

Chapter 6: Principles and Recommendations for Planning and Development Regulation (Draft)

By far the largest number of recommendations, offered in both previous studies and land use initiatives over the last decade and in recent surveys, focus groups, and public hearings conducted for the council, address issues associated with the structure of or system for planning and development regulation in Michigan. There is a widespread perception that the current system does not work very well, and that it results in the land use pattern known as sprawl, in the unnecessary loss of farms, forests, and other open space lands, as well as in a decline in the quality of life of many of our communities—but especially in our large older cities. There are many interrelated reasons why land use patterns favor sprawl over urban development and redevelopment. Some relate to market response to personal choices to live on large lots in the country, but the combination of public policy and the institutional structure for land use decision-making in Michigan also plays a very large role. Consider the following fundamental characteristics of the current structure for land use decision-making in Michigan.

- Michigan has over 1,850 counties, cities, villages, and townships empowered to plan and zone. The sheer number of governmental units making independent decisions has led to conflicts and the lack of coordinated efforts to address ~~regional~~ **MULTIJURISDICTIONAL** concerns. In addition, there are dozens of special public entities authorized to plan and use land that act independently of counties, cities, villages, and townships.
- Michigan’s planning and zoning enabling acts were all adopted in the 1920s and have not been significantly changed since then; yet the total population of Michigan, the range and type of land uses, the impact of the automobile, and the pace of life have all changed dramatically. These basic tools have not kept pace with contemporary needs.
- There are four separate planning enabling acts and three separate zoning enabling acts in the state. These acts differ in terms of powers, responsibilities, or procedures, with no apparent reasons for the differences. In addition, they provide very little statutory guidance on what local plans should contain and inconsistent language linking local zoning decisions to local plans.
- Counties are permitted to plan and zone, but can only zone land in townships that have not adopted zoning. Counties do not have similar authority with regard to land division regulations, or regulation of certain land uses like billboards. The result is often a patchwork quilt of planning and zoning in rural Michigan. Only about two dozen of Michigan’s 83 counties exercise any zoning authority.
- There is no state statutory authority for joint planning or joint zoning for those cities, villages, and townships that wish to do so cooperatively.
- Michigan has long been among the states with the largest number of appellate court decisions on local planning and zoning issues. **APPELLATE COURTS ARE COMMONLY CALLED UPON TO INTERPRET THE LAW IN LAND USE DISPUTES BETWEEN THE PUBLIC AND PRIVATE SECTORS. THIS**

RESULTS IN SIGNIFICANT DELAY, UNCERTAINTY IN THE OUTCOME AND ADDED creating ~~uncertainty~~ and costs for local governments, DEVELOPERS, AND CITIZENS.

- Local governments are prohibited by state law from being exclusionary in the application of local zoning except under narrow circumstances. However, local governments are given no guidance, nor is any mechanism in place, to establish what is an appropriate ~~regional~~ MULTI JURISDICTIONAL share of affordable housing, or what other types of nonresidential development should be accommodated. As a result, most communities zone for nearly all land uses, ensuring a spread of development across the landscape, even if there is inadequate public infrastructure to accommodate more intensive forms of development.
- Michigan's local governments are not required to plan for or ensure that infrastructure will be in place to service land planned or zoned for more intensive development; they routinely zone more land for a higher density or intensity use than existing roads and other public services can properly accommodate (EVEN THOUGH THAT DENSITY MAY ONLY BE ONE DWELLING PER 1-5 ACRES). **THIS IS CALLED OVERZONING. THE PROBLEM IS OFTEN COMPOUNDED BY THE FACT THAT COMMUNITIES WITH ZONING AUTHORITY DON'T ALWAYS HAVE RESPONSIBILITY FOR ROADS, SEWER, WATER AND OTHER PUBLIC SERVICES IMPACTED BY THEIR ZONING DECISIONS.**
- MICHIGAN COMMUNITIES OFTEN ZONE LAND SERVED BY SEWER AND WATER INFRASTRUCTURE AT A VERY LOW DENSITY (SUCH AS ONE DWELLING PER 1-3 ACRES), SEVERELY UNDERUTILIZING LIMITED INFRASTRUCTURE AND FORCING DEVELOPMENT TO BE SPREAD FURTHER ACROSS THE LANDSCAPE.
- Michigan's local governments are not required to coordinate plans, zoning or infrastructure with adjoining units of local government or with the county, region or state, although recent amendments to the local planning enabling acts do require notification and an opportunity for adjoining units of local government to comment on the proposed plans of adjacent governmental units. State property tax laws that provide the major support for local government encourage competition for development among local governments rather than encouraging collaboration and cooperation in land use decision-making.
- Michigan's local governments do not have express statutory authority to use many of the growth management tools used by governmental units in other parts of the country.
- In 1978, local governments were promised IN STATE LEGISLATION that statewide land use data would be made available every five years and land cover data every ten years to assist in land use planning and decisions, yet the state has only provided such essential data on a statewide basis once (in 1990 based upon 1978 data).
- There are no adopted state land use goals to guide state agency, regional, county, or local land use decisions as in other states.
- There has been no **SPECIFIC** state agency charged with provision of technical assistance to local governments on **GENERAL** land use issues since 1982 (except in the brownfield and economic development arenas, **AND WHERE STATE**

AGENCIES HAVE INITIATED SUCH ACTIONS INDEPENDENTLY, AS WITH TRANSPORTATION).

- Michigan permits planning and development regions to be created (there are presently 14), and recognizes them for various state activities, such as transportation planning; but since the early 1980s the state has failed to establish programmatic requirements or uniform funding for regional land use planning.
- Michigan has no coordinated method for integrating the infrastructure and land management decisions of state agencies with plans prepared by regions, counties, or local governments, except with regard to transportation.

