



The MPC Chronicle

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New Zoning Enabling Act Replaces Michigan's Three Separate Zoning Statutes

On April 7, Governor Jennifer Granholm signed the new Michigan Zoning Enabling Act, P.A. 110 of 2006, into law. This is a significant step toward the modernization of the three existing zoning enabling acts. Michigan's zoning statutes were replaced with one uniform law, which changes how numerous zoning procedures are done. This new act is intended to encourage consistency in zoning procedures and approvals. Starting July 1, 2006, every member of a zoning board, planning commission, zoning commission, zoning board of appeals, as well as zoning administrators, will be required to adopt and follow the procedures as required in the new act. A major goal of passing the Michigan Zoning Enabling Act is to create a single set of procedures to follow, regardless of which jurisdiction the zoning will take place. The outdated and confusing language was simplified and the text itself reduced by two-thirds. This allows for a zoning act that is easier for communities to comprehend and reference.

Repealed Zoning Enabling Acts: City Village Zoning Act, PA 207 of 1921 (MCL 125.581, et seq), Township Zoning Act, PA 184 of 1943 (MCL 125.271 et seq), County Zoning Act, PA 183 of 1943 (MCL 125.201 et seq)

Significant Modifications:

Much of the language should look familiar to township officials, given that the Township Zoning Act was used as the base document that consolidates the three old laws. In addition to creating a single zoning enabling act, the Act implements the following principal changes to municipal zoning practice and regulation:

- **Notice of Public Hearing Publications:** The procedure for all types of zoning applications has been simplified and made uniform. When a public hearing is required on a zoning application, a notice of public hearing must be published only once, at least 15 days prior to the date of the public hearing. This procedure applies to applications for rezoning, special land use approval, planned unit development approval and to applications for decisions by a zoning board of appeals (ZBA's).
- **Notice of Public Hearing Delivery:** In addition, for applications involving the rezoning of ten or fewer adjacent properties; for ZBA applications involving a "specific parcel"; and for all planned unit development and special land use applications, the notice of public hearing must be mailed or personally delivered to the following:
 - The applicant;
 - All persons to whom real property is assessed within 300 feet of the property that is the subject of the application; and
 - The occupants of all structures within 300 feet of the property that is the subject of the application, at least 15 days prior to the date of the public hearing.

(PLEASE NOTE: Under the Act, the 300-foot radius does not stop at municipal boundaries. Notice must be provided outside of a municipality's boundaries, within the 300-foot radius, to all persons in the above-stated categories.)

- **Elimination of Zoning Boards and Commissions:** The township zoning boards and county zoning commissions will be phased out over a five-year period.

(Continued on page 4)

Metropolitan Planning Commission Schedule

July 19 3:00
August 16 3:00
Sept 20 4:00
October 18 4:00
November 15 4:00

810/989-6950

8 - 4:30 M-F

Most of you have attended one of the fall or winter training programs sponsored by the Metropolitan Planning Commission (MPC). However, rather than waiting until our next workshop, how can you keep up to date on issues and learn more about planning and zoning techniques? Ahh, the opportunities are nearly endless!

The MPC maintains a lending and research library open to everyone. Many of the documents and videos can be checked out. From casual reading to intense research, the library has something for you.

Other lending libraries include the Southeast Michigan Council of Governments (SEMCOG) and the Michigan Association of Planners (MAP).

If you have access to the Internet, there is an endless supply of information. Some of the more popular sites include the American Planning Association (www.planning.org); the Michigan Association of Planning (www.planningmi.org); Michigan Township Association (www.michigantownships.org); The Planning Commissioners Journal (www.plannersweb.com) which is currently featuring articles on setting agendas and running meetings; and, Planetizen (www.planetizen.com).

If you want to research an issue or find guidance from a local source, try the MPC's Web site at (www.cis.stclaircounty.org/). You will find guidebooks, be able to view and search zoning ordinances and plans for most communities in the county, and learn more about community development issues and techniques.

All are excellent resources for the latest news on planning and zoning, offer research services, on-line training programs, have discussion forums, and much more. You will find that some sites are aimed at citizen planners, others a mix of citizen and practicing planners. Most have news services you can sign on to and the latest breaking planning stories from around the nation will be sent directly to you.

