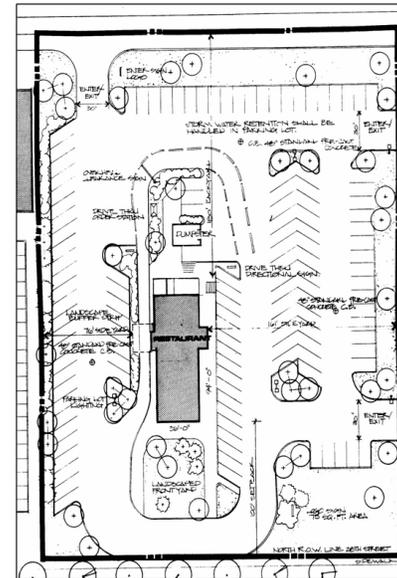


PLANNING AND ZONING\*A\*SYST. #1  
A community planning and zoning assessment system.

# Community Planning & Zoning Audit Basic Setup

July 17, 2008



MICHIGAN STATE  
UNIVERSITY  
EXTENSION  
Land Use Team

back of title page

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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 eight Michigan State University Extension *Community Planning and Zoning Audits*

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available to walk a community through a performance audit. Topics are:

1. **Basic Setup** to make sure your planning commission, and zoning board of appeals are set up properly a system is in place to make sure the community keeps up-to-date.
2. **The Plan** reviews the process of plan and plan amendment adoption (to make sure that it was done properly) and a review of an existing plan to determine if it needs to be updated, and reviews what should be in a plan.
3. **Planning Coordination** 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** 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** 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** provides a review of the administrative structure for handling special use permits: preapplications, applications, public notification, record keeping, and use of standards in making decisions.
7. **Planned Unit Development** 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** provides a review of the administrative structure for handling site plan reviews: applications, public notification, record keeping, and use of standards in making decisions.

Each of these *Community Planning and Zoning Audits* is available at [www.msue.msu.edu/lu](http://www.msue.msu.edu/lu) or 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 director. That individual 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. Basic Setup
3. Smart Growth

The audit is based on Michigan Public Act 110 of 2006, as amended (the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), Public Act 33 of 2008 (the Michigan Planning Enabling Act, M.C.L. 125.3801 *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,<sup>1</sup> planning commission, or planning board<sup>2</sup>.

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

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



# Chapter 2: Basic Setup

The purpose of this chapter is to help with the basic setup of planning commissions and zoning boards of appeals. It covers creation and composition of planning commissions as well as filling of vacancies and procedures for removing members from office.

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

1. A copy of the documents the legislative body adopted to form the

- 2. planning commission and zoning board of appeals.
- 2. A copy of the zoning ordinance.
- 3. The legislative body’s minutes showing appointments to the planning commission and appeals board.
- 4. A copy of the Michigan Planning Enabling Act.
- 5. A copy of the Michigan Zoning Enabling Act.
- 6. A copy of the Open Meetings Act.

## Creation of a Planning Commission

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 copy of the legislative body’s resolution, motion, or ordinance that shows the creation of a planning commission or zoning board/commission? (M.C.L. 125.3811(1))</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>There is no such record. This is a major deficiency. The documents should be found, or the creation of the planning commission should be done over. To correct this, consult with your attorney.</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>2. If this audit is being done for a township, city, or village: do you have on file a copy of a notice of creation of a planning commission delivered, within 14 days of adoption, to the respective county planning commission (or regional planning commission if there is not a county planning commission)?</p> <p>If for a county: do you have on file a copy of a notice of creation of a planning commission delivered, within 14 days of adoption, to the respective regional (multicounty) planning agency? (M.C.L. 125.3811(2))</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>There is no such record. This could be a major deficiency. The documents should be found, or the creation of the planning commission should be done over. To correct this, consult with your attorney.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>3. Do you have on file a copy of the initial appointments by the legislative body to the planning commission that shows the staggered 3-year term of office for each member? (M.C.L. 125.3815(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This could be a problem should anyone wish to challenge whether members are properly appointed. Consult with an attorney to correct this.</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. Are there subsequent records of appointments by the legislative body to the planning commission showing each term of office being reappointed for each of the following?</p> <p>a. Appointments made to vacant seats to fill the remainder of a 3-year term.</p> <p>b. Every year, about one-third of the seats on the planning commission.</p> <p>c. A member is reappointed to that seat for a 3-year term.</p> <p>d. Another is appointed to that seat for a 3-year term. (M.C.L. 125.3815(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This could be a problem should anyone wish to challenge whether members are properly appointed. Consult with an attorney to correct this.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>5. To determine the composition of your planning commission and other issues related to vacancies and compensation, choose one of the options given below.</p> <p>a. Option 1: Township planning commission was created after September 1, 2008, and/or reorganized under the Michigan Planning Enabling Act.</p> <p>b. Option 2: City or Village planning commission was created after September 1, 2008, and/or reorganized under the Michigan Planning Enabling Act.</p> <p>c. Option 3: County planning commission was created after September 1, 2008, and/or reorganized under the Michigan Planning Enabling Act.</p> <p>d. Option 4: Joint planning commission.</p>			<p>GO TO COLUMN 'A' IN THE FOLLOWING TABLE</p> <p>GO TO COLUMN 'B' IN THE FOLLOWING TABLE</p> <p>GO TO COLUMN 'C' IN THE FOLLOWING TABLE</p> <p>GO TO COLUMN 'D' IN THE FOLLOWING TABLE</p>

