Organization and Codification of a Zoning Ordinance

What is Codification?

Codification is the numbering system and arrangement of articles and sections of a law. This bulletin focuses on the organization and codification of a municipal zoning ordinance.

There is a logical progression, or order, to which various parts of a zoning ordinance. The order in which parts of a zoning ordinance appear in written form should follow this logical progression.

There is also an advantage to using a uniform codification system within a county or area of the state. Often people who use zoning (real estate agents, land appraisers, professional land surveyors and people looking at several sites with intent to buy one parcel) are looking at many different ordinances. It makes their job much easier if each ordinance is organized in the same way.

There are a number of county planning commissions in Michigan which have made it a goal to have the numbering system in each municipal zoning ordinance in their county follow a uniform codification system. This bulletin focuses on a sample of one such system.

Numbering Style

The first task is to select a numbering style. This bulletin uses an outline style shown on the next page. The Section number (101 in the example, below) is numbered using a combination of the Article number (1) and the number of the section within that article (01). Another example would be section 7 of Article 34: 3407.

As illustrated below, each level of the outline also is indented a given number of tabs. Use of indentation makes the organization of the zoning ordinance easier to see and understand, and makes the ordinance more user friendly.
The example of a numbering system is here:

101. Section Title
   A. Subsection
      1. Paragraph
         a. Subparagraph
            (1)
               (a)
                  i)

Most newer word processors (such as Corel WordPerfect™ or Microsoft Word™) have automated outline or paragraph numbering feature which can be customized by the user. If the entire ordinance is typed using its automated numbering system then cross references within the ordinance can be done by the word processor. A cross reference is when the text in a zoning ordinance refers to another section of the ordinance, such as “see Section 8607 of this Ordinance.” Cross referencing can be done by placing “target” and “reference” codes in the text. This gives the computer the job of keeping all cross references up-to-date so there is no need to go back and figure out the new cross reference each time a new section is added somewhere, and having to change the numbering of several paragraphs after that point. See the help screen or software user manual for details on how this works with your word processor.

The Logic Behind the Order in Which Things Appear

There should be a systematic progression of the various parts of a zoning ordinance. A law, or in this case a zoning ordinance, is not written like a book. The glossary should not be at the end of the ordinance. It is toward the beginning. This is because the definitions of words should be established in the ordinance before they are used: First define the word, then use it. Another example is the section on nonconforming uses. It should follow the articles of the zoning ordinance which establish the regulations: First establish the regulations, then present the exceptions.

Starting here is a general discussion of how a sample zoning ordinance might be organized. Articles are numbered starting with 1 and ending with 98. Article numbering skips many numbers, both to leave room to add additional articles in the future, and to group articles on similar topics together.

The first article, Article 1, is devoted to the title, purposes, codification and legal clauses of the zoning ordinance. The first task is to establish the ordinance title, how it is abbreviated. Spelling out the ordinance’s purpose, explaining how it is organized and clearly indicating the state statute under which the ordinance is adopted should all be presented first. These types of items should be established before starting the “meat” of the zoning ordinance.

Second is Article 5, to define specific words used in the ordinance. Some zoning ordinances divide the definitions into two lists. First is to define words; second is to define uses. Some ordinances also adopt by reference the “North American Industry Classification System Short Titles” (NAICS), (formerly known as the “Standard Industrial Classification System” or SIC). NAICS is a system that lists all economic enterprises into a numeric classification system. For example “grocery stores” is classified as 44511, and is grouped with other enterprises as part of subsector “food & beverage stores (445) which is further grouped with even more enterprises as part of sector “retail trade” (44-45). The advantage of using NAICS is the ability to use the NAICS definitions of nearly every type of land use, without having to reiterate the large number of definitions in the zoning ordinance.

The series of articles, numbered 10 to 19, are for regulations which apply in all zoning districts.

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That is to say the regulations apply everywhere in the municipality.

Article 10 is for general regulations. This is the article where regulations that are to be applied everywhere in the municipality and all types of uses: permitted uses, conditional uses, special uses. This article is further organized by placing sections on similar topics in groups numbered by 10.

