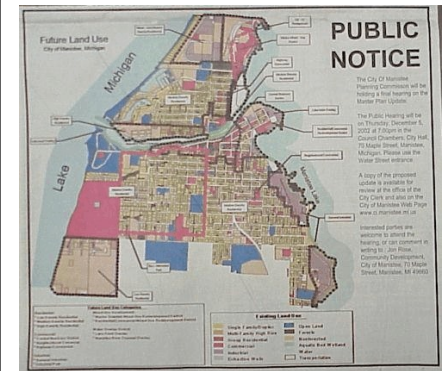
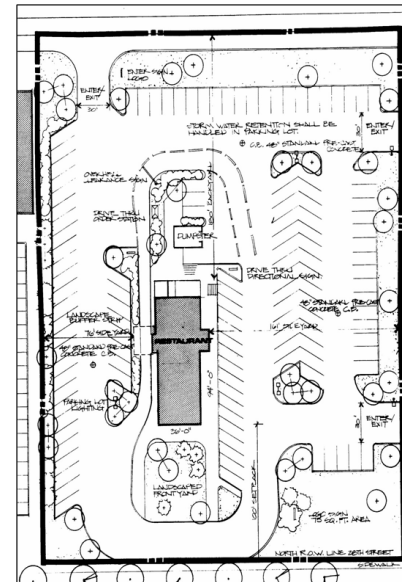


# Community Planning & Zoning Audit The Zoning Ordinance

June 30, 2010



MICHIGAN STATE  
UNIVERSITY  
EXTENSION  
Land Use Team

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# Chapter 1: Introduction

The *Community Planning and Zoning Audit* is a comprehensive assessment of local government planning and zoning in Michigan. It covers basic topics and practices that members of every local planning and zoning entity should understand and should be doing. Each chapter of the *Community Planning and Zoning Audit* contains key points in the format of questions, checklists, and tables to assess your community's land use planning and zoning, including the adoption and amendment process, day-to-day administration and record keeping, and decision making about special land uses, planned unit developments, and site plan reviews.

## Purpose of the Audit

The *Community Planning and Zoning Audit* is intended for use by local units of government in Michigan to help perform a self-evaluation of the basics of the community's planning and zoning system. The reason for doing an assessment is to learn of shortcomings and problems before they become controversial issues. As a result of going through this booklet, local officials will be alerted to things that need "fixing" and deficiencies in the community's files. The document helps accomplish three objectives:

1. Identify liability risks from not following proper procedures and practices, and not having adequate documentation of those procedures and practices.
2. Learn to better manage the planning and zoning administration in your community.
3. Take corrective steps to improve your planning and zoning system.

## Organization and Content

This publication is one of a series of 11 Michigan State University Extension *Community Planning and Zoning Audits* available to walk a community through a performance audit. Topics are:

1. **Basic Setup** (MSU Extension bulletin number E-3051) makes

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sure that your planning commission and zoning board of appeals are set up properly and a system is in place to make sure the community keeps up-to-date.

2. **The Plan** (E-3052) reviews the process of plan and plan amendment adoption (to make sure that it was done properly) and reviews of an existing plan to determine if it needs to be updated, and reviews what should be in a plan.
3. **Planning Coordination** (E-3053) covers the process of coordination with neighboring government planning (review of each other's plans); coordination with state, federal and other government agencies; coordination practices; and joint planning commissions.
4. **The Zoning Ordinance** (E-3054) reviews the process of zoning ordinance and zoning amendment adoption (to make sure that it was done properly) and what needs to be in the file to document that the proper steps were taken. This publication also reviews what should be in a zoning ordinance.
5. **Administrative Structure** (E-3055) provides a performance audit for the operation of the planning commission, zoning administrator, and zoning board of appeals. It covers office procedures, job descriptions, filing systems, bylaws, rules of procedure, compliance with the Open Meetings Act, minutes, and process for meetings and decision making.
6. **Special Land Uses** (E-3056) provides a review of the administrative structure for handling special use permits: pre-applications, applications, public notification, record keeping, and use of standards in making decisions.
7. **Planned Unit Development** (E-3057) provides a review of the administrative structure for handling planned unit development handled as a special use permit and as a zoning amendment: pre-applications, applications, public notification, record keeping, and use of standards in making special use decisions or basis in the

plan for zoning amendment decisions.

