



## || Zoning & Land Use

From Annexation to Zoning and everything in between, Foster Swift attorneys have the knowledge and experience to effectively and efficiently advise clients in community, administrative and courtroom settings to achieve a successful outcome. Through the years, municipalities and individuals have retained Foster Swift to provide counsel on a wide array of zoning and land use matters, including:

- Drafting and review of master plans, zoning ordinances and amendments, wetlands regulations; growth management measures; land division ordinances; subdivision regulations; and site condominium ordinances.
- Providing counsel regarding compliance with all local, state, and federal laws and regulations applicable to municipalities.
- Overseeing board, planning and ZBA meetings including counsel on Open Meetings and Freedom of Information Act issues.
- Addressing annexation, condemnation and eminent domain matters.

We also work closely with our clients to review specific proposed land developments, especially where the possibility of litigation is more likely. We have extensive experience in the litigation of land use disputes at both the trial and appellate court levels, many of which have been published.

### **PUBLICATIONS & ALERTS**

Court of Appeals Rules on Partial Lake Access Dispute, Returns Case to Trial Court for Further Proceedings, *Foster Swift Finance, Real Estate & Bankruptcy Law News*, April 25, 2024

Deadline Extended: Marketable Record Title Act Brings New Requirements for Preserving Land Restrictions & Easements, *Finance Real Estate & Bankruptcy Law News E-blast*, April 2, 2024

Summary Language Approved for Proposed Ballot Initiative to Repeal Renewable Energy Siting Law, *Municipal Law News E-blast*, January 22, 2024

Update: Whitmer Signs Energy Bills, Restricting Facilities, *Foster Swift Municipal Law News E-blast*, November 30, 2023

Proposed Bills to Affect Energy Facilities, *Foster Swift Municipal Law News E-blast*, November 16, 2023

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### **ATTORNEYS**

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### **RELATED PRACTICES**

Administrative Law  
Condemnation & Eminent Domain  
Environmental Law  
Municipal & Public Entity Law  
Real Estate Development  
Telecommunications



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Carbon Sequestration Wells: A New Land Use to Consider in Zoning Ordinances, *Foster Swift Municipal Law News*, September 19, 2023

The Next Controversial Land Use: Utility-Scale Battery Facilities, *Foster Swift Municipal Law News*, September 18, 2023

2023 Legal and Regulatory Developments for Agribusinesses, *Foster Swift Agricultural Law News*, August 30, 2023

What are the Different Types of Easements?, *Finance Real Estate & Bankruptcy News*, June 28, 2023

Michigan Court of Appeals Holds Drone Surveillance a Search Under Fourth Amendment, *Foster Swift Municipal Law News*, November 18, 2021

Court of Appeals Holds Nuisance Claims Must Be Brought within Six Years, *Foster Swift Municipal Law News*, March 8, 2021

Zoning for Dollars, *Michigan Township Focus Magazine*, February 2020

Important Agricultural Property Tax Exemptions and Incentives You Should be Taking Advantage of in 2020, *Foster Swift Agricultural Law News*, January 23, 2020

Clinton Township Found Liable in Religious Land Use and Institutionalized Persons Act Lawsuit, *Foster Swift Municipal Law News*, November 14, 2019

REMINDER: November 1 is Deadline for Municipalities to "Opt Out" of Recreational Marijuana Establishments, *Foster Swift Municipal Law News E-blast*, October 17, 2019

Michigan Supreme Court Rules that Building Inspection Fees Must Reasonably Relate to the Costs of Services Provided by a Municipality's Building Department, *Inside 208 Blog, Michigan Municipal League*, August 6, 2019

November 1 is Deadline for Municipalities to "Opt Out" of Recreational Marijuana Establishments, *Foster Swift Municipal Law News E-blast*, July 18, 2019

Foster Swift Secures Major Victory for Almer and Ellington Townships in Lawsuits Brought by Wind Energy Company, *Foster Swift Municipal Law News*, November 8, 2018