- General provisions: Sections 1001 to 1009.
- Environmental, Water: Sections 1010 to 1019.
- Environmental, Solid Waste: Sections 1020 to 1029.
- Environmental, Land/other: Sections 1030 to 1039.
- Parcel & setback regulations: Sections 1040 to 1049.
- Vehicle access/roads/parking: Sections 1050 to 1059.
- Aesthetics, signs: Sections 1060 to 1069.
- Structure regulations: Sections 1070 to 1079.
- Dwelling/residential standards: Sections 1080 to 1089.
- Other special purpose: Sections 1090 to 1099.

Then, Article 14, is used to present regulations specifically for conditional use standards. In addition to general conditional use standards there may be specific standards for certain types of land uses. Those specific standards are in this article. As used here, conditional uses are in essence “special uses” as defined in the Michigan Zoning Enabling Act. The intent of conditional use procedure is that the public hearing process would not normally be held, or the review process is in some other way streamlined compared to special use procedure. Standards for conditional uses are those criteria which, if each one is met, means the conditional use permit must be granted.

Article 16 is used to present regulations specifically for special use standards. In addition to general special use standards there may be specific standards for certain types of land uses. Those specific standards are in this article. Standards for special uses are those criteria which, if each one is met, means the special use permit must be granted.

The next article, 18, is to establish the various zoning districts, often listing each zoning district, establishes the fact the zoning map exists and how it is identified, how changes are shown, how it is replaced if old or worn out and lists rules for interpreting the map.

The next series of articles, numbered 20 to 79 are for each zoning district which exists in the municipality. They are grouped as follows:

- Specific districts: Environmental, historic, special; Articles 20 - 29. Examples include wetland districts, river protection districts, sand dune districts, historic districts, civic center and public/park districts.
- Specific districts: Agricultural, forestry, rural; articles 30 - 39. Examples include agriculture preservation or production districts, forest preservation or production districts, mining districts, rural residential districts.
- Specific districts: Residential; articles 40 - 49. Examples include all types of residential districts, single family, low, medium or high density; multiple family; and so on.
- Specific districts: Commercial; articles 50 - 59. Examples include retail, service, commercial, highway strip, downtown, secondary shopping type districts.
- Specific districts: Industrial: articles 60 - 69. Examples include industrial, manufacturing, warehouse, transportation districts.
- Overlay districts: Articles 70- 79. This set of districts are different than the above districts in that they “overlay” on top of the specific districts already established. Examples of overlay districts can include historic, lake or river shoreline overlay districts, sand dune overlay district, wellhead protection overlay district, airport height (airplane approach) limitations and so on.

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2P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.) (This footnote, in earlier versions of this flyer, used to cite the following acts, each repealed as of July 1, 2006: For villages and cities the zoning enabling statute is the City and Village Zoning Act (being P.A. 207 of 1921, as amended, M.C.L. 125.581 et. seq.); for townships and charter townships it is the Township Zoning Act (being P.A. 184 of 1943, as amended, M.C.L. 125.271 et. seq.); for counties it is the County Planning Act (being P.A. 183 of 1943, as amended, M.C.L. 125.201 et. seq.).
The next series of articles (80 - 89) center on nonconformities, zoning administrator, permit process and procedures for the zoning ordinance.

Article 80, introduces the possible exceptions to the zoning district regulations and general regulations. This is where the condition existed prior to the adoption date of the zoning ordinance, or amendment – “grandfathering” or “nonconformities”.

Article 82 creates the office of the zoning administrator and spells out the zoning administrator’s duties.

Article 84 establishes the procedures for a regular or permitted use zoning permit.

Article 85 establishes the procedures for a conditional use permit.

Article 86 establishes the procedures for a special use permit.

Article 88 establishes the procedures for a planned unit development

The last set of articles (Articles 90-99) center on ordinance administration.

Article 94 establishes the requirements for what is shown on a site plan and the procedure for review of the site plan.

Article 96 establishes the zoning board of appeals, spells out the duties of the appeals board, how members are appointed, procedures for seeking an appeal and interpretation of the ordinance or variance from the requirements of the zoning ordinance.

The last, article 98, discusses amending the zoning ordinance and that procedure, repeal of the zoning ordinance, and other miscellaneous provisions.

The following is a sample of zoning text which establishes this codification system for a zoning ordinance. It should be placed in the first article of the zoning ordinance.