8. **Site Plan Review** (E-3058) provides a review of the administrative structure for handling site plan reviews: applications, public notification, record keeping, and use of standards in making decisions.
9. **Capital Improvement Program** (E-3104) provides a review of the process of creating an annual capital improvement program (CIP).
10. **Subdivision and Land Splitting Reviews** (E-3105) provides a review of the administrative structure for handling land divisions, subdivisions or plats, site-condominiums, lot splits, and certified plats: preapplication meetings with the developer, public notification, plat review, record keeping, and use of standards in making decisions.
11. **Capital Improvements Review** (E-3106) provides a review of the process for the planning commission to review and comment on local government construction projects (which are otherwise not subject to zoning), and outlines how this review can be used as a constructive way to ensure that government-funded projects comply with the adopted plan and local ordinances.

Each of these *Community Planning and Zoning Audits* is available at <http://web2.msue.msu.edu/bulletins/subjectsearch.cfm> and [www.msue.msu.edu/lu](http://www.msue.msu.edu/lu), and from your county Extension office.

## How to use the Audit

The *Community Planning and Zoning Audit* is not difficult to complete. However, it does take time and the ability to search for and find various records in your local government. The actions taken as a result of this exercise should help reduce liability risk and improve your community's planning and zoning program.

The *Community Planning and Zoning Audit* can be utilized by

local units of government in a variety of ways. A community can go through this booklet as a group (e.g., the planning commission or a subcommittee) or a community can have an individual do so. The advantage of performing the assessment as a group is that reviewing the community's documents and files in detail is a great educational experience for local officials. Alternatively, a staff person within the planning department may be able to perform the audit quicker because of having greater familiarity with how the unit or government maintains its records.

Additionally, a community can perform the *Community Planning and Zoning Audit* with certain chapters reviewed by various groups or individuals. For instance, the planning commission could review a few chapters of the audit while the zoning board of appeals addresses another set, and the legislative body performs the evaluations in the remaining chapters. Regardless of the approach taken, the main idea is to take the time to find out where various documents are and to make sure that proper documentation is on file. Then, where necessary, take action to correct any shortcomings.

Upon completion, if your community still has questions or wants help, please contact your county Extension office. They can contact the Michigan State University Land Use Team to provide further assistance and educational programming.

## Organization and Content

The *Community Planning and Zoning Audit* contains the following chapters:

1. Introduction.
2. The Zoning Ordinance.
3. Smart Growth.

The audit is based on Michigan Public Act 110 of 2006, as

amended (the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), Public Act 33 of 2008 (the Michigan Planning Enabling Act, M.C.L. 125.8101 *et seq.*), recommendations from members of the MSU Extension Land Use Team, and intergovernmental coordination and plan content “best planning practices” derived from a proposed Coordinated Planning Act developed by the Michigan Association of Planning.

The *Community Planning and Zoning Audit* is not designed to be a substitute for reading and understanding the Michigan Zoning Enabling Act or the Michigan Planning Enabling Act. Nor is this document a substitute for legal advice or for professional planner services. It is important to document each step of the process in planning and zoning a community. Keep detailed minutes, affidavits of publication and mailing, open meeting notices, letters of transmittal, and communications all on file so that years from now they are still available.

## Defined Terms

“*Appeals board*” means the zoning board of appeals (ZBA).

“*Certified*” (resolution, minutes, ordinance, etc.) means the keeper of the records for the local unit of government (secretary of the planning commission or clerk of the local unit of government for the planning commission or the clerk of the municipality for the legislative body) provides an affidavit that the copy provided is a true and accurate copy of the document.

“*Elected official*” means a member of a legislative body.

“*Legislative body*” refers to the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or any other similar duly elected representative body of a county, township, city, or village.

“*Local unit of government*” means a county, township, city, or village.

“*Municipality*” means a city, village, or township.

“*Plan*” means any plan or master plan adopted under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled.

“*Planning commission*” means a zoning board, zoning commission,<sup>1</sup> planning commission, or planning board.<sup>2</sup>

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<sup>1</sup>On or before July 1, 2011, the duties of the zoning commission or zoning board shall be transferred to a planning commission. Thus, the zoning commission or zoning board will no longer exist (M.C.L. 125.3301(2)).

