



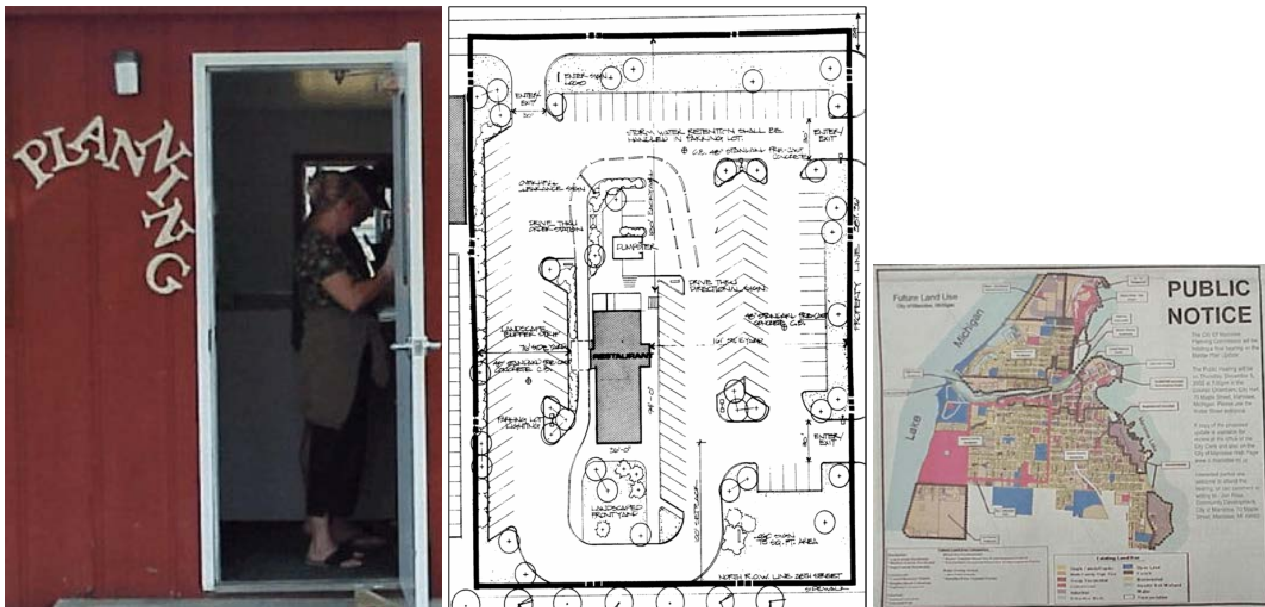
Michigan State University Extension
Land Use Series

Planning and Zoning*A*Syst # 4 The Zoning Ordinance

A community planning and zoning assessment system.

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*“Thirty seven million acres is
all the Michigan we will ever have”*
William G. Milliken

This is a fact sheet developed by experts on the topic(s) covered within MSU Extension. Its intent and use is to assist Michigan communities making public policy decisions on these issues. This work refers to university-based peer reviewed research, when available and conclusive, and based on the parameters of the law as it relates to the topic(s) in Michigan. This document is written for use in Michigan and is based only on Michigan law and statute. One should not assume the concepts and rules for zoning or other regulation by Michigan municipalities and counties apply in other states. In most cases they do not. This is not original research or a study proposing new findings or conclusions.

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Chapter 1: Introduction

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

Purpose of the Audit

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

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

Organization and Content

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

1. Basic Setup (MSU Extension bulletin number E-3051) makes sure that your planning commission and zoning board of appeals are set up properly and a system is in place to make sure the 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, and from your county Extension office.

How to use the Audit

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

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

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

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

Organization and Content

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

1. Introduction.
2. The Zoning Ordinance.
3. Smart Growth.
4. New Economy.

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. 125.3801 *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,¹ planning commission, or planning board.²

Chapter 2: The Zoning Ordinance

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

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

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

File Documenting Ordinance Adoption

Ordinance Adoption Table

¹ 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)).

² 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)).

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>1. Do you have on file a certified copy of legislative body minutes (including the resolution or ordinance) of the meeting at which the creation of the planning commission (and transfer of the powers of the zoning commission/board to the planning commission) took place? (M.C.L. 125.3301)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Try to recover the documentation and include it in the files. If the documentation cannot be recovered, consult with the local unit of government attorney about adopting a new ordinance recreating the zoning board. (see Land Use Series: "Checklist 1B; Sample Planning Commission Ordinance" at www.msue.msu.edu/lu).</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. Do you have on file the initial draft text of a zoning ordinance and the initial draft of the zoning map that establishes zoning districts? (M.C.L. 125.3201)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> It is important that you recover this initial draft text and map. If the documentation can not be recovered, consult with the local unit of government attorney about adopting a new zoning ordinance and zoning map. Meanwhile, if desired, you can adopt an interim zoning ordinance (see Land Use Series: "Checklist #2: For Adoption of a Zoning Ordinance in Michigan" and "Checklist #3 For Adoption of an Interim Zoning Ordinance in Michigan" at www.msue.msu.edu/lu).</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 have on file a copy of administrative procedures, office manual, application forms, etc.? (M.C.L. 125.3202(1))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Try to recover the documentation and include it in the files. If the documentation can not be recovered, consult with an attorney to create new documentation for administering and enforcing the ordinance.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. 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
4. Do you have on file a copy of the review/critique (letters, minutes, other) by the county planning department or professional planner and attorney?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.	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.
5. Do you have on file an affidavit of publication of the hearing notice in a newspaper? (M.C.L. 125.3306(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> The action to publish notice of public hearing for ordinance or map adoption is required by the Michigan Zoning Enabling Act. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.	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.
6. Does the public notice include information about the time and place of the public hearing? (M.C.L. 125.3306(3))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This information is required to be included in the notice. Take steps to make sure proper notice steps are always followed in the future.	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.
7. Do you have on file a copy of notices of the public hearing sent out to the following agencies: a. Each electric, gas, and pipeline public utility company. b. Each telecommunication service provider. c. Each railroad operating within the district or zone affected. d. Each airport manager of each airport. (M.C.L. 125.3306(2))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This action to send notices to agencies that have registered their names and mailing addresses with the clerk of the legislative body for the purpose of receiving notice of the public hearing is required by the Michigan Zoning Enabling Act. Filing a copy of the notice is recommended but not required. If desired, start the practice of filing copies from this point forward.	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.

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8. Do you have on file a copy of the affidavit of delivery of the public hearing notices?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.	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
9. Do you have on file a list of those to whom the hearing notices were sent?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This action to send notices is required by the Michigan Zoning Enabling Act. Filing a copy of the list is recommended but not required. If desired, start the practice of doing so from this point forward.	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
10. Do you have on file a certified copy of the minutes of the planning commission's public hearing?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.	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
11. If this audit is being done for a township: do you have on file a letter of transmittal of the zoning ordinance for review to the county planning commission (or if there is not a county planning commission in your county, a letter of transmittal on file showing the zoning ordinance was sent to the county board of commissioners zoning coordinating committee)? (M.C.L. 125.3307(1))	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because this is not a township.	No <input type="checkbox"/> The action to send the zoning ordinance to the county planning commission (or county board zoning coordinating committee) for review is required for townships. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.	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
12. If this audit is being done for a township: do you have on file a copy of the township attorney's letter to the county planning commission?	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because this is not a township.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.	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

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

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18. Do you have on file a copy of the affidavit of delivery of the public hearing notices? (This is optional because such a hearing may or may not be held.) (M.C.L. 125.3401(2))	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because an additional hearing was not held.	No <input type="checkbox"/> This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of delivery is recommended but not required. If desired, start the practice of doing so from this point forward.	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
19. Do you have on file a copy of the affidavit of publication of the hearing notice in the local newspaper? (This is optional because such a hearing may or may not be held.) (M.C.L. 125.3401(2))	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because an additional hearing was not held.	No <input type="checkbox"/> This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.	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
20. Do you have on file a list of those to whom notices were sent? (This is optional because such a hearing may or may not be held.) (M.C.L. 125.3401(2))	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because an additional hearing was not held.	No <input type="checkbox"/> This action to send notices is required by the Michigan Zoning Enabling Act. Filing a copy of the list is recommended but not required. If desired, start the practice of doing so from this point forward.	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
21. Do you have on file a copy of a landowner's request for an additional hearing? (This is optional because such a hearing may or may not be held.) (M.C.L. 125.3401(4))	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because an additional hearing was not held.	No <input type="checkbox"/> A property owner can request a legislative body to hold a public hearing by certified mail addressed to the clerk of the legislative body. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.	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