- |    |  |  |
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| e. | Option 5: A village or city planning commission (less than 5,000 population, and the planning commission duties are done by the directors of the economic development corporation, the board of a downtown development authority, or a board created under the Tax Increment Finance Authority Act). | GO TO COLUMN 'E' IN THE FOLLOWING TABLE  |
| f. | Option 6: Planning commission predates August 1, 2008, and continues as is: as a township planning commission.   | GO TO COLUMN 'F' IN THE FOLLOWING TABLE. |
| g. | Option 7: Planning commission predates August 1, 2008, and continues as is: as a county planning commission.   | GO TO COLUMN 'G' IN THE FOLLOWING TABLE. |
| h. | Option 8: Planning commission predates August 1, 2008, and continues as is: as a village or city planning commission (planning commission with nine members representing various occupations and professions).   | GO TO COLUMN 'H' IN THE FOLLOWING TABLE  |
| i. | Option 9: Planning commission predates August 1, 2008, and continues as is: as a village or city planning commission (planning commission of nine members, three being the mayor, a legislative body member[s], or an administrative official[s], and six citizens).                                 | GO TO COLUMN 'I' IN THE FOLLOWING TABLE. |
| j. | Option 10: Planning commission predates August 1, 2008, and continues as is: as a village or city planning commission (planning commission of nine members, one being the mayor).  | GO TO COLUMN 'J' IN THE FOLLOWING TABLE. |
| k. | Option 11: Planning commission predates August 1, 2008, and continues as is: as a village or city planning commission (less than 5,000 population and planning commission of five to nine members, one being a member of the legislative body).  | GO TO COLUMN 'K' IN THE FOLLOWING TABLE. |
| l. | Option 12: A new village, city, township, or county zoning board.  | GO TO COLUMN 'L' IN THE FOLLOWING TABLE. |
| m. | Option 13: An existing village, city, township, or county zoning board/zoning commission.  | GO TO COLUMN 'M' IN THE FOLLOWING TABLE. |

