

DRAFT Zoning Ordinance through the MSDHA Grant

City of Grosse Pointe Woods, MI

Change Log: V.1: August 19, 2026 (Attorney Reviewed)
V.2: September 14, 2026 (Steering Committee Reviewed)
V.3: September 17, 2026 **PC reviewed at their September 22, 2026 meeting (no changes); forwarded to City Council for review at their October 5, 2026 meeting**

Article X: Administrative Organization

Background and Introduction to this Article:

Article X is an essential addition to the Zoning Ordinance as it sets forth the responsibilities and scope of authority of all entities and officials who play a role in administering the Zoning Ordinance.

Summary Table of Proposed Article Changes:

Section	Nature of Revision	Summary
10.1	New	<i>Established the entities responsible for administering and enforcing the Zoning Ordinance.</i>
10.2	New	<i>Clarifies the responsibility and authority of City Council in administering the Zoning Ordinance.</i>
10.3	New	<i>Clarifies the responsibility and authority of the Planning Commission in administering the Zoning Ordinance.</i>
10.4	Consolidated	<i>Streamlines the responsibility and authority of the Zoning Board of Appeals; Separates the procedures for applying for a variance and the standards for evaluating a variance application into its own dedicated section (Article XI).</i>
10.5	Expanded	<i>Clarifies the responsibility and authority of the Building Official and Zoning Administrator in administering and enforcing the Zoning Ordinance, including specific tasks carried out by each position.</i>

Article X: Administrative Organization

Former title: *Did not exist; provisions were scattered throughout the Ordinance, if at all.

Legend:

Red Text = Summary of Changes

Underlined = New Text

~~Strikethrough~~ = Removed Text

Yellow Highlight = Subcommittee Changes

Blue Highlight = City Council Changes

Proposed Text	Existing Section / Text	Notes
<u>Sec. 50-10.1</u> <u>Overview and Intent</u> The City Manager and their duly authorized representatives are charged with the duty of enforcing this Zoning Ordinance. Accordingly, the administration of this Ordinance is primarily vested in the following municipal entities and officials: A. <u>City Council</u> B. <u>Planning Commission</u> C. <u>Zoning Board of Appeals</u> D. <u>Building Official</u> E. <u>Zoning Administrator</u> The intent of this Article is to set forth the responsibilities and scope of authority of these entities and officials.	- -	<i>New section; needed to establish the entities responsible for administering the Ordinance.</i>

Proposed Text	Existing Section / Text	Notes
<u>Sec. 50-10.2</u> <u>City Council</u> City Council has the following responsibilities and authority: A. <u>Adoption of Zoning Ordinance and Amendments.</u> City Council has the authority to adopt this Ordinance, as well as map and text amendments. B. <u>Review and Approval of Plans.</u> City Council review and approval is required for Special Land Uses, Land Divisions, and Wireless Communication Facilities. C. <u>Setting of Fees.</u> City Council has the authority to set all fees for permits, applications, and requests for action. In the absence of specific action taken by the City Council to set a fee for a specific permit or application, the City Manager shall assess the fee based on the estimated costs of processing and reviewing the permit or application. D. <u>Approval of Planning Commission Members.</u> Members of the Planning Commission shall be appointed by the mayor, with approval of City Council.	- -	<i>New section; outlines the authority of City Council in administering the Zoning Ordinance.</i>