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
22. Do you have on file a copy of the minutes of the public hearing? (This is optional because such a hearing may or may not be held.)	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because an additional hearing was not held.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.	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
23. If the legislative body considers changes, additions, or amendments to the proposed ordinance and the changes, etc., were referred back to the planning commission for consideration and comment within the legislative body's specified period of time, do you have a copy of the legislative body's request on file? (M.C.L. 125.3401(3))	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because the legislative body did not consider any changes.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately	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
24. Do you have on file a certified copy of the legislative body's minutes (including motion and vote) to adopt the zoning ordinance? (M.C.L. 125.3401(5))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately	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
25. Do you have on file a copy of the adopted ordinance? (M.C.L. 125.3401(7))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> A copy of the adopted ordinance needs to be filed with the clerk of the legislative body, but the planning commission is not required to keep a copy on file. This is recommended. If desired, start the practice of doing so immediately.	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

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>26. Do you have on file a copy of the mailing to airport manager(s) containing the following information?</p> <p>a. Name of the municipality (county, township, village, or city) adopting the zoning ordinance.</p> <p>b. The effective date of the ordinance or amendment.</p> <p>c. The place where and time when a copy of the ordinance or amendment may be purchased or inspected. (M.C.L. 125.3401(8))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p>NA <input type="checkbox"/></p> <p>Not applicable because there is no airport in or near the area being zoned.</p>	<p>No <input type="checkbox"/></p> <p>Mailing of a copy of the notice to the airport manager is required by the Michigan Zoning Enabling Act. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></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>27. If this audit is being done for a township: do you have on file a copy of a statement indicating the zoning ordinance has been filed with the county clerk? (M.C.L. 41.185)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p>NA <input type="checkbox"/></p> <p>Not applicable because this is not a township or because the township has regular office hours on each business day filing with the clerk was not required.</p>	<p>No <input type="checkbox"/></p> <p>The ordinance on file with the county clerk is required for all adopted township ordinances.</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>28. Do you have on file a copy of a statement indicating the zoning ordinance has been filed with the county planning commission?</p> <p>If this audit is being done for a county planning commission: has the county planning commission requested copies of all zoning ordinances and zoning ordinance amendments from all municipalities? (M.C.L. 125.3869)</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>The ordinance on file with the county planning commission and the county planning commission keeping a current library of all those ordinances are recommended and a best planning practice.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done</p>
<p>29. Do you have on file a copy of the notice of ordinance adoption published in the newspaper within 15 days of ordinance adoption and an affidavit of publication? (M.C.L. 125.3401(7))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>Publishing a notice of ordinance adoption is required by the Michigan Zoning Enabling Act. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></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
30. Do you have on file a statement of the effective date of the ordinance? (M.C.L. 125.3401(9)(c))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately	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
31. Do you have on file a certified copy of the updated ordinance with the local unit of government clerk or in some other permanent location? (M.C.L. 125.3401(7))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is required, so file a copy of the updated ordinance with the local unit of government clerk immediately.	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

File Documenting Amendment Adoption

Amendment Adoption Table

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

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>2. Do you have on file a copy of the initial draft text of a zoning amendment and the initial draft of the amended zoning map showing changed zoning districts?</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> It is important that you recover this initial draft text and map. If the documentation can not be recovered, consult with the local unit of government attorney about adopting a new zoning ordinance and zoning map. Meanwhile, if desired, you can adopt an interim zoning ordinance (see Land Use Series: "Checklist #2: For Adoption of a Zoning Ordinance in Michigan" and "Checklist #3: For Adoption of an Interim Zoning Ordinance in Michigan" at www.msue.msu.edu/lu).</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 have on file a copy of the review/critique (letters, minutes, other) by county planning commission or professional planner and attorney?</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 the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>4. Do you have on file an affidavit of publication of the hearing notice in a newspaper? (M.C.L. 125.3103(1))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> The action to publish notice of a public hearing for ordinance or map amendment is required by the Michigan Zoning Enabling Act. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. 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>5. Is there documentation in the file that includes the following items?</p> <p>a. Copies of notices sent by mail or personal delivery to the owners of property, persons whose real property is being assessed, and one occupant per structure, or managers/owners of structures with more than four dwelling units, located within 300 feet of the property for which the approval is being considered.</p> <p>b. Affidavits to show the notices were sent.</p> <p>c. List of those to whom notices were sent. (M.C.L. 125.3103(2))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>The action to publish notice of a public hearing for ordinance or map amendment is required by the Michigan Zoning Enabling Act. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></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>6. Does the public notice at a minimum provide information about the following?</p> <p>a. Describe the nature of the request.</p> <p>b. Indicate the property that is the subject of the request.</p> <p>c. State when and where the request will be considered.</p> <p>d. Indicate when and where written comments concerning the request will be received. (M.C.L. 125.3103(4))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This practice is the minimal amount expected. Start doing so immediately.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>7. Do you have on file a certified copy of the minutes of the planning commission's public hearing?</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p>8. If this audit is being done for a township: do you have on file a letter of transmittal of the amendment for review to the county planning commission? (M.C.L. 125.3307(1))</p>	<p>Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p>NA <input type="checkbox"/></p> <p>Not applicable because this is not a township.</p>	<p>No <input type="checkbox"/></p> <p>The action to transmit the zoning ordinance to the county planning commission for review is required for townships. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/></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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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
9. If this audit is being done for a township: do you have on file a copy of the township attorney's letter of review to the county planning commission?	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because this is not a township.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.	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.
10. If this audit is being done for a township: do you have on file a copy of the recommended zoning amendment and amendment to the zoning map?	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because this is not a township.	No <input type="checkbox"/> Filing a copy of the recommended ordinance, maps, and other documents is recommended. If desired, start the practice of doing so from this point forward.	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.
11. If this audit is being done for a township: do you have on file a copy of the county planning commission's response or recommendation on zoning amendment?	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because this is not a township.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately.	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.
12. Do you forward to the legislative body a summary of the comments and recommendations received at the public hearing and by the county planning commission (for townships), including a copy of the proposed zoning amendment? (M.C.L. 125.3308(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Start to do so immediately.	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.
13. Do you have on file a certified copy of the minutes of the legislative body meeting at which the ordinance was reviewed? (M.C.L. 125.3401(1))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.	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.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>14. Do you have on file a copy of notices of an additional public hearing on the proposed amendment by the legislative body? (This is optional because such a public hearing may or may not be held.)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p> <p>NA <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p>No <input type="checkbox"/> This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of delivery is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>15. Do you have on file a copy of the affidavit of publication of the public hearing notice in the local newspaper? (This is optional because such a public hearing may or may not be held.) (M.C.L. 125.3401(2))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p> <p>NA <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p>No <input type="checkbox"/> This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>16. Do you have on file a copy of the affidavit of delivery of the public hearing notices? (This is optional because such a public hearing may or may not be held.)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p> <p>NA <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p>No <input type="checkbox"/> This action to hold an additional hearing is dependent on the decision of the legislative body. Filing a copy of the affidavit of delivery is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>17. Do you have on file documentation that includes the following items (this is optional because such a public hearing may or may not be held):</p> <p>a. Copies of notices sent by mail or personal delivery to the owners of property, persons whose real property is being assessed, and one occupant per structure, or managers/owners of structures with more than four dwelling units, located within 300 feet of the property for which the approval is being considered. (M.C.L. 125.3103(2))</p> <p>b. Affidavits to show the notices were delivered.</p> <p>c. List of those to whom notices were sent.</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p> <p>NA <input type="checkbox"/> Not applicable because an additional hearing was not held.</p>	<p>No <input type="checkbox"/> The action of sending notice of a public hearing for ordinance or map amendment is required by the Michigan Zoning Enabling Act. Filing a copy of the notice, affidavit of mailing, and a list of those to whom notices were sent is recommended. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> 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
18. Do you have on file a copy of a landowner's request for a hearing before the legislative body? (This is optional because such a personal hearing may or may not be held.) (M.C.L. 125.3401(4))	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because an additional hearing was not held.	No <input type="checkbox"/> A property owner can request a legislative body to hold a hearing by certified mail addressed to the clerk of the legislative body. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.	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.
19. Do you have on file a copy of the minutes of the public hearing or personal hearing? (This is optional because such a hearing may or may not be held.)	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because an additional hearing was not held.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.	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.
20. If the legislative body considers changes, additions, or amendments to the proposed ordinance, and the changes, etc., were referred back to the planning commission for consideration and comment within the legislative body's specified period of time, do you have a copy of the legislative body's request on file? (M.C.L. 125.3401(3))	Yes <input type="checkbox"/> Good. Go to the next question. NA <input type="checkbox"/> Not applicable because the legislative body did not consider any changes.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately.	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.
21. Do you have on file a certified copy of the legislative body's minutes (including motion and vote) to adopt the zoning amendment? (M.C.L. 125.3401(5))	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately.	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.