<sup>2</sup>Starting Sept 1, 2008, “planning boards” need to be named “planning commissions” even if a charter, ordinance, or resolution says otherwise (M.C.L. 125.3811(1)).



## Chapter 2: The Zoning Ordinance

The purpose of this chapter is to help determine if proper procedures were followed in ordinance adoption and amendment. It also provides information about the typical contents that should be included in a zoning ordinance and a set of questions that should be reviewed for each zoning ordinance amendment that has been adopted. Therefore, you may be going through these questions several times.

To conduct this review, you will need the following documents (note: some of these items may be on file in the local unit of government attorney's office and/or with the clerk and/or with the zoning administrator/planner's office):

1. A copy of your zoning ordinance.
2. A copy of the documentation for adopting the zoning ordinance and all amendments (copies of hearing notices, mailing lists, letters of transmittal concerning recommendations, etc.).
3. Minutes of planning commission or legislative body meetings during the period in which the ordinance or amendments to the ordinance were considered.
4. Minutes of hearings.
5. Notice of ordinance adoption.
6. A copy of the Michigan Planning Enabling Act.
7. A copy of the Michigan Zoning Enabling Act.

# File Documenting Ordinance Adoption

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>1. Do you have on file a certified copy of legislative body minutes (including the resolution or ordinance) of the meeting at which the creation of the planning commission (and transfer of the powers of the zoning commission/board to the planning commission) took place? (M.C.L. 125.3301)</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Try to recover the documentation and include it in the files. If the documentation can not be recovered, consult with the local unit of government attorney about adopting a new ordinance recreating the zoning board. (see <i>Land Use Series</i>: “Checklist 1B; Sample Planning Commission Ordinance” at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a>).</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>2. Do you have on file the initial draft text of a zoning ordinance and the initial draft of the zoning map that establishes zoning districts? (M.C.L. 125.3201)</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> It is important that you recover this initial draft text and map. If the documentation can not be recovered, consult with the local unit of government attorney about adopting a new zoning ordinance and zoning map. Meanwhile, if desired, you can adopt an interim zoning ordinance (see <i>Land Use Series</i>: “Checklist #2: For Adoption of a Zoning Ordinance in Michigan” and “Checklist #3 For Adoption of an Interim Zoning Ordinance in Michigan” at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a>).</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>3. Do you have on file a copy of administrative procedures<sup>3</sup>, office manual, application forms, etc.? (M.C.L. 125.3202(1))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Try to recover the documentation and include it in the files. If the documentation can not be recovered, consult with an attorney to create new documentation for administering and enforcing the ordinance.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>4. Do you have on file a copy of the review/critique (letters, minutes, other) by the county planning department or professional planner and attorney?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>5. Do you have on file an affidavit of publication of the hearing notice in a newspaper? (M.C.L. 125.3306(1))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> The action to publish notice of public hearing for ordinance or map adoption is required by the Michigan Zoning Enabling Act. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

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<sup>3</sup>Administrative procedures includes things such as how money is handled, filing practices, and many more policies as may be necessary for the operation of an office.

