

10. The Development Review Process

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The development review process involves permitting by a range of disciplines and authorities that vary by unit of government. For example, cities in Michigan hold jurisdiction over most reviews and permits, while townships may have relatively limited review authority, with most technical reviews conducted by consultants or county or regional agencies. Because the process varies widely by municipality, there is no single approach to development review, however, there are well-tested best practices that can be employed by municipalities and developers that may help to streamline the process and avoid unnecessary delays.

The development review process generally consists of:

-  Informal discussions with staff and preliminary review of project concept.
-  Formal site plan and other zoning approvals.
-  Building plan and fire marshal review and approval.
-  Inspections and permitting by various trades.
-  Inspections and permitting by other agencies with jurisdiction.
-  Final Certificate of Occupancy (CofO) permit.

Development Review: Public Sector

There are a variety of actions local units of government can take to streamline the development review process without sacrificing authority or the quality of reviews. These best practices generally fall into two categories: ordinance amendments and process improvements.

Ordinance Amendments

Ordinances should be viewed as living documents, not set in stone. An ordinance is an implementation tool used to achieve a desired outcome. For example, the zoning ordinance is a key mechanism for implementing the vision outlined in a community's comprehensive master plan. A strong ordinance relies on sound policy documents to provide a solid foundation. Clearly drafted rules assist in avoiding ambiguity and confusion.

While the zoning ordinance is the local legislation with the greatest impact on development that readily comes to mind, other ordinances can also support high-quality projects. A proactive community can identify regulatory synergies, yielding substantial benefits by layering ordinances to achieve a desired result. Following is a list of ordinances that should be evaluated regularly by local leaders for their effectiveness in supporting quality development outcomes:

Zoning Ordinance

The zoning ordinance should provide a clear process for moving through the development review process. The MEDC's Redevelopment Ready Communities program (RRC) provides a range of zoning reform best practices and examples of zoning review processes.



RRC Online Resource Library
See Industrial Zoning District Guidelines

Stormwater and Soil Erosion

Stormwater management and soil erosion is typically regulated by separate codes, but the review is often conducted by the same agency. These ordinances should align with current best practices as well as local conditions related to stormwater management, soils, and updated Federal Emergency Management Agency (FEMA) floodplain maps. Changes in technology and new approaches can alter regulatory frameworks. For example, green infrastructure solutions for stormwater, such as rain gardens, green roofs, and underground storage facilities, have reduced the land required for retention or detention facilities in some communities.

Utility Connections

Local ordinances regulate the process and requirements for connecting to municipal utilities while setting rates and fees for the connections. It is important to review these ordinances periodically to ensure they align with current practices and provide options to incentivize certain types of development by waiving or reducing connection fees if the local unit of government would like to offer that as a development incentive, and as utility authority agreements allow.

Driveways and Road Standards

Standards for accessing local rights of way are commonly defined in the zoning ordinance but may also be included in local road or street ordinances and engineering standards. These ordinances often reflect their age and can quickly become out of step with current best practices. They should be reviewed every few years to ensure they align with current engineering best practices published by the American Association of State Highway and Transportation Officials (AASHTO) and similar sources. A focus on a higher-quality roadbed to support industrial traffic rather than an excessively large street can assist in making the best use of limited financial resources while also supporting development.

Airport Zoning

Many significant industrial sites are within close proximity to airports and therefore may be subject to airport zoning requirements. These regulations are primarily focused on building height, but also regulate lighting, reflective materials, and may impact stormwater management. While the ordinance itself falls under the purview of the airport authority, its applicability within the local unit of government depends on collaboration between the local government and the airport authority.

Business Licensing, Health Codes, and Other Police Power Ordinances

There are a variety of other health and safety and licensing ordinances that may impact industrial users in a community. It is critical that each ordinance is well understood, consistently enforced, and regularly updated. Understanding how these codes can work with zoning and other ordinances can allow for a reduction in the amount of regulation, avoid redundancy, and, in some cases, provide an avenue that is more permissive during the construction period and incorporates performance standards once a project is complete if nuisance issues arise.