**Planning Commission Table, Part One**

	A	B	C	D
	Township planning commission created after September 1, 2008, Option 1	City or village planning commission created after September 1, 2008, Option 2	County planning commission created after September 1, 2008, Option 3	Joint planning commission, Option 4
Membership, appointment	<p>The planning commission has five, seven, or nine members serving 3-year terms, staggered.</p> <p>(a) Members are appointed by the chief elected official with the approval of the legislative body.</p> <p>(i) Members are representative of major interests in the municipality, such as agriculture, recreation, education, public health, government, commerce, transportation, and industry.</p> <p>(ii) All members shall be qualified electors of the municipality, except one member may not be a qualified elector.</p> <p>(iii) Ex officio members - township board members on a planning commission:</p> <p>(1) One member of the township board shall be a member of the planning commission.</p> <p>(2) In a township that, on September 1, 2008, had a planning commission created under M.C.L. 125.31 <i>et seq.</i>: one member of the township board, or the township supervisor, or both, may be a member of the planning commission (ex officio member[s]).</p> <p>(b) A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired.</p> <p>(c) A member shall hold office until his or her successor is appointed. (M.C.L. 125.3815)</p>	<p>The planning commission has five, seven, or nine members serving 3-year terms, staggered.</p> <p>(a) Members are appointed by the chief elected official with the approval of the legislative body.</p> <p>(i) Members are representative of major interests in the municipality, such as agriculture, recreation, education, public health, government, commerce, transportation, and industry.</p> <p>(ii) All members shall be qualified electors of the municipality, except:</p> <p>(1) three may not be qualified electors in a city with more than 2,700 but less than 2,800 on September 1, 2008; or</p> <p>(2) two may not be qualified electors in a city or village that has a population of less than 5,000 on September 1, 2008.</p> <p>(iii) Ex officio members - Any combination of the following (unless prohibited by charter) so long as not more than one-third of the total members are ex officio:</p> <p>(1) The chief administrative official or a person designated by the chief administrative official, if any.</p> <p>(2) The chief elected official.</p> <p>(3) One or more members of the legislative body.</p> <p>(iv) Term of office for ex officio members shall be the same as their term of office (legislative body, chief elected official, administrator).</p> <p>(v) Other than above, an elected officer or employee of the municipality shall not be a member of the planning commission.</p> <p>(b) A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired.</p> <p>(c) A member shall hold office until his or her successor is appointed. (M.C.L. 125.3815)</p>	<p>The planning commission has five, seven, nine, or 11 members serving 3-year terms, staggered.</p> <p>(a) Members are appointed by the county board of commissioners by a method determined by the county board.</p> <p>(i) Members are representative of major interests in the county, such as agriculture, recreation, education, public health, government, commerce, transportation, and industry.</p> <p>(1) An effort shall be made to have one member be a member of a school board or administrative employee of a school district within or partly within the county.</p> <p>(ii) All members shall be qualified electors of the county, except one member may not be a qualified elector.</p> <p>(iii) Ex officio members - Any combination of the following (unless prohibited by charter) so long as not more than one-third of the total members are ex officio:</p> <p>(1) The chief administrative official or a person designated by the chief administrative official, if any.</p> <p>(2) The chief elected official.</p> <p>(3) One or more members of the legislative body.</p> <p>(iv) Term of office for ex officio members shall be the same as their term of office (legislative body, chief elected official, administrator).</p> <p>(v) Other than above, an elected officer or employee of the municipality shall not be a member of the planning commission.</p> <p>(b) A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired.</p> <p>(c) A member shall hold office until his or her successor is appointed. (M.C.L. 125.3815)</p>	<p>Legislative bodies of two or more of any combination of city(ies), village(s), and township(s) may each adopt an ordinance approving an agreement establishing a joint planning commission. The agreement shall specify, among other things:</p> <p>(a) The composition of the joint planning commission, including any alternate members.</p> <p>(b) The qualifications, the selection by election or appointment, and the terms of office of members of the joint planning commission. (M.C.L. 125.135)</p> <p>Look up that agreement and find the membership and appointment requirements to check that it is being followed.</p>

	A	B	C	D
	Township planning commission created after September 1, 2008, Option 1	City or village planning commission created after September 1, 2008, Option 2	County planning commission created after September 1, 2008, Option 3	Joint planning commission, Option 4
Fill vacancies	If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. (M.C.L. 125.3815(2))	If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. (M.C.L. 125.3815(2))	If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. (M.C.L. 125.3815(2))	Legislative bodies of two or more of any combination of city(ies), village(s), and township(s) may each adopt an ordinance approving an agreement establishing a joint planning commission. The agreement shall specify, among other things, procedure for filling vacancies in the joint planning commission. (M.C.L. 125.135) Look up that agreement and find the membership and appointment requirements to check that the agreement is being followed.
Removal from office  Conflict of Interest	The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. (M.C.L. 125.3815(9)) Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. (M.C.L. 125.3815(9))	The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. (M.C.L. 125.3815(9)) Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. (M.C.L. 125.3815(9))	The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. (M.C.L. 125.3815(9)) Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. (M.C.L. 125.3815(9))	Legislative bodies of two or more of any combination of city(ies), village(s), and township(s) may each adopt an ordinance approving an agreement establishing a joint planning commission. The agreement shall specify, among other things, conditions and procedures for removing from office members of the joint planning commission. (M.C.L. 125.135) Look up that agreement and find the membership and appointment requirements to check that the agreement is being followed.
Compensation	Members of the planning commission may be compensated for their services as provided for by the legislative body. The planning commission may adopt bylaws relative to compensation for the travel of its members and employees when engaged in the performance of authorized activities, including attendance at conferences, educational and training programs, and meetings. (M.C.L. 125.3823(1))	Members of the planning commission may be compensated for their services as provided for by the legislative body. The planning commission may adopt bylaws relative to compensation for the travel of its members and employees when engaged in the performance of authorized activities, including attendance at conferences, educational and training programs, and meetings. (M.C.L. 125.3823(1))	Members of the planning commission may be compensated for their services as provided for by the legislative body. The planning commission may adopt bylaws relative to compensation for the travel of its members and employees when engaged in the performance of authorized activities, including attendance at conferences, educational and training programs, and meetings. (M.C.L. 125.3823(1))	Look up that agreement and find the compensation provisions to check that the agreement is being followed.
Phase in	The above is the new composition for a planning commission, which should be in place before July 1, 2011. The body shall be named "planning commission." The planning commission shall be created by adoption of an ordinance, effective 63 days after publication. (M.C.L. 125.3811(1))	The above is the new composition for a planning commission, which should be in place before July 1, 2011. The body shall be named "planning commission." The planning commission shall be created by adoption of an ordinance, effective 63 days after publication. (M.C.L. 125.3811(1))	The above is the new composition for a planning commission, which should be in place before July 1, 2011. The body shall be named "planning commission." The planning commission shall be created by adoption of an ordinance, effective 63 days after publication. (M.C.L. 125.3811(1))	

