

Memo to the Centerville Township Planning Commission
Subject: Purpose of the Ordinance and the need to review the Master Plan
From Cary (Carolyn) Weed
February 13, 2024

Thank you for taking on the difficult job of revising the Ordinance and devoting so much extra time to this vital project. I encourage you to educate yourselves about the issues and make decisions thoughtfully. Hasty, carelessly written and/or incomplete regulations may do more harm than good.

As the work of revising the Zoning Ordinance continues, I have tried to follow along using the Draft Ordinance together with the version of the current Zoning Ordinance, dated 2023, available on the township website. I have been focused on content not fine editing; however, I did notice that the table of contents of the draft has omitted the subheading, **Purpose**, found early in the ordinance before Article I even though the subheading (**Purpose**) in the body of the Ordinance remains in parallel construction and bold along with the other subheadings that are listed in the table of contents, such as **Validity and Severability**. I believe this is an oversight since **Purpose** is included in the 2023 Ordinance Table of Contents.

Nevertheless, this oversight caused me to focus on the “purpose” of the Ordinance since it is written as a description ending with a colon so that the remainder of the Ordinance flows from this stated purpose. In light of all of the zoning-related events of the last several years, I would suggest modest changes that would highlight the purpose of the Ordinance, both as it relates to Michigan law and as it relates to Township values. The description, which pulls language from Section 203(1) of the Michigan Zoning Enabling Act, is confusing as it is now written. The Ordinance is, by definition, a set of regulations¹ whose purpose is to provide a regulatory framework based on a plan.²

Below I have quoted the relevant paragraphs from the Michigan Zoning Enabling Act, Article II that clarify the purpose of an ordinance and the dependent relationship between an ordinance and a (master) plan. This is followed by the language that is now in the Ordinance. I then propose modest changes in the **Purpose** section of the Ordinance that clarify the relationship between the Master Plan and the regulatory purpose of the Zoning Ordinance while still incorporating the original structure ending with a colon. In the longer proposed version, I have kept the original descriptive language and added the natural resources clause from the list in the Michigan Zoning Enabling Act, Article II, Section 201(1). By establishing the relationship with the Master Plan at this juncture, and preserving the colon connection so that this purpose

¹ See Section 201(1) of the Zoning Enabling Act: “A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures...”

² See Section 203(1) of the Zoning Enabling Act: “A zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and...”

applies to all of the following provisions contained in the Zoning Ordinance, you may not need to refer to the Master Plan elsewhere in the Ordinance except for clarity.

*MICHIGAN ZONING ENABLING ACT
ZONING AUTHORIZATION AND INITIATION*

125.3201 Regulation of land development and establishment of districts; provisions; uniformity of regulations; designations; limitations.

Sec. 201. (1) A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare...

125.3203 Zoning ordinance; plan....

Sec. 203. (1) A zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation including, subject to subsection (5), public transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties. A zoning ordinance shall be made with reasonable consideration of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development....

To be consistent with these provisions of the law, which base an ordinance on a plan, and to preserve the existing overall structure as it currently appears in the Ordinance, I propose that the purpose of the Ordinance should be revised:

Purpose (existing)

To promote the health, safety and general welfare of the inhabitants of the Township of Centerville, County of Leelanau, Michigan, by preventing overcrowding of lands, avoiding undue congestion of population, facilitating transportation, public utilities, and fire safety; and to promote the orderly development of the residential, commercial, recreational, agricultural, and other legitimate interests of said inhabitants; the Township Board of the Township of Centerville, County of Leelanau and State of Michigan, ordains:

Purpose (proposed long version)

To provide a regulatory framework for land use and development, based on the Centerville Township Master Plan, to

- ensure that uses of the land shall be situated in appropriate locations and relationships;
- conserve natural resources;
- promote the health, safety and general welfare of the inhabitants, prevent overcrowding of lands, avoid undue congestion of population, and facilitate transportation, public utilities, and fire safety;
- promote the orderly development of the residential, commercial, recreational, agricultural, and other legitimate interests of said inhabitants;
- attain the vision, goals, policies and zoning plans of the Centerville Township Master Plan: and
- meet all other applicable requirements delineated in the Michigan Zoning Enabling Act and the Michigan Planning Enabling Act;

the Township Board of the Township of Centerville, County of Leelanau and State of Michigan, enacts the following zoning regulations: (followed by the rest of the Ordinance)

Purpose (proposed shorter version)

To provide a regulatory framework for land use and development, based on the Centerville Township Master Plan, that meets all applicable requirements delineated in the Michigan Zoning Enabling Act and the Michigan Planning Enabling Act, and to attain the vision, goals, policies and zoning plans of the Centerville Township Master Plan, the Township Board of the Township of Centerville, County of Leelanau and State of Michigan, enacts the following zoning regulations: (followed by the rest of the Ordinance)

Urgent need to review Master Plan

Given the dependency of the Ordinance on the Master Plan, it is important to make sure that the Master Plan is reviewed in a timely manner as specified by Section 45 of the Michigan Planning Enabling Act (MPEA), MCL 125.3845(2), which requires that a Planning Commission review its Master Plan every five years and decide whether it is necessary to amend the existing document or to adopt a new document. At the very least, for the public record, the Planning Commission should review the Master Plan, perhaps noting changes in demographic data since the latest census³ and reviewing other data referenced in Chapters 2-6 of the Master Plan.

³ https://data.census.gov/profile/Centerville_township,_Leelanau_County,_Michigan?g=060XX00US2608914340-populations-and-people

After considering the refreshed data and the kinds of issues faced by the Township since the completion of the Plan, the Planning Commission can then decide whether the mission and goals remain adequate and relevant for now; and/or the Planning Commission can decide when the Plan should be amended/updated or completely rewritten. Either way the review process means you are in compliance for the sake of revising the Ordinance and reviewing land use applications. Below are the portions of the Act that describe the purpose of the Master Plan and the schedule for review:

MICHIGAN PLANNING ENABLING ACT

125.3807 Master plan; adoption, amendment, and implementation by local government; purpose.

Sec. 7. (1) A local unit of government may adopt, amend, and implement a master plan as provided in this act.

(2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:

(a) Is coordinated, adjusted, harmonious, efficient, and economical.

(b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.

(c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.

(d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:

(i) A system of transportation to lessen congestion on streets and provide for safe and efficient movement

of people and goods by motor vehicles, bicycles, pedestrians, and other legal users.

(ii) Safety from fire and other dangers.

(iii) Light and air.

(iv) Healthful and convenient distribution of population.

(v) Good civic design and arrangement and wise and efficient expenditure of public funds.

(vi) Public utilities such as sewage disposal and water supply and other public improvements.

(vii) Recreation.

(viii) The use of resources in accordance with their character and adaptability...

125.3845 Extension, addition, revision, or other amendment to master plan; adoption; procedures; review and findings.

Sec. 45. (1) An extension, addition, revision, or other amendment to a master plan shall be adopted by following the procedure under sections 39, 41, and 43, subject to all of the following: ...

(2) At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission. ...