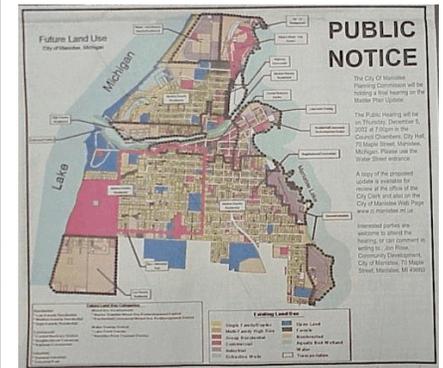
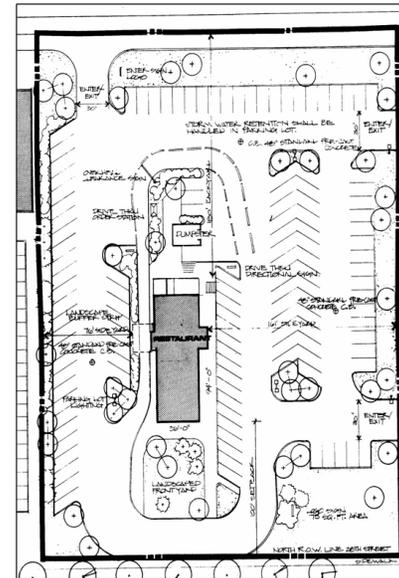


# Community Planning & Zoning Audit Special Land Uses

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

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- 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. Special Land Uses.
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 on 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: Special Land Uses

The purpose of this chapter is to review the process for administering special land use permits. It covers operations and practices at public meetings, the office procedures of the zoning administrator, and more.

To conduct this review, you will need the following things:

1. The minutes of the planning commission for the past year.
2. A copy of the current zoning ordinance.

3. Access to case files for permits.
4. Access to the zoning administrator's office records and file system.
5. A copy of the zoning administrator's office policies or procedure manual(s).
6. A copy of the Michigan Zoning Enabling Act.
7. A copy of the Open Meetings Act.

## Administrative Structure

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>1. Does the ordinance state the name of the body or official responsible for reviewing and granting approval on special land uses (zoning administrator, planning commission, or legislative body)? (M.C.L. 125.3502(1)(a))</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 by the Michigan Zoning Enabling Act. Amend the zoning ordinance to include a statement on who reviews and grants approval of special use permits.</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>2. Does the zoning ordinance clearly state whether an appeal of a decision to grant or deny a special land use may be taken to the zoning board of appeals? (M.C.L. 125.3603(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 required by the Michigan Zoning Enabling Act. If the ordinance does not say or says it can't, a special use permit decision cannot be appealed to the zoning board of appeals. If that avenue of appeal is desired, amend the zoning ordinance to indicate such an appeal can be made.</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>

## Application

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<b>Preapplication</b>			
<p>1. Are there processes and procedures in the zoning ordinance for a preapplication conference before submitting an application?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is a recommended good practice. Consider amending the zoning ordinance to include a preapplication process.</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>2. If there is a preapplication process, does the zoning ordinance identify the body or official(s) involved?</p>	<p>N/A or Yes <input type="checkbox"/>            Good. Go to the next question.</p>	<p>No <input type="checkbox"/>            This is a recommended good practice. Consider amending the zoning ordinance to include a preapplication process.</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>

## Application

<p>3. Are the forms and information available on the special use permit application process and supporting materials required for the application that include, at a minimum, the following?</p> <p>a. Application form.            b. Requirements for special use permit applications.            c. Application and other fee schedules.</p>	<p>Yes <input type="checkbox"/>            Good. Go to the next question.</p>	<p>No <input type="checkbox"/>            This is recommended but not required. If desired, design and make available various forms and information bulletins for special use permit applications.</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>4. Does the ordinance contain the procedures and a list of supporting materials and fees required for completing the application, review, and approval of special land use requests? (M.C.L. 125.3502(1))</p>	<p>N/A or Yes <input type="checkbox"/>            Good. Go to the next question.</p>	<p>No <input type="checkbox"/>            This is required by the Michigan Zoning Enabling Act (except for the fees). Amend the zoning ordinance to include these provisions.</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>5. Does the material required for the application include a site plan? (M.C.L. 125.3501(3))</p>	<p>N/A or Yes <input type="checkbox"/>            Good. Go to the next question.</p>	<p>No <input type="checkbox"/>            This is required by the Michigan Zoning Enabling Act. Amend the zoning ordinance to include this requirement.</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>6. Does the ordinance specify the person or body responsible for reviewing the special land use application to determine that:</p> <p>a. All the required information is complete?</p> <p>b. The proposed use is permitted in the desired district by special land use permit?</p>	<p>N/A or Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is recommended but not required. If desired, amend the zoning ordinance to include this provision.</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>7. If the application is complete, does the reviewing official prepare a staff report on the special land use application for the approving body?</p>	<p>N/A or Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is recommended but not required. If desired, amend the zoning ordinance, job description, scope of services, or office policy/procedure manual (whichever document is appropriate) to require this to be done.</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>