**Planning Commission Table, Part Two**

	E	F	G	H
	Village or city planning commission, Option 5	Township planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 6	County planning commission, in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 7	Village or city planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 8
<b>Membership, appointment</b>	<p>In a city or village with less than 5,000 population, one of the following boards serves as its planning commission:</p> <p>(a) The board of directors of the economic development corporation.</p> <p>(b) The board of a downtown development authority.</p> <p>(c) A board created under the Tax Increment Finance Authority Act. (M.C.L. 125.32(2) and M.C.L.125.38015 (7))</p>	<p>The planning commission has five, six, seven, eight, or nine members serving 3-year terms, staggered.</p> <p>(a) Members are appointed by the township supervisor with the approval of the township board.</p> <p>(i) Members are representative of major interests in the township, such as agriculture, recreation, education, public health, government, commerce, transportation, and industry.</p> <p>(ii) All members shall be qualified electors of the township.</p> <p>(iii) One member of the township board shall be a member of the planning commission.</p> <p>(b) A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired. (M.C.L. 125.324)</p>	<p>The planning commission has five, six, seven, eight, nine, 10, or 11 members serving 3-year terms, staggered.</p> <p>(a) The method of appointment is determined by resolution of a majority of the full membership of the county board of commissioners.</p> <p>(b) The county board of commissioners shall establish the basis for representative membership on the commission.</p> <p>(i) Members are individually representative of major interests in the county, such as agriculture, recreation, education, government, transportation, industry, and commerce.</p> <p>(1) One member shall be a public school board member or administrative employee of a school district in the county.</p> <p>(2) Each seat is assigned to another major interest, and appointments are to those that can represent that respective interest.</p> <p>(ii) If the commission has five members, one member may be a county commissioner. If six to eight members, up to two members may be county commissioners. If nine to 11 members, up to three members may be county commissioners.</p> <p>(iii) A majority of commission members shall not hold another office or position in the county government.</p> <p>(c) A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired. (M.C.L. 125.102)</p>	<p>Planning commission has nine members.</p> <p>(a) Members represent various professions or occupations.</p> <p>(b) Appointed by the mayor, if the mayor is an elective officer; otherwise, by the officer designated as the appointing officer according to village/city ordinance creating the commission.</p> <p>(c) Appointments approved by vote of the legislative body.</p> <p>(d) One of the members may be a member of the zoning board of appeals or a member of a joint fire administrative board.</p> <p>(e) Other members do not hold any other municipal office.</p> <p>(f) The term of each member shall be 3 years, staggered.</p> <p>(g) A member shall hold office until his or her successor is appointed. (M.C.L. 125.33(1))</p>