If you prefer classroom instruction, there are training programs offered most of the year in the region. The MTA, MAP, Michigan Municipal League, or the MSU Extension agency sponsors most of these classes.

You can see there are many opportunities out there. Once you start exploring, you will find a few that fit you best and fill your need for learning more.

So, challenge yourself, learning something new this month and share it with others in your community!

(For more information on any of these opportunities, give our office a call and ask for any of the planners.)

-Bill Kauffman



New 2006 Speed limit guidelines in Michigan work zones



What is new for 2006 regarding speed limits in Michigan work zones?

Answer:

Guidelines for speed limits in Michigan work zones have been revised, and will be implemented in all construction projects statewide and upheld by law enforcement agencies. 2006 guidelines require motorists to reduce their speed to 45 mph in any work zone where workers are present. If no workers are present, motorists should maintain the posted speed limit.

This means that work zones will have two types of speed limit signs – the posted speed limit and a sign that says “Where Workers Present 45.” As always, work zones will have additional signage regarding the approaching road work, such as: “Reduced Speed Zone Ahead,” “Work Zone Begins,” “End Road Work,” and lane closure signs as applicable.



Why were the guidelines for work zone speed limits changed?

Answer:

Since 1988, changes in the Michigan Vehicle Code have affected work zone speed limits in Michigan, resulting in different speed limit criteria being applied statewide. These inconsistencies have made enforcement difficult as motorists may see speed limits reduced 10 mph in one work zone, and then see 25 mph reductions in another work zone.



What are the benefits of this change in guidelines for work zone speed limits?

Answer:

Establishment and use of these guidelines will provide consistent application of speed limits in all work zones for the safety and protection of motorists and workers, allow for more effective and consistent enforcement, improve traffic flow, mirror federal guidelines, and reduce crashes – all of which will contribute to a safer work zone.



How will motorists know which speed limit to adhere to in a work zone?

Answer:

When traveling through work zones, motorists are advised to remember the three L's

- Look
- Locate
- Lower

When approaching “Road Work Ahead” signs, maintain the posted speed limit, Look for workers, Locate workers, and Lower speed to 45 mph where workers are present.

EMERGENCY MANAGEMENT

FEMA approves St. Clair County Hazard Mitigation Plan

St. Clair County communities are subject to an array of natural and technological hazards, including: floods, winter storms, hazardous material spills, transportation disruptions, invasive species, and many others. The impact of major disasters on communities can be overwhelming. The results of hazard events such as economic losses, casualties, disruption, hardships and suffering can affect a community to a much greater extent than the physical damages alone. However, developing and implementing an effective hazard mitigation strategy can reduce the negative impacts of future events. The St. Clair County Hazard Mitigation Plan was officially approved by the Michigan State Police Emergency Management Division (MSP-EMD) in March 2006 and by the Federal Emergency Management Agency (FEMA) in May 2006.

The Plan advocates managing safety in conjunction with other planning documents and prioritizes programs and projects that accomplish multiple recommendations of the County Master Plan. As a result, the Plan strives to preserve unique natural, cultural, and historic resources while making St. Clair County a safer place to live, work, and recreate. Local units of government can integrate the Plan's goals and objectives and specific action items into their local master plans, zoning ordinances, capital improvement programs, and other planning endeavors. For example, communities can include hazard mitigation strategies in the goals and objectives section of their master plan. In the same way, communities can amend their zoning ordinances to prohibit development in floodplains to reduce the potential for flood losses or by enhancing their access management standards to increase traffic safety.

The Hazard Mitigation Plan considers all of the hazards that could potentially happen in St. Clair County. Individual hazards were ranked based on a variety of factors including a hazard's speed of onset, potential for causing casualties, likelihood of occurrence, and impact on the environment. Once the hazard profiles were completed, a risk and vulnerability assessment was completed, which served as the foundation for developing hazard mitigation goals and strategies.

Now that FEMA has officially approved the Plan, local communities will need to pass resolutions that effectively "adopt" the county's Plan as their own. Jurisdictions that adopt a resolution will be "covered" under the county's plan. The Hazard Mitigation Plan contains an action plan highlighting specific projects or strategies that the county and its communities should strive to implement. Adopting the Hazard Mitigation Plan makes FEMA funds accessible to local agencies for hazard mitigation projects. Projects or programs must be included in the Hazard Mitigation Plan to be eligible for FEMA grant funding, which includes the Pre-Disaster Mitigation Program, the Hazard Mitigation Grant Program, and Fire Management Assistance Grants. Over the next few weeks, local units of government can expect to hear from Jeff Friedland, Emergency Management Coordinator, regarding the local adoption of the county's Hazard Mitigation Plan.