# Process

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<b>Ordinance Standards</b>			
<p>1. Does the ordinance specifically list the land uses that require special land use approval? (M.C.L. 125.3502(1)(a))</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 by the Michigan Zoning Enabling Act. If the ordinance does not, then special uses are not allowed, at least in that district. If special uses are desired to be possible, amend the ordinance to include a specific list of what possible special uses may be considered.</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>2. Does the zoning ordinance contain standards upon which decisions on requests for special land use approval shall be based? (M.C.L. 125.3502(1)(b))</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 by the Michigan Zoning Enabling Act. Amend the zoning ordinance to include special use permit approval standards.</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>3. Are there specific standards in the zoning ordinance for each possible type of special use in addition to, at a minimum, the following generic standards:</p> <ul style="list-style-type: none"> <li>a. The special land use is compatible with adjacent uses of land.</li> <li>b. The special land use is compatible with the natural environment.</li> <li>c. The special land use is compatible with the capacities of public services and facilities affected by the land use.</li> <li>d. The special land use is compatible with the public health, safety, and welfare of the local unit of government.</li> </ul> <p>(M.C.L. 125.3504(2))</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>This is required by the Michigan Zoning Enabling Act. Amend the zoning ordinance to include special use permit approval standards.</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. Are review standards included in the zoning ordinance for the site plan review? (M.C.L. 125.3501(4))</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>This is required by the Michigan Zoning Enabling Act. Amend the zoning ordinance to include site plan review approval standards.</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 the process for amending an approved special land use permit outlined in the zoning ordinance? (M.C.L. 125.3504(5))</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>This is required by the Michigan Zoning Enabling Act. Amend the zoning ordinance immediately to include a process for amending an approved special use permit.</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 zoning ordinance contain general provisions and standards (including sections on signs, parking, major new developments, etc.)?</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>This is recommended but not required. If desired, amend the zoning ordinance to add such standards.</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
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**Public Notification**

7. Is the notice in the file for the application for a special use permit and/or meeting/hearing on the special use permit done in compliance with the following?

- a. Published in a newspaper of general circulation.
- b. Notice given not less than 15 days before the date the application will be considered for approval.
- c. Notice sent by mail or personal delivery to the owners of property for which approval is being considered.
- d. Notice sent by mail or personal delivery to persons whose real property is being assessed within 300 feet of the property for which the approval is being considered.
- e. Notice sent by mail or personal delivery to one occupant of each structures/unit within 300 feet of the property (only one notice needs to be sent to each multiple-unit structure with more than four units) for which the approval is being considered.

(M.C.L. 125.3103 and 125.3502(2))

**Yes**   
 Good. Go to the next question.

**No**   
 This is required by the Michigan Zoning Enabling Act. Start any pending special use permit review over with proper notices. Take steps to make sure proper notice steps are always followed in the future.

Check this box:   
 to indicate this is an improvement that needs to be done.  
 Check this box:   
 to indicate when improvement is done.