Michigan has myriad state policies that directly and indirectly support, subsidize, or promote sprawl, in contrast to very few policies that support a compact settlement pattern or urban revitalization. The rising costs of sprawl are only just becoming apparent in a wide variety of ways. These costs include both direct and indirect fiscal and opportunity costs. Without a fundamental change in the way government land use decisions are made and coordinated, there is little opportunity to avoid the spiraling government costs associated with sprawl and its attendant social, environmental, and economic problems.

GUIDING PRINCIPLES

In formulating its recommendations for ~~revitalizing~~ Michigan ~~cities~~, the council established the following guiding principles that address policies and practices of government, and the need for new and improved tools and a supporting legal framework for coordinated planning and development regulation at the local, regional and state level. The council believes that it is important for state, regional and local governments to have policies and practices that recognize the following principles:

Education and Public Information

- Local government officials, citizens, property owners, and the development community have a wide range of current land use and related information available to assist with decision making.
- Local government officials, citizens, property owners, and the development community have a wide range of educational opportunities available to improve land use and related decisions consistent with the consensus vision.

Planning and Zoning Policies, Practices, and Tools

- Planning and zoning enabling legislation is updated to reflect contemporary growth, redevelopment, and preservation needs and to define the respective roles of government in meeting these needs.
- Incentives and tools (including existing tools and the creation of new ones) are available, and disincentives are eliminated to allow local governments to make better land use decisions and to improve intergovernmental coordination and planning.

Housing and Development

- Mechanisms are in place that allow local governments to

- o manage growth without the imposition of large lot sizes,
- o encourage cluster development IN AREAS ZONED FOR RESIDENTIAL DEVELOPMENT with concurrent preservation of open space,
- o provide for a functional mix of living, working, shopping, and recreational activities, and
- o encourage historic preservation, adaptive reuse, and urban redevelopment as viable growth options.

State Role for Intergovernmental Cooperation

- One coordinated set of statewide land use goals is adopted.
- A consensus vision for Michigan recognizes that all units and levels of government must cooperate and coordinate to achieve common objectives.
- A structure for land use decision-making ensures that decisions are **COORDINATED AMONG ALL JURISDICTION LEVELS AND AGENCIES IN A TIMELY FASHION, BUT** made at the most effective level of government.
- Public policies related to land use planning are coordinated with infrastructure-related public policies.
- State agencies coordinate decisions on land use–related issues.
- Federal and state land use policies that inhibit ~~positive~~ land use change **CONSISTENT WITH THE VISION AND GOALS OF THE COUNCIL** are eliminated.
- FINANCIAL ASSISTANCE IS PROVIDED FOR LOCAL AND REGIONAL GOVERNMENTS TO CREATE AND UPDATE LAND USE OR COMPREHENSIVE PLANS.

Regional Intergovernmental Cooperation

- The appropriate exercise of home rule authority requires reasonable consideration of impacts on adjoining jurisdictions and a proper respect for sharing decision making with other governmental units on issues of greater than local concern.
- Land use incentives and tools are coordinated across jurisdictions.
- Effective mechanisms are available to accommodate land uses that address essential regional needs (e.g., schools, manufactured home parks, landfills, airports, prisons, etc.).
- Competition for tax base that undermines regional OR METROPOLITAN cooperation is reduced.

Local Governance Structure

- “Home rule/LOCAL CONTROL” as exercised by local units of government is the principal means for implementing land use decisions that are consistent with the consensus vision for Michigan.
- Local officials’ planning efforts are supported (e.g., ~~regional~~ MULTIJURISDICTIONAL planning coordination, public and private sector education, technical assistance and tools, funding mechanisms) and their planning

limitations (e.g., private property rights, recall, right of referendum) are recognized and addressed.

RECOMMENDATIONS

The council recommends the following actions to foster strategic, long-term, coordinated planning and development regulation at the local, regional, and state level in Michigan. **THE FIRST TWENTY-FOUR RECOMMENDATIONS IN GENERAL, AND THE TWENTY-FIFTH IN PARTICULAR, ARE PART OF A CAREFULLY BALANCED SET OF RECOMMENDATIONS. ANY EFFORT TO MOVE FORWARD ONLY ON SOME OF THESE RECOMMENDATIONS AND NOT OTHERS IS LIKELY TO UNDERMINE BROAD CONSENSUS AMONG MANY DIFFERENT STAKEHOLDER GROUPS.**

Education and Public Information

1. **Land use education:** Training, education and knowledge in the means and methods of managing land use change and community development, **AND IN SMART GROWTH PRINCIPLES AND TECHNIQUES**, should be provided to all local planning and zoning officials AND TO LOCAL ELECTED OFFICIALS. Provide incentive-based programs to maximize participation at the local level.
 - a. **ALL APPOINTED PLANNING AND ZONING OFFICIALS AND LOCAL ELECTED OFFICIALS SHOULD BE STRONGLY ENCOURAGED TO PARTICIPATE IN BASIC LAND USE PLANNING, ZONING AND SMART GROWTH EDUCATIONAL PROGRAMS BY 2010. WHEN MORE THAN 60% OF LOCAL OFFICIALS IN A SINGLE JURISDICTION DOCUMENT PARTICIPATION IN SUCH PROGRAMS WITHIN ONE YEAR OF APPOINTMENT OR ELECTION, THE COMMUNITY SHOULD HAVE PRIORITY STATUS TO RECEIVE STATE PLANNING GRANTS. THE CONTENTS OF SUCH CERTIFICATION PROGRAMS SHOULD BE DEVELOPED WITH INPUT OF COMMUNITY PLANNING PROFESSIONALS AND PROFESSIONALS IN OTHER FIELDS INCLUDING PROPERTY AND MUNICIPAL LAWYERS, REALTORS, DEVELOPERS, ENGINEERS, LANDSCAPE ARCHITECTS, ARCHITECTS, ECOLOGISTS, FARMERS AND FORESTERS.** The legislature STATE and foundations should provide support **FOR DEVELOPMENT OF TECHNICAL ASSISTANCE AND TRAINING PROGRAMS** to meet these needs, **SUCH AS** the Michigan Main Street program, Michigan State University Extension Service Citizen Planner Program, and similar programs AT COMMUNITY COLLEGES **AND NONPROFIT ORGANIZATIONS.** ~~PLANNING COMMISSIONERS SHOULD BE REQUIRED TO BE CERTIFIED BY QUALIFIED TRAINING PROGRAMS WITHIN ONE YEAR OF THEIR APPOINTMENT.~~
 - b. ~~A land use planning curriculum should be incorporated into K-12 school curricula.~~ **THE DEPARTMENT OF EDUCATION IS ENCOURAGED TO SOLICIT AND POST ON ITS WEBSITE THE TITLES AND LOCATIONS OF SAMPLE CURRICULA THAT ADDRESS LAND USE, COMMUNITY**

