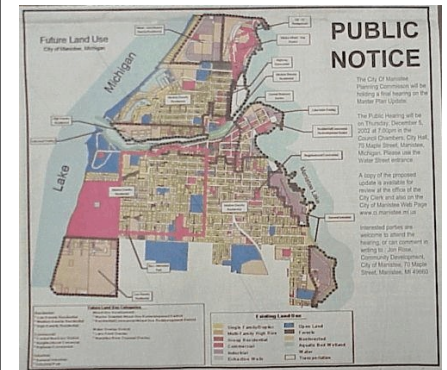
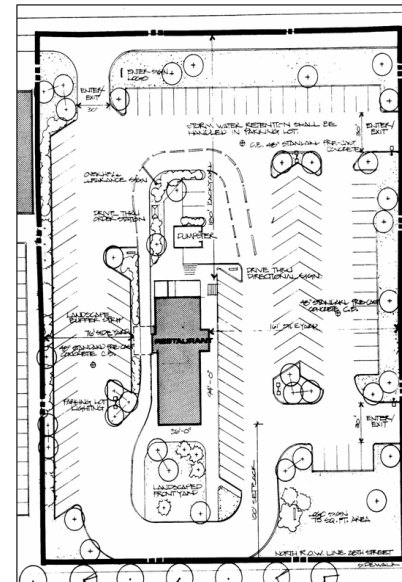


E-3055 PLANNING AND ZONING\*A\*SYST #5  
A community planning and zoning assessment system.

# Community Planning & Zoning Audit Administrative Structure

June 30, 2010



MICHIGAN STATE  
UNIVERSITY  
EXTENSION  
Land Use Team

back of title page

E-3055

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# Table of Contents

Chapter 1: Introduction. . . . .	1
Purpose of the Audit. . . . .	1
Organization and Content. . . . .	1
How to use the Audit. . . . .	2
Organization and Content. . . . .	3
Defined Terms. . . . .	3
Chapter 2: Administrative Structure. . . . .	6
Planning Commission Administrative Responsibilities.. . . .	6
General Operations (Bylaws, Meetings, Open Meetings Act).. . . .	6
Duties. . . . .	12
Minutes.. . . .	13
General Process for Meetings. . . . .	17
Zoning Administrator.. . . .	20
Job Description. . . . .	20
Office Procedures.. . . .	23
Filing System. . . . .	25
Zoning Board of Appeals Administrative Responsibilities. . . . .	26
Process (Minutes, Finding of Facts, etc.).. . . .	32
Minutes.. . . .	39
General Process for Meetings. . . . .	43
Appeals - Generally. . . . .	46
Appeals - Variances. . . . .	47
Appeals - Ordinance (Including Map) Interpretations. . . . .	48
Appeals - Administrative Decision. . . . .	49

Chapter 3: Smart Growth.....	51
Chapter 1: Introduction. ....	1
Purpose of the Audit. ....	1
Organization and Content. ....	2
How to use the Audit. ....	2
Organization and Content. ....	3
Defined Terms. ....	3
Chapter 2: Administrative Structure. ....	5
Planning Commission Administrative Responsibilities.. ....	5
General Operations (Bylaws, Meetings, Open Meetings Act).. ....	5
Duties. ....	11
Minutes.. ....	12
General Process for Meetings. ....	16
Zoning Administrator.. ....	19
Job Description. ....	19
Office Procedures.. ....	22
Filing System. ....	24
Zoning Board of Appeals Administrative Responsibilities. ....	25
Process (Minutes, Finding of Facts, etc.).. ....	31
Minutes.. ....	38
General Process for Meetings. ....	42
Appeals - Generally. ....	45
Appeals - Variances. ....	46
Appeals - Ordinance (Including Map) Interpretations. ....	47
Appeals - Administrative Decision. ....	48
Chapter 3: Smart Growth.....	49



# 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

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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 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. Administrative Structure.
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: Administrative Structure

The purpose of this chapter is to review the day-to-day operations and practices of planning and zoning in the community. 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:

1. The minutes of the planning commission for the past year.
2. The minutes of the zoning board of appeals for the past year.
3. The bylaws for the planning commission.
4. The rules of procedure for the appeals board.
5. A copy of the planning and zoning budget(s) for the current year.
6. A copy of the current zoning ordinance.
7. Access to case files for permits, appeals.
8. Access to the zoning administrator's office records and file system.
9. A copy of the zoning administrator's job description or scope of service.
10. A copy of the zoning administrator's office policies or procedure manual(s).
11. A copy of the Michigan Planning Enabling Act.
12. A copy of the Michigan Zoning Enabling Act.
13. A copy of the Open Meetings Act.
14. A copy of the community master plan.