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>6. Does the public notice include information about the time and place of the public hearing? (M.C.L. 125.3306(3))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This information is required to be included in the notice. Take steps to make sure proper notice steps are always followed in the future.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>7. Do you have on file a copy of notices of the public hearing sent out to the following agencies:</p> <ul style="list-style-type: none"> <li>a. Each electric, gas, and pipeline public utility company.</li> <li>b. Each telecommunication service provider.</li> <li>c. Each railroad operating within the district or zone affected.</li> <li>d. Each airport manager of each airport.</li> </ul> <p>(M.C.L. 125.3306(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This action to send notices to agencies that have registered their names and mailing addresses with the clerk of the legislative body for the purpose of receiving notice of the public hearing is required by the Michigan Zoning Enabling Act. Filing a copy of the notice is recommended but not required. If desired, start the practice of filing copies from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>8. Do you have on file a copy of the affidavit of delivery of the public hearing notices?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>9. Do you have on file a list of those to whom the hearing notices were sent?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This action to send notices is required by the Michigan Zoning Enabling Act. Filing a copy of the list is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>10.</b> Do you have on file a certified copy of the minutes of the planning commission's public hearing?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>11.</b> If this audit is being done for a township: do you have on file a letter of transmittal of the zoning ordinance for review to the county planning commission (or if there is not a county planning commission in your county, a letter of transmittal on file showing the zoning ordinance was sent to the county board of commissioners zoning coordinating committee)? (M.C.L. 125.3307(1))</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/>            Not applicable because this is not a township.</p>	<p><b>No</b> <input type="checkbox"/>            The action to send the zoning ordinance to the county planning commission (or county board zoning coordinating committee) for review is required for townships. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>12.</b> If this audit is being done for a township: do you have on file a copy of the township attorney's letter to the county planning commission?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/>            Not applicable because this is not a township.</p>	<p><b>No</b> <input type="checkbox"/>            This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>13.</b> Do you have on file a copy of the proposed zoning ordinance, zoning map, zoning manual, and forms?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            Filing a copy of the proposed ordinance, maps, and other documents is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>14.</b> If this audit is being done for a township: do you have on file a copy of the county planning commission's (or if no county planning commission, county board of commissioners zoning coordinating committee's) response or recommendation on the proposed zoning ordinance?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because this is not a township</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>15.</b> Do you forward to the legislative body a summary of the comments and recommendations received at the public hearing and by the county planning commission (for townships), including a copy of the proposed zoning ordinance and maps? (M.C.L. 125.3308(1))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Start to do so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>16.</b> Do you have on file a certified copy of the minutes of the legislative body meeting at which the ordinance was reviewed? (M.C.L. 125.3401(5))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>17.</b> Do you have on file a copy of notices of a hearing on the proposed ordinance by the legislative body? (This is optional because such a hearing may or may not be held.) (M.C.L. 125.3401(1))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/> This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the notices and affidavit of delivery is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>18.</b> Do you have on file a copy of the affidavit of delivery of the public hearing notices? (This is optional because such a hearing may or may not be held.) (M.C.L. 125.3401(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/> This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of delivery is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>19.</b> Do you have on file a copy of the affidavit of publication of the hearing notice in the local newspaper? (This is optional because such a hearing may or may not be held.) (M.C.L. 125.3401(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/> This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>20.</b> Do you have on file a list of those to whom notices were sent? (This is optional because such a hearing may or may not be held.) (M.C.L. 125.3401(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/> This action to send notices is required by the Michigan Zoning Enabling Act. Filing a copy of the list is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>21.</b> Do you have on file a copy of a landowner's request for an additional hearing? (This is optional because such a hearing may or may not be held.) (M.C.L. 125.3401(4))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/> A property owner can request a legislative body to hold a public hearing by certified mail addressed to the clerk of the legislative body. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>22.</b> Do you have on file a copy of the minutes of the public hearing? (This is optional because such a hearing may or may not be held.)</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>23.</b> If the legislative body considers changes, additions, or amendments to the proposed ordinance and the changes, etc., were referred back to the planning commission for consideration and comment within the legislative body's specified period of time, do you have a copy of the legislative body's request on file? (M.C.L. 125.3401(3))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because the legislative body did not consider any changes.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>



Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>24.</b> Do you have on file a certified copy of the legislative body's minutes (including motion and vote) to adopt the zoning ordinance? (M.C.L. 125.3401(5))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>25.</b> Do you have on file a copy of the adopted ordinance? (M.C.L. 125.3401(7))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> A copy of the adopted ordinance needs to be filed with the clerk of the legislative body, but the planning commission is not required to keep a copy on file. This is recommended. If desired, start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>26.</b> Do you have on file a copy of the mailing to airport manager(s) containing the following information?</p> <ul style="list-style-type: none"> <li>a. Name of the municipality (county, township, village, or city) adopting the zoning ordinance.</li> <li>b. The effective date of the ordinance or amendment.</li> <li>c. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.</li> </ul> <p>(M.C.L. 125.3401(8))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because there is no airport in or near the area being zoned.</p>	<p><b>No</b> <input type="checkbox"/> Mailing of a copy of the notice to the airport manager is required by the Michigan Zoning Enabling Act. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>27.</b> If this audit is being done for a township: do you have on file a copy of a statement indicating the zoning ordinance has been filed with the county clerk? (M.C.L. 41.185)</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/>            Not applicable because this is not a township or because the township has regular office hours on each business day filing with the clerk was not required.</p>	<p><b>No</b> <input type="checkbox"/>            The ordinance on file with the county clerk is required for all adopted township ordinances.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>28.</b> Do you have on file a copy of a statement indicating the zoning ordinance has been filed with the county planning commission?</p> <p>If this audit is being done for a county planning commission: has the county planning commission requested copies of all zoning ordinances and zoning ordinance amendments from all municipalities? (M.C.L. 125.3869)</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            The ordinance being on file with the county planning commission and the county planning commission keeping a current library of all those ordinances are recommended and a best planning practice.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>29.</b> Do you have on file a copy of the notice of ordinance adoption published in the newspaper within 15 days of ordinance adoption and an affidavit of publication? (M.C.L. 125.3401(7))</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            Publishing a notice of ordinance adoption is required by the Michigan Zoning Enabling Act. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
30. Do you have on file a statement of the effective date of the ordinance? (M.C.L. 125.3401(9)(c))	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
31. Do you have on file a certified copy of the updated ordinance with the local unit of government clerk or in some other permanent location? (M.C.L. 125.3401(7))	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This is required, so file a copy of the updated ordinance with the local unit of government clerk immediately.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

## File Documenting Amendment Adoption

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
1. Do you have on file a copy of the application for the zoning amendment from a citizen or minutes of the meeting at which the legislative body or planning commission initiated consideration of the zoning amendment?	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because this was not the way the consideration of the amendment was initiated.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This is a recommended best practice. Start keeping copies of applications on file.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>2. Do you have on file a copy of the initial draft text of a zoning amendment and the initial draft of the amended zoning map showing changed zoning districts?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            It is important that you recover this initial draft text and map. If the documentation can not be recovered, consult with the local unit of government attorney about adopting a new zoning ordinance and zoning map. Meanwhile, if desired, you can adopt an interim zoning ordinance (see <i>Land Use Series</i>: “Checklist #2: For Adoption of a Zoning Ordinance in Michigan” and “Checklist #3: For Adoption of an Interim Zoning Ordinance in Michigan” at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a>).</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p>3. Do you have on file a copy of the review/critique (letters, minutes, other) by county planning commission or professional planner and attorney?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>4. Do you have on file an affidavit of publication of the hearing notice in a newspaper? (M.C.L. 125.3103(1))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> The action to publish notice of a public hearing for ordinance or map amendment is required by the Michigan Zoning Enabling Act. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>5. Is there documentation in the file that includes the following items?</p> <p>a. Copies of notices sent by mail or personal delivery to the owners of property, persons whose real property is being assessed, and one occupant per structure, or managers/owners of structures with more than four dwelling units, located within 300 feet of the property for which the approval is being considered.</p> <p>b. Affidavits to show the notices were sent.</p> <p>d. List of those to whom notices were sent. (M.C.L. 125.3103(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> The action to publish notice of a public hearing for ordinance or map amendment is required by the Michigan Zoning Enabling Act. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>6. Does the public notice at a minimum provide information about the following?</p> <p>a. Describe the nature of the request.</p> <p>b. Indicate the property that is the subject of the request.</p> <p>c. State when and where the request will be considered.</p> <p>d. Indicate when and where written comments concerning the request will be received. (M.C.L. 125.3103(4))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This practice is the minimal amount expected. Start doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>7. Do you have on file a certified copy of the minutes of the planning commission's public hearing?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p>8. If this audit is being done for a township: do you have on file a letter of transmittal of the amendment for review to the county planning commission? (M.C.L. 125.3307(1))</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/>            Not applicable because this is not a township.</p>	<p><b>No</b> <input type="checkbox"/>            The action to transmit the zoning ordinance to the county planning commission for review is required for townships. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p>9. If this audit is being done for a township: do you have on file a copy of the township attorney's letter of review to the county planning commission?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/>            Not applicable because this is not a township.</p>	<p><b>No</b> <input type="checkbox"/>            This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p>10. If this audit is being done for a township: do you have on file a copy of the recommended zoning amendment and amendment to the zoning map?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/>            Not applicable because this is not a township.</p>	<p><b>No</b> <input type="checkbox"/>            Filing a copy of the recommended ordinance, maps, and other documents is recommended. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>11.</b> If this audit is being done for a township: do you have on file a copy of the county planning commission's response or recommendation on zoning amendment?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because this is not a township.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>12.</b> Do you forward to the legislative body a summary of the comments and recommendations received at the public hearing and by the county planning commission (for townships), including a copy of the proposed zoning amendment? (M.C.L. 125.3308(1))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Start to do so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>13.</b> Do you have on file a certified copy of the minutes of the legislative body meeting at which the ordinance was reviewed? (M.C.L. 125.3401(1))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>14.</b> Do you have on file a copy of notices of an additional public hearing on the proposed amendment by the legislative body? (This is optional because such a public hearing may or may not be held.)</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/> This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of delivery is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>15.</b> Do you have on file a copy of the affidavit of publication of the public hearing notice in the local newspaper? (This is optional because such a public hearing may or may not be held.) (M.C.L. 125.3401(2))</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>16.</b> Do you have on file a copy of the affidavit of delivery of the public hearing notices? (This is optional because such a public hearing may or may not be held.)</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of delivery is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>17.</b> Do you have on file documentation that includes the following items (this is optional because such a public hearing may or may not be held):</p> <ul style="list-style-type: none"> <li>a. Copies of notices sent by mail or personal delivery to the owners of property, persons whose real property is being assessed, and one occupant per structure, or managers/owners of structures with more than four dwelling units, located within 300 feet of the property for which the approval is being considered. (M.C.L. 125.3103(2))</li> <li>b. Affidavits to show the notices were delivered.</li> <li>c. List of those to whom notices were sent.</li> </ul>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>The action of sending notice of a public hearing for ordinance or map amendment is required by the Michigan Zoning Enabling Act. Filing a copy of the notice, affidavit of mailing, and a list of those to whom notices were sent is recommended. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>



Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>18.</b> Do you have on file a copy of a landowner's request for a hearing before the legislative body? (This is optional because such a personal hearing may or may not be held.) (M.C.L. 125.3401(4))</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>A property owner can request a legislative body to hold a hearing by certified mail addressed to the clerk of the legislative body. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>19.</b> Do you have on file a copy of the minutes of the public hearing or personal hearing? (This is optional because such a hearing may or may not be held.)</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because an additional hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>20.</b> If the legislative body considers changes, additions, or amendments to the proposed ordinance, and the changes, etc., were referred back to the planning commission for consideration and comment within the legislative body's specified period of time, do you have a copy of the legislative body's request on file? (M.C.L. 125.3401(3))</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because the legislative body did not consider any changes.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>21.</b> Do you have on file a certified copy of the legislative body's minutes (including motion and vote) to adopt the zoning amendment? (M.C.L. 125.3401(5))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>22.</b> Do you have on file a copy of the adopted zoning amendment? (M.C.L. 125.3401(7))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> A copy of the adopted zoning amendment needs to be filed with the clerk of the legislative body, but the planning commission is not required to keep a copy on file. This is recommended. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>23.</b> Do you have on file a copy of the mailing to airport manager(s) containing the following information?</p> <ul style="list-style-type: none"> <li>a. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.</li> <li>b. The effective date of the ordinance or amendment.</li> <li>c. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.</li> </ul>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because there is not an airport in or near the area being zoned.</p>	<p><b>No</b> <input type="checkbox"/> Mailing of a copy of the notice to the airport manager(s) is required by the Michigan Zoning Enabling Act. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>24.</b> If this audit is being done for a township: do you have on file a statement indicating the zoning ordinance has been sent or filed with the county clerk? (M.C.L. 41.185)</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because this is not a township or because the township has regular office hours on each business day so a copy filed with the county clerk is not required.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>25.</b> Do you have on file a copy of a statement indicating the zoning ordinance has been filed with the county planning commission?</p> <p>If this audit is being done for a county planning commission: has the county planning commission requested zoning ordinances from all municipalities copies of all zoning ordinances and zoning ordinance amendments? (M.C.L. 125.3869)</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>The ordinance on file with the county planning commission and the county planning commission keeping a current library of all those ordinances are recommended and a best planning practice.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>26.</b> Do you have on file a copy of the notice of ordinance adoption published in the newspaper within 15 days of ordinance adoption and the affidavit of publication?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>Publishing a notice of ordinance amendment adoption is required by the Michigan Zoning Enabling Act. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>27. Do you have on file a statement of the effective date of the ordinance amendment</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>28. Do you have on file a certified copy of the zoning amendment with the local unit of government clerk or other permanent location? (M.C.L. 125.3401(7))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question</p>	<p><b>No</b> <input type="checkbox"/> This is required, so file a copy of the updated ordinance with the local unit of government clerk immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>29. (Optional) Do you have on file an updated or annotated copy of the entire zoning ordinance that shows the amendment changes, etc., within its text?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question</p>	<p><b>No</b> <input type="checkbox"/> This is recommended best practice but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