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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>22. Do you have on file a copy of the adopted zoning amendment? (M.C.L. 125.3401(7))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> A copy of the adopted zoning amendment needs to be filed with the clerk of the legislative body, but the planning commission is not required to keep a copy on file. This is recommended. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>23. Do you have on file a copy of the mailing to airport manager(s) containing the following information?</p> <p>a. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment. b. The effective date of the ordinance or amendment. c. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p> <p>NA <input type="checkbox"/> Not applicable because there is not an airport in or near the area being zoned.</p>	<p>No <input type="checkbox"/> Mailing of a copy of the notice to the airport manager(s) is required by the Michigan Zoning Enabling Act. Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>24. If this audit is being done for a township: do you have on file a statement indicating the zoning ordinance has been sent or filed with the county clerk? (M.C.L. 41.185)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p> <p>NA <input type="checkbox"/> Not applicable because this is not a township or because the township has regular office hours on each business day so a copy filed with the county clerk is not required.</p>	<p>No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>25. Do you have on file a copy of a statement indicating the zoning ordinance has been filed with the county planning commission?</p> <p>If this audit is being done for a county planning commission: has the county planning commission requested zoning ordinances from all municipalities copies of all zoning ordinances and zoning ordinance amendments? (M.C.L. 125.3869)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> The ordinance on file with the county planning commission and the county planning commission keeping a current library of all those ordinances are recommended and a best planning practice.</p>	<p>Check this box: <input type="checkbox"/> 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
26. Do you have on file a copy of the notice of ordinance adoption published in the newspaper within 15 days of ordinance adoption and the affidavit of publication?	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> Publishing a notice of ordinance amendment adoption is required by the Michigan Zoning Enabling Act. Filing a copy of the affidavit of publication is recommended but not required. If desired, start the practice of doing so from this point forward.	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.
27. Do you have on file a statement of the effective date of the ordinance amendment	Yes <input type="checkbox"/> Good. Go to the next question.	No <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so immediately	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.
28. Do you have on file a certified copy of the zoning amendment with the local unit of government clerk or other permanent location? (M.C.L. 125.3401(7))	Yes <input type="checkbox"/> Good. Go to the next question	No <input type="checkbox"/> This is required, so file a copy of the updated ordinance with the local unit of government clerk immediately.	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.
29. (Optional) Do you have on file an updated or annotated copy of the entire zoning ordinance that shows the amendment changes, etc., within its text?	Yes <input type="checkbox"/> Good. Go to the next question	No <input type="checkbox"/> This is recommended best practice but not required. If desired, start the practice of doing so from this point forward.	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.

Zoning Ordinance Content

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

- On the basis of which rows in the table below you were able to mark page numbers in and which ones are left blank, you can construct a list of what has been done and what has not been done. A general strategy each time a community updates its zoning is to try to assess what items are needed in the zoning and which are not applicable for your community. Over time, the zoning will become more substantial as the community grows and need for more exists. Note that there is a point at which a community does not need a more substantial zoning ordinance (such as a small, rural, or not complex community). This is a judgment call that should be reassessed each time the community updates or replaces its zoning ordinance.

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

Table of zoning ordinance content

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

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Parts of a typical zoning ordinance. (The article numbers shown here are examples; your ordinance may use a different numbering system or may have items in a different order. Article numbers not used here are skipped to leave room to insert future articles. See material on ordinance codification: www.msue.msu.edu/lu .)	The page or section where it is found in our ordinance	Need to add to our zoning	Not applicable for our community
<ul style="list-style-type: none"> ▪ Article 16 for standards for specific possible conditional and special uses. 			
<ul style="list-style-type: none"> ▪ Article 18 for establishment of the zoning map and definition of zoning districts. 			Must be in all zoning ordinances
Articles 20-79 for each zoning district, further organized as follows, with articles 20-69 organized from least intense to most intense:			
<ul style="list-style-type: none"> ▪ Articles 20-29 for environmental, historic, and other special zoning districts, with each zoning district organized from least intense to most intense. 			
<ul style="list-style-type: none"> ▪ Articles 30-39 for agricultural, forestry, rural, and rural residential zoning districts, with each zoning district organized from least intense to most intense. 			
<ul style="list-style-type: none"> ▪ Articles 40-49 for residential zoning districts, with each zoning district organized from least intense to most intense. 			
<ul style="list-style-type: none"> ▪ Articles 50-59 for commercial zoning districts, with each zoning district organized from least intense to most intense. 			
<ul style="list-style-type: none"> ▪ Articles 60-69 for industrial zoning districts, with each zoning district organized from least intense to most intense. 			
<ul style="list-style-type: none"> ▪ Articles 70-79 for overlay districts. 			
Articles 80-89 for permit processes and procedures.			
<ul style="list-style-type: none"> ▪ Article 80 for nonconformities. 			Must be in all zoning ordinances
<ul style="list-style-type: none"> ▪ Article 82 for office of the zoning administrator. 			Must be in all zoning ordinances
<ul style="list-style-type: none"> ▪ Article 84 for permit procedures. 			Must be in all zoning ordinances
<ul style="list-style-type: none"> ▪ Article 85 for conditional uses procedures. 			
<ul style="list-style-type: none"> ▪ Article 86 for special uses procedures. 			
<ul style="list-style-type: none"> ▪ Article 88 for planned unit development procedures. 			
Articles 90-99 for ordinance administration.			

Parts of a typical zoning ordinance. (The article numbers shown here are examples; your ordinance may use a different numbering system or may have items in a different order. Article numbers not used here are skipped to leave room to insert future articles. See material on ordinance codification: www.msue.msu.edu/lu .)	The page or section where it is found in our ordinance	Need to add to our zoning	Not applicable for our community
<ul style="list-style-type: none"> ▪ Article 94 for site plan review process. 			Must be in all zoning ordinances
<ul style="list-style-type: none"> ▪ Article 96 for appeals board. 			Must be in all zoning ordinances
<ul style="list-style-type: none"> ▪ Article 98 for ordinance amendment, validity, enforcement, and penalties. 			Must be in all zoning ordinances

See appendix on common things missing from zoning and common problems with zoning.

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/>.

- A. The Governor’s Land Use Leadership Council used the following smart growth tenets³ 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.
1. Mix land uses.
 2. Compact building design.
 3. Increase housing choice.
 4. Encourage walking.
 5. Offer transportation variety.
 6. Create a sense of place.

³ 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>.

7. Protect farms, unique natural features, open spaces.
 8. Direct new development to existing communities.
 9. Make development process fair, predictable, efficient.
 10. Involve stakeholders.
- B. What is smart growth?
1. Smart growth is development that serves the economy, the community, and the environment.
 2. It provides a framework for communities to make informed decisions about how and where they grow.
- C. Why smart growth? It makes dollars and sense because it is financially conservative, environmentally responsible, and socially beneficial.
1. Financially conservative
 - a. Makes responsible use of public money.
 - b. Reuses existing buildings.
 - c. Uses existing roads and highways.
 - d. Uses existing water/sewer infrastructure.
 - e. Uses higher density to maximize the value of publicly funded facilities and services.
 - f. Keeps taxes and public service costs low.
 2. Environmentally responsible
 - a. Uses and/or reuses developed areas.
 - b. Keeps impervious surfaces to a minimum by concentrating dense development.
 - c. Builds to fit existing land rather than changing the land to fit what is built.
 - d. Avoids oversized lots and yards to reduce excessive mowing, fertilizing, etc.
- D. Socially beneficial
- a. Encourages people to live close enough to one another for comfortable interaction.
 - b. Designs residential areas for conversation from the sidewalk to the front porch.
 - c. Encourages “eyes on the street” at all hours to reduce crime and fear of crime.

Chapter 4: New Economy

By Kurt H. Schindler, Distinguished Senior Educator Emeritus

Part one: A new economic age and playing field

It is not news to most that Michigan was hit hard in the 2007-2014 recession. We lost the most manufacturing jobs of any state, had the highest unemployment and falling median income, and lost more population than any state.

What might be even more difficult news is that we have recovered. However, our recovery did not provide a return of all the lost manufacturing jobs and has not brought median income back up to past levels. In the past, Michigan's economy was tied to the cycles of the automotive industry. We had economic downturns but, when automobile sales picked back up, Michigan's economy rebounded.