For more information on the Hazard Mitigation Plan, visit the Office of Emergency Management's Web site at http://www.stclaircounty.org/Offices/emerg_mngmt/ or contact David Struck at dstruck@stclaircounty.org

The Importance of Agriculture

Preserving valuable farmland is vital to the long-term economic health of both St. Clair County and the State of Michigan. Michigan agriculture is the second most diverse in the nation, producing over 125 products, and the agri-food industry contributes \$60.1 billion to the state's economy. Over 1 million Michigan residents are directly or indirectly employed in the agri-food system, which is equal to 24% of all employed persons in the state.

If your community is in the process of updating its master plan, please remember to include farmland preservation as a key goal, include a discussion of implementation tools, and determine which area of your community is best suited to allow landowners the option to participate in the county's Purchase of Development Rights (PDR) program by specifically designating a farmland preservation area on the future land use map. MPC staff can provide assistance to local communities for their master plans.

New Zoning Enabling Act continued...

(PLEASE NOTE: A zoning board is not the same as a zoning board of appeals. ZBA's are not impacted by the changes above.)

- **Zoning Ordinance Amendments:** A township or county board of commissioners is allowed to make revisions in a proposed zoning ordinance amendment, and to adopt the revised version of the amendment, without first referring it to its planning commission for further consideration. The previous law does not permit this. It required a township or county board to refer a proposed amendment back to its planning commission, prior to adoption.
- **Regulation of Nonconforming Uses:** Zoning ordinances in townships and counties "may" provide for the completion, resumption, restoration, reconstruction and extension or substitution of nonconforming uses, upon terms and conditions stated in the zoning ordinance. This discretionary language replaces the Township Zoning Act and the County Zoning Act, in which the provisions stated, "shall" provide in their zoning ordinance for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses, on reasonable terms.
- **Authority to Grant Use Variances:** Cities and villages continue to have the right to grant use variances under the Act. However, the authority of a county or township ZBA to grant use variances is more restrictive. Use variances may be granted by a county or township ZBA only if one of the following conditions is satisfied:
 - A. As of February 15, 2006, the township or county had a zoning ordinance that used the phrase "use variance" or "variances from uses of land" to expressly authorize its ZBA to grant use variances; or
 - B. Prior to February 15, 2006, the township or county ZBA had previously granted a use variance;
 - C. No municipality will be required, however, to authorize its ZBA to grant use variances, even if one or both of the above-stated conditions are satisfied. All municipalities will have the discretion, by ordinance, to withhold use variance authority from their ZBAs.

(PLEASE NOTE: Dimensional variances are not impacted by the new legislation. Dimensional variances are those situations where a property owner requests a variance from something like a side yard setback requirement. Use variances involve situations where the property owner is asking to use the property in a way that is not allowed as defined by the zoning ordinance. In many ways, a use variance is best described as a rezoning performed at the ZBA level.)

Other Informative Sources:

The modifications mentioned above are just a few of the more noteworthy changes. Some alternative resources are listed below for a more extensive explanation, as well as other informative sources about the Act. The Metropolitan Planning Commission has a wealth of informative resources in their library and can help field any questions about the changes. Although the Metropolitan Planning Commission is not holding any type of public offered training, staff did attend a workshop that covered the changes resulting from the adoption of the Michigan Zoning Enabling Act. The workshop explained the background of each of the three current zoning acts, and the need for changes. An assessment of the changes and an examination of the legislation were discussed as well as the potential legislation in the future for zoning acts in Michigan. A guidebook was reviewed by each planner, and for any individual who wishes to order a copy of the "Michigan Zoning Guidebook for Citizens and Local Officials," they can call 517/319-0094 or e-mail Shop-pell@msu.edu. The following is a listing of all the different informative organizations and materials:

- The Planning And Zoning Center at MSU: <http://www.pzcenter.msu.edu> (coming soon)
- The Land Policy Program: <http://www.landpolicy.msu.edu/>
- The Michigan Municipal League: <http://www.mml.org/index.html>
- The Michigan Association of Planning: <http://www.planningmi.org/>
- The Land Use Area of Expertise Team: <http://ntweb11.ais.msu.edu/luaoe/index.asp>