## Zoning Ordinance Content

Using the table below, review your zoning ordinance and write in each column where in the ordinance the material is found.

1. On the basis of which rows in the table below you were able to mark page numbers in and which ones are left blank, you can construct a list of what has been done and what has not been done. A general strategy each time a community updates its zoning is to try to assess what items are needed in the zoning and which are not applicable for your community. Over time, the zoning will become more substantial as the community grows and

need for more exists. Note that there is a point at which a community does not need a more substantial zoning ordinance (such as a small, rural, or not complex community). This is a judgment call that should be reassessed each time the community updates or replaces its zoning ordinance.

2. Smart growth: covered here are the basics for zoning ordinance content. In Michigan, there is a push for communities to adopt smart growth principles. See the last chapter of this document for more information.

Parts of a typical zoning ordinance. (The article numbers shown here are examples; your ordinance may use a different numbering system or may have items in a different order. Article numbers not used here are skipped to leave room to insert future articles. See material on ordinance codification: <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a> .)	The page or section where it is found in our ordinance	Need to add to our zoning	Not applicable for our community
<p><b>ARTICLES 1-9</b> for introductory material for this ordinance</p> <p>ARTICLE 1 for basic legal clauses such as title, citation, purposes, legal basis, effective date, explanation of scope, and codification.</p> <p>ARTICLE 5 for definitions of words and uses used in this ordinance.</p> <p><b>ARTICLES 10-19</b> for general regulations applicable to all of the land under jurisdiction of this ordinance.</p> <p>ARTICLE 10 for general regulations that are applicable in all zoning districts. This article is further subset as follows:</p> <ul style="list-style-type: none"> <li>Sections 1000-1009 for general provisions.</li> <li>Sections 1010-1019 for water-related environmental regulations.</li> <li>Sections 1020-1029 for solid waste-related environmental regulations.</li> <li>Sections 1030-1039 for land and other environmental regulations.</li> <li>Sections 1040-1049 for parcel and setback regulations.</li> <li>Sections 1050-1059 for vehicle access, road, and parking regulations.</li> <li>Sections 1060-1069 for aesthetic (sign, viewshed, sex-oriented businesses) regulations.</li> <li>Sections 1070-1079 for structure (not dwelling) regulations.</li> <li>Sections 1080-1089 for dwelling and residential regulations.</li> <li>Sections 1090-1099 for other special purpose general regulations that are not classified above.</li> </ul> <p>ARTICLE 12 for new and future development standards.</p> <p>ARTICLE 16 for standards for specific possible conditional and special uses.</p>			<p><b>Must be in all zoning ordinances</b></p>

Parts of a typical zoning ordinance. (The article numbers shown here are examples; your ordinance may use a different numbering system or may have items in a different order. Article numbers not used here are skipped to leave room to insert future articles. See material on ordinance codification: <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a> .)	The page or section where it is found in our ordinance	Need to add to our zoning	Not applicable for our community
<p>ARTICLE 18 for establishment of the zoning map and definition of zoning districts.</p> <p><b>ARTICLES 20-79</b> for each zoning district, further organized as follows, with articles 20-69 organized from least intense to most intense:</p> <p>ARTICLES 20-29 for environmental, historic, and other special zoning districts, with each zoning district organized from least intense to most intense.</p> <p>ARTICLES 30-39 for agricultural, forestry, rural, and rural residential zoning districts, with each zoning district organized from least intense to most intense.</p> <p>ARTICLES 40-49 for residential zoning districts, with each zoning district organized from least intense to most intense.</p> <p>ARTICLES 50-59 for commercial zoning districts, with each zoning district organized from least intense to most intense.</p> <p>ARTICLES 60-69 for industrial zoning districts, with each zoning district organized from least intense to most intense</p> <p>ARTICLES 70-79 for overlay districts.</p> <p><b>ARTICLES 80-89</b> for permit processes and procedures.</p> <p>ARTICLE 80 for nonconformities.</p> <p>ARTICLE 82 for office of the zoning administrator.</p> <p>ARTICLE 84 for permit procedures.</p> <p>ARTICLE 85 for conditional uses procedures.</p> <p>ARTICLE 86 for special uses procedures.</p> <p>ARTICLE 88 for planned unit development procedures.</p> <p><b>ARTICLES 90-99</b> for ordinance administration.</p>			<p><b>Must be in all zoning ordinances</b></p> <p><b>Must be in all zoning ordinances</b></p>