With this recession, Michigan's economy has undergone a fundamental change. With that change, the rebound will not be the same as in the past, and the automotive dominance will not be as significant.

A number of economists and Michigan State University President Lou Anna K. Simon recognized there was a fundamental economic shift some years ago. Recognizing this shift led to a cooperative effort of several Michigan universities. They took a close look at Michigan's economy and provided research as to what has happened and what would be the most effective strategies for economic recovery.



Figure 1 Dr. Adesoji "Soji" Obafemi Adelaja, Hannah Distinguished Professor in Land Policy, Agricultural and Food Resource Economics, MSU, and former director of the Land Policy Institute.

Dr. Adesoji "Soji" Adelaja,⁴ the John A. Hannah Distinguished Professor in Land Policy and former director of the MSU Land Policy Institute,⁵ led the multi-faceted research effort.⁶ Dr. Adelaja came to Michigan State University from Rutgers University and agreed to work on at the Land Policy Institute and economic research for five to seven years.

Actually, the change in the world economy occurred in the 1990s and 2000s for most of the western world and many other states too. In Michigan, the shift did not occur as soon, largely due to the dominance and continued success of the automotive industry. The start of the 2009 recession brought the economic shift to a head in Michigan very abruptly.

The fact that the majority of the western world already experienced this shift can be seen as good news for Michigan. The research could then focus on learning what happened elsewhere, since many parts of the world were more familiar with the economic shifts, so to speak. The applied research⁷ could identify economically prosperous and successful regions and backward-engineer what those communities did to achieve their success and economic recovery. In short, we could learn from others what worked in other

⁴ http://www.afre.msu.edu/people/adelaja_a/bio-info

⁵ <http://landpolicy.msu.edu/>

⁶ <http://landpolicy.msu.edu/program/info/mpi>

⁷ <http://landpolicy.msu.edu/program/info/mpi>

western nations and states. That was the major focus of research done by Michigan universities and trainings brought to communities⁸ by MSU Extension,⁹ MSU Land Policy Institute, the Michigan Municipal League¹⁰ and other organizations.

Future parts of this chapter will review the content of that training.

During the recession, the United States' share of economic growth in the world fell from 19 percent to 10 percent (Business Week, 2008). That means other nations did much better than us. The bottom line is successful prosperous regions adopted a new approach to attracting growth, recognizing the characteristics of the new economy. It is not a choice as to whether we want to be in the new economy or not. It has already happened.

This kind of economic change, any kind of economic change, is not new, and such change always happens. The employment in the agricultural sector peaked in 1900s. Agriculture is still important today, but now employees from this industry represent about three percent of the workforce. Traditional manufacturing employment peaked in the 1960s. That sector, in the United States, is now following the transition that agriculture underwent.

The new economy is world-wide competition. Every other town, city and region in the world is now competing with Michigan for prosperity. Many nations have some significant advantages over the United States:

- They have flexible infrastructure, a more flexible decision-making framework and better partnership between government and business.
- They do not have our legacy costs (pensions, health insurance, etc.).
- They can take more risk.
- They have nothing to lose and prosperity to gain.

Not only are they our competitors, it is also important to remember they do not care about us.

So, we have to change the way we think, act and do business at every level in the public, private and nonprofit sectors in order to compete globally in the new economy. From research, we know that a transition from manufacturing to service and manufacturing to advanced manufacturing has occurred. In the 2000s, most U.S. growth is attributable to the service, knowledge and advanced manufacturing sectors. Firms with the highest quality of knowledge tended to be the fastest-growing and most profitable. For example:

- Information-communications-technology industries were best in 2008.
- Service industries that were most integrated with global demand accounted for more than 75 percent of job gains in 2008, many of which were created by exports.

However, there is more to it than just knowledge assets. It is unrealistic to try to grow a local economy based on economic sectors past their peak. To be prosperous, we need to be increasing employment in those industries that are growing.

⁸ <http://landpolicy.msu.edu/program/info/mpi>

⁹ <http://msue.anr.msu.edu/>

¹⁰ <http://www.mml.org/home.html>

Part Two: Old versus new: New economy is where we are at

Once research was completed by a partnership of several Michigan universities (see Part One), the task shifted toward presenting what was learned to state and local governments, so that those successful actions could begin in Michigan. The Land Policy Institute and Michigan State University Extension focused their efforts on that. Much of the activity in the past seven years has focused on working with numerous communities to shift gears and succeed in the new economy. It has allowed us to see, first-hand, these strategies work.

A very fundamental structural shift has occurred with economic development. In this new economic age, it pays to know the difference between the old and new economy.

Before going into the successful strategies, let's further explain what the new economy is and how it compares with what Michigan's economy used to be.¹¹

First, there is a shift in what is most important for businesses when choosing where to locate. In the new economy, a community that is rich in talent¹² and ideas is most important. Today's competitive market requires innovation, adoptability and a community and labor force that has the talent and ideas to change and remain competitive. This replaced what used to be most important: low cost (low tax, tax breaks, pre-built industrial parks).

Second is a community or region's ability to attract educated people. Why? Because "educated people" is the best measure one has to determine if a community is rich in talent and ideas. In the new economy, one of the major economic development strategies is to do things that result in educated individuals wanting to come and live in their town or region. This replaced what used to be the strategy of attracting companies and factories.

Even factories need educated or knowledge workers. Advanced manufacturing is where the United States is competitive. In the mid-late 2000s, MSU Extension educators, working on this topic, toured parts of Ford Motor Company's Rouge industrial complex. The UAW worker that was our tour guide pointed to the Ford F-150 pickup truck assembly line and indicated all workers on that assembly line have a bachelor degree, the technical equivalent, or more.

Third is the realization of and action on the reality that physical and cultural amenities are key in attracting talent and knowledge workers. Those knowledge workers are who bring to a community the richness and talent in ideas, measured by level of education. That is what new economy businesses consider most important. It means that things like vibrant downtowns, theater, nature centers, green¹³ and blue trails,¹⁴ natural areas, forests, farms, historic features, arts organizations, and much more are the most important basic things for economic development. In many ways, things a community does to attract and accommodate tourists is now what is needed for attracting the talent to a community. Often, the strategies used by hospitals to attract doctors to a community are now the strategies that need to be used for the knowledge worker as an economic development strategy. In the old economy, that was not

¹¹ http://landpolicy.msu.edu/resources/chasing_the_past_or_investing_in_our_future_full_report

¹² <http://searchcrm.techtarget.com/definition/knowledge-worker>

¹³ <http://michigantrails.org/>

¹⁴ <http://www.michiganwatertrails.org/>

the case. A high-quality physical environment was a luxury, costing money, and a negative for a cost-conscious economic development effort.

Bend,¹⁵ Oregon, is an example of this. Bend is where the spotted owl resided and, upon protection of that species' habitat, the logging industry in Bend saw a major downturn. That was also when the new economy shift was happening in Oregon. The town's economy rebounded to a point many times stronger than it was with logging – by promoting their natural environment and outdoor life: “If your business is in Bend, you can be on vacation at 5 p.m. every day.”

Fourth, knowledge workers choose where they want to live. Then, the majority of them move there. Once they have arrived, then they find work or become entrepreneurs and create their careers. With the millennial generation, about 66 percent of college graduates follow this pattern: chose where they want to live, move there and then look for work. The recession has not significantly changed this percentage. I suspect that most reading this article know a child, grandchild, friend or friend's relatives that have done this. New economy businesses follow that talent to those regions where they are choosing to live. So, the economic strategy is to be the community that has the attractive qualities in your region where people choose to live. That is done with physical, cultural amenities and natural resource play areas. So, knowledge workers, educated people, choose to locate there. That is how a community becomes a region that is rich in talent and ideas, which attracts new economy businesses.

For example, I met the director of a culture department in one Norway city while hosting a study group. Every city in Norway has this type of department funded by their national government as part of their economic development strategy. Her department had seven full time and seven part time employees. Her city population was roughly 7,000. Their job is to make sure there are activities to do in the city: nightlife, sporting events, culture and so on. They have to make them self-sustaining, as these departments cease to exist after so many years. Norway understands the importance of a variety of activities for attracting people and economic development. Norway is one of our competitors in the new economy.

There are additional comparisons between the old economy and new economy. The table illustrated with this article compares the old and new economy. Each illustrates a significant shift from the economy Michigan had prior to 2009 and now.

Old versus New Economy

A side-by-side comparison of the old economy and new economy.