Proposed Text	Existing Section / Text	Notes
Sec. 50-10.3 Planning Commission <u>The Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act. The Planning Commission has the following responsibilities and authority:</u> A. <u>Membership and Operation.</u> See Sec. 2-441. Appointment, Term, Removal of Members, of the City Code. B. <u>Bylaws.</u> The Commission shall establish its own meeting rules of procedure and bylaws. The Commission may adopt, amend, modify, and revoke its rules and bylaws from time to time. C. <u>Meetings.</u> Regular meetings of the Planning Commission shall be held in accordance with an adopted schedule. Special meetings may be held in accordance with the adopted bylaws and the Open Meeting Act, Michigan Public Act 267 of 1976, as amended. <u>All meetings shall be open to the public. The City Clerk (or their designee) shall record all proceedings of the Planning Commission, and shall keep a public record of its resolutions, transactions, findings, and determinations.</u> D. <u>Jurisdiction.</u> The Planning Commission is responsible for carrying out the following and all authority set forth in the MPEA (Public Act 33 of 2008, as amended), including but not limited to: <u>Formulation of Zoning Ordinance and Amendments.</u> The formulation of the Zoning Ordinance, review of map and text amendments, holding public hearings, and reporting its findings and recommendations to City Council (Sec. 11.5 and Sec. 11.6) <u>Site Plan Review.</u> The review of site plan applications (Sec. 11.2). <u>Special Land Use Review.</u> The holding of public hearings and review of special use applications (Sec. 11.3) and making a recommendation to City Council to grant approval, approval subject to revisions, or denial of approval. <u>Formulation of a Master Plan.</u> The formulation and adoption of a master plan to guide for the development of the City. <u>Other Duties and Responsibilities.</u> The Commission is also responsible for reviewing plats, preparing an Annual Report of Activities for City Council, reviewing the Capital Improvements Plan (CIP), and addressing any other matters relating to land development referred to the Commission by City Council. The Commission must recommend appropriate regulations and action on such matters. E. <u>Conflict of Interest.</u> See Sec. 2-441(d) of the City Code.	- -	<i>New section; outlines the authority of the Planning Commission administering the Zoning Ordinance.</i> <i>Add a reference to the City's Conflict of Interest policy.</i>

- F. **Removal.** Pursuant to Sec. 15(9) of the MPEA (Public Act 33 of 2008, as amended) and Sec. 2-441(d) of the City Code, City Council may remove a Planning Commission member for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Nonfeasance is the substantial failure of a member to perform the duties of a Planning Commissioner. Misfeasance is the improper doing of an act that a member might lawfully do. Malfeasance is the doing of an act that is wholly wrongful and unlawful.

Proposed Text	Existing Section / Text	Notes
Sec. 50-10.4 Zoning Board of Appeals <u>The City of Grosse Pointe Wood's Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Michigan Public Act 110 of 2006, as amended.</u> A. <u>Membership and Operation.</u> <u>The ZBA shall consist of the City Council, who shall be appointed in accordance with Sec. 601(3) of Michigan Public Act 110 of 2006, as amended. The mayor shall be the chairperson, and in the mayor's absence, the mayor pro tem shall act as such. The City Clerk (or their designee) shall be the Secretary.</u> B. <u>Bylaws.</u> <u>The ZBA shall establish its own rules of procedure with bylaws. The ZBA may adopt, amend, modify, and revoke its rules from time to time.</u> C. <u>Meetings.</u> <u>Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the chairperson, or at such other times as the ZBA may specify in its rules and procedures.</u> <u>All meetings shall be open to the public. The City Clerk (or their designee) shall record all proceedings of the ZBA, and keep a public record of its resolutions, transactions, findings, and determinations.</u> D. <u>Jurisdiction.</u> <u>The ZBA is responsible for carrying out the following:</u> 1. <u>Appeal of Administrative Decision.</u> <u>To hear and decide appeals from any order, requirement, decision, or determination made by</u>	Sec. 50-7.15 Board of appeals 50-7.15 Board of appeals A. <u>Created.</u> There is hereby established a board of appeals on zoning, which shall perform its duties and exercise its powers as provided by law in such a way that the objectives of this chapter shall be observed, public safety secured and substantial justice done. The term "board," as used in this section, shall mean the board of appeals. B. <u>Membership.</u> The council shall be the board of appeals on zoning. C. <u>Secretary.</u> The clerk shall be the secretary of the board of appeals. The mayor shall be the chairperson of the board of appeals, and in the mayor's absence the mayor pro tem shall act as such. D. <u>Meetings and records.</u> Meetings of the board of appeals shall be held at the call of the chairperson and at such other times as the board may determine. ~~The chairperson, or, in the chairperson's absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses.~~ All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the clerk and shall be a public record. E. <u>Appeals generally.</u>	<i>Consolidated to focus on the roles and responsibilities of the ZBA.</i> <i>Provisions for types of appeals to be heard by the ZBA are streamlined.</i>

the Zoning Administrator, or any other administrative official in carrying out or enforcing any provision of this Ordinance. The ZBA may reverse or affirm wholly or partly, or may modify such order, requirement, decision, or determination, and to that end, has the power to direct the issuance of a permit.

Such appeal shall be taken by filing with the Zoning Administrator, not later than ten days after the date of the decision that is appealed from a written notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all papers constituting the records upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the ZBA, after the notice of appeal shall have been filed with such officer, that, by reason of facts stated in the certificate, a stay would, in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the ZBA or by a court of record on application or notice to the officer from whom the appeal is taken and on good cause shown.