DEVELOPMENT, ENVIRONMENT AND RELATED ISSUES AS SUPPLEMENTAL MATERIALS FOR USE BY MICHIGAN TEACHERS.

OR

THE DEPARTMENT OF EDUCATION SHOULD IDENTIFY PREVIOUSLY DEVELOPED CURRICULA THAT ADDRESS LAND USE, COMMUNITY DEVELOPMENT AND PLANNING. THESE SHOULD BE COMMUNICATED TO SCHOOL DISTRICTS AND TEACHERS WHO MAY THEN INCORPORATE THESE CURRICULA INTO EXISTING LESSON PLANS FOR SUBJECTS SUCH AS SOCIAL STUDIES AND GOVERNMENT. THE DEPARTMENT SHOULD ALSO MAKE RESOURCES, MATERIALS AND TRAINING AVAILABLE TO TEACHERS THROUGH THE INTERMEDIATE SCHOOL DISTRICTS.

2. **Build-out analyses** TECHNICAL PLANNING INFORMATION: The legislature STATE should provide financial incentives to regional and county planning commissions and multijurisdictional sub-areas to:
 - a. ENCOURAGE DEVELOPMENT OF COMMUNITY PLANNING INFORMATION SUCH AS COMPOSITE ZONING MAPS AND OTHER TECHNICAL STUDIES
 - b. Provide technical assistance for local build-out analyses so communities understand:
 - (1) The sprawl-inducing implications of overzoning
 - (2) The missed opportunities for compact settlement where existing infrastructure is underutilized because the density is too low
 - c. Help local governments ensure that land use decisions are made in long-term, landscape-scale contexts
3. **Public education:** The ~~governor~~ STATE, ~~and~~ foundations, **AND STAKEHOLDER ORGANIZATIONS** should support public participation in land use decision making and informed dialogue through the exchange of ideas and information, including a public education campaign that includes concepts to help citizens:
 - a. Better understand the implications of continuation of land use trends and the benefits of planned development in general; as well as the specific benefits of alternative design schemes that focus on density rather than minimum lot sizes including:
 - (1) Density-based zoning
 - (2) New urbanism
 - (3) Diverse socio-economic development patterns

- b. Become familiar with the ten common smart growth tenets:¹
 - (1) Create a range of housing opportunities and choices
 - (2) Create walkable neighborhoods
 - (3) Encourage community and stakeholder collaboration
 - (4) Foster distinctive, attractive communities with a strong sense of place
 - (5) Make development decisions predictable, fair, and cost effective
 - (6) Mix land uses
 - (7) Preserve HISTORIC AND CULTURAL TREASURES AS WELL AS open space, farmland, natural beauty and critical environmental areas
 - (8) Provide a variety of transportation choices
 - (9) Strengthen and direct development towards existing communities
 - (10) Take advantage of compact building design
- c. Better understand ~~land use issues and~~ **THE** balancing of public and private interests **IN MYRIAD LAND USE ISSUES INCLUDING BUT NOT LIMITED TO CONSTITUTIONAL, ECONOMIC, FISCAL, ENVIRONMENTAL, SOCIAL, AESTHETIC, AND INTERGENERATIONAL.**
- d. Recognize the value and benefit of publicly owned lands on our collective quality of life, economic vitality, and environment
- e. Improve individual land stewardship

Planning and Zoning Policies, Practices, and Tools

4. **Spatial database and decision support system:** The legislature and governor should ensure the development and maintenance of a spatial database and decision support system that incorporates the following actions:
 - a. Continually update (every five years) the Michigan Resource Information System (MiRIS) with land use/land cover data using all technology available, create a reliable funding mechanism to support this tool, **AND ENSURE ITS INCORPORATION INTO THE STATE'S CENTER FOR GEOGRAPHIC INFORMATION (CGI) FRAMEWORK MAPPING PROJECT**
 - b. Every five years conduct land use forecasting and analysis that uses sound, objective, scientific information
 - c. Democratize the geographic information and outputs of forecasts by installing an Internet-based interactive geographic information system (GIS) through an access service for all citizens to use

¹ FOR MORE DETAIL AND EXAMPLES SEE <HTTP://WWW.SMARTGROWTH.ORG/PDF/GETTOSG.PDF>.