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>8.</b> Does the content of the notice in the file include the following items of information?</p> <p>a. A description of the nature of the request.</p> <p>b. The property that is the subject of the request.</p> <p>c. A listing of all existing street addresses within the property. (Note: addresses do NOT need to be created if none exist; other means of identification may be used.)</p> <p>d. Indication that any owner or occupant of any property within 300 feet of the subject property or the applicant may request a public hearing or the body or official responsible for approving special uses may hold a hearing.</p> <p>e. When and where the request will be considered, including any public hearing.</p> <p>e. When and where written comments on the request will be received.</p> <p>(M.C.L. 125.3103(4) and 125.3502(2))</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>This is required by the Michigan Zoning Enabling Act. Start any pending special use permit review over with proper notices. 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.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>9.</b> Does documentation in the file include 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. (M.C.L. 125.3103(2))</p> <p>b. Affidavits to show the notices were delivered.</p> <p>c. Affidavits of publication of the public hearing notices in a newspaper of general circulation.</p> <p>d. List of those to whom notices were sent.</p> <p>e. Minutes of public hearing.</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>This is recommended but not required. If desired, recover and put this documentation in the file, or start any pending special use permit review over with proper notices. 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.</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>10.</b> Are the findings of fact based on the record, report, and supporting documentation provided from the planning commission/zoning administrator?</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. The practice is usually the minimum 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.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>11.</b> Does the discussion focus on ensuring conformance with ordinance standards?</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. The practice is usually the minimum 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.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>12.</b> If each standard has been met, was the special use permit approved? (M.C.L. 125.3504(3))</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 by the Michigan Zoning Enabling Act. If not, do it over. If all the standards are met, the special use permit must be approved.</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> Has all discussion occurred in public at a public meeting? (M.C.L. 15.263)</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. If not, do it over: hold another meeting and conduct all the discussion in public. Take steps to make sure all discussion takes place at future public meetings.</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> Has appropriate opportunity for public comment been provided before the decision is made? (M.C.L. 15.263)</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. Doing so is required by the Open Meetings Act. 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>15.</b> Is the discussion taking place between planning commission members only, unless the public or staff has specific questions directed to them to answer?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Public participation should occur only during hearings or that part of the meeting set aside for public comment.</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>16.</b> Are the findings of fact, reasons, and the decision:</p> <p>a. Included as part of a motion or motions?</p> <p>b. Part of the minutes that summarize the discussion, with the decisions and reasons included in a motion or motions?</p> <p>c. A combination of both above? (Article VI, §28 Michigan Constitution)</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 for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</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>17.</b> Does the motion to approve, deny, or approve with conditions state the conclusion and the rationale for the conclusion? That is, each of the following is in the minutes:</p> <p>a. Final decision of the reviewing and approving body (to approve, not approve, approve with conditions).</p> <p>b. Reasons (conclusions) for the decision.</p> <p>c. Findings of fact upon which the reasons are based.</p> <p>d. Conditions of approval (optional). (Article VI, §28 Michigan Constitution)</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 for administrative decisions. Start doing so immediately. Each administrative decision should include the action/decision, reasons, and findings of fact.</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>18.</b> If conditions to the approval are imposed, are they:</p> <p>a. Designed to protect natural resources; the health, safety, and welfare; and the social and economic well-being of people?</p> <p>b. Related to a valid exercise of the police power?</p> <p>c. Necessary to meet the intent and purpose of the zoning ordinance, related to the standards established in the ordinance for the land use or activity under consideration, and necessary to ensure compliance with those standards?</p> <p>(M.C.L. 125.3504(4))</p>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>This is required. Start doing so immediately. Each condition should be related to one or more of those three elements and should contribute to further complying with standards in the zoning ordinance or other 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><b>19.</b> Has all documentation been filed with the designated keeper of records?</p>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start to do so immediately. Also make every effort to recover documentation of past actions and place the documentation in the appropriate files.</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 send a copy of the final action to the applicant by mail or registered mail (return receipt) or personal delivery?</p>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start to do so immediately. Consider amending the bylaws to add specifics on who is responsible to do so.</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> Is there a system of record keeping on each case that has documentation in the file that includes each of the following?</p> <ul style="list-style-type: none"> <li>a. Copies of notices sent by mail or personal delivery to the owners of the subject property and owners and occupants of property 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. Affidavits of publication of public hearing notices in a newspaper of general circulation.</li> <li>d. Site inspection and other reports.</li> <li>e. List of those to whom notices were sent.</li> <li>f. Minutes of public hearings and meetings on the case.</li> </ul>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. This practice is the minimum 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>

## Record Keeping

<p><b>22.</b> Upon approval, is the site plan a part of the record? (M.C.L. 125.3501(3))</p>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>This is required by the Michigan Zoning Enabling Act. Recover and put this documentation in the file. Take steps to make sure the approved site plan is always part of the record in the future. (Note: if a copy of the site plan is not in the file, that site plan cannot be enforced.)</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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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>23. Are the conditions imposed with respect to the approval of a land use or activity recorded in the minutes or the record of the approval action? (M.C.L. 125.504(5))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Recover and put this documentation in the file. Take steps to make sure the statement of conditions is always part of the record in the future. (Note: if a copy of conditions is not in the file, those conditions are likely not able to be enforced.)</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>24. Do the conditions imposed with respect to the approval of a land use activity or site plan remain unchanged except upon the mutual consent of the approving authority and the landowner? (M.C.L. 125.3504(5))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Review procedures concerning this, and take steps to have a formal review or amendment of a special use permit before changing conditions of approval.</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>25. Does the record show any conditions that have been changed? (M.C.L. 125.3504(5))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Recover and put this documentation in the file. Take steps to make sure any changes are always part of the record 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>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>26. Does the file include copies of site inspection reports, memos, communications, and all other documentation?</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, recover and put this documentation in the file. Take steps to make sure inspection reports, memos, communications, and all other documentation are always part of the record 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>27. Upon completion of the project, does the file document that everything has been done as required?</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, recover and put this documentation in the file. Take steps to make sure the documentation of everything having been done is always part of the record 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>

## 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>3</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.

- 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.
2. 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.
  3. 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.

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<sup>3</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>.

- 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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