

# THE PAR PLAN NEWS

ISSUE 122

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*Best wishes for a happy holiday season and our sincere thanks for your loyalty and goodwill throughout the year*

*The Par Plan Board*



MTPP BOARD OF DIRECTORS

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Zone 4

Open

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Zone 6

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Zone 7

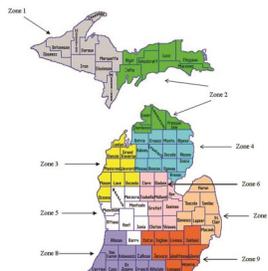
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Zone 8

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Kalamazoo Charter Township  
(269) 381-8083

Zone 9

William Bamber, Vice Chairman  
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*Barbara Stevenson, Zone 4 Director, Retires*



*“Someday, the light will shine like a sun through my skin & they will say, What have you done with your life? & though there are many moments I think I will remember, in the end, I will be proud to say, I was one of us...” ~Brain Andreas~*

Dear Par Plan Members,

The above poem exactly sums up my feelings toward retirement as I leave my position as Zone 4 Director, Michigan Townships Participating Plan (Par Plan). Finally finding my niche in township government (Roscommon Township Clerk 2000-2015), I discovered new challenges every day...challenges that tested skills I didn't even know I had. And fun...I thoroughly enjoyed serving the public, preserving and honoring the past, planning for the present, and preparing for posterity. In a nutshell, that was the job. That's where Par Plan came in. I was given the chance to learn so much more while representing my district. I very much appreciate the opportunity. Thank you to the voters of Zone 4 for electing me to the Director's chair. Thank you Par Plan for your multifaceted service plan, from the Grant Program and Dividends, to simply watching trends in liability issues and educating local governmental entities. You have our back. And again I say thank you.

Barb Stevenson

~ ~ ~ ~

Par Plan News Editorial Staff:

Barbara Stevenson, Roscommon Township, Roscommon County  
 Glen Lile, East Bay Charter Township, Grand Traverse County  
 Earl Arnold, Charter Township of Monitor, Bay County  
 Rita Evans - MTPP Program Administrator

The Par Plan News is published by the Michigan Township Participating Plan's Program Administrator:

HCC Public Risk  
 1700 Opdyke Court  
 Auburn Hills, MI 48326  
 (248) 371-3100  
 (248) 371-3069 Fax

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Michigan Township Participating Plan  
C/O 1700 Opdyke Court  
Auburn Hills, MI 48326  
800-783-1370  
248-371-3069 Fax



## Notice of MTPP Quarterly Board of Directors Meeting

The Michigan Township Participating Plan's quarterly board of directors meeting is scheduled for Tuesday, January 19, 2016 at 2:00 p.m. in the Duluth Room on Level 5 of the Detroit Marriott, Detroit, Michigan.

*All Par Plan members are encouraged to attend.*

## 2016 MTA Annual Education Conference ~ Detroit Marriott Renaissance Center

We hope that all the Par Plan members have marked their calendars and plan on attending the Michigan Township Association's Annual Educational Conference & Expo coming up January 19 - 22, 2016. As always, this conference offers many educational workshops as well as a little fun. The Par Plan looks forward to seeing you at Detroit.

### Par Plan Exhibit Booth

Be sure to stop by our booth and meet with your regional risk manager.

*Wednesday, January 20    Thursday, January 21*

*9:45 a.m. to 2:45 p.m.    9:45 am to 1:30 pm*

**Business Solutions Educational Session:** Thar' She Blows...I love a Parade...and I'll drink to that... Special Events and Fireworks Liability - How to Make your Event Safe

*Thursday, January 21*

*12 noon to 1:00 p.m.*

*Richard Room, Level 5, Detroit Marriott*

Presented by your Par Plan Risk Control Representatives, Tom Lindeman of Iron Mountain and Mike Morin of Cadillac.

### *Par Plan RE-mix Dodge City Casino*

*Wednesday, January 20*

*6:00 to 9:00 p.m.*

*Renaissance Ballroom, Level 5*



After a long day of classes, join us Wednesday night for an evening of fun and games as you mingle with other township officials and their guests from around the state. No need to venture out in the cold to try your luck at the tables, roll the dice at the Par Plan tables where you don't need cash to play. We have the perfect night planned for you! Stop by our old Dodge City photography shop or ride the mechanical bull. If this doesn't suit your fancy, try your hand in our backroom casino.