Direct Sites:

- The Michigan State University Extension: <http://web1.msue.msu.edu/wexford/LU/2006ZoningEnablingAct.htm>
- Michigan Association of Planning's [Michigan Zoning Acts Comparison Table](http://www.planningmi.org/downloads/michigan_zoning_acts_language_changes_versiona_nov_18_04_final.pdf):
http://www.planningmi.org/downloads/michigan_zoning_acts_language_changes_versiona_nov_18_04_final.pdf
- [Michigan Legislature site](http://www.legislature.mi.gov/(dzeacg55dctpb551f32whfy)/mileg.aspx?page=getObject&objectName=2005-HB-4398):
[http://www.legislature.mi.gov/\(dzeacg55dctpb551f32whfy\)/mileg.aspx?page=getObject&objectName=2005-HB-4398](http://www.legislature.mi.gov/(dzeacg55dctpb551f32whfy)/mileg.aspx?page=getObject&objectName=2005-HB-4398)

Future Changes:

The zoning enabling acts are still transforming, and there will most likely be future initiatives to remodel the legislation for continued modernization, but it has become easier to amend in the future. Some expected changes would have to do with the remaining differences between community types, involving the regulation of specific land uses, referenda, abutter's challenge, and use variances. By unifying a set of zoning laws, it also unifies communities across the state of Michigan, as well as allowing for better land use decisions to be made.

-Kara Schrader

Choose Earth-Friendly Landscaping

Did you know that herbicides and pesticides are harmful to our kids, pets, and the environment?

The chemicals in these materials pollute our waterways if washed from our lawns and gardens into storm drains or roadside ditches that lead directly to our lakes and rivers. The St. Clair County Master Plan advocates preserving and protecting our waterways by working with local communities and informing the public of options for protecting our resources. Practicing earth-friendly landscaping in your yard and garden is one way you can help to protect kids, pets, and our waterways.

So what can you do to help? Simple.

- Select plants native to Michigan. These plants require less fertilizer and water, and are more disease resistant. For more information on native plants in Michigan visit: <http://www.wildflower2.org/NPIN/Gallery/State.asp?StateField=MI&submit2.x=10&submit2.y=6>
- Use a wide variety of plants to help control pests and minimize the need for pesticides.
- Avoid over-watering your lawn – it needs about 1 inch of rain per week.
- Use mulch around trees and plants to help retain water, reduce weeds, and minimize the needs for pesticides.
- Mow your lawn high – 3 inches is the rule. Follow your community’s leaf pick-up guidelines. Try mowing grass clippings and leaves into your lawn – they make good fertilizers.
- Use herbicides and pesticides sparingly and limit application to problem areas only.

What can your local community do?

- Encourage native landscaping in new developments and redevelopment. Utilizing “native” plant species, those that are suited and adapted to a specific geographic region, tend to have deeper root systems and are drought-tolerant which help to reduce stormwater runoff quantities, filter pollutants in stormwater, promote infiltration of water, effectively stabilize soils to reduce soil erosion and protect stream banks or detention basin edges from erosion, and require less demand for extra watering during periods of drought. In addition, native landscaping provides habitat for native and migrating birds, butterflies and insects.

Typical native plant species are prairie, wetland and woodland species. Native landscaping is a low-cost alternative to traditional landscaping that typically utilizes turf grass and ornamental plantings. Suitable applications for native plantings include river or wetland edges, detention basin and drainage features, parks, green roofs, residential and garden areas, commercial, industrial, and institutional developments.

- Provide information to the public regarding the negative impacts from the overuse/misuse of fertilizers/pesticides/herbicides to area waterways and aquatic life.
- Promote the use of soil testing to ensure the proper application/rate/type of fertilizers.

Choose earth-friendly landscaping and help keep our water clean.

For more easy steps on protecting our lakes and rivers, visit www.semco.org or contact the St. Clair County Stormwater Coordinator at (810) 987-5306 or the MSU Extension Office in St. Clair County at (810) 989-6935.

Remember, our water is our future — and it’s ours to protect.