## Planning Commission Administrative Responsibilities

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<b>General Operations (Bylaws, Meetings, Open Meetings Act)</b>			
<p>1. Are there procedures for election of the chair and secretary (and other positions if, desired)? (M.C.L. 125.3817(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 Planning Enabling Act. Amend the bylaws to add such a provision.</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. Are elections held each year for the position of chair, secretary, and any other officers? (M.C.L. 125.3817(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 Planning Enabling Act. Amend the bylaws to add such a provision, if not already in the bylaws, and start the practice.</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>3. Do you prepare an annual report, work program, and yearly budget according to generally accepted accounting practices? (M.C.L. 125.3819(2) and 125.3823(2))</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            The budget and annual report are required by the Michigan Planning Enabling Act. Statute requires a budget be adopted by the legislative body for all aspects of the local unit of government. The planning commission should be involved in establishing the budget for the planning and zoning parts of the local unit of government. The plan of work is a recommended best planning practice. Amend the bylaws to add a provision that this be done, and start the practice.</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. Do you have provisions in your bylaws on public notice of regular meetings?</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 amend the bylaws to add such a provision.</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
5. Do you have procedures in the bylaws for dealing with issues of conflict of interest?	<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 amend the bylaws to add such a provision.</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>
6. Do you require members to receive training and/or continuing education?	<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, amend the bylaws to add such a provision.</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>
7. Do you have attendance requirements for meetings?	<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, amend the bylaws to add such a provision.</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>
8. Do you have rules for public participation (pursuant to the Michigan Open Meetings Act)? (M.C.L. 15.263(1))	<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>Providing for public participation is required, adopting rules on public participation is not. If desired amend the bylaws to add such a provision.</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>
9. Were bylaws adopted appropriately?	<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>If not or if not known, then adopt the bylaws again.</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>10. Are copies of bylaws provided to all members?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Provide a copy of the bylaws to each member.</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>11. Is the planning commission meeting at least four times a year? (M.C.L.125.3821(1))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Start holding meetings the minimum number of times (or more often).</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>12. Have meeting notices been posted within 10 days after the first meeting of the year? (M.C.L. 15.265(2))</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. Start the practice of posting 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>
<p>13. Does the public notice include:</p> <ul style="list-style-type: none"> <li>a. The name of the public body.</li> <li>b. Telephone number of the public body (if one exists).</li> <li>c. Address of the public body.</li> <li>d. The date(s) of the meeting(s).</li> <li>e. The time(s) of the meeting(s).</li> <li>f. The location(s) of the meeting(s).</li> <li>g. Other relevant contact information (optional).</li> </ul> <p>(M.C.L. 15.264(a) and 15.265(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Items a-f are required. Repost this year's meetings with the required information,</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>14. If the regularly scheduled meeting time was changed, did a public notice get posted within three days after the meeting at which the change was made? (M.C.L. 15.265(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. Cancel the meeting, reschedule and properly post the notice.</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>15. If a special meeting is set up or a regular meeting is rescheduled, was the posting for that meeting done at least 18 hours before the meeting? (M.C.L. 15.265(4))</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. Cancel the meeting, reschedule, and properly post the notice.</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>16. Are public notices posted at the city/village/township/county hall or, if such a place does not exist, at the county clerk's office? (M.C.L. 15.264(d))</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. Start always posting meeting notices at one of these locations.</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>17. Is a deadline established for adding items to the agenda?</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 this practice.</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>18. Are opportunities provided for public comment/input during meetings? (It is a good idea for the public comment to occur prior to votes on an issue.) (M.C.L. 15.263(5))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> 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>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>19. Is a quorum (usually a majority of the full membership) present before proceeding with the meeting? (M.C.L. 15.263(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. Start to do so immediately. Consider amending the bylaws to define a quorum (how many members).</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>20. Are you in compliance with the requirements of the Open Meetings Act (M.C.L. 15.261 <i>et seq.</i>)? (See <i>Land Use Series: "Michigan Open Meetings Act Decision Tree"</i> at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a>.)</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. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>21. If the meeting goes into a closed session, is it done in compliance with the requirements of the Open Meetings Act? (See <i>Land Use Series: "Michigan Open Meetings Act Decision Tree"</i> at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a>.) (M.C.L. 15.267 and 15.268)</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. Start to do 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>



Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
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**Duties**

**22.** Does the planning commission engage in and carry out each of the following activities?

- a. Prepare a plan.
- b. Conduct studies, investigations, and surveys.
- c. Cooperate with local, county, state, and federal units of government.
- d. Consult with adjacent and neighboring units of government.
- e. Receive and actually review and comment on neighboring and county proposed plans.
- f. Prepare and submit an annual report, plan or work, and budget to the legislative body.
- g. Recommend to the legislative body subdivision regulations.
- h. Review and act on proposed subdivisions.
- i. Prepare a capital improvement program each year.
- j. Review and make recommendations on infrastructure/capital projects.
- k. Carry out other duties as assigned by the legislative body.

(M.C.L. 125.3831, 125.3861-125.3871)

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

**No**   
 These are required by the Michigan Planning Enabling Act. Indicate which are not being done, and put in place a strategy to start the activities not currently being done. Some may be optional. For those which are not optional in your community. For those which are optional in your community indicate which are not being done, and if desired put in place a strategy to start the activities not currently being done.

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

**23.** If zoning duties have been assigned to the planning commission, does it:

- a. Develop and present zoning ordinances to the legislative body?
- b. Recommend the administering and enforcement of the zoning ordinance?
- c. Review and act on site plans?
- d. Review and act on special land uses?
- e. Review and act on planned unit developments?