2. **Appeal Hearings.** Upon receipt of an appeal to the ZBA and the payment to the city of the required appeal fee, the City Clerk shall establish a date for a public hearing on such appeal at the next regular city council meeting. The Clerk shall give notice in accordance with the notice requirements found in this Article.
3. **Voting.** The concurring vote of a majority of the ZBA members shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body, or to decide in favor

1. The board of appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of the provisions of this chapter. The board shall also hear and decide all matters referred to the board or upon which the board is required to pass under the provisions of this chapter. The concurring vote of a majority of the members of the board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of two-thirds of the members of the board shall be necessary to grant a variance from uses of land permitted in an ordinance.

2. Appeals to the board may be taken by any person aggrieved by a decision of the building inspector or administrative official charged with the enforcement of this chapter. Such appeal shall be taken by filing with the ~~building inspector~~ and with the board, not later than ten days after the date of the decision that is appealed from a written notice of appeal specifying the grounds thereof. The ~~building inspector~~ shall forthwith transmit to the board all papers constituting the records upon which the action appealed from is taken.

3. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals, after the notice of appeal shall have been filed with such officer, that, by reason of facts stated in the certificate, a stay would, in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application or notice to the officer from whom the appeal is taken and on good cause shown.

- F. **Appeal hearings.** Upon receipt of an appeal to the board of appeals and the payment to the city of the required appeal fee, the city clerk shall establish a date for

of the applicant a matter upon which the ZBA is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of two-thirds of the members of the ZBA shall be necessary to grant a use variance.

4. **Interpretation.** To act upon all questions as they may arise in the administration and enforcement of this Ordinance.
5. **Variances.** To authorize, upon appeal, non-use (dimensional) and use variances from the strict application of the provisions of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out such strict application. The ZBA has the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice is done. The ZBA does not have the authority to make changes to this Ordinance.

G. **Conflict of Interest. Conflict of Interest.** See Sec. 2-441(d) of the City Code.

a public hearing on such appeal at the next regular city council meeting. The clerk shall give notice in accordance with the notice requirements found in this chapter.

G. Fees for appeals.

1. ~~A fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid to the city at the time the notice of appeal is filed for all board of appeals hearings.~~
2. ~~Such appeal fee may be waived by the board of appeals upon request of a petitioner and the filing of an affidavit showing that the petitioner meets the standard of a low income person or family as established by the federal government.~~

H. Powers.

1. The board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made, subject to the conditions and limitations of this section, and to that end shall have all the powers of the officer from whom the appeal is taken.
2. ~~The decision of such board shall not become final until the expiration of five days from the date of entry of such order, unless the board shall find that the effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.~~
3. ~~The board of appeals may, in specific cases and subject to appropriate conditions and safeguards, determine and vary the application of the regulations established in this chapter in harmony with their general purpose and intent, as follows:~~
 - a. ~~Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several zoning districts accompanying and made a part of this chapter, in those cases where the street layout actually on the ground varies from the street layout as shown on the map.~~

Provisions on fees removed, covered in Section 50-10.2.

Specific types of variances are removed from this section and moved to Section 11.4.

b. In those cases where a district boundary line divides a lot of record, permit the extension of a use permitted on the less restricted portion of such lot to that portion of the lot which lies in the more restricted district, provided that such extension shall be made for a distance not to exceed 50 feet beyond the district boundary line in any case.

c. Permit variation in the use and location of buildings on any lot abutting a different zoning district, provided that the use or location shall not have an undesirable effect upon the more restricted district, and provided further that the yard requirement may not be less than the average of the requirements for the two districts, and provided further that the variation shall not extend more than 50 feet into the more restricted district.

d. Permit, upon application and proper showing, a variance so as to authorize the use of property for a gasoline service station which is situated a lesser distance than 1,000 feet from an existing gasoline service station, only when such action will not prejudice the public health, welfare and safety of the city.

e. Permit variations in the requirements for outer courts in dwellings, and permit such variation or modification of yard, lot area, and percentage of lot coverage requirements of this chapter as may be necessary to secure an appropriate improvement of a parcel of land which is of such size, shape or dimension, or which has such peculiar or exceptional geographical or topographical conditions, that it cannot be appropriately improved without such variation or modification, provided that the purpose and spirit of this chapter shall be observed, public safety secured and substantial justice done.

f. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation, to be used for public utility purposes, in any permitted district, to a greater height or of larger area than the district requirements established in this chapter, and permit the location in any use district of a public utility building, structure or use, provided the board of appeals shall find such use, height, area,

building or structure reasonably necessary for the public convenience and service, and provided further that such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

g. Permit the erection of a building to its full height or use, as originally planned, when foundations and structural members are designed to carry such buildings higher.

h. Permit a partial or complete exception to the loading space provisions of section 50-5.2 Off-street loading requirements where, after investigation by the board, it is found that the volume of vehicular service will not require compliance with such provisions and will not cause undue interference with the public use of the streets or alleys or imperil the public safety, and where such modification or exception will not be inconsistent with the purpose and spirit of this chapter.

i. Permit a variation or modification in the required location of off-street parking facilities or in the amount of off-street parking facilities required, or both, if after investigation by the board it is found that such variation is necessary to secure an appropriate development of a specific parcel of land which has such peculiar or exceptional geographical conditions, or is of such size, shape or dimension, that it cannot be reasonably developed in accordance with the provisions of section 50-5.3 Off-street parking requirements, and that any variation will not be inconsistent with the spirit and purpose of this chapter, with public safety and with substantial justice.

j. Permit a variation, modification or exception in the required regulations specified in section 50-5.3 Off-street parking requirements if after investigation by the board it is found that such variation, modification or exception is necessary because of peculiar existing conditions and that such variation, modification or exception will not be inconsistent with the purpose and spirit of this chapter.

k. Permit additional garage space for buildings having ten rooms or more when

~~evidence is presented proving need for the additional space.~~

~~l. Permit open parking lots in R-1 and R-2 districts for the periodic storage of self-propelled passenger vehicles for periods less than one day, when the space used for parking is adjacent to business and further complies with section 50-5.3 Off-street parking requirements and such use is not injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this chapter.~~

~~m. The board of appeals may, in specific cases and subject to appropriate conditions and safeguards, determine and vary the application of the regulations established in this chapter upon written application when unnecessary hardship or practical difficulty is found by a majority of the board of appeals, as defined in subsection l.~~

~~n. Permit a variation and modification of front and rear yard minimum requirements where the plat of any subdivision provides for lots of 100 feet or less in depth and where the architectural design and layout of the building structures require such variation and modification to preserve the architectural appointments, design and development of the subdivision, provided that the area of the lot shall be not less than 6,000 square feet and that the area of the dwelling and accessory buildings shall not exceed 25 percent of the lot area. Before any building permit is issued the planning commission shall approve the plot plan therefor or shall have approved a general plan of the subdivision development and building locations thereon.~~

Proposed Text	Existing Section / Text	Notes
Sec. 50-10.5 Enforcement Officials A. <u>Responsibilities of the Building Official:</u> 1. <u>Assist applicants in determining and completing appropriate building and zoning forms and procedures.</u> 2. <u>Review and investigate permit applications to determine compliance with the provisions of City ordinances.</u> 3. <u>Perform inspections of buildings, structures, and premises to ensure land use changes and/or improvements are and will remain in compliance.</u> 4. <u>Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and the revoking of permits.</u> 5. <u>Perform other related duties required to administer this Ordinance.</u> B. <u>Responsibilities of the Zoning Administrator:</u> 1. <u>Prepare and administer such plans and ordinances, within the scope of the Michigan Planning and Zoning Enabling Acts.</u> 2. <u>Issue zoning approval upon compliance with provisions of this and other City ordinances.</u> 3. <u>Advise and assist the Planning Commission, ZBA, and City Council. This includes preparation and forwarding of all reviews, reports, and supporting documentation for applications and projects which must be acted upon by these entities.</u> 4. <u>Assist applicants in determining the appropriate zoning and planning forms and procedures.</u> 5. <u>Review all applications for signs, site plans, special land uses, map and text</u>	Sec. 50-7.8 Responsibility for administration and enforcement ~~The provisions of this chapter shall be administered and enforced by a building inspector or administrative official.~~	<i>Expanded the existing section to clarify the responsibilities of the Building Office and to establish the responsibilities of the Zoning Administrator.</i>

amendments, and other zoning proposals.

6. Collaborate with the Building Official on planning and zoning matters.
7. Maintain a current Zoning Map and Zoning Ordinance.
8. Draft amendments to the Zoning Ordinance and other ordinances to accomplish the City's zoning and planning objectives.
9. Perform other duties required to administer this Ordinance and further the goals of the Master Plan.