Planning Terms

- **objectionable use:** Those uses of property which are recognized as having serious objectionable characteristics, particularly when several of them are concentrated, thereby having a deleterious effect upon the adjacent areas. (*Mishawaka, Ind.*)
- **linkage:** With respect to jobs/housing balance, a program designed to offset the impact of employment on housing need within a community, whereby project approval is conditioned on the provision of housing units or the payment of an equivalent inlieu fee. The linkage program must establish the cause-and-effect relationship between a new commercial or industrial development and the increased demand for housing. (*California Planning Roundtable*)
- **easement, appurtenant:** An easement that runs with the land. (*Iowa State University Extension Service*)

GIS

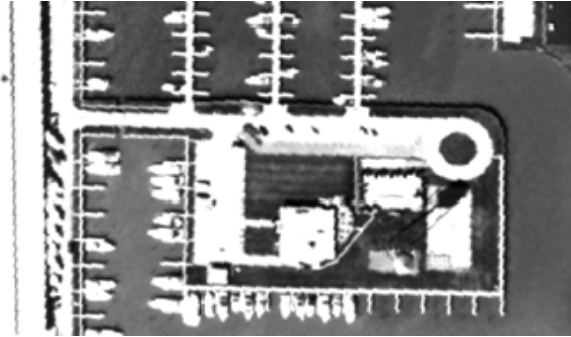
2005 Aerial Imagery Project

After years of planning, the 2005 aerial imagery is complete and available to view! The new imagery was flown in April and May of 2005 and is in color. Our last flight occurred in April of 2000 and is black and white.

St. Clair County will use the new color images for many purposes. The Metropolitan Planning Department will use them as a base layer for the GIS (Geographical Information System). They will be useful when shown with zoning, master plan, wetland, floodplain and census data to predict future growth and development. The Land Management Suite can access the imagery for measuring the square footage of houses, acreage calculations of fields and ponds, and examining parcels. The Sheriff's office and Office of Emergency Management can use the new color imagery for incident mapping and general law enforcement. Other county departments such as the Health Department, Drain Commissioner's Office and the Road Commission will also find them beneficial while preparing information for fieldwork. Please see a visual comparison of the two types of imagery below:



Year 2005, Color, 6 inch pixel resolution



Year 2000, Black/White, 2 foot pixel resolution

Resolution refers to the quality of the photography. With 6-inch pixel resolution, one pixel on the computer screen represents 6 inches on the earth. With 2-foot pixel resolution, one pixel on the computer screen represents 2 feet on the earth. The better the resolution, the closer one can zoom in on a feature with clarity.

Obviously, the 2005 photography above is of greater quality than the lower resolution 2000 photography. It has more DPI (dots per inch), which makes it a crisper, clearer image. Greater DPI also means a larger file size to store on a server, to burn onto a CD, or to download.

The new color imagery is available on the County's Web site. Just visit the St. Clair County Home page (www.stclaircounty.org) and click on the link for the 'Parcel Search' page. Search the Web site by filling out one of the four fields on the screen, and hit the 'Search' button. Assessing information for the parcel selected will appear, and you will hit the grey button at the bottom of the screen titled 'Map this Parcel.' This screen is the interactive mapping part of the Web site. At the right is a list called Layers; scroll down to the bottom to see the different years of aerial imagery available. To view the aerials, click the check box next to the name in the list and it will appear as a base layer in the mapping window. The new 2005-imagery is now available.

For questions about the 2005 imagery, e-mail Lori Eschenburg at (810) 989-6950 leschenburg@stclaircounty.org, and for questions regarding the Web site, contact Justin Burns at (810) 985-2262 or jburns@stclaircounty.org.

Opportunities for our Communities

Since our County Master Plan was adopted, Planning Commission staff have explored several opportunities to share information, tools and products incorporated within the plan. Communities have experienced these efforts through attending Discussion Group meetings, workshop training sessions, and local demonstrations. Under the direction of the planning commissioners, we hope to continue these initiatives into the future.

As a result of our efforts, most communities have benefited by obtaining a wealth of printed maps. Occasionally, communities have requested additional mapping services or requested information for contracted consultants. These communities and the County have experienced benefits of partnering on projects. Instead of developing duplicate products, our efforts have been focused to establish a single, more representative product. In time, perhaps we will refer to the information as "ours" instead of "the County's version." For details on available services and data; see the Partners in Planning Request form available at

Opportunity for Communities...continued

www.cis.stclaircounty.org and click on the Partners in Planning Mapping/Forms.