Old Economy	New Economy
Inexpensive place to do business was the key.	Being rich in talent and ideas is the key.
A high-quality physical environment was a luxury, in the way of attracting cost-conscious businesses.	Physical and cultural amenities are key in attracting knowledge workers.
Success = fixed competitive advantage in some resource or skill.	Success = organizations and individuals with the ability to learn and adapt.
Economic development was government-led.	Partnerships with business, government and nonprofit sector lead change.
Industrial sector (manufacturing) focus.	Sector diversity is desired, and clustering of related sectors is targeted.
Fossil fuel dependent manufacturing.	Communications dependent.
People followed jobs.	Talented, well-educated people choose location first, then look for a job.

¹⁵ <http://www.bendoregon.gov/>

Old Economy	New Economy
Location mattered.	Quality places with a high quality of life matter more.
Dirty, ugly, and a poor quality environment were common outcomes that did not prevent growth.	Clean, green environment and proximity to open space and quality recreational opportunities are critical.

Part three: People count: Population growth causes basic economic growth

Attracting people to live in your area is one of the most basic and important economic development strategies. It may also be one of the easiest¹⁶ to do.

It seems obvious to say it, but each time someone moves to your community,¹⁷ that is economic growth. That person is a new customer. They buy food and services, patronize local businesses, get their car fixed, attend activities, invite others to visit them, and more. Likewise, if people move away, that hurts the community economy.

Population growth is economic growth. Taking steps to attract people to move to a community is an important strategy.

A state, county or community that is shrinking in population cannot grow. Also, consider that in the new economy, many people choose where they want to live, move there and then look for work or become entrepreneurs creating their own employment. And people choose to move to quality places.¹⁸

So, a new economy development strategy is to attract people. First, any growth in population equates to growth. Second, there are certain population groups that may be more important to target than others. For example, new retirees (baby boomers) bring with them a life-time of savings and skills. Also, retirees are one of the most prolific population groups that produce entrepreneurs – people who start new businesses and employ others. This should not be a surprise. This age group has a lifetime of experience and skills, and many have savings or connections for having the funds to start new ventures.

Another sought after group (which Michigan does very poorly) are EB-5 Visa immigrants¹⁹ to the United States. Those from other nations eligible for EB5 are well-educated and able to invest a significant amount of money into a new business. First and second generation immigrants to the United States are this nation’s most prolific group for starting new, very successful businesses that employ many people. These are highly prized immigrants²⁰ in many parts of the country, but, for the most part, Michigan does not even pursue them.

Educated youth (millennials) is a third desired group. This represents a talent pool – what advanced industry is looking for in a community where they might locate.

¹⁶ http://msue.anr.msu.edu/news/build_better_places_today

¹⁷ <http://landpolicy.msu.edu/resources/econimpactsctypopchangesmifullreport>

¹⁸ <http://www.economicsofplace.com/2011/12/placemaking-in-small-towns-five-case-studies>

¹⁹ <https://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/about-eb-5-visa>

²⁰ http://msue.anr.msu.edu/news/new_americans_in_michigan

Remember, one of the characteristics of the new economy is that jobs follow people. People move to quality places. Currently millennials tend to seek urban, large city downtowns to live. That trend will continue for some years yet. It is a generalization. Not everyone fits that mold. The task for rural communities or small towns is to define their niche and target those people who seek the assets and attributes they have to offer.

The ultimate local goal for the new economy is to attract and retain these people-assets: well-educated youth, seniors, immigrants and entrepreneurs. For growth in the new economy, a community and region should have a deliberate, purposeful, formally-adopted population attraction strategy. Such a strategy may involve many of the same things the community does to attract tourists, attract medical staff to a local hospital, and more.

What attracts people to a town, county and region? The same things that have already been pointed out in this series: green²¹ and blue²² infrastructure, vibrant downtowns, arts, culture, activity and things to do. But more specifically, it comes down to “place matters”. People are attracted to a place.²³ The types of places which are popular and successful in getting new population have the following:

- Entrepreneurial infrastructure²⁴ – a community that is supportive of new businesses startups and has programs such as economic gardening in place
- Diversity²⁵ – communities that are tolerant of and socially welcome diversity of race, religions, beliefs and life-styles.
- Green²⁶ and blue²⁷ infrastructure – natural areas, parks, trails, water resources and so on
- Social infrastructure – a community with social activities, events and things to do
- Public transportation infrastructure – a choice as to how one gets around the community, not just automobile, but also bike, walking, and public transportation to and between amenities
- Variety of housing²⁸ – a choice of different types of housing, not just single family homes on lots, but also housing downtown, apartment buildings, and so on (what is important is to provide choice)
- Information technology infrastructure – high-speed internet
- Collaborative capacity – a community that works together and has many collaborative and cooperatives efforts for accomplishing community-wide projects

In the next part, we will focus more on place, place matters and placemaking.²⁹

²¹ <http://michigantrails.org/>

²² <http://www.michiganwatertrails.org/>

²³ <http://miplace.org/placemaking>

²⁴ <http://edwardlowe.org/entrepreneurship-programs/>

²⁵ http://od.msue.msu.edu/diversity_and_multiculturalism/

²⁶ <http://michigantrails.org/>

²⁷ <http://www.michiganwatertrails.org/>

²⁸ <http://missingmiddlehousing.com/>

²⁹ <http://miplace.org/placemaking>

Part Four: Local government's economic development role: placemaking and regions

A key strategy for development in the new economy is to attract more people to live in an area. At the most basic level, the idea is to simply have population growth.³⁰ More strategically would be targeting retirees (baby boomers), EB-5 Visa immigrants³¹ to the United States, and educated youth (millennials) as desired newcomers.

In the new economy, we now see jobs and employers following talented people and talented people moving to quality places. This raises the issue of what are “quality places” and how does one make their own community a quality place? Part three of this series talked about that a little bit.

The most important thing about “quality place” is that each community has its own unique characteristics. Each community has its own set of assets and attributes that are genuine for that community. One should build on those unique assets to enhance and build place.

Generically, one can point to some characteristics of a place. At a regional level (multiple counties),³² they include attractive, high-quality cities, universities and colleges, first-class medical facilities, regional transit, transportation and highway access, and green³³/blue³⁴ infrastructure.

Within a region, each community uses its assets to do its part in the region. No one local government area can be everything that is needed in a region. But they do have a role, contributing their assets as part of the whole for the region.

One of very important findings about successful communities in the new economy is their work was done with a regional (multi-county) partnership. The new economy is regional. People, companies and talent do not move to towns; they move to regions. So, the effort needs to be focused locally but with an eye as to how it works and fits in the larger region. That means local governments, schools and the private sector must all work cooperatively together to market the region.

In Michigan, as a result of the research done by MSU, there are the Michigan Prosperity Regions³⁵ put forth by Governor Snyder.

It takes a region to provide the places, variety, resources and attributes to attract people. Attraction of people is attraction of new businesses and needs to be done at a multi-county regional level.

³⁰ <http://landpolicy.msu.edu/resources/econimpactsctypopchangesmifullreport>

³¹ <https://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/about-eb-5->

³² <http://www.michigan.gov/dtmb/0,5552,7-150-66155---,00.html>

³³ <http://michigantrails.org/>

³⁴ <http://www.michiganwatertrails.org/>

³⁵ <http://www.michigan.gov/dtmb/0,5552,7-150-66155---,00.html>



Figure 2: Components of placemaking | Graphic by Glenn Pape of MSU Land Use Institute from a similar graphic by Project for Public Places, New York.

The process, or effort, to build “quality place” is called placemaking.³⁶ That is making place. To explain this it may be easiest to ask you to use your imagination. Think back to the last time you took a vacation or visited another city that you really liked. Now think back to what it is you liked about that place. Make a mental list of those things as you read this.

³⁶ <http://miplace.org/placemaking>

Now, think about your community. What things on your mental list about the place you visited could be done in your community? Be sure things you list for your community build on the existing strengths and assets your community has. You do not want to try to make your community something it is not. That would look and feel fake and does not work. Actually, doing the things on your list to build strengths and assets in your community is called “placemaking”.

Placemaking is one means of attracting people and prosperity to your community. Placemaking done by many communities in a region is one means of attracting people and development to your region.

The imagination example of placemaking, above, is a simplistic explanation. When working with a community, the discussion and making lists needs to be done in an open, inclusive way so many can participate. When done as part of a community, the process is more formal. It starts with knowing your economic region, or sub-region. This is so there is an understanding of what role the community fulfills in the region. For example, a very rural township may have the role to provide growing of local foods or green assets with forest or rivers. A city may be providing a downtown. Another small town may have the cultural arts assets and other communities offering their parts. All together they become a region or sub-region that has a cross section of most the assets that are globally competitive and economically prosperous.