Parts of a typical zoning ordinance. (The article numbers shown here are examples; your ordinance may use a different numbering system or may have items in a different order. Article numbers not used here are skipped to leave room to insert future articles. See material on ordinance codification: <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a> .)	The page or section where it is found in our ordinance	Need to add to our zoning	Not applicable for our community
<p>ARTICLE 94 for site plan review process.</p> <p>ARTICLE 96 for appeals board.</p> <p>ARTICLE 98 for ordinance amendment, validity, enforcement, and penalties.</p>			<b>Must be in all zoning ordinances</b>

## Chapter 3: Smart Growth

The purpose of this section is to provide basic information and introduce communities to the 10 tenets of smart growth. Covered here are the basics necessary for the administration and operation of zoning. If your community is interested in incorporating the principles of smart growth into its ordinances and develop according to the smart growth principles, the Smart Growth Readiness Assessment Tool (SGRAT) can be used to guide your community through an evaluation of the plans and implementation tools currently used to guide growth. This assessment can also help your community identify tools that may help produce a smart pattern of growth in the future.

This document represents the first stage of a community assessment. To go on to the next step in assessing your community's planning and zoning, you should review the Smart Growth Readiness Assessment Tool on the Internet. Go to <http://www.landpolicy.msu.edu/sgrat/>.

1. The Governor's Land Use Leadership Council used the following smart growth tenets<sup>4</sup> for many of the recommendations contained in its report on land use in Michigan. These 10 tenets can form the basis for establishing a set of state land use goals.
  - a. Mix land uses.
  - b. Compact building design.
  - c. Increase housing choice.
  - d. Encourage walking.

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<sup>4</sup>Smart Growth Network. *Getting to Smart Growth*. Washington, D.C.: Smart Growth Network. [Online, cited 8/3/03.] Available at: <http://www.smartgrowth.org/PDF/GETTOSG.pdf>.

For more detail and examples, see <http://www.smartgrowth.org/pdf/gettosg.pdf>.

- e. Offer transportation variety.
  - f. Create a sense of place.
  - g. Protect farms, unique natural features, open spaces.
  - h. Direct new development to existing communities.
  - i. Make development process fair, predictable, efficient.
  - j. Involve stakeholders.
3. What is smart growth?
    - a. Smart growth is development that serves the economy, the community, and the environment.
    - b. It provides a framework for communities to make informed decisions about how and where they grow.
  4. Why smart growth? It makes dollars and sense because it is financially conservative, environmentally responsible, and socially beneficial.
    - a. Financially conservative
      - i. Makes responsible use of public money.
      - ii. Reuses existing buildings.
      - iii. Uses existing roads and highways.
      - iv. Uses existing water/sewer infrastructure.
      - v. Uses higher density to maximize the value of publicly funded facilities and services.
      - vi. Keeps taxes and public service costs low.
    - b. Environmentally responsible
      - i. Uses and/or reuses developed areas.
      - ii. Keeps impervious surfaces to a minimum by concentrating dense development.
      - iii. Builds to fit existing land rather than changing the land to fit what is built.
      - iv. Avoids oversized lots and yards to reduce excessive mowing, fertilizing, etc.



- c. Socially beneficial
  - i. Encourages people to live close enough to one another for comfortable interaction.
  - ii. Designs residential areas for conversation from the sidewalk

- iii. Encourages “eyes on the street” at all hours to reduce crime and fear of crime.

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