As we look toward the projects for the coming year, related tasks will require: updating maps, creating tables, collecting photographs, and generating charts. Since our mapping technology has increased along with the associated computer technologies, the level of detail which can be maintained has increased. Communities are encouraged to attend future workshops and meetings to remain informed of opportunities including updated land use maps and potential field applications.

As our information sources increase, our tools to distribute maps have progressed. The Community Information System Web site continues to be a valuable reference and includes links to our latest explorations into interactive maps. As an example of increased information detail, you may refer to Lori Eschenburg's article on the 2005 Aerial Flight.

As always, feedback from our customers and partners is welcomed. As we all strive to extend our resources, the combined efforts could provide unknown benefits.

-Trevor Floyd

Schedules

ALL MEETINGS ARE LOCATED IN THE COUNTY ADMINISTRATION BUILDING

METROPOLITAN PLANNING COMMISSION

July 19 3:00 p.m.
August 16 3:00 p.m.
September 20 4:00 p.m.

AGRICULTURAL PRESERVATION BOARD

3rd Thursday of the month

July 20 7:00 p.m.
August 17 7:00 p.m.
September 21 7:00 p.m.

SCCOTS ST. CLAIR COUNTY TRANSPORTATION STUDY

3rd Wednesday of the month at 10:00 a.m.

BROWNFIELD REDEVELOPMENT

August 29 10:00 a.m.

SOLID WASTE MANAGEMENT PLANNING COMMITTEE

4th Monday of the month at 3:00 p.m.

WATER QUALITY BOARD

Every other month

August 10 2:00 p.m.
October 12 2:00 p.m.
December 14 2:00 p.m.

GIS DISCUSSION GROUP

August 23 10:00 a.m.

All meetings are subject to change. Please call 810/989-6950 prior to the meeting to verify that it is taking place at the date, time and place stated.



**Metropolitan Planning Commission
Members**

◆◆◆
Steve Cooper, Chair
Marsden Murphy, Vice-Chair
Dorothea Knight, Secretary
Charles Andrews
Dorothy DeBoyer
Wallace Evans
Daniel Lockwood
Kathleen Mrozek
Tom Sass
Robert Sheehy
Robert Tansky

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A Historical Glimpse.....

By Lori Eschenburg

Marine City

A flourishing city located at the confluence of the Belle River with the St. Clair River, Marine City was incorporated as a city on June 8, 1887.

This location was first called Yankee Point because eastern Yankees settled there in 1820. In 1822 it was named Cottrellville, and in 1835, it was renamed Newport (the name that appears on the 1859 wall map hanging in the SCC Administrative Office building). The legislature changed the name in 1865 to Marine, and again two years later to Marine City.

During the year of 1888, daily communication occurred with Detroit, Port Huron and the American shore of Lake Huron during the season of navigation. Two daily stages ran to Port Huron and St. Clair during the winter. Telephone connections existed with the Michigan Bell Telephone Company and telegraph via Western Union and United Lines.

Shipbuilding was one of the principal industries, with the city having four shipyards at that time.

The most extensive salt bed in the world was discovered here in July of 1882, at a depth of 1,633 feet. The thickness of the bed was not yet known, although it had been penetrated 141 feet. There were eight salt wells and nine salt blocks, with a capacity of 3,000 barrels a day.

Manufactories were represented by one stave mill, seven cooper shops, one heading and two planing mills, one hoop factory, one flouring mill, two brick and tile yards, two saw mills, one boiler shop, one machine shop and one foundry.

There were four churches, two public and two private schools, one lodge of Masons, one Knights of Pythias, one Odd Fellows, one A.O.U.W., one K.O.T.M., and one G.A.R. There was one bank, four hotels, and a liberal supply of stores. Two newspapers, the Magnet and the Reporter, ably represented the press.

A good farming section surrounded the city, the soil being of an extremely rich black color, consisting of loamy clay, and commanding from \$50 to \$200 per acre. Marine City had a fine brick city hall, a splendid system of water works, and a fire department consisting of three companies.

St. Clair County Directory, 1888
Michigan Place Names, by Walter Romig, L.H. D.

Update your address books. Information inquiries should be sent to:

sccmpc@stclaircounty.org