106. Codification

This Ordinance is codified by use of articles and sections, and organized in the following manner. Section numbers and article numbers not used in this Ordinance, or skipped, are reserved for future use.

A. Article 1-9 for introductory material for this Ordinance.

1. Article 1 for basic legal clauses such as but not limited to title, citation, purposes, legal basis, effective date, explanation of scope and codification.

2. Article 5 for definitions of words and uses which are used in this Ordinance.

B. Article 10-19 for general regulations applicable to all of the land under jurisdiction of this Ordinance.

1. Article 10 for general regulations which are applicable in all zoning districts. This article is further subset as follows:

a. Sections 1000-1099 for general provisions.

b. Sections 1010-1019 for water related environmental regulations.

c. Sections 1020-1029 for solid waste related environmental regulations.

d. Sections 1030-1039 for land and other environmental regulations.

e. Sections 1040-1049 for parcel and setback regulations.

f. Sections 1050-1059 for vehicle access, road and parking regulations.

gh. Sections 1060-1069 for aesthetic (sign, viewshed, sex oriented businesses and so on) regulations.

h. Sections 1070-1079 for structure (not dwelling) regulations.

i. Sections 1080-1089 for dwelling and residential regulations.

j. Sections 1090-1099 for other special purpose general regulations which are not classified above.

2. Article 14 for standards for specific possible conditional uses.

3. Article 16 for standards for specific possible special uses.

4. Article 18 for establishment of the zoning map and definition of zoning districts.

C. Articles 20-79 for each zoning district, further organized as follows with articles 20-69 organized from least
intense to most intense:

1. Articles 20-29 for environmental, historic and other special zoning districts with each zoning district organized from least intense to most intense.
2. Articles 30-39 for agricultural, forestry, rural and rural residential zoning districts zoning districts with each zoning district organized from least intense to most intense.
3. Articles 40-49 for residential zoning districts with each zoning district organized from least intense to most intense.
4. Articles 50-59 for commercial zoning districts with each zoning district organized from least intense to most intense.
5. Articles 60-69 for industrial zoning districts with each zoning district organized from least intense to most intense.
6. Articles 70-79 for overlay districts.

D. Articles 80-89 for permit process and procedures.
   1. Article 80 for nonconformities.
   2. Article 82 for administration of the Ordinance.
   3. Article 83 for permit procedures.
   4. Article 85 for conditional uses procedures.
   5. Article 86 for special uses procedures.
   6. Article 88 for planned unit development procedures.

E. Articles 90-99 for Ordinance administration.
   1. Article 94 for site plan review process.
   2. Article 96 for appeals board.
   3. Article 98 for Ordinance amendment, validity, enforcement and penalties.

Sample Table of Contents

For purposes of an example, the following is a Table of Contents of a zoning ordinance which follows the codification system outlined in this bulletin. Listing the title of each section can help clarify what parts of an ordinance are placed where.