- d. **COMPLETE WORK ON THE STATE'S** ~~Enable a~~ Uniform Digital Map, ~~Act~~ **THE CGI FRAMEWORK PROJECT**, to create and maintain necessary data layers to support integrated land use planning using GIS
- e. The Michigan Natural Features inventory data should be updated, upgraded, and integrated with **THE CGI FRAMEWORK MAPPING PROJECT TO INFORM** state and local land use decisions
- f. **ENABLE MICHIGAN HISTORIC STRUCTURE INVENTORIES TO BE INTEGRATED WITH LOCAL LAND USE DECISIONS**

Housing and Development

5. **New regulations for housing impact:** The legislature STATE should:
 - a. Require that an impact statement be prepared prior to adoption of all new laws, rules, regulations, and ordinances that affect the affordability of housing WITHIN THE CONTEXT OF STATEWIDE AND NATIONAL FISCAL, ECONOMIC, ENVIRONMENTAL, AND OTHER CONDITIONS THAT MAY ALSO AFFECT THE PRICE OF HOUSING
 - ~~Encourage state and local governments to review regulatory barriers that add to the cost of, or effectively discourage a variety of types of housing production and/or existing housing stock; and where appropriate eliminate regulatory barriers that are discovered [DUPLICATE -- IN #25]~~
 - b. Adopt policies that ensure a continuous supply of appropriately zoned land for a wide variety of housing types
6. **Land Division Act reform (IDENTICAL TO ~~see also~~ Land Resource-Based Industries recommendations #15):** ~~The legislature should initiate a comprehensive redrafting of the Land Division Act to eliminate divisions exempt from platting and the ten-year redivision; and streamline the platting process.~~
7. **Density and mix of land uses:** The legislature STATE should reduce overall land consumption by fostering more dense residential development through activities such as:
 - a. Encouraging counties and local governments to use local zoning ordinances to provide for a range of cluster development options IN APPROPRIATE **RESIDENTIAL AND MIXED-USE** ZONES, and encouraging developers to use these cluster development options by providing appropriate incentives such as allowing higher density and/or a streamlined development review process
 - b. Promoting development of accessory dwelling units such as carriage houses or accessory apartments
 - c. Providing incentives favoring the development of housing above existing retail in downtown and suburban areas

- d. ENCOURAGING DEVELOPMENT OF HIGH-DENSITY, MULTIPLE-FAMILY HOUSING COMMUNITIES WHERE **EXISTING AND/OR PLANNED** PUBLIC FACILITIES AND INFRASTRUCTURE ARE ADEQUATE
 - e. ENCOURAGING MIXED-USE ZONING
8. **Manufactured home communities legislation:** Encourage The legislature STATE **SHOULD** ~~to~~ address THE FOLLOWING ISSUES IN manufactured home communities legislation, including:
- a. Examining taxation methods ~~that~~ TO make **TAXES ON MOBILE HOMES IN** manufactured home communities more comparable to site-constructed housing
 - b. Providing local governments with more authority to regulate buffers, landscaping, roads, sidewalks, SEWER AND WATER, and the location of manufactured home communities through local zoning
 - c. Requiring that the development of manufactured home communities, including their location, be part of a ~~regional~~ **MULTIJURISDICTIONAL** affordable housing strategy
9. **Community character:** A variety of approaches are suggested to enhance existing efforts to protect community character.
- a. ~~The governor STATE should require the Michigan Department of Transportation to adopt context sensitive design rules for state highways (character of the roadway being designed is related to the character of the location receiving it) to control where, and how, AND WHETHER new and expanded roads are built.~~ **THE GOVERNOR SHOULD DIRECT THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO ADOPT CONTEXT-SENSITIVE DESIGN RULES (CHARACTER OF THE ROADWAY BEING DESIGNED IS RELATED TO THE CHARACTER OF THE LOCATION RECEIVING IT) FOR STATE HIGHWAYS WHERE SAFE AND APPROPRIATE, TO HELP ENSURE THAT NEW OR EXPANDED ROADS DO NOT DETRACT FROM ENVIRONMENTAL OR COMMUNITY CHARACTER.**
 - b. THE STATE SHOULD ~~authorize~~ **PERMIT AND STRONGLY ENCOURAGE** the Department of Transportation, COUNTY ROAD COMMISSIONS, AND LOCAL ~~to allow state and local~~ communities to use alternative road design standards where **SAFE AND OTHERWISE** appropriate, including context-sensitive design rules ~~(character of the roadway being designed is related to the character of the location receiving it), and~~ THAT minimize ~~ing~~ environmental and community character impacts. THESE **STANDARDS** WOULD INCLUDE BUT ARE NOT LIMITED TO:
 - (1) STANDARDS FOR NARROWER WIDTH PUBLIC **LOCAL** ROADS AND RIGHTS-OF-WAY SERVING RESIDENTIAL DEVELOPMENTS, **INCLUDING ASSOCIATED STANDARDS THAT ADDRESS**

GRADES, CURVES, LANDSCAPING IN ROAD RIGHTS-OF-WAY AND SIMILAR DESIGN FEATURES

- (2) STANDARDS TO REQUIRE PAVING A ROAD WHEN A CERTAIN NUMBER OF DWELLING UNITS ARE CONSTRUCTED ALONG A ROADWAY SERVING RESIDENTIAL DEVELOPMENTS, USING COST ALLOCATION METHODS THAT FAIRLY ALLOCATE COSTS RELATIVE TO BENEFITS
- (3) PROTECTION FROM LIABILITY FOR ROAD AUTHORITIES THAT AUTHORIZE USE OF NARROWER THAN STANDARD WIDTH PUBLIC ROADS AND RIGHTS-OF-WAY SERVING RESIDENTIAL DEVELOPMENTS
- c. The state should promote expansion of ~~local~~ programs to preserve historic structures and enhance scenic/aesthetic qualities
- d. Foundations should be encouraged to facilitate the building of local and ~~regional~~ MULTIJURISDICTIONAL partnerships and alliances committed to improving the appearance of the rural landscape
- e. **STATE, COUNTY AND LOCAL STANDARDS FOR NEW OR WIDENED ROAD CORRIDORS SHOULD BE ENCOURAGED TO INCLUDE, WHERE POSSIBLE SAFE AND APPROPRIATE, BICYCLE LANES, SIDEWALKS, CROSSWALKS, DROP CURBS, NATIVE LANDSCAPING, AND STORM WATER RETENTION, AND SHOULD BE SENSITIVE TO THE SURROUNDING ENVIRONMENT, ESPECIALLY IN HISTORIC AND SCENIC AREAS.**