To do all this, one needs to know the assets and resources. So, start with making a list of those things. Then, build on those. Think about how it fits in with the region. That means collectively making a model or region-wide economic plan which connects to demand (regional, national, global). Working as a community group and coordinating with a county and region means talking to your partners often. These partners can be from neighboring communities, counties and regions. It also means partnerships that include each of the public, private, non-profit sectors.

This regional approach also means one gives up some of the old models (see chart with Part 2) of doing business. Economic development is no longer a territory issue. Everyone wins with any one community's gain. Everyone loses when time and resources are spent getting business to move from one place in the region to another place in the region. Be willing to rethink how local funds are spent, to invest elsewhere, or to help investment in another part of the region recognizing the whole region benefits.

In summary, economic development is now all about economic, social and environmental “placemaking”. It is one of the main economic strategies for local governments in Michigan and is necessary to catch up with many other states and countries in the western world.

Finally, remember the shift to the new economy came to Michigan later than most places. That means we are behind in the process of creating places where people want to live, work and play. In order for communities to succeed and revitalize, embracing these concepts sooner rather than later is imperative to their success.

There are many excellent resources on placemaking. The main one, written specifically for Michigan is *Placemaking as an Economic Development Tool: A Placemaking Guidebook*.³⁷ It is a free PDF download for anyone in Michigan.

³⁷ <http://landpolicy.msu.edu/resources/pmedtguidebook>

Part Five: Prosperity comes from a focus on people, policy and place on a regional scale

Local governments are not the only ones with an important role to bring Michigan back to prosperity in the new economy. State government and educational institutions also have vital parts to do.

This series spoke of the new economic age and playing field and compared the old economy and new economy, pointing out this shift has already occurred and Michigan still needs to catch up with the change. The series then focused on the importance of attracting people and stated that population growth is economic growth. Thus, population attraction strategies by local communities are important with placemaking³⁸ and local government coordinating with regions.

For the state as a whole, the research done by MSU and other Michigan universities outlined fourteen broad categories of strategies for having prosperity. Those fourteen categories can be divided into three general areas: people, policy and place.

These three general areas also tend to fall into different camps for implementation. Issues around people are things most likely to be within the realm of the education system. Policy focuses on state-wide organizations and state government. Place are things best suited for local and regional government.

In the new economy, businesses think in regional terms. An industry does not choose to move to a township, village, county or a city. An industry is choosing to locate in a region or sub-region. The assets and attributes businesses look for is more than what exists in a single municipality. The customer base, labor pool, education system, medical services and many more things are regional (multiple counties) or sub-regional (maybe two counties) in size. If local government is not also thinking in regional terms and presenting a regional picture, it runs the danger of not even speaking the same language as the industry it is trying to attract.

This should not be a surprise. A question I often ask an audience is, “How many of you live, shop, work, play, learn, socialize, go to church and everything else without ever leaving the boundaries of your local government?” Of course, no one raises their hand. We all live our lives in a region or sub-region. The regional approach for new economy strategies about people, policy and place also apply.

It takes a region to provide the places, variety, resources and attributes to attract people. Economic development also needs to be coordinated among state, regional, educational, local government and private sectors.

³⁸ <http://landpolicy.msu.edu/resources/pmedtguidebook>

Figure 1 – Fourteen Strategy Categories



Figure 3 Categories of across-the-board various strategies for Michigan to be competitive in the new economy. | Results of a Land Policy Institute Prosperity Initiative for Michigan

The first area is a focus on people, enhancing the talent and skills that people have. This largely falls to the educational system. That includes K-12, community colleges, universities, Michigan Works, private and nongovernmental organizations, and economic development organizations. Strategies include educating our future workforce. In the new economy, there is a direct relationship between how well the population is educated and the median income in the state. In the old economy, that was not the case, and Michigan did well median income-wise. Today it is very important. The states with the most economic success and highest median income have a workforce which has 50 percent with bachelor degrees or higher. Michigan's is around 25-27 percent. This is not saying everyone has to go to college, but a larger percentage of students should be receiving higher education. Additional strategies are re-tooling the existing workforce, attracting and retaining talent. It also means advancing innovation and technology with training, research and development. The educational and nongovernmental organizations also have a role to create an entrepreneurial culture through the teaching of creative arts

and community acceptance and fostering of entrepreneurialism. A strategy is also to work to market and promote the region the education institutions are located within.

While the accompanying graphic and this article divide economic development tasks among various government entities, it does not have to be done that way. For example, Kalamazoo Promise³⁹ is a multi-government and non-profit effort. Many communities understand the attraction of knowledge/talent workers means getting education beyond high school. So, various structures of investment in higher education are being done within a number of Michigan communities. The goal is to grow that talent right at home. Success is pointed out by research done by the W. E. Upjohn Institute for Employment Research:⁴⁰ Kalamazoo scholarships increased the number college degrees received. For every \$1 invested in college, one can expect \$11 more in pay over the course of a person's career. Higher education pays back big time, not just for the individual with higher pay and health, but also for the region. The more educated the workforce, the faster the recovery from recessions, and the more attractive those communities are to potential new employers, according to the Kresge Foundation's⁴¹ materials.

So, while education mainly falls to the education system, local government and non-profit organizations can also have an important role.

The second area focuses on policy and improving the business climate. It is largely a state government (legislature) function and deals with regional and local organizations. Shaping responsive government to the needs of the new economy (including focusing state services around the new state regions) becomes an important strategy. The state can also diversify and globally connect businesses. Financial issues include increasing capital funding and designing a fair and competitive tax structure. The state level efforts also have a role to create an entrepreneurial culture with the education system. Also, the state can enhance transportation connections and choices.

The local role for this means streamlining zoning and local review and approval processes. Things like one-stop-shopping so one can get all their permits with one stop and one location. Strategies include having deadlines decisions on site plan review, special use permits; considering home occupations as an "automatic" activity in a home; mixed use districts, downtowns; allowing a mix of housing types; broadly defined agriculture that allows many more types of activities; accommodating alternative energy (with such structures as part of buildings, etc.); fewer special uses replaced with permitted uses; and requiring affordable housing for the workforce.

The third area is a focus on place, enhancing community through placemaking, and is done by city, village, township and county governments; regions; private and nongovernmental organizations; and economic development organizations. This series of articles already focused on strengthening quality of place (placemaking and all that entails) in part 4. This includes enhancing green and blue infrastructure opportunities. It also means optimizing infrastructure investment, such as re-directing some spending toward new technology like high-speed internet. It also means working with state efforts to enhance transportation connections and choices and working with educational systems to market and promote the region.

All these efforts need to work together. There are many different actors needed to do all these things. Coordination between them all is necessary. If that cooperation does not already exist, it needs to be initiated. In part three of this series, we pointed out that a community that works together has many collaborative and cooperative efforts (between public, private, non-governmental and non-profit

³⁹ <https://www.kalamazoopromise.com/>

⁴⁰ <http://www.upjohn.org/>

⁴¹ <http://kresge.org/programs/education>

organizations) for accomplishing community-wide projects and will be several steps ahead toward prosperity.

In part four, we indicated this cooperation needs to also span geography to be regional. It was one of the very important findings about successful communities in the new economy: having a regional (multi-county) partnership.

Two final thoughts: Dr. Adesoji “Soji” Adelaja,⁴² the professor of economics that headed up the applied research behind what Michigan needs to be doing to be prosperous in the new economy, said in exasperation, “Michigan has the natural resources, people and all the other assets for economic success that the rest of the world envy. But no one seems to promote them or use them, and some do not even recognize them as assets.” How can a state be so blind to all it has at its disposal? The point is, Michigan has the resources⁴³ needed to be successful.

Finally, Michigan was a system of economic downturn for decades. It will take dedication, long-term commitment and many years for strategies outlined here to have full effect.