<table>
<thead>
<tr>
<th>General category/grouping of sections</th>
<th>ARTICLE number and ARTICLE title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction sections and legal clauses</td>
<td>ARTICLE 1: TITLE, PURPOSES AND LEGAL CLAUSES</td>
</tr>
<tr>
<td>101. Title</td>
<td></td>
</tr>
<tr>
<td>102. Purposes</td>
<td></td>
</tr>
<tr>
<td>103. Legal Basis</td>
<td></td>
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<tr>
<td>104. Effective Date</td>
<td></td>
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<tr>
<td>105. Scope</td>
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</tr>
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<td>106. Codification</td>
<td></td>
</tr>
<tr>
<td>ARTICLE 5: DEFINITIONS</td>
<td></td>
</tr>
<tr>
<td>501. Purpose</td>
<td></td>
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<td>502. Undefined Words</td>
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</tr>
<tr>
<td>503. Definitions of words</td>
<td></td>
</tr>
<tr>
<td>504. North American Industry Classification System</td>
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<td>505. Definitions of Uses</td>
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<tr>
<td>General regulations applicable in all of the municipality</td>
<td></td>
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<tr>
<td>ARTICLE 10: GENERAL REGULATIONS</td>
<td></td>
</tr>
<tr>
<td>1001. Purpose</td>
<td></td>
</tr>
<tr>
<td>1002. Scope</td>
<td></td>
</tr>
<tr>
<td>1003. Bulk Regulations</td>
<td></td>
</tr>
<tr>
<td>1004. General Provisions</td>
<td></td>
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<tr>
<td>Environmental, Water</td>
<td></td>
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<tr>
<td>1010. Water Supply and Sewage Facilities</td>
<td></td>
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<td>1011. Water Protection</td>
<td></td>
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<tr>
<td>1012. Vegetation Belt</td>
<td></td>
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<tr>
<td>1013. Hazardous Substance Groundwater Protection</td>
<td></td>
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<tr>
<td>Environmental, Solid Waste</td>
<td></td>
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<tr>
<td>1020. Waste Accumulation and Outside Storage</td>
<td></td>
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<tr>
<td>Environmental, Land/other</td>
<td></td>
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<tr>
<td>1030. Greenbelt</td>
<td></td>
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<td>1031. High Risk Erosion Area</td>
<td></td>
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<tr>
<td>1032. Sand Dune</td>
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<tr>
<td>Parcel &amp; setback regulations</td>
<td></td>
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<tr>
<td>1040. Fences</td>
<td></td>
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<tr>
<td>1041. Buffer Zone</td>
<td></td>
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<tr>
<td>1042. Height</td>
<td></td>
</tr>
<tr>
<td>1043. Parcel Width to Depth Ratio</td>
<td></td>
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<tr>
<td>Vehicle access/roads/parking</td>
<td></td>
</tr>
<tr>
<td>1050. Access to Public Roads</td>
<td></td>
</tr>
<tr>
<td>1051. Driveway and Curb Cuts</td>
<td></td>
</tr>
<tr>
<td>1052. Private Road</td>
<td></td>
</tr>
<tr>
<td>1053. Traffic Visibility at Corners</td>
<td></td>
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<tr>
<td>1054. Vehicular Parking Space, Access and Lighting</td>
<td></td>
</tr>
<tr>
<td>Aesthetics, signs</td>
<td></td>
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<tr>
<td>1060. Signs</td>
<td></td>
</tr>
<tr>
<td>1061. Sex-oriented Businesses</td>
<td></td>
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<tr>
<td>Structure regulations</td>
<td></td>
</tr>
<tr>
<td>1070. Location of Accessory Buildings and Structures</td>
<td></td>
</tr>
<tr>
<td>1071. Temporary Dwellings</td>
<td></td>
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<tr>
<td>Dwelling/residential standards</td>
<td></td>
</tr>
<tr>
<td>1080. Dwellings</td>
<td></td>
</tr>
<tr>
<td>1082. Second Dwelling on a Parcel</td>
<td></td>
</tr>
<tr>
<td>1083. Additional Living Unit in Dwellings.</td>
<td></td>
</tr>
</tbody>
</table>
1084. Home Occupations

Other special purpose
1090.

ARTICLE 14: CONDITIONAL USE SPECIFIC STANDARDS
1401. Purpose
1402. Non-farm home in an Agricultural Production districts.
1403. Upstairs rental units in commercial districts.

ARTICLE 16: SPECIAL USE SPECIFIC STANDARDS
1601. Purpose
1602. Any in River Corridor District
1603. Any in Agriculture Preservation District
1604. Livestock Agriculture
1605. Campgrounds
1606. Mobile Home Parks
1607. Mining
1608. Temporary mining
1609. Manufacturing, Trucking and Warehousing
1610. Junkyards
1611. Sweetening Plants

ARTICLE 18: GENERAL ZONING DISTRICT PROVISIONS
1801. Establishment of Districts
1802. Provision for Official Zoning Map
1803. Identification of Official Zoning Map
1804. Changes to Official Zoning Map
1805. Authority of Official Zoning Map
1806. Replacement of Official Zoning Map
1807. Rules of Interpretation
1808. Application of Regulations

Specific districts; environmental, historic, special
ARTICLE 20: RIVER CORRIDOR DISTRICT
2001. Purpose
2002. Permitted Uses
2003. Special Uses
2004. Regulations and Standards

ARTICLE 25: WETLAND CONSERVATION DISTRICT
2501. Purpose
2502. Permitted Uses
2503. Special Uses
2504. Regulations and Standards

ARTICLE 27: CIVIC CENTER DISTRICT
2701. Purpose
2702. Permitted Uses
2703. Special Uses
2704. Regulations and Standards