State Role in Land Use and Intergovernmental Cooperation

10. **Impacts of impervious surfaces on water quality:** The council recognizes the importance of understanding and addressing the impact *on water quality* of NONPOINT SOURCES AND impervious surfaces IN BOTH URBAN AND RURAL ~~as a~~ watersheds. ~~wide (urban and rural) issues.~~ The council recommends the development of STATE-LEVEL SUPPORT FOR **WATERSHED-WIDE AND COORDINATED** LOCAL STORM WATER MANAGEMENT INITIATIVES AND state-level guidance for PUBLIC AND PRIVATE decision makers regarding prevention and mitigation of NEGATIVE impacts of impervious surfaces. IN ADDITION TO AUTHORIZING REDUCTION IN ~~and further recommends~~ ~~reducing~~ road width and rights-of-way (SEE RECOMMENDATION #9 ABOVE), WHICH WILL SIGNIFICANTLY REDUCE IMPERVIOUS SURFACES AND STORM WATER RUNOFF, THE COUNCIL RECOMMENDS THE STATE INITIATE:

- a. DEVELOPMENT OF PERVIOUS SURFACE GUIDELINES FOR **NEW OR REPLACEMENT** PARKING LOTS AND PATHWAYS **IN ORDER TO PROMOTE ON-SITE STORM WATER MANAGEMENT**

- b. INCORPORATION OF STORM WATER BEST MANAGEMENT PRACTICES IN ALL PUBLIC AND PRIVATE LAND DEVELOPMENTS USING INCENTIVES WHERE FEASIBLE
 - c. THE WIDESPREAD USE OF IMPERVIOUS SURFACE ANALYSIS (1) AS A PLANNING TOOL AT THE SUB-WATERSHED LEVEL AND (2) ~~OF~~ IN EXISTING ZONING AND FUTURE LAND USE PLANS TO EDUCATE DECISION MAKERS ABOUT THE IMPLICATIONS OF FUTURE LAND DEVELOPMENT ON WATER RUNOFF AND WATER QUALITY AND TO IDENTIFY ALTERNATIVE DEVELOPMENT DESIGNS THAT REDUCE TOTAL STORM WATER RUNOFF AND NEGATIVE IMPACTS ON WATER QUALITY
11. **Local best practices:** The ~~governor~~ STATE should create a ~~state~~ recognition program for communities that:
- a. Exemplify or promote best practices in smart growth in both rural and urban areas
 - b. Form strong, action-oriented coalitions that include business, environmental, and agricultural stakeholders to generate broad political support for legislation and investment to impact state, regional, and local land use policy
 - c. Apply exemplary smart growth approaches
 - d. Collaborate ~~regionally~~ ON A MULTIJURISDICTIONAL BASIS for positive outcomes in addressing affordable housing needs and mixed-use development
12. **Establishment of state land use goals for Michigan:** The ~~legislature should pass legislation establishing~~ STATE SHOULD ESTABLISH broad-based, visionary, land use goals for Michigan that incorporate the goals and vision adopted by the council such as the ten common smart growth tenets:²
- a. Create a range of housing opportunities and choices
 - b. Create walkable neighborhoods
 - c. Encourage community and stakeholder collaboration
 - d. Foster distinctive, attractive places with a strong sense of place
 - e. Make development decisions predictable, fair, and cost effective
 - f. Mix land uses
 - g. Preserve HISTORIC AND CULTURAL TREASURES, AS WELL AS open space, farmland, natural beauty and critical environmental areas
 - h. Provide a variety of transportation choices

² FOR MORE DETAIL AND EXAMPLES SEE <HTTP://WWW.SMARTGROWTH.ORG/PDF/GETTOSG.PDF>.

- i. Strengthen and direct development towards existing communities
 - j. Take advantage of compact building design
13. **Funding for PLANNING AND innovative zoning:** The legislature STATE should: ~~create state~~
- a. PROVIDE FUNDING FOR LOCAL PLANNING EFFORTS (THESE PROGRAMS SHOULD RECOGNIZE THE COMPLEXITY OF DIFFERENT TYPES OF PLANS, INCLUDING COUNTY AND REGIONAL PLANS THAT SHOULD PROVIDE PLANNING DATA AND MAP INFORMATION TO SUPPORT LOCAL PLANS.) **THIS FUNDING SHOULD SERVE AS AN INCENTIVE FOR RECOMMENDATIONS IN THIS CHAPTER SUCH AS 1a, 2 AND 11.**
 - b. PROVIDE funding for innovative local zoning efforts **THAT ADVANCE THE TENETS OF SMART GROWTH**
14. **Housing needs report:** The governor should direct the Michigan State Housing Development Director to prepare and periodically update, in conjunction with private housing sector input, a housing needs report of housing markets in Michigan that defines market areas, demographics, and number of homeowners and renters, and identifies housing need by income category.
15. **“Live where you work” programs:** The legislature STATE should CREATE enact a pilot incentive-based project to encourage private companies to establish “live where you work” programs **WITH A SPECIAL FOCUS ON COMMUNITIES THAT ARE ACTIVELY WORKING ON AND PROMOTING MORE TRANSIT-ORIENTED AND WALKABLE/BIKABLE DEVELOPMENT.** A sample program would create partnerships with local governments to support, instruct, and provide limited down payment assistance for employees choosing to live near their work. The state could take the lead by promoting such a program among state employees.
16. **Biological Diversity Act:** Part 355 of the Natural Resources and Environmental Protection Act (Act 451, P.A. 1994) establishes biodiversity conservation as a goal of state government. It directs state agencies to cooperate toward that end, and to develop a statewide strategy for biodiversity conservation. The governor should direct state agencies to take a proactive approach by integrating natural resources and environmental considerations into every level of planning, and should establish the interdepartmental coordination called for in Part 355, including the development of a spatially explicit statewide biodiversity conservation strategy that focuses on preserving functioning landscapes rather than isolated sites. [ADDED FROM NATURAL RESOURCES INDUSTRIES GROUP.]
17. **Modernization of the planning AND ZONING enabling acts:** The legislature should unify and modernize Michigan’s four planning enabling acts AND THREE ZONING ENABLING ACTS **CONSISTENT WITH THE RECOMMENDATIONS IN THIS CHAPTER.**