Rustle up to the chuck wagon and enjoy some grub or belly up to the bar to wet your whistle. No R.S.V.P. required ~ Make sure you schedule this event during conference; you don't want to miss this one!

*See you there*



## Start from the beginning.... Zoning and Land Use Basics

### Statutory Authority

It is a basic principle of law that municipalities have no authority other than the authority granted to them by state statutes. In the area of zoning and land use planning that authority is derived from essentially two statutes: 1) Planning Enabling Act, Public Act 33 of 2008, which authorizes municipalities to adopt a master land use plan which the municipality can use as a template for future growth and developments; and 2) Zoning Enabling Act, Public Act 110 of 2006, which authorizes municipalities to adopt zoning ordinances and establishes procedures relating to the zoning process.

### Basic Terminology

A understanding of the certain basic terms and phrases is critical to any discussion of zoning and land use planning.

*Zoning Ordinance.* Establishes rules governing the uses permitted within the municipality.

*Zoning Map.* Identifies areas within the municipality where those uses are permitted.

*Zoning Administrator / Zoning Enforcement Officer.* Municipal official charged with interpreting and enforcing the zoning ordinance.

*Master Plan also called a Growth Management Plan.* A document that reflects the desires of the community regarding the future growth and look of the municipality. This is a plan designed to help guide future development.

*Permitted Uses.* Uses that are permitted in a particular zoning district without prior zoning approval by the municipality.

*Special Land Use also called a Conditional Land Use:* A use that may be permitted in a particular zoning district, subject to prior approval by the municipality.

*Variance.* A variance from the literal application of zoning regulations, most typically applied to area, size and height requirements.

*Site Plan Review.* A review of a proposed site plan generally undertaken after zoning approval has been received but before building permits have been issued.

### Municipal Authorities

*Governing Body.* The legislative body of a municipality (the Township Board, a Village Council) is the only body that has the authority to adopt a zoning ordinance, amend a zoning ordinance and approve a rezoning request. In addition, in some communities the governing body it also the final authority on granting special land uses and adopting a master plan.

*Planning Commission.* The Planning Commission (if the municipality has created a Planning Commission to assume the duties of the Zoning Commission) is an appointed body and therefore it has no legislative authority. It does bear responsibility for preparing and updating the Master Plan, for reviewing and making recommendations on the adoption and amendments to the zoning ordinance and zoning map. This body is also responsible for reviewing special land use requests.

*Zoning Board of Appeals.* The ZBA is also an appointed body. Its job is to hear appeals. For example the ZBA has the duty to hear appeals from decisions of the zoning administrator and planning commission. It is also the only body charged with the responsibility for granting variances.

*Zoning Administrator / Enforcement Officer.* The zoning administrator is charged with enforcing zoning regulations and interpreting the zoning ordinance where there is an ambiguity.

### The Master Plan

The Master Plan is the policy document that sets forth an agenda for the achievement of land use goals and policies. It is the roadmap for getting your community from where it is today to where it would like to be in the future. The Master Plan should:

- Contain a general statement of the municipality's goals and policies;
- Synchronize public improvements and private development;

A Master Plan should address the subjects that are pertinent to the future development of the municipality. These include: Transportation (streets, public transportation, etc.); Waterways and waterfront developments; Sanitary sewers and water supply systems; Facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels; Public utilities and structures; Redevelopment or rehabilitation of blighted areas; Land use needs; Existing zoning patterns

The Master Plan should include maps, plats, and charts that support and explain the basis for the plan.

The Master Plan should be viewed as a fluid document that should be updated and changed as conditions in the community change, but in any event, it should be reviewed at least once every 5 years.

The importance of adopting and updating the Master Plan cannot be overemphasized. Section 203 of Michigan Zoning Enabling Act, a Zoning Ordinance must be based upon a Plan designed to promote the public health, safety, and general welfare. If a community fails to adopt a plan or permits its plan to become seriously out of date, this can have serious repercussions for the community. Most importantly, the absence of a formally adopted Master Plan substantially weakens the presumption of validity of the municipal Zoning Ordinance and can put the municipality at risk should a zoning decision be challenged in court.

### **The Zoning Ordinance**

Zoning is the exercise of municipal power to regulate the use of land. The Zoning Ordinance is the document by which that power is exercised. The purposes of zoning are to: Protect property values; Protect natural resources; Prevent nuisances; Ensure land use compatibility; and Ensure future uses can be provided with services.

