

ZONING REGULATIONS

How Zoning is Used to Shape Local Development

Zoning is one of the key tools used by local government to regulate the development of land within its boundaries. The name refers to the creation of different areas, or zones, that each have rules about how land can be used within each one. Zoning regulations can help a community achieve valuable goals, such as a balance of housing choices, adequate and accessible goods and services, safe buildings and public spaces, and sufficient roads and utilities. Zoning also tries to limit negative impacts to the environment, separate incompatible uses and protect property values, among other community goals.

A community defines its goals in a master land use plan that anticipates what will be needed to be encouraged, managed or prohibited in the future. The zoning regulations are created based on the community's master plan. Zoning rules from one community may not work in another community, because each community has different goals.

A zoning ordinance has two parts: a text and a map. The text provides the rules and regulations about allowable land uses, the size and shape of buildings (building form), as well as other standards for development. It also describes how the municipality will ensure the rules are being followed. The map shows the location of the zoning districts established in the zoning text.

Why do Communities Need Zoning?

Zoning regulations allow communities to:

- **Protect and/or buffer sensitive land uses.** For example, a community may wish to separate residential areas from more intense uses, like industrial uses with external effects, such as noise, traffic, odor, glare and the like.
- **Protect and/or regulate sensitive natural features.** Communities may wish to limit how much development takes place in certain areas or require some trade-off to reduce the impact of development (like planting more trees).
- **Boost economic development.** Zoning regulations typically allow industrial and commercial uses in locations that make the most sense for those uses (like along heavily traveled roads and/or near railroads). Another way to boost economic development is to ensure there is housing for the local workforce near its employment centers or corridors.



Image Source: Giffels Webster

Authority to Create Zoning Rules

Since the early 20th century, zoning has been upheld as a legal use of a local government's police powers, where regulations are established to "protect the public health, safety and welfare." The landmark 1926 US Supreme Court case of the Village of Euclid v. Ambler Realty upheld the village's right to enact a zoning ordinance.

Local governments generally get their authority to establish ordinances from the state. In the case of Michigan, the Michigan Zoning Enabling Act is the legislation that allows for zoning at the local level. This state law also includes the rules that local municipalities must follow when creating zoning regulations. While most of these rules involve the process for zoning, like when and how the public is notified of zoning changes, some of the rules relate to what a community can and cannot regulate. Together, all these rules are aimed at recognizing the unique needs of each community in the state, while ensuring the public is heard and all reasonable land uses are accommodated in a balanced way.



Brighton, MI

The City of Brighton preserves the historic character of its downtown by making zoning regulations that keep new buildings compatible in terms of size, heights and placement.



Watertown Township, MI

These farm structures are part of a bona fide farm operation in Watertown Township and zoning regulations limiting height do not apply.



Rochester Hills, MI

The City of Rochester Hills envisions the transformation of this corridor into a walkable mixed-use district with small shops and residential uses. New zoning regulations support that vision, but do not require the removal of these nonconforming uses.

- **Protect individual property values.** Buffering or separating certain less intense land uses from those have negative impacts helps protect property values. In addition, property values are maintained when there is certainty about what will be developed nearby. For example, if someone follows the zoning rules and builds a house in a residential zone, they can feel secure with their investment if they know other property owners have to follow the same rules.
- **Provide orderly process for considering changes.** Zoning regulations should explain the process to change zoning classifications, permitted uses in a district, and associated regulations.
- **Protect a community's historic district or historic sites.** For example, many communities with historic downtowns want to keep buildings up to the sidewalk as was done in the past and may have rules that require parking in the rear or sides of downtown buildings.
- **Protect and preserve agricultural land uses.** Many communities strive to balance agricultural uses on land best suited for that purpose and try to limit sprawling residential and/or commercial development.
- **Provide standards for development review and approval.** The review process should be fair and show consistent results.
- **Provide for appeals.** The zoning ordinance provides for an appeals process where there are practical difficulties that prevent a property owner from complying with dimensional or other non-use-related zoning regulations.

What Can't Zoning Do?

- Eliminate a land use that had been legally established, but due to ordinance changes, is no longer a permitted use (sometimes called "grandfathered" uses).
- Prohibit farm buildings that are part of an established commercial farming operation.
- Guarantee that certain development will take place.
- Be used to change or modify other ordinances such as building or electrical codes.

Who Establishes and Administers Zoning?

A zoning code or ordinance are rules adopted by the governing body following a recommendation by the local planning commission. Administration of the zoning ordinance is established in the zoning regulations, but is also influenced by state law, which may require certain bodies to act on certain requests.

Does Zoning Last Forever?

No. Zoning rules are in effect until it they are repealed or modified. Zoning ordinances contain a procedure that allows for changes to the zoning map (rezoning) and text amendments to be considered. All changes to the zoning map or text require a public hearing by the planning commission and final action by the governing body.