(M.C.L. and 125.3101 *et seq.*)

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

**No**   
 A planning commission has statutory authority to do any of these if assigned zoning powers. Indicate which are not being done, and put in place a strategy to start the activities not currently being done

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>24. Does the planning commission <u>never</u> review and make decisions on any of the following items?</p> <ul style="list-style-type: none"> <li>a. Appeals of administrative decisions.</li> <li>b. Request for variances.</li> <li>c. Ordinance interpretation questions.</li> </ul> <p>(M.C.L. 125.3601-125.3607)</p>	<p><b>Correct</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>These business items do come before the planning commission</b> <input type="checkbox"/></p> <p>These decisions are the responsibility of the zoning board of appeals and should NEVER be made by the planning commission. Stop 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>

## Minutes

<p>25. Are minutes kept on file in the office of the clerk of the local unit of government? (M.C.L. 15.269, 125.3821(2), and 125.3819(1))</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. Start to do so immediately. Also make every effort to recover minutes from past meetings so there are minutes of all meetings in the file.</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>26. Are the minutes being reviewed and acted on (approved as written or approved as corrected) at the next regular meeting according to the Open Meetings Act and bylaws? (M.C.L. 15.269)</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. Start to do so immediately. Amend the bylaws and the agendas so this is a part of each regular meeting.</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>27. Do the minutes show that administrative decisions have been based on materials that are sufficiently substantiated to be found to be true (having substance or capable of being treated as fact, not imaginary)? (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>28. Do the minutes reflect enough of the debate to clearly indicate which statements made in discussion became the administrative body's list of facts found to be true and germane to the issue (the "findings of fact")? (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>29. Do the minutes show that the amount of evidence supporting the administrative body's decision outweighs the material supporting other possible decisions? (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>30.</b> Do the minutes show that the decision is based on the entire record (minutes, application, attachments, and so on), not on a review of just part of the record? (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>31.</b> Do the minutes include enough information for a person who did not attend the meeting to get a reasonable idea of what happened at the meeting?</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. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</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>32. Do the minutes include the following elements?</b></p> <ul style="list-style-type: none"> <li>a. The date, time, and place of the meeting. (M.C.L. 15.269(1))</li> <li>b. A list of members present, members absent, and indication of others present. (M.C.L. 15.269(1))</li> <li>c. The motion to close a part of the meeting to the public which includes a list of the statutory authority to close the portion of the meeting. (M.C.L. 15.269(1))</li> <li>d. Who spoke and a summary of what was said.</li> <li>e. A statement of the approval being requested.</li> <li>f. The location of the property involved (tax parcel number and description, legal description, and common description).</li> <li>g. The exhibits submitted (list each one, describe each, number or letter each, and refer to the letter or number in the minutes).</li> <li>h. Information considered (summary of discussion by members at the meeting).</li> <li>i. The administrative body's findings of fact.</li> <li>j. Reasons for the decision that has been made.</li> <li>k. The decision (i.e., approve, deny, approve with modification).</li> <li>l. A list of all required conditions to the approval or improvements (and if they are to be built up front, name the type of performance security to be used), if any.</li> <li>m. The list of all changes to the map/drawing/site plan submitted.</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>Items a-c are required. The other elements are recommended. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</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
<b>General Process for Meetings</b>			
<p><b>33.</b> Are the findings of fact based on the record, reports, 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>34.</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>35.</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 at future meetings takes place in public.</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>36.</b> Has appropriate public opportunity for 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>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>37. Is the discussion taking place between planning commission members only, unless the public or staff has specific questions directed to them to answer? (M.C.L. 15.263(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 required. 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>38. Are the findings of fact, reasons, and the decision:</p> <ul style="list-style-type: none"> <li>a. Included as part of a motion or motions?</li> <li>b. Part of the minutes that summarize the discussion, with the decisions and reasons included in a motion or motions?</li> <li>c. Or a combination of both above?</li> </ul> <p>(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>39. Does the motion to approve, deny, or approve with conditions state the conclusion and the rationale for the conclusion? (M.C.L. 125.3501, 125.3502, 125.3503, 125.3504(4), 125.3504(5), 125.3604(7), 125.3606, Article VI §28 Michigan Constitution, 125.3861, and 125.3871(6))</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>40.</b> If conditions to the approval are imposed, are they:</p> <p>a. Designed to protect natural resources; the health, safety, and welfare; and/or 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>41.</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>Start to do so immediately. Also make every effort to recover documentation of past actions so they are placed 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>42.</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>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>