Authors

This publication was developed in collaboration by:

- Brad Neumann, Senior Educator, Government and Public Policy, MSU Extension, Michigan State University
- Kurt H. Schindler, Distinguished Senior Educator Emeritus, Government and Public Policy, MSU Extension, Michigan State University
- Jasneet Sharma, Land Policy Educator, MSU Extension, Michigan State University

Reviewed by:

- Jason Ball, MSU Graduate Student in Urban & Regional Planning.
- Ryan Coffey, Educator, Government and Public Policy, MSU Extension, Michigan State University
- Bill Hokanson, Township Planning Commission Chair Emeritus, Fabius Township (St. Joseph County).
- Leslie Johnson, Editor, MSU Agriculture and Natural Resources Communications.
- Debbie Lakatos, Planning Commission Secretary, Fairfield Township (Lenawee County).
- Mary Lou Millard, Township Planning Commission Secretary, Onekama Township (Manistee County).
- Patricia E. Norris, MSU Professor of Agricultural Economics, Guyer-Seevers Chair in Natural Resource Conservation.
- Lincoln Sweet, MSU Graduate Student in Urban & Regional Planning.

To find contact information for authors or other MSU Extension experts use this web page: <http://msue.anr.msu.edu/experts>.

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⁴² http://www.afre.msu.edu/people/adelaja_a/bio-info

⁴³ http://msue.anr.msu.edu/news/local_government_has_a_major_role_in_revitalizing_michigans_economy

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Appendix A – Common things missing from zoning

As part of the job as a Michigan State University Extension educator in land use we end up reading or skimming through many different zoning ordinances from around Michigan. As a result we notice that there are many communities which simply do not have some basic and important parts in their zoning ordinance.

This article is intended as a list you might use to compare with your community's zoning ordinance. Are these topics covered? Should they be? While most of these topics are found in zoning ordinances, there are going to be exceptions. So just because it is listed here does not mean it absolutely should be included in every single zoning ordinance.

The list of things commonly missing from a zoning ordinance are:

- **Groundwater protection:** Groundwater is a source for a more than 44 percent of Michigan's drinking water. In much of the state what gets dumped on the surface of the ground can make its way into our drinking water. A strong point for zoning is its ability to prevent problems from happening. Avoiding groundwater contamination issues is one of those. It is particularly important for land uses which store, ship and use hazardous substances. See these resources on ground and surface water protection, in particular: *Land Use Series* "Groundwater and surface water protection".⁴⁴
- **Water and wetland setback and buffers:** Again, zoning can be very effective at preventing the problems associated with this issue in the first place. See these resources⁴⁵ on ground and surface water protection, in particular: *Lakeland Report* #12, "Greenbelts: A Circle of Protection for Inland Lakes"⁴⁶ or more recent publications from the Tip-of-the-Mitt watershed council.⁴⁷ Also see these MSUE News articles: Local government has an important role for water quality protection: Part one,⁴⁸ two,⁴⁹ and three.⁵⁰
- **Undevelopable land:** Not all land should be developed. Zoning should be directing development, or intense versus sparse development based on those land characteristics. If there are large areas of land which are not suited for development, then zoning should not include it in a residential zoning district. Rather it might be rural, or some other very low density zoning. Some zoning ordinances, for example, require a minimum parcel size which, when measured, does not include areas which are sand dune with slopes over 18%, beaches contiguous to a lake or stream, wetland, areas which are not suited for on-site septic systems, flood plain areas that would have a destructive current,

⁴⁴ <http://lu.msue.msu.edu/pamphlet/Zsp/AcrobatPamphletGroundwater.PDF>

⁴⁵ <http://lu.msue.msu.edu/pamphlets.htm#Zgw>

⁴⁶ <http://lu.msue.msu.edu/pamphlet/Zsp/LakelandRpt12Greenbelts.pdf>

⁴⁷ <http://www.watershedcouncil.org/watershed-protection-resources.html>

⁴⁸ http://msue.anr.msu.edu/news/local_government_has_an_important_role_for_water_quality_protection

⁴⁹ http://msue.anr.msu.edu/news/local_government_has_an_important_role_for_water_quality_protection_part_tw

⁵⁰ http://msue.anr.msu.edu/news/local_government_has_an_important_role_for_water_quality_protection_part_3

existing public utility easements, right-of-ways, and slopes over 25%. Every parcel created would have enough area, exclusive of these features, on which someone can build and use the land.

- **Parking:** There should be standards in the design for parking so a certain proportion of the parking lot is a pervious surface. This might be for the part of the parking lot for overflow on the busiest days. Also provisions for bicycle parking, and for sharing parking lots between different land uses. See
- **Firewise:** With major fires destroying hundreds of homes in California one should give thought to zoning's pro-active preventative characteristics to protect homes and other buildings from wildfire. Zoning can provide site plan design standards or education to help protect property from wildfire. To do so zoning needs to include provisions to protect property and buildings from wild fire (forest fires). Here is where one can find resources on Firewise. In particular several different sample zoning approaches for this topic are detailed in the publication *Land Use Series: "Sample Wildfire Hazard Zoning"*⁵¹ and further explained here.
- **Deadlines:** Time is money. A developer will shy away from a community that takes too long to make decisions, or will try to avoid an approval process that takes a longer amount of time. Consider including in the zoning ordinance deadlines for making decisions. Amend zoning to require a 65 day (or shorter) deadline for final action on special use permits (with the 65 day time line starting when the application is formally found complete), a 35 day (or shorter) deadline for completing site plan reviews, and a requirement for the average length of time to act on zoning permits to be three days. Always include a means to extend the deadline when both the applicant and zoning jurisdiction mutually agree to do so.
- **Home occupations:** Define home occupation as an activity that does not have any external evidence of its existence except for a small sign and parking for a few cars. Then make home occupations an automatic part of any dwelling, not needing approval or a permit in all zoning districts. This minimizes red tape and provides a very accommodating environment for entrepreneurs – some of which might grow (into a new location) and may foster a successful growing business and source of jobs in your community. Have other standards for a more intense and noticeable “home business,” “home enterprise,” or “home industry” that might be allowed as a permitted use (use by right) or special use in certain zoning districts.
- **Placemaking:** If your zoning jurisdiction has not already, it should be updating its master plan to include placemaking strategies, goals and objectives. That should be turned into specific new provisions of the zoning ordinance to foster placemaking. In urban environments Placemaking can include complete streets,⁵² neighborhoods,⁵³ urban street design,⁵⁴ façade design requirements,⁵⁵ and more. For rural areas it includes identifying and capitalizing on special and unique areas⁵⁶ and is an important reinforcement of a regional economy.⁵⁷
- **Mixed use zoning:** Zoning should be allowing, and creating mixed use districts that include residential, commercial, and office. (Consider form-based zoning, see below) Treat these mixed use forms of development as the “default” development system which has fast, easy review and approval

⁵¹ <http://lu.msue.msu.edu/pamphlet/Zone/pamphlet%20FirewiseZoning.pdf>

⁵² http://msue.anr.msu.edu/news/designing_streets_for_people

⁵³ http://msue.anr.msu.edu/news/creating_safe_neighborhoods_through_form

⁵⁴ http://msue.anr.msu.edu/news/getting_enclosure_right_creating_a_comfortable_public_room

⁵⁵ http://msue.anr.msu.edu/news/getting_a_clear_picture_on_facade_transparency

⁵⁶ http://msue.anr.msu.edu/news/placemaking_is_a_rural_responsibility_too

⁵⁷ http://msue.anr.msu.edu/news/rural_smart_growth_to_reinforce_regional_placemaking_part_1

– the way to develop which is the path of least resistance. Save the Planned Unit Development and special use permit processes for those developments which are not mixed use oriented. Go even further and allow complementary mixed uses close together or within the same building. Create mixed housing areas that include dwellings (single family homes), duplexes, apartment buildings, row-houses, and so on. The “mix” would also include accommodating construction of the “missing middle”⁵⁸ forms of housing, especially now when that style of housing is anticipated to be the most in demand.⁵⁹

- **Inclusionary zoning:** Zoning might require inclusionary zoning, that is zoning that requires a certain percent of work force housing in all developments. If not a requirement than maybe a system of incentives (density bonus, allow a taller building). (Work force housing includes affordable housing for lower income individuals and homes that can be afforded by young families starting out in your community: the just hired teacher, policeperson, and others starting their career).
- **Special use permits:** Reduce the number of special uses listed in each district. Turn them into permitted uses, or create a new zoning district that includes territory within the existing zoning district where they would be okay as permitted uses. The idea is to reduce red tape.
- **Form based zoning:** Consider form based zoning⁶⁰ for downtown areas as well as other commercial nodes, and areas transitioning into commercial. Designate abandoned/unused industrial and commercial sites as form-based zones. Form-based zoning⁶¹ is particularly good at handling adaptive re-use of existing buildings for re-development of those urban areas.
- **New infrastructure:** Many zoning ordinances require adequate road rights-of-way, space for phone, electric, water and sewer, lines. But there is new infrastructure now that many zoning ordinances do not have any provisions about: telecommunication, broadband, and other Internet facilities. Zoning should address this for new developments, areas being retrofitted, and redevelopment sites.
- **Agriculture and forestry:** Broadly define agriculture and forestry to accommodate innovation without encountering additional permit review processes. Agriculture and forestry (working lands industries) need to innovate and change like any business does in today’s economy. Make that process of innovation to new and different forms of agriculture and forestry easy to do. Recognize those are industries, not necessarily suited to residential land uses. Have areas set aside that favor those working land uses over other types of development. List agriculture as a permitted use in agricultural and rural-residential districts.
- **Wind and Solar:** Consider zoning that accommodates, or even requires wind and/or solar technologies as part of residential, commercial, and industrial development, retrofitting, and redevelopment. These technologies include photovoltaic systems that convert sunlight to electricity, solar hot water systems that heat water for swimming pools and buildings, solar space heating systems that provide heat for buildings, passive solar designs that heat buildings and strategies that use sunlight to reduce electricity used for lighting, and so on.