New Case Law Restricts Local Zoning Control Over Medical Marijuana, *Foster Swift Municipal Law E-blast*, November 1, 2018

Tough Times for Township Assessors: Michigan Supreme Court Relaxes Property Tax Exemption Rules for Charities, *Foster Swift Municipal Law News*, April 24, 2018

Different Categories of Property Tax Exemptions in Michigan, *Foster Swift Municipal Law News*, March 15, 2018

After *Menard Inc. v City of Escanaba*, What's Next for Big Box Store Appeals?, *Foster Swift Municipal Law Newsletter*, November 28, 2017

Nuts and Bolts of the New Medical Marijuana Facilities Licensing Act, *Foster Swift Municipal Law News*, April 14, 2017

Governor Snyder Signs Medical Marijuana Facilities Licensing Act, *Foster Swift Municipal Law News*, September 28, 2016

Too Small to Notice: Are Tiny Houses Subject to Municipal Zoning Ordinances in Michigan?, *Foster Swift Municipal Law News*, August 7, 2015

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Solar Energy: A "Hot" Topic at the Local Level, *Foster Swift Municipal Law News*, March 30, 2015

Zoning and the Fifth Amendment: When do Zoning Regulations "Go Too Far"?, *Foster Swift Finance, Real Estate and Bankruptcy News*, March 6, 2015

Standing to Sue: When May a Property Owner Bring Suit to Restrain Zoning Violations?, *Foster Swift Municipal Law News*, February 27, 2015

Recent Amendments Give Municipalities More Control Over "Urban" Farming, *Foster Swift Municipal Law News*, June 19, 2014

Municipal Law Refresher: The "Equal Dignity" Doctrine, *Foster Swift Municipal Law News*, January 2013

Michigan Legislature Reinstates "Very Serious Consequences" Rule for Mining Operations, *Foster Swift Municipal Law News*, August 2011

New Test To Gauge Validity of Zoning Ordinance or Decision Relating To Mineral Extraction - "No Very Serious Consequences" Test Is Eliminated In Place of "Reasonable" Test, *Foster Swift Municipal Law News: MTA Edition*, January 2011

Court Strikes Down Township Ordinance that Regulated Sale of Pesticides - but Recognized there may be Room for a Similar Ordinance in other Circumstances, *Foster Swift Municipal Law News*, November 2008

Court Upholds Township's Denial of Variance to Build a Church - Even though Church would be Used for Other Activities, *Foster Swift Municipal Law News*, November 2008

Court Denies Qualified Immunity for Warrantless Searches, *Foster Swift Municipal Law News*, July 2008

Michigan Planning Enabling Act Senate Bill 206 of 2007, *Foster Swift Municipal Law News*, July 2008

Municipal Zoning Prohibiting Rental Property Upheld – But Stay Tuned, *Foster Swift Municipal Law News*, May 2008

The Long List of Michigan Statutes Regulating Townships: Sorting out the Tangled Web, *Foster Swift Municipal Law News*, April 2008

Landowners Do Not Need to Raise Constitutional Claims in ZBA Appeal, *Foster Swift Municipal Law News*, March 2008

**NEWS**

Grand Rapids Attorneys Listed as 2023 Top Lawyers, *Grand Rapids Magazine*, November 8, 2023

Municipal Attorney Courtney Gabbara Agrusa Joins Foster Swift, *Detroit Legal News*, August 21, 2023

Real Estate Attorney Roragen Joins Lansing Firm, *Ingham County Legal News*, July 10, 2023

Foster Swift Attorneys Named 2023 Best Lawyers in America®, *Best Lawyers in America*, August 18, 2022

Dickinson Receives GRBA 3 in 10 Award, July 21, 2020

Foster Swift Participates at the 2020 MTA Conference, *Foster Swift Municipal Law News*, February 16, 2020

Collins and Smith Named to SBM Ag Law Council, *Foster Swift Agricultural Law News*, October 4, 2019