# Zoning Administrator

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<b>Job Description</b>			
<p>1. Does the zoning ordinance provide for a zoning administrator or other means of zoning administration?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is necessary to put actions required in the zoning ordinance into practice.</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 assign the duties of the zoning administrator?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> These should be specified in the zoning ordinance.</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>3. Does the zoning ordinance give the zoning administrator the power and responsibility of enforcing the zoning ordinance?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This power is not given to the zoning administrator in the zoning ordinance. This should be corrected.</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. Is there a written job description (for an employee) or a written scope of services (for a contractor) for the zoning administrator?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> One should be prepared and adopted as soon as possible.</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>5. Does the job description clearly indicate who the zoning administrator's immediate supervisor is (chair of planning commission, local government manager, administrator, or chief elected official)?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> An immediate supervisor should be established as soon as possible.</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>6. Does the zoning administrator serve only in an advisory role to the planning commission, zoning board/commission, and zoning board of appeals?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Restrict the zoning administrator to an advisory (staff) role only immediately. The zoning administrator should be subservient to those boards. A zoning administrator should never be a member of those boards.</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 the duties of the zoning administrator entail, at a minimum, the following concerning zoning administration?</p> <ul style="list-style-type: none"> <li>a. Administers and enforces the zoning ordinance.</li> <li>b. Reviews and investigates permit applications to determine compliance with the provisions of the zoning ordinance.</li> <li>c. Issues the appropriate permit when all provisions of the ordinance have been met.</li> <li>d. Performs inspection duties to ensure that proposed land use changes are and will remain in compliance with the ordinance.</li> <li>e. Identifies, inventories, and monitors nonconforming uses.</li> <li>f. Periodically attends planning commission, zoning board of appeals, and legislative body meetings, and reports on the status of zoning operations and any needed changes to the zoning ordinance.</li> <li>g. Conducts technical reviews and site inspections, and makes staff reports to the planning commission and zoning board of appeals.</li> </ul>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Amend the job description or scope of work to include these items as soon as possible, as per the zoning ordinance.</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>8.</b> Do the duties of the zoning administrator entail, at a minimum, the following concerning zoning enforcement?</p> <p>a. Investigates alleged violations of the ordinance and enforces corrective measures when required.</p> <p>b. Presents case facts and explains decisions of the zoning administrator's office before the zoning board of appeals.</p> <p>c. Develops recommendations on zoning amendments, zoning permit fee structures, and zoning forms, and may propose solutions to any problem encountered in administering the zoning ordinance.</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>Amend the job description or scope of work to include these items as soon as possible, as per the zoning ordinance.</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>9.</b> Do the duties of the zoning administrator entail, at a minimum, the following concerning office administration?</p> <p>a. Submits, at least monthly, to the treasurer:</p> <p>1) Transmittal of zoning permit fees collected.</p> <p>2) Cash.</p> <p>3) Checks.</p> <p>b. Submits one copy of the zoning permit application to the tax assessor in a timely manner.</p> <p>c. Administers and follows procedures and policies established for the office.</p> <p>d. Turns in written reports that include permits issued/denied, appeals, requests for amendments, requests for variances, and other pertinent zoning administration information.</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>Amend the job description or scope of work to include these items as soon as possible, as per the zoning ordinance.</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>10.</b> Do the duties of the zoning administrator entail, at a minimum, the following concerning public relations, assistance, and personal development?</p> <p>a. Provides information on zoning to citizens and public agencies upon request.</p> <p>b. Helps develop and conduct, in conjunction with the planning commission or zoning board/commission, a continuing program of public education on zoning matters.</p> <p>c. Takes advantage of continuing education on zoning administration.</p> <p>d. Performs other duties as specified by local ordinance.</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>Amend the job description or scope of work to include these items as soon as possible, as per the zoning 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>11.</b> Are any other duties and responsibilities of the zoning administrator, including approval or disapproval of site plans, special land uses, planned unit developments, etc., clearly stated in the zoning ordinance? (M.C.L. 125.3501-125.3509)</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. Either the zoning administrator should <u>not</u> be doing those things, or the zoning ordinance needs to be amended to state clearly that the zoning administrator can 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>

## Office Procedures

<p><b>12.</b> Does the zoning administrator assist citizens in determining what zoning forms and procedures apply to zoning requests and land use changes?</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 this practice should be initiated as soon as possible.</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>13. Does the zoning administrator make himself/herself available for preapplication conferences if requested by the applicant? (Note: confidentiality is important during and after these meetings.)</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 this practice should be initiated as soon as possible.</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>14. Does the zoning administrator assist citizens in the completion of required permit application forms (but not fill out application forms, etc., for the applicant)?</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 this practice should be initiated as soon as possible.</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>15. Does the zoning administrator review the application to determine if the proposed use is a permitted use in that zoning district?</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 this practice should be initiated as soon as possible.</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>16. Does the zoning administrator review the application and supporting documents to determine if the physical arrangement of the buildings, driveways, and all other structures complies with all the applicable provisions of the zoning ordinance?</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 this practice should be initiated as soon as possible.</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>17. If the proposed use in the application complies with the provisions of the zoning ordinance, does the zoning administrator always issue a zoning permit?</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 this practice should be initiated as soon as possible.</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> Does the zoning administrator visit the site periodically to inspect work as it progresses to ensure that work conforms with the zoning ordinance?</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 this practice should be initiated as soon as possible.</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>