⁵⁸ http://msue.anr.msu.edu/news/building_typology_for_housing_whats_missing_in_michigan

⁵⁹ http://msue.anr.msu.edu/news/zoning_in_on_millennials_not_making_them_zone_out

⁶⁰ http://msue.anr.msu.edu/news/form-based_zoning_becoming_popular_for_its_difference_from_conventional_zon

⁶¹ http://msue.anr.msu.edu/news/advantages_of_form-based_zoning_account_for_its_growing_popularity

Appendix B – Common problems seen in zoning

As part of the job as a Michigan State University Extension educator in land use we end up reading or skimming through many different zoning ordinances from around Michigan. As a result we notice that there are many communities which have common errors or problems.

So this is intended as a list you might use to compare with your community's zoning ordinance. Is there appropriate study and reasons behind these regulations? If not there should be. Remember in Michigan zoning shall be based on a plan, and that "plan" is the master plan adopted pursuant to the Michigan Planning Enabling Act. As a result the reasons and logic behind regulation in zoning is normally found in the Master Plan. Usually this is found in the zoning plan part of the master plan.

The items to check for basis on the Master Plan and the studies and reasons for the regulation are:

- **Parking:** Read your zoning ordinance section on the number of parking spaces required for different types of land uses. Can you, or someone in your zoning jurisdiction explain why a particular business is required to have 20 parking spaces? Why is it 20? Why not 18, or 25? Where did those numbers in your zoning ordinance come from? Hopefully it was not just some "model" or was copied from a neighboring community, unfortunately, a common practice. One township came to realize their "copied" parking standards were not making any sense. So they divided up the township into seven parts (seven members on their planning commission) and went and counted number of cars parked at each business. That was compared to property tax records for the type and size of the business. Even on the Friday after Thanksgiving no one's parking lot was full. That meant they required paving more than what was really needed, costing businesses more money, creating more runoff of storm water and more expensive storm water management systems. They re-wrote the table of required parking spaces, included ability to have shared parking between some land uses, and also instituted a maximum number of parking spaces allowed on an impervious surface (with overflow, if ever needed, on pervious parking surfaces).
- **Signs:** Regulation of signs cannot be about the content of the sign. Local government cannot say or regulate anything about what the sign says. Regulation of signs cannot treat certain signs differently than other signs based on the sign content. For example, a regulation that says campaign signs have to come down so many days after an election is not proper – unless the regulation is requiring all signs to come down so many days after an election. The differentiation between a campaign sign and other signs is regulating based on sign content. With recent U.S. Supreme Court cases on this topic⁶² a local government needs to be even more rigorous about making sure any and all regulation of signs are completely content neutral, function neutral. In Michigan these same principles also apply to donation solicitation boxes. Most sign sections of zoning do not live up to the content neutral rigor required. There are very good resources for a community to use to critique its sign regulations. In particular see Michigan Sign Guidebook: The Local Planning & Regulation of Signs.
- **Regulation of agriculture:** In Michigan the Right to Farm Act prohibits any local government regulation of agriculture or farms if the subject of that regulation is already in the Right to Farm Act or in an adopted published Generally Accepted Agricultural Management Practices (GAAMPs). But many zoning ordinances include provisions that run afoul of this provision of Michigan law. Just some examples: zoning cannot regulate the number of acres a farm must have; cannot choose certain types of farms to allow but not others; not allowing a farm market that is associated with a farm

⁶² http://msue.anr.msu.edu/news/supreme_court_ruling_on_sign_regulation_has_major_implications_for_all_loca

(even if the farm is located elsewhere); modifying or changing the meaning of “commercial,” “farm operation,” “farm product,” “farm liability; and investigation or processing complaints about agriculture. There are more. There are some exceptions to the above, but they are far and few and generally deal with livestock operations in relatively densely populated residential areas. For handling urban agriculture and preparing zoning that regulates what it can, and cannot, see *Land Use Series*: “Sample zoning for agriculture-like and urban agriculture”.⁶³

- **Undevelopable land:** There are areas zoned for relatively dense residential, or other intense development, but a quick look at other maps shows the land types in the same location simply would not support such development. The master plan should have enough background studies and data that red flag such inconsistency so the zoning ordinance is not so incompatible with what is found on the ground. Zoning for relatively dense development should not be for large locations which are obviously large expanses of environmentally sensitive, or special and unique areas, or unsuitable for development. Not all land should be developed. Zoning in rural areas should be directing development, or intense versus sparse development based on those land characteristics. If there are large areas of land which are not suited for development, then zoning should not include it in a residential zoning district or similar. Rather it might be rural, or some other very low density zoning. Some zoning ordinances requires a minimum parcel size which, when measured, does not include areas which are sand dune with slopes over 18 percent, beaches contiguous to a lake or stream, wetland, areas which are not suited for on-site septic systems, flood plain areas that would have a destructive current, existing public utility easements, right-of-ways, and slopes over 25 percent. Every parcel created would have enough area, exclusive of these features, on which someone can build and use the land.
- **Clear efficient procedures:** Often the process to obtain zoning approval is more complex and has additional steps than is necessary. This results in more time and red tape. Consider reviewing the zoning ordinance to see if a greater number of land uses can be listed as permitted uses (use by right) rather than as special uses.⁶⁴ Eliminate steps which are duplicative, such as the legislative body acting on administrative decisions⁶⁵ such as site plans or special use permits. Sometimes it is informal practices that are steps that can be eliminated. Too often a community does not let a person, zoning administrator or planner, or planning commission chair, set up a hearing or review meeting. Instead the task of scheduling the review or hearing is an agenda item at the Planning Commission meeting. That means there are two meetings, two months, to perform the task: one to schedule the hearing or review and the second to do the hearing or review. The ordinance and related office guidelines and policies, should include clear flow of how applications are handled, which departments conduct reviews, time limits for reviews to take place, tracking systems, and more. The Michigan Redevelopment Ready Communities program⁶⁶ of the Michigan Economic Development Corporation (MEDC) provides a set of best practices⁶⁷ for zoning processes as well as other self-evaluation resources.⁶⁸ In particular Best Practice Three Self-Evaluation focuses on zoning process.⁶⁹

⁶³ <http://lu.msue.msu.edu/pamphlet/ZAgr/PamphletAgrUrban.pdf>

⁶⁴ http://msue.anr.msu.edu/news/who_should_decide_if_a_zoning_permit_is_issued

⁶⁵ http://msue.anr.msu.edu/news/legislative_body_involvement_in_zoning_administrative_decisions_can_raise_i

⁶⁶ <http://www.michiganbusiness.org/community/development-assistance/#rrc>

⁶⁷ http://www.michiganbusiness.org/cm/Files/Redevelopment_Ready_Communities/RRC-Best-Practices.pdf

⁶⁸ <http://www.michiganbusiness.org/community/development-assistance/#resources>

⁶⁹ http://www.michiganbusiness.org/cm/Files/Redevelopment_Ready_Communities/BP%202.docx

- **Streamlined zoning:** The zoning ordinance should be written in a user friendly way, or should be “streamlined”.⁷⁰ Streamlining does not mean shorter zoning ordinances – and often may be just the opposite.⁷¹ But it does mean things like logical organization, use of illustrations, tables, flow charts, and more.⁷²

⁷⁰ http://msue.anr.msu.edu/news/top_six_techniques_for_streamlining_the_zoning_ordinance

⁷¹ http://msue.anr.msu.edu/news/top_six_techniques_for_streamlining_the_zoning_ordinance

⁷² http://msue.anr.msu.edu/news/streamlining_the_zoning_ordinance_part_2