ARTICLE 29: MULTIPLE USE DISTRICT
2901. Purpose
2902. Permitted Uses
2903. Special Uses
2904. Regulations and Standards

Specific districts; agricultural, forestry, rural

ARTICLE 30: AGRICULTURE PRESERVATION DISTRICT
3001. Purpose:
3002. Permitted Uses:
3003. Conditional Uses:
3004. Special Uses:
3005. Permitted Use Regulations and Standards
3006. Special Use and Conditional Use Regulations and Standards

ARTICLE 34: FOREST PRESERVATION DISTRICT
3401. Purpose
3402. Permitted Uses
3403. Special Uses
3404. Regulations and Standards

ARTICLE 37: RURAL RESIDENTIAL DISTRICT
3701. Purpose
3702. Permitted Uses
3703. Special Uses
3704. Regulations and Standards

Specific districts; residential

ARTICLE 40: RESIDENTIAL DISTRICT
4001. Purpose
4002. Permitted Uses
4003. Special Uses
4004. Regulations and Standards

ARTICLE 42: SPECIAL RESIDENTIAL DISTRICT
4201. Purpose
4202. Principal Uses Permitted
4203. Special Uses
4204. Regulations and Standards

ARTICLE 44: MULTIPLE FAMILY RESIDENTIAL DISTRICT
4401. Purpose
4402. Permitted Uses
4403. Special Uses
4404. Regulations and Standards

Specific districts; commercial

ARTICLE 50: NEIGHBORHOOD-COMMERCIAL DISTRICT
5001. Purpose
5002. Permitted Uses
5003. Special Uses
5004. Regulations and Standards

ARTICLE 53: COMMERCIAL DISTRICT
5301. Purpose
5302. Permitted Uses
5303. Special Uses
5304. Regulations and Standards

ARTICLE 55: HIGHWAY COMMERCIAL DISTRICT
5501. Purpose
5502. Permitted Uses
5503. Special Uses
5504. Regulations and Standards

ARTICLE 57: LAKEFRONT COMMERCIAL DISTRICT
5701. Purpose
5702. Permitted Uses  
5703. Special Uses  
5704. Regulations and Standards  

**ARTICLE 59: DOWNTOWN BUSINESS DISTRICT**  
5901. Purpose  
5902. Permitted Uses  
5903. Special Uses  
5904. Regulations and Standards  

**Specific districts; industrial**  

**ARTICLE 60: LIGHT INDUSTRIAL DISTRICT**  
6001. Purpose  
6002. Permitted Uses  
6003. Special Uses  
6004. Regulations and Standards  

**ARTICLE 63: INDUSTRIAL DISTRICT**  
6301. Purpose  
6302. Permitted Uses  
6303. Special Uses  
6304. Regulations and Standards  

**ARTICLE 67: LAKEFRONT INDUSTRIAL DISTRICT**  
6701. Purpose  
6702. Permitted Uses  
6703. Special Uses  
6704. Regulations and Standards  

**Overlay districts**  

**ARTICLE 70: HISTORIC OVERLAY DISTRICT**  
7001. Purpose  
7002. Overlay District  
7003. Uses Permitted  
7004. Use Regulations  
7005. Historic Standards  
7006. Review Procedure  
7007. Site Plan  

**ARTICLE 72: LAKE SHORELINE OVERLAY DISTRICT**  
7201. Purpose  
7202. Area Affected  
7203. Permitted Uses  
7204. Regulations  

**ARTICLE 74: SAND DUNE OVERLAY DISTRICT**  
7401. Purpose  
7402. Area Affected  
7403. Parcels Affected  
7404. Application Requirements  
7405. Permitted and Prohibited Uses  
7406. Site Plan Review  
7407. Use Standards  
7408. Sand Dune Special Use Project Review Procedures  
7409. Nonconforming Uses  
7410. Variances  
7411. Penalties  

**ARTICLE 76: WELLHEAD PROTECTION OVERLAY DISTRICT**  
7601. Area Affected  
7602. Wellhead Protection Zones  
7603. Sector A Land Use Prohibitions  
7604. Sector B Land Use Restrictions  
7605. Sector C Land Use Prohibitions  
7606. Conflicting Federal or State Regulations  
7607. Nonconforming Land Uses in this Overlay Zone  