## Filing System

<p><b>19.</b> Does the zoning administrator keep the zoning map, text, and office records up-to-date by recording all permits, appeals, and amendments, and retaining a copy of all pertinent official documents?</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 practice should be initiated immediately, as per the zoning ordinance. Past records should be found and also placed in files for future reference.</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> Does the zoning administrator maintain a file for each approved land use activity (special land use, planned unit development, rezoning, or zoning ordinance amendment/adoption) that contains, at a minimum, the following?</p> <ol style="list-style-type: none"> <li>a. Affidavits to show the notices were delivered.</li> <li>b. Affidavits of publication of public hearing notices in a newspaper of general circulation.</li> <li>c. Lists of those to whom notices were sent.</li> <li>d. Minutes of public hearings.</li> <li>e. Certified copies of final motions adopted by the planning commission or zoning board of appeals.</li> <li>f. A copy of the affidavits of notices sent to other government agencies.</li> </ol>	<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 practice should be initiated as soon as possible, as per the zoning ordinance. Past records should be found and also placed in files for future reference.</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>

# Zoning Board of Appeals Administrative Responsibilities

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>1. Are there procedures for election of the chair (and other positions, if desired)? (M.C.L. 125.3602(1))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> A chairperson is required. Amend the rules of procedure to add such a provision and to indicate which officers exist and are elected.</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. Are elections held for the position of chair?</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, amend the rules of procedure to add such a provision.</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>3. Do the rules of procedure clearly state or have procedures in place to make certain that the position of chair is not held by an elected official? (M.C.L. 125.3601(6))</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. Amend the rules of procedure to add such a provision.</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. Do the rules of procedure or the zoning ordinance have provisions in place that make it clear that an employee of or contractor to the legislative body (such as the zoning administrator) may not serve on the zoning board of appeals? (M.C.L. 125.3601(6))</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. Amend the rules of procedure or zoning ordinance to add such a provision.</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. Are procedures laid down for an acting chairperson to administer an oath and compel the attendance of witnesses in the absence of the chairperson? (M.C.L. 125.3602(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, amend the rules of procedure to add such a provision.</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>

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<p>6. Do you prepare a yearly budget according to generally accepted accounting practices?</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, amend the rules of procedure to add a provision that this be done, and start the practice.</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. Are there provisions in the rules of procedure on public notice of meetings? (M.C.L. 12.264)</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. Amend the rules of procedure to add such a provision.</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. Are there procedures for dealing with issues of conflict of interest? (M.C.L. 125.3601(9))</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. Amend the rules of procedure to add such a provision.</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. Are there procedures that would prevent the zoning board of appeals member who is also a member of the planning commission from voting again on an issue on which he/she has already voted on as a member of the planning commission? (M.C.L. 125.3601(13))</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. Amend the rules of procedure to add such a provision.</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. Are members required to receive training and/or continuing education?</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, amend the rules of procedure to add such a provision.</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>



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<p>11. Are there attendance requirements for meetings?</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, amend the rules of procedure to add such a provision.</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>12. Do you have rules for public participation (pursuant to the Michigan Open Meetings Act)? (M.C.L. 15.263(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. Amend the rules of procedure to add such a provision.</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>13. Were the rules of procedure adopted appropriately? (M.C.L. 125.3604(2))</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            If not or if not known, then adopt the rules of procedure again.</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>14. Are copies of rules of procedure provided to all members?</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. Provide a copy of the rules of procedure to each member of the appeals board.</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>

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<p><b>15.</b> Are meetings called in one of the following four ways?</p> <p>a. At the call of the chairperson.</p> <p>b. At the call of the chairperson and at other times as specified in the zoning board of appeals rules of procedure on a reserved meeting night every month (meeting only when needed).</p> <p>c. At the call of the chairperson and at other times as specified in the zoning board of appeals rules of procedure on a regularly scheduled meeting time every month.</p> <p>d. At the call of the chairperson and at other times as may otherwise be specified in the zoning board of appeals rules of procedure.</p> <p>(M.C.L. 125.602(1))</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>Meetings called by the chair and at other times as specified in the rules of procedure is required. Start the practice of doing so. Consider amending the rules of procedure to specify which procedure for calling a meeting will be used.</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> Have meeting notices been posted within 10 days after the first meeting of the year? (M.C.L. 15.265(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. Start the practice of posting meetings.</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> Does the public notice include the following?</p> <p>a. The name of the public body.</p> <p>b. Telephone number of the public body (if one exists).</p> <p>c. Address of the public body.</p> <p>d. The date(s) of the meeting(s).</p> <p>e. The time(s) of the meeting(s).</p> <p>f. The location(s) of the meeting(s).</p> <p>g. Other relevant contact information (optional).</p> <p>(M.C.L. 15.264(a) and 15.265(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>Items a-f are required. Repost this year's meetings with the required information.</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>

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<p>18. If the regularly scheduled meeting time was changed, did a public notice get posted within three days after the meeting at which the change was made? (M.C.L. 15.265(3))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required. Cancel the meeting, reschedule, and properly post the notice.</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>19. If a special meeting is set up or a regular meeting is rescheduled, was the posting for that meeting done at least 18 hours before the meeting? (M.C.L. 15.265(4))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required. Cancel the meeting, reschedule, and properly post the notice.</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>20. Are public notices posted at the city/village/township/county hall or, if such place does not exist, at the county clerk's office? (M.C.L. 15.264(d))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required. Start always posting meeting notices at one of these locations.</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>21. Is a deadline established for adding items to the agenda?</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, start this practice.</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>22. Are opportunities provided for public comment/input during meetings? (It is a good idea for the public comment to occur prior to votes on an issue.) (M.C.L. 15.263(5))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> 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>