Process Improvements

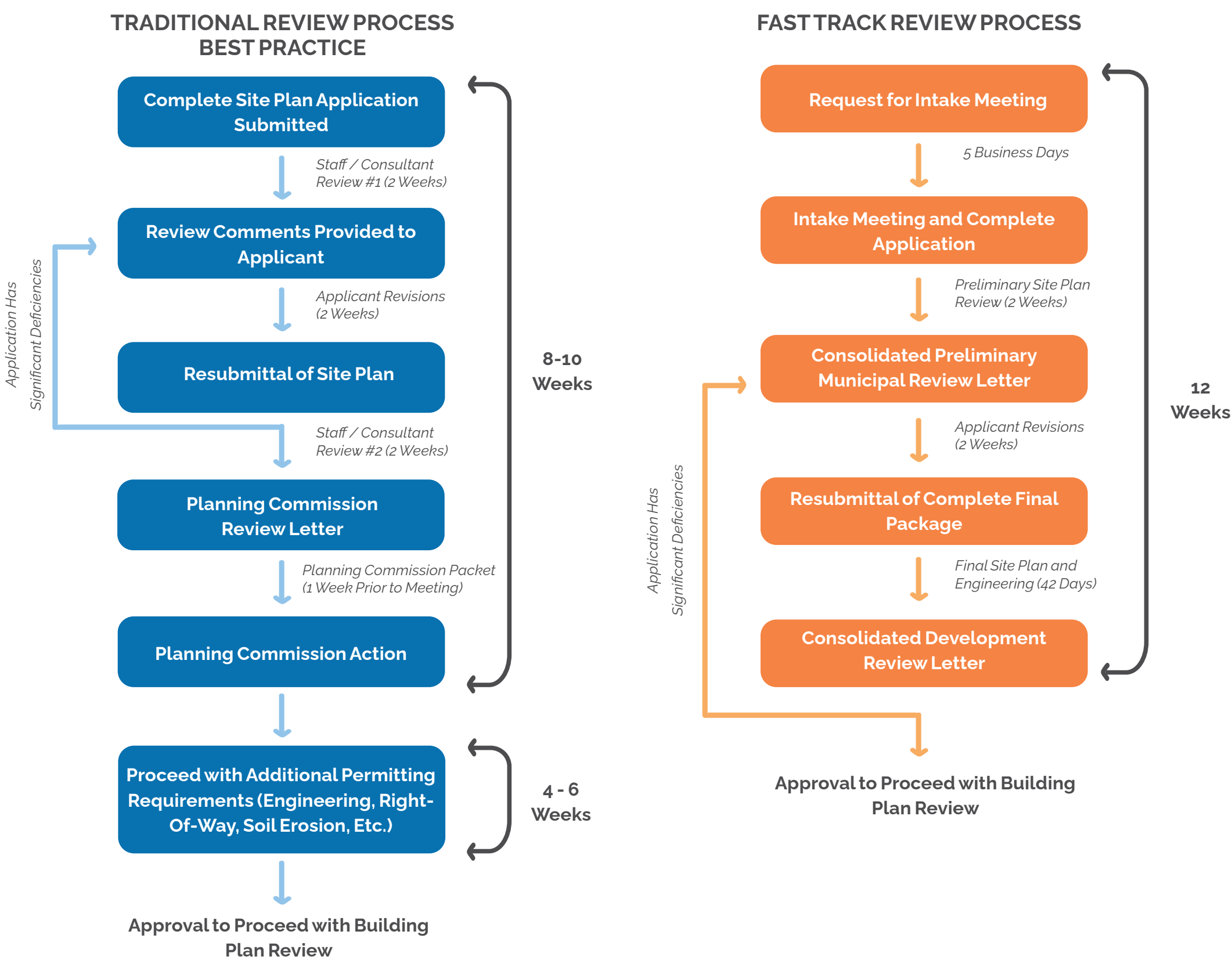
Maintaining efficient and effective development review processes is a never-ending task. They must be refreshed as new uses, technologies, regulations, and best practices are introduced. However, implementing the following actions will go a long way toward establishing a development review process that is responsive to the needs of the development community, residents, and local officials.

While local review processes vary widely between communities, there are common best practices that most communities should be able to implement. A sample site plan review process that utilizes these best practices is provided below.

Prompt reviews. Review of a site plan application by a planner or engineer should not require more than two weeks. The outcome of this review should be a detailed letter and/or checklist that identifies any outstanding deficiencies.

Multiple reviews prior to action. If final action is being taken by planning commission or a public body, completing two reviews of the application prior to the meeting can be extremely helpful. This allows the applicant to address any staff comments or concerns prior to public review, which reduces the likelihood of multiple meetings.