18. **Documenting impact of state policies and programs on land use patterns:** The governor should initiate ~~an~~ A SOUND, OBJECTIVE analysis of all major state policies, programs, and subsidies for their direct and indirect impacts on growth patterns in Michigan with a special emphasis on sprawl and compact growth patterns. The results should be used to guide recommendations for legislative, budget, and administrative changes.
19. ~~Create an Office of Smart Growth:~~ COORDINATING AND IMPLEMENTING THE STATE'S ROLE: ~~The governor should create a state agency/office entitled the Office of Smart Growth with responsibility to:~~ THE GOVERNOR SHOULD ORGANIZE THE ACTIVITIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO:
- a. Advance the goals and vision adopted by the council
 - b. Support regional AND MULTIJURISDICTIONAL planning initiatives that are streamlined, standard, and promote communication and information sharing
 - c. Reward communities that pursue the balanced growth strategy in recommendation 25 and provide technical assistance and education to COMMUNITIES, ~~local governments (communities change throughout the document)~~ including case study examples in **OF** planning and zoning codes that embrace sustainability as it relates to concerns including the environment, social equity, and economic development
 - d. Coordinate interagency decision-making on infrastructure and public lands and facilities, among other duties
 - e. Utilize a **APPROPRIATE** mechanism~~S~~ for stakeholder and public input
 - f. Analyze major state grant programs to determine opportunities for furthering the goals and vision adopted by the council
 - g. Administer a program of ~~priority funding~~ **STRATEGIC INFRASTRUCTURE INVESTMENT CENTERS** ~~areas~~
 - h. HELP STATE, REGIONAL, COUNTY, AND LOCAL GOVERNMENTS SECURE FEDERAL FUNDS TO ADVANCE STATE LAND USE GOALS
 - i. ENSURE A LONG-TERM COMMITMENT TO STATE IMPLEMENTATION OF THESE PRINCIPLES
20. **Revenue sharing formula:** When evaluating the formula for revenue sharing in 2006, the legislature **AND GOVERNOR ARE** is encouraged to examine the relationship between revenue sharing and adopted state land use goals.

Regional Land Use and Intergovernmental Cooperation

21. **Regional planning commission responsibilities:** The legislature should consider amending the regional planning act to establish clearer requirements for regional planning commissions with regard to types and contents of plans and provision of

technical assistance services; and to encourage changes ~~to~~ IN the boundaries of Michigan's 14 planning and development regions ~~and~~ TO make them more effective. Regional planning commissions should be statutorily required to be representative of the needs of local governments, and to assist in the resolution of multijurisdictional impacts and/or disputes of major development and infrastructure investment decisions on a multijurisdictional level. The legislature STATE should create incentives (~~state, local, and federal~~) for regional cooperation by tying **STATE AND, WHERE POSSIBLE, LOCAL AND FEDERAL** funding for certain activities such as infrastructure to regional plans and multijurisdictional initiatives. THE STATE SHOULD CONTRIBUTE FUNDING TO REGIONAL PLANNING COMMISSIONS THAT CARRY OUT THE FOLLOWING RESPONSIBILITIES: ~~Other responsibilities should include:~~

- a. The preparation of general regional land use plans that **RECOGNIZE MARKET TRENDS, AND** respect and represent the needs of **PEOPLE AND** local governments WHILE PROMOTING CONSISTENCY WITH STATE LAND USE GOALS, as well as the preparation of regional resource management plans; regional environmental protection plans; regional greenways plans; regional transportation, sewer, and water service plans; regional energy conservation and production plans; regional affordable housing plans; regional economic development plans; regional emergency preparedness plans; and methods to deal with issues of greater than local concern
 - b. The provision of maps, data, education, and technical assistance to local units of government, citizens, and the private sector
 - c. The preparation of composite local future land use maps and local zoning maps for all jurisdictions in the region
 - d. THE PREPARATION OF REGIONAL PLANS THAT INCLUDE LOCALLY DEFINED ~~PRIORITY FUNDING~~ **COMMERCE CENTERS AREAS THAT RECOGNIZE REGIONAL NEEDS**
 - e. ANNUAL COMPILATION AND REPORTING OF ALL ~~COUNTY~~ **COMMUNITY** CAPITAL IMPROVEMENT PROGRAMS WITHIN THE REGION.
22. **Regional AND MULTIJURISDICTIONAL partnerships:** The legislature, the governor, ~~and~~ and regional AND MULTIJURISDICTIONAL entities should advocate for the development of stronger partnerships between public and private organizations in efforts to promote urban redevelopment, **COMPACT AND MIXED-USE DESIGNS AND DISCOURAGE LOW DENSITY GREENFIELD DEVELOPMENT** ~~and discourage urban sprawl.~~
23. **Coordinating decisions:** The governor and the legislature should create a new structure for coordinating state, regional, MULTIJURISDICTIONAL and major local land use, economic development, and infrastructure decisions that addresses the following elements:

- a. **Establish a ~~priority funding~~ COMMERCE CENTERS areas program.** The governor and legislature should cooperate in the establishment of a ~~priority funding~~ COMMERCE CENTERS areas program that directs state investment into (1) areas with existing infrastructure, (2) those areas working cooperatively with multiple units of government to solve regional AND MULTIJURISDICTIONAL land use challenges, and (3) compelling needs for health and safety. The state and local governments should cooperatively determine the most important areas for investment. (See also recommendation 19g. AND RECOMMENDATION #5 IN URBAN REDEVELOPMENT RECOMMENDATIONS.)
- b. **Create incentives for local cooperation on regional AND MULTIJURISDICTIONAL infrastructure and economic development decisions.** Require communities that are applying for grants ON PROJECTS that have multijurisdictional impacts TO collaborate with each other to develop integrated regional OR MULTIJURISDICTIONAL plans and policies AS A REQUIREMENT FOR ~~as part of~~ funding for county, state, and federal government transportation, infrastructure, and land acquisition activities.
- c. **Address issues of greater than local concern.** The legislature should enact laws that address THE NEGATIVE IMPACTS OF land use, infrastructure, and economic development decisions whose scale or impact is such that they clearly extend beyond jurisdiction boundaries. IN SO DOING, THE LEGISLATURE SHOULD ENSURE THAT ISSUES OF SOCIAL JUSTICE ARE ADEQUATELY CONSIDERED.
- d. **~~Require state, and regional AND MULTIJURISDICTIONAL public infrastructure agencies to conform with regional, MULTIJURISDICTIONAL and/or local plans.~~** The legislature should revise state statutes to STATE SHOULD require public agency land use decisions such as transportation, economic development, and school district infrastructure decisions to conform with adopted regional, MULTIJURISDICTIONAL, and local land use, and infrastructure, AND CAPITAL IMPROVEMENT plans. IT SHOULD ALSO REQUIRE ALL NEW SCHOOL STRUCTURES TO BE SUBJECT TO LOCAL ZONING. [REPLACED BY RECOMMENDATION 2b IN THE INFRASTRUCTURE & COMMUNITY SERVICES RECOMMENDATIONS. A COMPLETELY NEW RECOMMENDATION FOLLOWS.] REQUIRE GOVERNMENT BUILDINGS TO BE SUBJECT TO LOCAL ZONING. ALL NEW STATE, COUNTY, TOWNSHIP, CITY, VILLAGE AND SPECIAL DISTRICT GOVERNMENT BUILDINGS SHOULD BE SUBJECT TO LOCAL ZONING, EXCEPT WHERE THE LEGISLATURE SPECIFICALLY EXEMPTS THEM, AS WITH STATE PRISONS.
- e. **REPRIORITIZE DOLLARS FROM THE STATE SCHOOL BOND FUND TO PROVIDE INCENTIVES FOR REDEVELOPMENT OF EXISTING SCHOOL STRUCTURES ON EXISTING SITES.**

- f. CREATE FISCAL AND OTHER INCENTIVES FOR COORDINATION AMONG LOCAL JURISDICTIONS TO ENSURE THAT REGIONAL AFFORDABLE HOUSING NEEDS ARE DISTRIBUTED EQUITABLY ACROSS JURISDICTIONS BASED ON THE AVAILABILITY OF ADEQUATE INFRASTRUCTURE.

Local Governance Structure

24. **Authorization of joint planning commissions:** Allow two or more communities to form a joint planning commission.

Smart BALANCED Growth Strategy

25. **Balancing the authorization of new planning and zoning tools with certainty for obtaining approval for higher density:** The legislature should **ENACT LEGISLATION THAT WOULD** enable local governments that have master plans with specified PLAN elements (tie bar to recommendation 17) to adopt and implement the following planning and zoning tools within a single jurisdiction, or on a multijurisdictional basis in some cases. Such enabling legislation should recognize the desirability of:

- Allowing higher density THAN IS TYPICAL where infrastructure and community services are adequate and ~~assurances for~~ MUCH lower density than is typical where THERE ARE farmland, open space, environmentally sensitive lands, and other resources of high priority for long-term protection and economic viability
- ProvidING more certainty of outcomes for all involved (local governments, citizens, development community, etc.)
- EncouragING inclusionary zoning and not perpetuating exclusionary zoning
- ~~Recognize~~ ACKNOWLEDGING that one size does not fit all
- Allowing local governments to choose their community character
- ~~Recognize~~ ACKNOWLEDGING that not all communities should have to provide for every land use if they don't have adequate public services for them and if they participate in a multijurisdictional process to identify ways to meet regional needs

Necessary elements to consider:

TO THESE ENDS, THE FOLLOWING CHANGES TO EXISTING STATE AND LOCAL LAWS AND POLICIES ARE PROPOSED TO FAIRLY BALANCE THE INTERESTS OF DEVELOPERS, LOCAL GOVERNMENTS, ENVIRONMENTAL ORGANIZATIONS, AND CITIZENS. THESE CHANGES ARE PROPOSED WITH THE UNDERSTANDING THAT ALL THE ELEMENTS LISTED UNDER EACH PROPOSAL ARE NECESSARY TO ACHIEVE THE DESIRED BALANCE:

- a. **Increase density and mix of land uses.** Reduce overall land consumption by fostering more dense residential development through activities such as:

- (1) Requiring that EVERY MASTER PLAN OR future land use planning to ~~address~~ DOCUMENT residential needs of a wide variety of types **THAT RECOGNIZES MARKET TRENDS** for a 20-year period, AND BE updated every 5 years
- (2) Including a housing element in the MASTER plan of which affordable housing AND INCLUSIONARY ZONING are required sub-elements
- (3) Incorporating in the MASTER plan the ten common smart growth tenets³ as appropriate to the communities' overall growth objectives:
 - o Create a range of housing opportunities and choices
 - o Create walkable neighborhoods
 - o Encourage community and stakeholder collaboration
 - o Foster distinctive, attractive communities with a strong sense of place
 - o Make development decisions predictable, fair, and cost effective
 - o Mix land uses
 - o Preserve HISTORIC AND CULTURAL TREASURES, AS WELL AS open space, farmland, natural beauty and critical environmental areas
 - o Provide a variety of transportation choices
 - o Strengthen and direct development towards existing communities
 - o Take advantage of compact building design
- (4) Allowing a local government that participates in a regional OR QUALIFIED MULTI JURISDICTIONAL forum for establishing affordable housing needs to opt out of meeting an affordable housing need if the decision is made at the regional forum to provide that need elsewhere in the region
- (5) Setting a higher maximum density level for all developments commensurate with the availability of adequate public facilities including sewer, water, paved roads, ~~police~~ and WHEN TIED TO NATIONAL STANDARDS, fire protection, and parks
- (6) Encouraging state and local governments to review regulatory barriers that add to the cost of, or effectively discourage, a variety of types of housing production and/or existing housing stock; and, where appropriate, eliminating regulatory barriers that are discovered
- (7) Requiring a **ZONED** density of not less than four units per acre for single-family detached housing or ten units per acre for multi-family or attached housing development for every sewer and water service area in a community, unless it's THE SEWER OR WATER TREATMENT PLANT OR LINE capacity does not permit those density levels
- (8) Establishing the adequacy of those public services and facilities NECESSARY to meet ~~the~~ regional OR QUALIFIED MULTI JURISDICTIONAL housing needs; if they are not adequate, the master plan shall establish how to meet those needs

³ FOR MORE DETAIL AND EXAMPLES SEE <HTTP://WWW.SMARTGROWTH.ORG/PDF/GETTOSG.PDF>.

- (9) Requiring a capital improvement program that is updated annually and consistent with the plan above
 - (10) Creating incentives for natural, HISTORIC AND CULTURAL feature preservation planning
- b. **Authorize new tools for local governments provided they have addressed the elements above.** These include:
- (1) Authorizing local governments to prepare urban and general services districts tied to the plan above
 - (2) Authorizing concurrency for review of individual projects consistent with the plan above
 - (3) PROVIDING specific authorization for large minimum lot sizes such as 80 acres for farmland/forestland/open space protection in areas not planned for infrastructure expansion, INCLUDING LANDS ENROLLED IN DESIGNATED AGRICULTURAL SECURITY AREAS ZONES (SEE LAND RESOURCE-BASED INDUSTRIES RECOMMENDATION 2) OR COMMERCIAL AND PRIVATE FOREST RESERVES (SEE LAND RESOURCE-BASED INDUSTRIES RECOMMENDATION 7)
 - (4) Enabling local governments to create and implement “official maps” of PROPOSED new public facilities
 - (5) Enabling local governments to adopt AND EFFECTIVELY ENFORCE adequate public facilities ordinances
 - (6) Enabling local governments to adopt AND EFFECTIVELY ENFORCE more robust aesthetic controls
 - (7) Enabling local governments to enter into development agreements WITH A DEVELOPER for on- and/or off-site improvements in return for long-term guarantees on development approval
 - (8) Contingent upon a COMMUNITY ALREADY HAVING IN PLACE A ZONED density of not less than four units per acre for single-family detached housing or ten units per acre for multi-family or attached housing development (unless it’s THE SEWER OR WATER TREATMENT PLANT OR LINE capacity does not permit those density levels), enabling county and local Transfer of Development Rights (TDR) programs that permit cross-jurisdiction transfer of development rights, provided that it THE TDR PROGRAM was market driven, allowed for a DENSITY multiplier as an incentive, AND PARTICIPATING DEVELOPMENTS WERE subject to a streamlined ~~planning~~ REVIEW AND APPROVAL process
 - (9) Contingent upon a COMMUNITY ALREADY HAVING IN PLACE A ZONED density of not less than four units per acre for single-family detached housing or ten units per acre for multi-family or attached housing development (unless it’s THE SEWER OR WATER TREATMENT PLANT OR LINE capacity does not permit those density levels), enabling local

governments to adopt impact fee programs for new developments that are not built in a compact form or do not utilize sewer and water infrastructure. Impact fees shall **BE APPLIED TO THE COSTS OF INFRASTRUCTURE AND SHALL** not be applied to costs associated with cumulative impacts over time.

(10) Allowing aesthetic/design-oriented “contract zoning” IF MUTUALLY AGREED TO BY THE DEVELOPER AND LOCAL GOVERNMENT

- c. **Change recall provisions.** The legislature should amend the recall provisions applicable to township boards, **USING THE APPROPRIATE LEGAL APPROACH THAT IS CONSISTENT WITH THE STATE CONSTITUTION** to:

~~○ Increase the number of required signatures to 35 percent of registered voters; and~~

(1) PERMIT RECALL ONLY IN CASES OF MALFEASANCE

(2) Establish the threshold for removal of an elected trustee as being one more vote than the individual received when elected in the general election

- d. **Change referendum provisions.** The legislature should amend the referendum provisions of the Township and County Zoning Acts to

~~● Increase the number of required signatures to 35 percent of registered voters;~~

prohibit referendums on zoning decisions that are consistent with a local unit of governments’ master plan as adopted by the governing body, WITH CONSISTENCY DETERMINED BY THE COUNTY OR REGIONAL ENTITY THAT IS EMPOWERED TO DETERMINE CONSISTENCY WHEN REVIEWING A PROPOSED PLAN OR PLAN AMENDMENT UNDER THE APPLICABLE PLANNING ENABLING ACT.