	E	F	G	H
	Village or city planning commission, Option 5	Township planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 6	County planning commission, in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 7	Village or city planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 8
Fill vacancies	A vacancy is filled for the unexpired term in the same manner as the original appointment. (M.C.L. 125.33(6))	All vacancies for unexpired terms shall be filled for the remainder of such term.	The county board of commissioners shall provide for the filling of a vacancy in the membership of the commission for the unexpired term.	A vacancy is filled for the unexpired term in the same manner as the original appointment. (M.C.L. 125.33(6))
Removal from office		Members may be removed by the township supervisor after a hearing, with the approval of the township board.	The county board of commissioners may, after a public hearing, remove a member for nonperformance of duty or misconduct.	A member may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office.
Compensation		Members of the planning commission may be compensated for their services as provided for by the township board. The planning commission may make and administer regulations on compensation for the travel of its members and employees when engaged in the performance of authorized activities, including attendance at conferences and meetings.	Members of the commission may receive compensation and mileage not to exceed that provided for members of the county board of commissioners. Excepted are ex officio members, who shall serve without compensation. The members of the commission may be reimbursed for actual, reasonable, and necessary expenses incurred in the discharge of their duties.	
Phase in/out		This is an old form of a planning commission and must be reorganized (as shown) in option A or D of this table by the earlier of the following dates: 1. The date when an amendatory new ordinance creating a planning commission is adopted under the Michigan Planning Enabling Act after September 1, 2008. 2. July 1, 2011. (M.C.L. 125.3882(3))	This is an old form of a planning commission, and must be reorganized (as shown) in option C or D of this table by the earlier of the following dates: 1. The date when an amendatory new ordinance creating a planning commission is adopted under the Michigan Planning Enabling Act after September 1, 2008. 2. July 1, 2011. (M.C.L. 125.3882(3))	This is an old form of a planning commission, and must be reorganized (as shown) in option B, D, or E of this table by the earlier of the following dates: 1. The date when an amendatory new ordinance creating a planning commission is adopted under the Michigan Planning Enabling Act after September 1, 2008. 2. July 1, 2011. (M.C.L. 125.3882(3))

**Planning Commission Table, Part Three**

	I	J	K	L	M
	Village or city planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 9	Village or city planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 10	Village or city planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 11	A new village, city, township, or county zoning board created after July 1, 2006, Option 12	An existing village, city, township, or county zoning board, in existence prior to July 1, 2006, Option 13
<b>Membership, appointment</b>	<p>Planning commission consists of:</p> <p>(a) Ex officio members: the mayor, one administrative official of the municipality selected by the mayor, and one member of the legislative body selected by the legislative body.</p> <p>(i) All ex officio members have full voting rights.</p> <p>(ii) The terms of ex officio members shall correspond to their respective official tenures (term of the administrative official selected by the mayor shall terminate with the term of the mayor).</p> <p>(b) Six other persons appointed by the mayor.</p> <p>(i) The term of each appointed member shall be 3 years, staggered.</p> <p>(ii) One of the members may be a member of the zoning board of appeals or a member of a joint fire administrative board.</p> <p>(iii) Other members do not hold any other municipal office.</p> <p>(M.C.L. 125.33(2))</p>	<p>Planning commission may consist of nine members.</p> <p>(a) One is a member of the legislative body and is selected as directed in a resolution of the legislative body to serve as a member ex officio.</p> <p>(i) All ex officio members appointed under this subsection shall have full voting rights.</p> <p>(ii) The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body.</p> <p>(b) Eight other persons are appointed by the mayor, subject to approval of the legislative body by majority vote.</p> <p>(i) The term of each person appointed is 3 years, staggered, or until his or her successor takes office.</p> <p>(ii) One of the members may be a member of the zoning board of appeals or a member of a joint fire administrative board.</p> <p>(iii) Other members do not hold any other municipal office.</p> <p>(M.C.L. 125.33(3))</p>	<p>The planning commission shall consist of five, seven, or nine members.</p> <p>(a) One is a member of the legislative body and is selected as directed in a resolution of the legislative body to serve as a member ex officio.</p> <p>(i) All ex officio members appointed under this subsection shall have full voting rights.</p> <p>(ii) The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body.</p> <p>(b) The remainder are appointed by the mayor, subject to approval of the legislative body by majority vote.</p> <p>(i) The term of each one appointed is 3 years, staggered.<sup>3</sup></p> <p>(ii) One of the members may be a member of the zoning board of appeals or a member of a joint fire administrative board.</p> <p>(iii) Other members do not hold any other municipal office.</p> <p>(M.C.L. 125.33(4) and (5))</p>	<p>A zoning commission created after July 1, 2006, is created with a resolution and has five, six, seven, eight, nine, 10, or 11 members serving 3-year terms, staggered.</p> <p>(a) Members are appointed by the legislative body.</p> <p>(b) If a county planning commission, no fewer than two of the members of a county zoning commission shall be recommended for membership by township boards of townships subject to county zoning.</p> <p>(c) The members are selected on the basis of the members' qualifications and fitness to serve.</p> <p>(d) An elected officer of the local unit of government or an employee of the legislative body shall not serve simultaneously as a member or an employee of the zoning commission, except that one member of the zoning commission may be a member of the legislative body.</p> <p>(e) Upon the expiration of the terms of the first members appointed, successors shall be appointed in like manner for terms of 3 years each. A member of the zoning commission shall serve until a successor is appointed and has been qualified.</p> <p>(M.C.L. 125.3301(3) to (9))</p>	<p>A zoning board in existence on the effective date of M.C.L. 125.3101 <i>et seq.</i> (and created pursuant to M.C.L. 125.201 <i>et seq.</i>, 125.271 <i>et seq.</i>, or 125.581 <i>et seq.</i>), July 1, 2006, and may continue as a zoning commission until July 1, 2011.</p> <p>If a county planning commission, then no fewer than two of the members shall be recommended for membership by township boards of townships subject to county zoning. This requirement may be met as vacancies occur on a county zoning commission.</p> <p>(M.C.L. 125.3301(1) and (3))</p>