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<p><b>23.</b> Is a quorum (at least a majority of the full membership) present before proceeding with the meeting? (M.C.L. 15.263(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. Start to do so immediately. Consider amending the bylaws to define a quorum (how many members).</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>24.</b> Are you in compliance with the requirements of the Open Meetings Act? (See <i>Land Use Series: "Michigan Open Meetings Act Decision Tree"</i> at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a>.) (M.C.L. 15.261 <i>et seq.</i>)</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. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>25.</b> If the meeting goes into a closed session, is it done in compliance with the requirements of the Open Meetings Act ? (See <i>Land Use Series: "Michigan Open Meetings Act Decision Tree"</i> at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a>.) (M.C.L. 15.267-15.268)</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. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

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<b>Process (Minutes, Finding of Facts, etc.)</b>			
<p><b>26.</b> Does the zoning board of appeals review and make decisions only on the following items?</p> <p>a. Appeals of administrative decisions.</p> <p>b. Requests for variances.</p> <p>c. Ordinance and map interpretation questions.</p> <p>d. Appeals of special land use and/or planned unit development (PUD) decisions (<b>if</b> specifically provided for in the zoning ordinance).</p> <p>e. Other duties established by the zoning ordinance, such as requests for expansion of nonconforming uses.</p> <p>(M.C.L. 125.3604 and 125.3605)</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. Immediately stop performing any of the functions that are not listed with this question. Other functions are duties of another board or individual.</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>27.</b> Does the zoning ordinance or rules of procedure specify a deadline for the zoning board of appeals to hold a hearing following receipt of an appeal? (M.C.L. 125.3604(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 rules of procedure to add such a provision.</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> Is a notice of the appeals board hearing published in a newspaper of general circulation within the local unit of government? (M.C.L. 125.3103(1) and 125.3604(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. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</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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<p><b>29.</b> Is the notice given not less than 15 days before the date the appeal will be considered? (M.C.L. 125.3103)</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. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</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>30.</b> Does the notice of the public hearing state the following?</p> <p>a. The time, date, and place of the public hearing.</p> <p>b. The nature of the appeals hearing.</p> <p>c. Where written comments will be received.</p> <p>d. And if the appeal involves specific parcels, the property that is the subject of the appeal using the street address (or other means of identification of location if a street address does not exist).</p> <p>(M.C.L. 125.3103(2) and 125.3604(4))</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. Start always posting meeting notices with this information.</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>31.</b> Is a copy of the notice sent to the person requesting action by the zoning board of appeals not less than 15 days before the public hearing? (M.C.L. 125.3103(2) and 125.3604(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 required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</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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<p><b>32.</b> If the appeal involves a specific parcel, is written notice sent by first-class 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>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. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</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>33.</b> If the action before the zoning board of appeals involves a variance, does the written notice include a listing of all the properties subject to the variance request? (Note: addresses do NOT need to be created if none exist; other means of identification may be used in cases where an address does not already exist.) (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 is required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</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>

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<p>34. Does the notice indicate when and where written comments will be received concerning the case? (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 is required by the Michigan Zoning Enabling Act. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</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>35. Does the ordinance or rules of procedure state the time period within which an application for an appeal, variance, or interpretation may be filed with the zoning administrator or designated person? (M.C.L. 125.3604)</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 rules of procedure to add such a provision.</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>36. Are procedures set up for filing an application for an appeal, variance, or interpretation with the designated official? (M.C.L. 125.3604(2))</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. Create and start to follow procedures for filing an appeal, variance, or interpretation.</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>37. Does the zoning ordinance or rules of procedure specify with whom an appeal is filed?  a. The officer or body from whom the appeal is taken.  b. The zoning board of appeals, specifying the person or office where delivered.  (M.C.L. 125.3604(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. Amend the rules of procedure to add such a provision.</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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<p><b>38.</b> Does the filing of an appeal, variance, or interpretation request to the zoning board of appeals stay all proceedings, in furtherance of the action, until a decision is made by the zoning board of appeals? (M.C.L. 125.3604(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. Start doing so immediately. Consider amending the rules of procedure to add such a provision so this is always done.</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>39.</b> Does the appeals board make findings of fact on the basis of appropriate sources of information, such as the application, ordinance requirements, physical characteristics of the lot and adjacent parcels, input from neighbors, and staff reports and agency reports regarding impacts on public services, natural resources, character of area, and streets, parking, and traffic? (M.C.L. 125.3606)</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. 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>40.</b> Has all discussion on the case occurred 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 such 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>
<p><b>41.</b> Has appropriate public opportunity for 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"/>            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>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>42.</b> Is the discussion taking place between appeals board 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>43.</b> Does the discussion focus on ensuring conformance with ordinance standards, the standards of “unnecessary hardship” for use variances, or standards of “practical difficulty” for non-use variances? (M.C.L. 125.3604(7)-125.3604(11) and 125.3606)</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. Start doing so immediately. Each administrative decision should include the action/decision, reasons (based on standards), 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>44.</b> Does the appeals board never issue use variances unless:</p> <p>a. It is an appeals board for a city or village.</p> <p>b. It is an appeals board for a township or county that, as of February 15, 2006, had a zoning ordinance provision that expressly authorized the granting of use variances (by using the phrases “use variance” or “variances from uses of land”).</p> <p>c. It is an appeals board for a township or county that actually granted a use variance(s) before February 15, 2006. (M.C.L. 125.3604(9))</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. Unless one of the three exceptions applies, immediately stop issuing use variances.</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>45.</b> If the zoning board of appeals in your community is authorized to grant use variances (see question 44, above), does the zoning ordinance or rules of procedure contain a provision that requires a vote of two-thirds of the members of the zoning board of appeals to approve a use variance? (M.C.L. 125.3604(10))</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 rules of procedure or zoning ordinance to add such a provision.</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>46.</b> Are the findings of fact, the 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"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>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.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>47.</b> Does the motion to approve, deny, or approve with conditions state the conclusion and the rationale for the conclusion? (M.C.L. 125.3604(7), 125.3606, Article VI §28 Michigan Constitution)</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 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.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>48.</b> If conditions to the approval are imposed, are they:</p> <p>a. Designed to protect natural resources; the health, safety, and welfare; and/or 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? (M.C.L. 125.3604(9) (see also 125.3504(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 for administrative decisions. 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>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>49. Has all documentation been filed with the designated keeper of records?</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 to do so immediately. Also make every effort to recover documentation of past actions to be placed 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>50. Do you send a copy of the final action to the applicant by mail or registered mail (return receipt) or personal delivery?</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 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>