Reasonable overall timeframe. A complete application should be reviewed, with action taken within 60 days of submittal.



Process Improvements

Other general actions communities can take to make the development review process more efficient and effective include:

1. Map your process.

Lay out your development approval process for a layperson. How would you describe the process to your neighbor? Given that every community process may differ, and that developers are not mind readers, how will you describe the steps a person must take to get their doors open?

2. Act as applicant.

Among the most impactful actions a community can take to enhance its development review process is to submit a permit and walk through the process as an applicant. Understanding the process from the applicant's point of view is eye-opening; often, bottlenecks will be discovered, along with simple fixes to streamline the review process. If this is a new practice, start with something simple like a single-family home, and work your way up to more complex applications.

3. Establish a design review committee.

(Also known as a Development Review Team) Establish a standing weekly or bi-weekly meeting of reviewers, depending on your application load, to sit down with all affected departments and other associated agencies in your community to review and discuss applications. Each department and/or agency should come to the meeting prepared with pertinent information and their own comments. This process allows the municipal planner, engineer, building inspector, fire marshal, and others to learn from one another and provide the applicant with a consolidated review letter. This approach avoids putting the applicant in the middle of regulatory disagreements, helps to avoid unnecessary duplication, "ping-ponging" between reviewers, and conflicting guidance. *The City of Romulus* uses an Administrative Review Committee that can be referenced as an example.

4. Track approval timeframes.

Understanding the time required from the date of a complete zoning application to an occupancy permit helps local governments and developers speak the same language. While governments typically think in terms of individual permits or approvals, developers think about the entire process. Tracking the time required from application to final occupancy also allows local units of governments to clearly identify "dos and don'ts" to help accelerate the development review process.

5. Ask for feedback.

A survey response form at the end of the process can help gauge areas of success and frustration. In some cases, a developer who does a lot of business with the community may be concerned about providing honest feedback for fear of retaliation. A Development Council, comprised of local developers that meet on a regular basis, may provide an opportunity for trust-building.

Industrial Development Fast Track Options

Communities that have planned for and are ready to attract modern industrial development should consider establishing an expedited administrative review and permitting framework for industrial projects that are consistent with the community's goals and standards. Creating a fast track for permitting is one of the single greatest competitive advantages a municipality can create.

An expedited industrial review framework should create predictable timelines by allowing staff and consultants across disciplines and departments to review application materials early and on an iterative basis with developers. **Industrial fast track process are most appropriate where projects are:**

1. Located within planned industrial districts.
2. In compliance with adopted zoning standards.
3. Clearly aligned with master plan priorities and previous community engagement that supports the development.

A fast track industrial review process should target completion of final site plan, engineering, and any other technical reviews required prior to building plan review within 90 days of submittal of a complete application.

Development Review: Private Sector

The process governing development review is ultimately in the hands of government officials and agencies, but there are steps developers can take to smooth the process.

1. Clearly document the process in writing.

If the local government does not have a documented review process that includes the relevant agencies and key decision points, create one and confirm it with the community. This can be a simple step-by-step list, but it will help identify potential delays or bottlenecks. For example, a surprise review by an airport zoning authority can significantly alter a project and should be addressed early in the project, not after building plans are submitted.

2. Ask to see “under the hood.”

Most communities maintain internal checklists or guides that support review of local ordinances or codes. Ask to see these checklists prior to submittal and evaluate your project against them independently. This will help limit the number of review comments and reduce the overall review timeframe.

3. Get to know the technical folks.

Once you know who is reviewing each aspect of a project submittal, take time to meet with the most consequential reviewers and understand their approach. A good question to ask is, “what issues have you seen on projects like this in the past?”

4. Submit complete plans.

Spend the time and energy needed to provide reviewers with all of the necessary information that is required to avoid delays. Plans that are done “on the cheap” with insufficient information can make the development review process drag on with multiple requests for more detail. And as that additional detail is provided, there may be a cascading effect on other reviewers.

5. Trust but verify.

Oftentimes, developers will rely on professional architects and engineers to shepherd the project through the development review process. Ask to be copied on all communications so you can track project progress. Missed deadlines may result from missing materials or other complications unrelated to the municipal reviewers.

6. Don’t shy away from engagement.

Creating opportunities to gather feedback from the community in addition to required public meetings and hearings can be a difference-maker. Plan community engagement into your project in the early stages so it does not derail the project during the later stages of review. [See Community Engagement and Communication.](#)