<sup>3</sup>For a planning commission described in M.C.L. 125.33(4) that consists of five members, the respective terms of one of the members first appointed shall be 1 year, and for two, 2 years. For a planning commission that consists of seven members, the respective terms of two of the members first appointed shall be 1 year, and for two, 2 years. For a planning commission that consists of nine members, the respective terms of two of the members first appointed shall be 1 year, and for three, 2 years.

	I	J	K	L	M
	Village or city planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 9	Village or city planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 10	Village or city planning commission in existence prior to September 1, 2008 (but must be reorganized on/before July 1, 2011), Option 11	A new village, city, township, or county zoning board created after July 1, 2006, Option 12	An existing village, city, township, or county zoning board, in existence prior to July 1, 2006, Option 13
Fill vacancies	A vacancy is filled for the unexpired term in the same manner as the original appointment. (M.C.L. 125.33(6))	A vacancy is filled for the unexpired term in the same manner as the original appointment. (M.C.L. 125.33(6))	A vacancy is filled for the unexpired term in the same manner as the original appointment. (M.C.L. 125.33(6))	A vacancy shall be filled in the same manner as is provided for above.	A vacancy shall be filled in the same manner as is provided for above.
Removal from office	A member may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may, for like cause, remove the member selected by the legislative body.	After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may, for like cause, remove the member selected by the legislative body.	After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may, for like cause, remove the member selected by the legislative body.	The legislative body shall provide for the removal of a member of the zoning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.	The legislative body shall provide for the removal of a member of the zoning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
Compensation	An appointed member of the planning commission may be compensated at a rate to be determined by the appointing or legislative body.	All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body.	All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body.	Members of the zoning commission may be reimbursed for reasonable expenses actually incurred in the discharge of their duties and may receive compensation as fixed by the legislative body.	Members of the zoning commission may be reimbursed for reasonable expenses actually incurred in the discharge of their duties and may receive compensation as fixed by the legislative body.
Phase in/out	This is an old form of a planning commission and must be reorganized (as shown) in option B, D, or E of this table by the earlier of the following dates: 1. The date when an amendatory new ordinance creating a planning commission is adopted under the Michigan Planning Enabling Act after September 1, 2008. 2. July 1, 2011. (M.C.L. 125.3883(3))	This is an old form of a planning commission and must be reorganized (as shown) in option B, D, or E of this table by the earlier of the following dates: 1. The date when an amendatory new ordinance creating a planning commission is first adopted under the Michigan Planning Enabling Act after September 1, 2008. 2. July 1, 2011. (M.C.L. 125.3883(3))	This is an old form of a planning commission and must be reorganized (as shown) in option B, D, or E of this table by the earlier of the following dates: 1. The date when an amendatory new ordinance creating a planning commission is first adopted under the Michigan Planning Enabling Act after September 1, 2008. 2. July 1, 2011. (M.C.L. 125.3883(3))	This is a new form of a zoning board or zoning commission (created after July 1, 2006) and must be reorganized (as shown in option A, B, C, D, or E of this table) by the earlier of the following dates: 1. The date when abolished by the legislative body. 2. The date when its duties are transferred to a planning commission created on or after July 1, 2006. 3. July 1, 2011. (M.C.L. 125.3301)	This is an old form of a zoning board or zoning commission, created and in existence prior to July 1, 2006. It must be reorganized (as shown in option A, B, C, D, or E of this table) by the earlier of the following dates: 1. The date when abolished by the legislative body. 2. The date when its duties are transferred to a planning commission created on or after July 1, 2006. 3. July 1, 2011. (M.C.L. 125.3301)

