

Charter Township of Oakland

General Overview of Draft Zoning Ordinance

Questions and Answers

What is a Zoning Ordinance?

The Zoning Ordinance accomplishes the separation of land uses by establishing distinct zoning districts; with each zoning classification achieving different densities, land uses permitted by right or by special permit, and other requirements. These other requirements can include building setbacks, lot coverage and lot size, building height, sign standards, landscaping provisions, and parking regulations. Administrative processes are also enacted that explain the responsibilities of applicants requesting development approval, the Planning Commission, Zoning Board of Appeals, and Township Board.

What is the purpose of a Zoning Ordinance?

A Zoning Ordinance is a legal instrument that helps to implement the policies of the Master Plan. Master planning is the process of establishing a direction for the future in a community, with a special focus on guiding land uses. While planning can be thought of as forming policy related to land use, zoning is the act of regulating land use activity by ordinance or law. Additionally, a primary purpose of the Zoning Ordinance is to prevent new development from interfering with existing residents or businesses and to protect the “character” of a community, through requirements that help shape the built environment.

What is the role of the Planning Commission and Township Board?

Generally, the Planning Commission takes a more active role in the zoning process than the Township Board; with the Board functioning as the final approval entity. The Planning Commission’s routine role is to contemplate development requests from applicants. In addition, the Commission members have a quasi-legislative function, in that the Planning Commission is the entity required by State statute to create and implement the Master Plan and Zoning Ordinance. Typically, the Planning Commission will develop policy or land use law, and recommend that a plan or ordinance be adopted by the Township Board. The Township Board, as the governing body of the Township, is the final decision-maker on rezoning requests and text amendments to the Zoning Ordinance.

Why was the Oakland Charter Township Zoning Ordinance updated?

There were a variety of reasons why the Township decided to update the zoning ordinance. The primary reasons are listed below.

- Change in Michigan Zoning Enabling Act
- Zoning provisions were 30 years old

- Changing conditions in the Township
- Population increase in the past 20 years brought forward new zoning concerns
- Master Plan implementation strategy
- New and better techniques to protect the environment

Was there public input during the update process?

Every meeting conducted by the Planning Commission during the review and update of the Zoning Ordinance was open to the public. Minutes of all meeting are available for public inspection found on the Township website or available for inspection and/or purchase at the Township offices. At the majority of these meetings, members of the public were present and time was available for public input at each meeting. All oral and written comments received from the public were considered during the update process. An open house was held on March 30, 2010 generating many comments both verbal and written.

What were the types of comments received during the zoning ordinance update process and the open house?

The majority of the comments centered on three main topics: Test Plan Criteria, Density, and the Community Opinion Survey. The open house comments focused on animals and animal regulations. Specific types of comments are listed below.

- Buffer zone depth should be increased to maintain a rural character
- Maintain rural character
- The cluster housing concept is not desired
- Higher density should be limited and not permitted in rural areas
- Use of PUD everywhere in the Township is not desired
- Different housing types in a development need to be carefully analyzed for consistency
- Non-residential uses should not be permitted in a PUD
- Wetland areas should not be included in a test plan to determine density
- A PUD should not increase density or traffic
- Respect Community Opinion Survey results
- Acreage requirements for animals were not fair
- Need to rethink animal regulations

In general, what is different in the draft zoning ordinance?

- Clarifies and adds more definitions.
- Provides a more effective organization of the Zoning Ordinance regulations.

- Updates the text of the Zoning Ordinance to conform with the recently adopted Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended (“MZEA”),
- Updates provisions regarding the Zoning Board of Appeals and Planning Commission in a manner consistent with the MZEA.
- Clarifies and revises the general regulations applicable to all uses.
- Clarifies the scope and applicability of the Zoning Ordinance and makes it clear that an unlisted use and uses in violation of federal or state law are not permitted uses.
- Revises regulations applicable to the keeping of animals.
- Establishes definable enforcement measures for noise and amends other performance standards.
- Removes the paved road density zoning provisions.
- Removes the Planned Residential Development zoning option.
- Revises the Planned Unit Development (PUD) zoning option.
- Revises the regulations applicable to election signs.
- Updates and adds graphics and charts of uses to clarify text.
- Public and quasi-public uses and public service buildings are now only reviewed to the extent as permitted by law.
- The test plan requirements have been modified and include a 5,000 square foot standard of buildable area on a lot.
- The zoning districts have not been changed, but the two commercial districts were collapsed into one district, and the two industrial districts have been collapsed into one district. District boundaries were not modified.
- The Manufactured Housing District was modified to be consistent with state statute.
- The regulations applicable to special uses have been revamped and provide better direction for decision makers.
- The regulations applicable to site plan reviews have been revised and reformatted.
- The sign and parking regulations have been modified and the basic regulations were retained.
- Reformats ordinance to make it user friendly.
- Delineates special uses and provides specific standards and review criteria to the various special uses.
- Implementation and increased reference to the Township Master Plan.
- Introduces ‘green’ standards such as porous parking surface.
- Encourage use of ‘natural landscaping.’
- Require ‘natural plant’ materials in required landscaping.
- Included cross references as needed.

- Expanded uses in each district to reflect modern day terms and uses.
- Consolidated various development options into the PUD option.
- Mandatory public utilities when a PUD is proposed.
- Eliminated the mixed use opportunity currently in the PUD option.
- Developed a density incentive as part of the PUD option with strict criteria to compensate for the loss of the Ultimate Paved Road Density.
- Stronger reference to the Master Plan, Historic Preservation and Natural Feature protection documents as part of review criteria.
- Revises provisions applicable to the administration and enforcement of the Zoning Ordinance.
- Revises penalties for violations of the Zoning Ordinance from a misdemeanor to a civil infraction.

Will the zoning of my property change if the Township Board adopts the draft zoning ordinance?

Township staff and the Planning Commission do not anticipate changing the zoning districts on the existing zoning map. The zoning currently present on your parcel is not proposed to change if the draft zoning ordinance is adopted. If the zoning of your parcel is proposed to be changed at some time in the future, you and your neighbors will be given a written notice of a public hearing to review a proposed change and you will have the opportunity to express your views.

What is the process after the public hearing?

The Planning Commission will review the oral and written comments received during the public hearing. If changes to the draft zoning ordinance are warranted, a change or changes will be included in the draft zoning ordinance. After the draft has been finalized, staff will evaluate the changes to determine if a new public hearing will be warranted or were the changes minor in nature not to require a new public hearing. Once the Planning Commission is satisfied with the draft zoning ordinance, they will make a recommendation to the Township Board who will consider the adoption of the draft zoning ordinance. Once the draft zoning ordinance is adopted by the Township Board, it will become effective 8 days after a notice is published in the local newspaper subject to all state laws and statues.