proposed Zone District or Neighborhood Classification designation will further the themes and objectives of the Master Plan, as well as any relevant adopted Area Specific Plans.
   c. Any property to be re-zoned can accommodate the requirements of the proposed Zone District.

2. **Neighborhood**
The proposed Zone District or Neighborhood Classification is compatible with the Zone District(s) and Neighborhood Classification(s) in the neighborhood.

3. **Environment**
The physical, geological, hydrological and other environmental features of the property to be re-zoned are compatible with the full range of uses in the proposed Zone District.

4. **Public Facilities**
   a. Adequate public facilities already exist or will be provided at no additional cost, and will safeguard the health, safety, morals and general welfare of the public.
   b. The proposed Zone District or Neighborhood Classification will not be detrimental to the financial stability and economic welfare of the City.

5. **Other**
   a. The proposed Zone District or Neighborhood Classification is consistent with the trend of development in the neighborhood; or
   b. The property to be re-zoned was improperly zoned or classified when the Zoning Ordinance was adopted or amended.
   c. Rezoning the property as proposed would negatively impact the condition of any nearby parcels currently zoned Mixed-Use Commercial, especially considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
USE VARIANCE Review Standards

Purpose
The Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed in the Zoning Ordinance.

It is not intended that Variances be granted merely to remove inconveniences or financial burdens. The possibility that compliance with the Zoning Ordinance may prove to be more costly or time consuming shall not be part of the consideration of the Board of Zoning Appeals (BZA).

Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by an act or omission of the property owner or previous property owners.

The Board of Zoning Appeals (BZA) may allow a Use Variance where all of the following conditions are met:

☐ 1. Unnecessary Hardship. The condition, location, or situation of the specific property or intended use of the property that contains an unnecessary hardship is unique to that property and the Zone District.

☐ 2. Not Self Created. The need for the Variance was not created by the applicant or the applicant’s predecessors in title.

☐ 3. No Substantial Detriment. The Use Variance shall not alter the essential character of the neighborhood, nor be a detriment to adjacent properties.

☐ 4. Cannot Be Reasonably Used. The land, building or structure cannot be reasonably used for the permitted uses in the Zone District.

☐ 5. Master Plan/Zoning Ordinance. The Variance shall be consistent with, and not materially impair, the purpose and intent of the Master Plan and Zoning Ordinance, including the Zone District.

Planning Commission Opinion
Prior to reaching a decision on a Use Variance, the BZA may request that the Planning Commission, following presentation of the request by the applicant, forward an opinion to the BZA. The Planning Commission opinion is advisory and is limited to the effect of the proposed Use Variance on the existing or intended character of the neighborhood and the ability of the property owner to use the property for a use already permitted under the Zone District.
DIMENSIONAL VARIANCE Review Standards

Purpose
The Variance process is intended to provide limited relief from the requirements of the Zoning Ordinance in those cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed in the Zoning Ordinance.

It is not intended that Variances be granted merely to remove inconveniences or financial burdens. The possibility that compliance with the Zoning Ordinance may prove to be more costly or time consuming shall not be part of the consideration of the Board of Zoning Appeals (BZA).

Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by an act or omission of the applicant or the applicant's predecessors in title.

The Board of Zoning Appeals may allow a Dimensional Variance where all of the following conditions are met:

1. Exceptional or Extraordinary Circumstances or Conditions. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same Zone District or in the general vicinity. Exceptional or extraordinary circumstances or conditions may include:
   a. Shape of Lot. Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment; or
   b. Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure; or
   c. Abutting Property. The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties.

2. Substantial Property Right. The Variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zone District and in the neighboring area.

3. Not Self Created. The immediate practical difficulty causing the need for the Variance was not created by the applicant or the applicant's predecessors in title.

4. No Substantial Detriment. The Variance shall not cause substantial detriment to adjacent property and the surrounding neighborhood.

5. Master Plan/Zoning Ordinance. The Variance shall be consistent with, and not materially impair, the purpose and intent of the Master Plan and Zoning Ordinance, including the Zone District.