**ARTICLE 78: AIRPORT OVERLAY DISTRICT**  
7801. Area Affected  
7802. Height Limitations  
7803. Unlawful Land Uses  
7804. Conflicting Federal or State Regulations  

**Permit process and procedure**  

**ARTICLE 80: NONCONFORMITIES**  
8001. Purpose  
8002. Regulations  
8003. Extensions  
8004. Repairs and Maintenance  
8005. Building Damage  
8006. Completion  
8007. Non-Use  
8008. Historic Buildings  
8009. Change of Tenancy or Ownership  
8010. High Risk Erosion  
8011. Nonconforming Special Uses  
8012. Nonconforming Uses  

**ARTICLE 82: ADMINISTRATION OF THIS ORDINANCE**  
8201. Purpose  
8202. Zoning Administrator  
8203. Zoning Administrator Duties  

**ARTICLE 84: PERMITS**  
8401. Land Use Permits  
8402. Land Use Applications  
8403. Permit Exemptions  
8404. Start Work Deadline  
8405. Void Permits  

**ARTICLE 85: CONDITIONAL USES**  
8501. Purpose  
8502. Authority to Grant Permits  
8503. Application and Fee  
8504. Information Required in Application  
8505. Review for Completeness  
8506. Consideration and Decision  
8507. Conditional Use Permit Standards  
8508. Conditional Use Permit Conditions  
8509. Record of Conditional Use Permit  
8510. Security Requirement  
8511. Amendment of Conditional Use Permits  
8512. Transfer of Conditional Use Permits  
8513. Void Permits  
8514. Construction Code Permit  

**ARTICLE 86: SPECIAL USES**  
8601. Purpose  
8602. Authority to Grant Permits
8603. Application and Fee
8604. Information Required in Application
8605. Review for Completeness
8606. Notice of Public Hearing
8607. Hearing and Decision
8608. Special Use Permit Standards
8609. Special Use Permit Conditions
8610. Record of Special Use Permit
8611. Security Requirement
8612. Amendment of Special Use Permits
8613. Transfer of Special Use Permit
8614. Construction Code Permit
8615. Expiration of Special Use Permits
8616. Violation of Permit

ARTICLE 88: PLANNED UNIT DEVELOPMENT
8801. Purpose
8802. Eligibility
8803. Procedure
8804. Basic restrictions and Modification Procedure

Ordinance administration
ARTICLE 94: SITE PLAN
9401. Purpose
9402. Site Plan Review
9403. Optional Sketch Plan Review
9404. Required Data for a Basic Site Plan
9405. Required Data for a Medium Site Plan
9406. Required Data for a Detailed Site Plan
9408. Submission of a Site Plan
9409. Review for Completeness
9410. Standards for Site Plan Review
9411. Approval and Compliance
9412. Conditions of Site Plan Approval
9413. Security Requirement
9414. File Copies
9415. Zoning Permits
9416. Amendment of Site Plan

ARTICLE 96: APPEALS BOARD
9601. Appeals Board Established
9602. Duties of the Appeals Board
9603. Varience
9604. Voiding of and reapplication for Varience
9605. Interpretation of Ordinance Text
9606. Appeals to the Appeals Board
9607. Appeals Board Members

ARTICLE 98: AMENDMENT VALIDITY PENALTIES
9801. Initiating Amendments and Fees
9802. Amendment Procedure
9803. Conformance to Court Decree
9804. Violations and Penalties: Nuisance Per Se: Abatement
9805. Caption
9806. Repeal of Ordinance
9807. Pending Zoning Applications
9808. Validity and Severability Clause
9809. Period of Effectiveness

Detailed Word Processing Instructions
For those who work with Corel WordPerfect 7.0™, detailed step-by-step instructions are available to walk one through the process of taking a zoning ordinance in a word processor and inserting cross reference “target” and “reference” codes, marking article and section titles to a table of contents, and organizing the text to use the codification system outlined in this pamphlet. This material can be obtained from:

Kurt H. Schindler, Regional Land Use Educator, Northwest and west central Michigan
MSU Extension, Wexford County
401 N. Lake Street
Cadillac, Michigan 49601-1891
phone (231)779-9480
fax (231)779-9105
e-mail: schindl9@msu.edu