By adopting a Zoning Ordinance a municipality may establish zoning districts for residential, commercial, industrial and other uses and identify areas within the municipality where those uses are permitted, either as a matter of right, (permitted uses) or following special approval by the municipality (conditional uses). Zoning Ordinances also include regulations governing lot size, building placement and other development standards.

### **General Zoning Principles**

In the process of adopting and amending a Zoning Ordinance certain general principles must be considered:

The right of the municipality to control land use decisions is not absolute; The rights of the public must be weighed against the rights of individuals; It must give land owners a reasonable use of their property; It must be fair and reasonable and; It must not be arbitrary.

As a general rule, it should not exclude otherwise lawful uses.

### **Best Practices for Avoiding Zoning Litigation**

While nothing a municipality can do can guaranty that it will not be sued for its zoning decisions, by adhering to the following rules, a municipality can discourage such challenges and can increase its chances for successfully defending such challenges.

Following procedure matters. Adhere to the letter of the requirements of the ZEA and the local ordinance and require applicants seeking zoning relief to follow procedure.

Deal with zoning issues in a prompt manner.

Make sure all zoning decisions are made in open meeting.

Do not express an opinion regarding a pending zoning decision until all the facts have been received in open meeting; to do otherwise is to deprive the applicant of the right to a fair hearing and invite litigation.

When making a decision make sure it is supported by competent evidence.

Create a good record.

Whenever there is an issue that appears to be generating controversy, experts should be consulted early in the process. Experts provide an invaluable service to municipalities at every stage of the zoning process and their expertise and guidance can be crucial in zoning litigation.

This article is intended to provide the most fundamental and basic overview of zoning and land use planning. If you have any questions, please contact your municipality's attorney for guidance.

Fred Lucas  
Lucas & Baker, P.C.  
7577 U.S. 12, Suite A  
Onstead, MI 49265  
lucas@lucaslawpc.com  
(517) 467-4000



## Michigan Township Participating Plan and Regional Risk Managers are here to serve you.....

The Par Plan is a unique and proven, member-driven system that has effectively provided affordable, tailored property and casualty coverages to small and medium-sized Michigan public entities for 30 years. Members of the Par Plan all share common goals and needs specific for public entities. Through participation in the Par Plan, they create a team approach to meeting those goals and needs. The Par Plan is a proven, historical stable program with a 97% member retention rate and a strong, long-term working relationship with its program reinsurers. The Par Plan also provides additional coverage enhancements through its Risk Reduction Grant Program and a group experience dividend plan.

Our Regional Risk Managers are agents professionally trained in public entity needs and exposures. They live and work in the same state as you do and are available on short notice to discuss your entity needs. Let them guide you in obtaining the best available coverage through the Michigan Township Participating Plan. For more information contact an agency in your area to learn why the Choice is Obvious.

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Fax: (989)799-8028

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Grandville, MI 49418  
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Kalamazoo, MI 49007  
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Fax: (269) 381-6089  
[www.bfgroup.com](http://www.bfgroup.com)

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5700 West Mt. Hope Highway  
Lansing, MI 48917  
Phone: (517) 321-4600  
Fax: (517) 321-9443  
[www.davidchapmanagency.com](http://www.davidchapmanagency.com)

Decker Agency, LLC  
9848 Portage Road, Suite 101  
Portage, MI 49002  
Toll-Free: (800) 678-4100  
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Fax: (269) 327-8578  
[www.dkragency.com](http://www.dkragency.com)

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180 South Ripley Blvd  
Alpena, MI 49707  
Toll-Free: (800) 860-4194  
Phone: (989) 354-3185  
Fax: (989) 354-2364  
[www.lappanagency.com](http://www.lappanagency.com)

Michigan Community Underwriters  
13425 19 Mile Road, Suite 400  
Sterling Heights, MI 48313  
Toll-Free: (877) 309-0003  
Phone: (586) 323-0950  
Fax: (586) 323-0993

Municipal Underwriters of Michigan  
(Adam Gandolfi)  
P.O. Box 400  
6868 West Houghton Lake Drive  
Houghton Lake, MI 48629  
Toll-Free: (800) 241-8398  
Phone 1: (989) 387-1913  
Fax: (989) 422-6597  
[www.muminc.net](http://www.muminc.net)

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4171 Wolverine Drive  
Williamsburg, MI 49690  
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Phone: (231) 421-5008  
Fax: (231) 421-3509

The Stevenson Group  
43422 West Oaks Drive, Suite 300  
Novi, MI 48377  
Toll-Free: (800) 761-8895  
Phone: (248) 650-2736  
Fax: (248) 650-2740