Foster Swift Presents at 2019 MTA Conference, February 8, 2019

Southfield Office Welcomes Municipal Attorney, December 4, 2018



Three Foster Swift Attorneys Named to dbusiness 2019 Top Lawyers, November 14, 2018

Hamameh Elected to SBM Board of Commissioners, July 3, 2018

Foster Swift Secures Victory for Coloma Charter Township after Long Running Battle over Gun Range, March 30, 2018

Law Firm Elects Practice Group Leaders, February 22, 2018

Five Foster Swift Attorneys Named to dbusiness 2018 Top Lawyers, November 9, 2017

## **EVENTS**

Municipal Case Law Review, *Michigan Township Association (MTA)*, April 22, 2024

Controversial Land Uses, *Michigan Townships Association*, October 4, 2023

Hot Legal Topics in Ag for 2023, *AgroExpo 2023*, August 15, 2023

Innovative Approaches to Wind and Solar, *Community Economic Development Association of Michigan (CEDAM)*, June 7, 2023

Open & Obvious in the Context of Residential Landlord Liability, *Insurance Alliance of Michigan (IAM) Claims Conference*, September 19, 2022

Is a Social District Right for Your Township?, *Michigan Townships Association Annual Conference*, April 27, 2022

What to Do with a Marijuana Initiative Referendum, *Michigan Townships Association Annual Conference*, April 27, 2022

Best Practices for Townships for Complying with ADA & Fair Housing Act, *Michigan Townships Association Annual Conference*, April 26, 2022

Small Box Discount Retailers & Big Dollar Zoning Issues, *Michigan Townships Association Annual Conference*, April 26, 2022

What You Need to Know Now About Renewable Energy Ordinances, *Michigan Townships Association: Planning & Zoning Retreat*, October 28, 2021

New Qualified Opportunity Zone Funds, *MICPA: West Michigan Tax Symposium*, November 13, 2019

What the Heck is an SAD?, *MTA Annual Conference & Expo, April 2019*, April 3, 2019

Zoning Law Updates, *Legal Institute - MTA Annual Conference & Expo, April 2019*, April 1, 2019

Perspective of Defense Counsel Representing Municipalities in Religious Land Use (RLUIPA) Issues, *Federal Bar Association: Civil Rights Law Section*, October 30, 2018

Understanding Solar Energy Lease Agreements, *Michigan Farm Bureau and MSUE*, March 14, 2018

Legal Essentials for Municipal Officials, January 18, 2017

New Legal Trends in Zoning and Land Use Regulation, *Michigan Townships Association Annual Educational Conference & Expo*, January 20, 2016

Annual Update of Michigan Law: Employment, Immunity and Zoning, September 17, 2015



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Annual Update of Michigan Law: Land Use and Zoning, *HCC Public Risk Claim, Inc. Annual Seminar*,  
September 18, 2014

Annual Update of Michigan Law: Land Use and Zoning, *HCC Public Risk Claim, Inc., Annual Seminar*,  
September 5, 2013

Public Employment and Labor Law – The Basics, *Foster Swift Webinar Series for New Municipal Officials*

WEBINAR | Zoning and Land Use: What You Need to Know, *Foster Swift Webinar Series for New Municipal  
Officials*, February 12, 2013

Annual Update of Michigan Law: Land Use and Zoning, *HCC Public Risk Claim, Inc., Annual Seminar*,  
September 13, 2012

"Urban Chickens", Zoning and Land Use, *Michigan Townships Association*, June 14, 2011, June 15, 2011

WEBINAR | The Medical Marijuana Act - and the Issues It Presents to Municipalities, May 18, 2011

Medical Marijuana Act - A Primer For The MTA - Livingston County Chapter, November 10, 2010

The Law of Easements, and Michigan Zoning and Land Use Law, October 22, 2008

Planning and Zoning 101, *Sylvan Township*, 2008

Township Zoning Board of Appeals Basics, *Blackman Charter Township*, 2008

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