## Minutes

<p>51. Are minutes are kept on file in the office of the clerk of the local unit of government? (M.C.L. 15.269, 125.3602(2))</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. Start to do so immediately. Also make every effort to recover minutes from past meetings so there are minutes of all meetings in the file.</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>52. Are the minutes being reviewed and acted on (approved as written or approved as corrected) at the next regular meeting according to the Open Meetings Act and rules of procedure? (M.C.L. 15.269, 125.3606(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. Start to do so immediately. If desired, amend the bylaws and the agendas so this is a part of each regular meeting.</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>53.</b> Do the minutes show that the appeal board’s decisions have been based on materials that are sufficiently substantiated to be found to be true (having substance or capable of being treated as fact, not imaginary)? (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>54.</b> Do the minutes reflect enough of the debate to indicate clearly which statements made in discussion became the appeals board’s list of facts that it found to be true and germane to the issue (the “findings of fact”)? (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>55.</b> Do the minutes show that the amount of evidence supporting the decision outweighs the material supporting other possible decisions? (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>56.</b> Do the minutes show that the review and decision are based on the entire record (minutes, application, attachments, and so on), not a review of just part of the record? (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>57.</b> Do the minutes include enough information for a person who did not attend the meeting to get a reasonable idea of what happened at the meeting?</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. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</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>58. Do the minutes include the following elements?</b></p> <ul style="list-style-type: none"> <li>a. The date, time, and place of the meeting. (M.C.L. 15.269(1))</li> <li>b. A list of members present, members absent, and indication of others present. (M.C.L. 15.269(1))</li> <li>c. The motion to close a part of the meeting to the public which includes a list of the statutory authority to close the portion of the meeting. (M.C.L. 15.269(1))</li> <li>d. Who spoke and a summary of what was said.</li> <li>e. A statement of the approval being requested.</li> <li>f. The location of the property involved (tax parcel number and description, legal description, and common description).</li> <li>g. The exhibits submitted (list each one, describe each, number or letter each, and refer to the letter or number in the minutes).</li> <li>h. Information considered (summary of discussion by members at the meeting).</li> <li>i. The administrative body's findings of fact.</li> <li>j. Reasons for the decision that has been made.</li> <li>k. The decision (i.e., approve, deny, approve with modification).</li> <li>l. A list of all required conditions to the approval or improvements (and if they are to be built up front, name the type of performance security to be used), if any.</li> <li>m. The list of all changes to the map/drawing/site plan submitted.</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>Items a-c are required. The other elements are recommended. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</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>59.</b> Is there a system of record keeping on each case that has documentation in the file that includes each of the following?</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 that the notices were delivered.</p> <p>c. Affidavits of publication of public hearing notices in a newspaper of general circulation.</p> <p>d. Site inspection and other reports.</p> <p>e. List of those to whom notices were sent.</p> <p>f. Minutes of public hearings and meetings on the case.</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. 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.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

## General Process for Meetings

<p><b>60.</b> Are the findings of fact based on the record, report, and supporting documentation provided from the appeals board/zoning administrator?</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. 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.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>61.</b> Does the discussion focus on ensuring conformance with ordinance standards, the standards of “unnecessary hardship” for use variances, or standards of “practical difficulty” for non-use variances? (M.C.L. 125.3604(7)-125.3604(11), and 125.3606)</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 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>



Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>62.</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 public meetings 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>63.</b> Has the 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.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>64.</b> Is the discussion taking place between appeals board 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.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>65.</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 summarizes the discussion, with the decisions and reasons included in a motion or motions?</p> <p>c. A combination of both above?</p> <p>(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.</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>66.</b> Does the motion to approve, deny, or approve with conditions state the conclusion and the rationale for the conclusion? (M.C.L. 125.3604(7), 125.3606; 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>67.</b> If conditions to the approval are imposed, are they:</p> <ul style="list-style-type: none"> <li>a. Designed to protect natural resources; the health, safety and welfare; and/or the social and economic well-being of people.</li> <li>b. Related to a valid exercise of the police power.</li> <li>c. Necessary to meet the intent and purpose of the zoning ordinance, related to the standards established in the ordinance (the standards of “unnecessary hardship” for use variances or standards of “practical difficulty” for non-use variances), and necessary to ensure compliance with those standards. (M.C.L. 125.3604(9); see also M.C.L. 125.3504(4))</li> </ul>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            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.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>68.</b> Has all documentation been filed with the designated keeper of records?</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. Start to do so immediately. Also make every effort to recover documentation of past actions so they are placed in the appropriate files.</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>69.</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><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. 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>

## Appeals - Generally

<p><b>70.</b> Are forms and information available regarding initiating an appeal and supporting material required for an appeal that includes, at a minimum, the following?</p> <p>a. Demand for an appeal form. b. Requirements for an appeal. c. Appeal and other fee schedules.</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. Design and make available various forms and information bulletins for starting an appeal.</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>71.</b> Does the ordinance require the officer by whom the appeal was taken to immediately transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken? (M.C.L. 125.3604(2))</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. Amend the rules of procedure or the zoning ordinance to add such a provision.</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>72.</b> Does the zoning ordinance or rules of procedure allow the issuance of an order by the zoning board of appeals or circuit court to not stay all proceedings? This action would be taken if the officer from whom the appeal is taken certifies after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the zoning board of appeals cause imminent peril to life or property. (M.C.L. 125.3604(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. Amend the rules of procedure or the zoning ordinance to add such a provision.</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>73. Is the decision documented in writing, not only in the minutes but also in annotated notes for the zoning administrator, that includes the rationale for the decision?</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 to do 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>

## Appeals - Variances

<p>74. Does the zoning board of appeals grant a use variance only when the applicant demonstrates an “unnecessary hardship” exists? Unnecessary hardship means:</p> <ul style="list-style-type: none"> <li>a. No use may be made of the parcel as it is presently zoned.</li> <li>b. The property in question cannot be put to a reasonable use (i.e., there would be no reasonable economic return from the privilege of ownership) if permitted to be used only for uses allowed in the district in which it is located.</li> <li>c. The plight of the owner is due to unique circumstances peculiar to the property and not to general neighborhood conditions.</li> <li>d. The use variance, if granted, would not alter the essential character of the area or neighborhood.</li> <li>e. The problem is not self-created.</li> </ul> <p>(M.C.L. 125.3604(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 by the Michigan Zoning Enabling Act. Start to do 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>
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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>75.</b> Does the zoning board of appeals grant a non-use variance only when the applicant demonstrates a “practical difficulty” exists? Practical difficulty means:</p> <ul style="list-style-type: none"> <li>a. Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.</li> <li>b. A variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation would not give substantial relief and be more consistent with justice to others.</li> <li>c. The plight of the owner is due to unique circumstances of the property.</li> <li>d. The problem was not self-created.</li> <li>e. If the non-use variance is granted, it will not cause a substantially adverse effect upon adjacent properties and not essentially alter the character of the surrounding area.</li> </ul> <p>(M.C.L. 125.3604(7))</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. 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>

## Appeals - Ordinance (Including Map) Interpretations

<p><b>76.</b> If the appeal is about interpretation of the zoning map, does the appeals board follow the zoning ordinance standards for interpreting the zoning map?</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>Start to do so immediately, as per the zoning 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>
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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>77. Does the zoning board of appeals use the following guidelines, or something similar, when making a decision on a zoning ordinance text interpretation?</p> <ul style="list-style-type: none"> <li>a. Research the ordinance and supporting documentation.</li> <li>b. Considering the issue in light of the whole ordinance and not simply the section in which it is found.</li> <li>c. Considering the interpretation in light of the intent of the ordinance as it is written, not merely as it may have seemed to the people who drafted it.</li> <li>d. With advice of planning and legal counsel whenever it is available.</li> <li>e. Making the decision on narrow grounds and limiting the scope of an interpretation so that other unintended consequences do not result.</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. If desired 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>

## Appeals - Administrative Decision

<p>78. When reviewing an appeals case, does the zoning board of appeals keep in mind that its job is to establish whether the previous decision, based on the ordinance standards and other facts in the record, is warranted, and if the previous decision, based on ordinance standards and other facts in the record, is found to be warranted, does the zoning board of appeals always uphold the previous decision?</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.</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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## 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.
  - n. Mix land uses.
  - o. Compact building design.
  - p. Increase housing choice.
  - q. Encourage walking.

- r. Offer transportation variety.
  - s. Create a sense of place.
  - t. Protect farms, unique natural features, open spaces.
  - u. Direct new development to existing communities.
  - v. Make development process fair, predictable, efficient.
  - w. 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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