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>6.</b> Using <b>one</b> of the columns in the above table that matches the type of planning commission that your community's resolution, ordinance, or motion creating your planning commission says is the one used:</p> <p>Have the appointment procedures (who appoints, how ratified, etc.) mentioned in the setup option that you identified been consistently followed by your community?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This could be a problem should anyone wish to challenge whether members are properly appointed. Consult with an attorney to correct this.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>7.</b> Using the same column in the above table:</p> <p>Is the number of members on the planning commission correct?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This could be a problem should anyone wish to challenge the composition of the planning commission. Consult with an attorney to correct this.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>8.</b> If, over time, the number of members on the planning commission has changed, does the community's file for resolution, ordinance, or motion creating your planning commission reflect that change?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>The resolution or ordinance containing membership information should be amended and readopted.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>9.</b> Using the same column in the above table:</p> <p>Is representation on the commission properly constituted?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>Identify major interests in the community and amend the ordinance to specify the actual major interests. As terms of members expire, appoint new members that represent those major interest areas.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>10.</b> Using the same column in the above table:</p> <p>Are the numbers of members appointed from the legislative body to the planning commission and planning commission members appointed to other boards (zoning board of appeals) properly constituted?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>Review the planning commission ordinance or resolution containing information about the number of members to be appointed to the planning commission. Amend the ordinance or resolution if discrepancies exist. Consult with an attorney to correct this.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>11.</b> Using the same column in the above table:</p> <p>Are successors appointed in a timely manner so that the equal or nearly equal staggering of the 3-year terms is preserved?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This action is required by the Michigan Planning Enabling Act. Start the practice of doing so immediately. Consult with an attorney to correct this.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>12.</b> Using the same column in the above table:</p> <p>Are vacancies filled in a proper and timely manner so that the equal or nearly equal staggering of the 3-year terms is preserved?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This action is required by the Michigan Planning Enabling Act. Start the practice of doing so immediately. Consult with an attorney to correct this.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>13.</b> Using the same column in the above table:</p> <p>Have removals from office followed a hearing, have designated procedures been followed, and were removals made for the causes specified?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This action is required by the Michigan Planning Enabling Act. Amend the planning commission resolution or ordinance to specify the procedures for removal from office. Consult with an attorney to correct this.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>14.</b> Using the same column in the above table:</p> <p>Are compensations to members following the requirements specified?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, amend the planning commission resolution or ordinance or legislative body's policy on this matter to include compensation information.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>
<p><b>15.</b> Do you have on file adopted bylaws for the planning commission? (M.C.L. 125.3819(1))</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>Try to recover the bylaws and include them in the files. If they can not be recovered, adopt new bylaws (see <i>Land Use Series: "Checklist 1E: Sample Bylaws for Planning Commission"</i> at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a>).</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

## Zoning Board of Appeals

1. To determine the composition of the zoning board of appeals and other issues related to vacancies and compensation, choose one of the options given below.

Is your zoning board of appeals set up:

- |   |  |
|---|--|
| a. For a community of a population of 5,000 or more? If so,             | GO TO COLUMN 'A' IN THE FOLLOWING TABLE. |
| b. For a community of a population of less than 5,000? If so,           | GO TO COLUMN 'B' IN THE FOLLOWING TABLE. |
| c. So the legislative body of the village or city is the appeals board: | GO TO COLUMN 'C' IN THE FOLLOWING TABLE  |
| d. So the appeals board, which predates July 1, 2006, continues as is:  | GO TO COLUMN 'D' IN THE FOLLOWING TABLE  |

## Appeals Board Table

A	B	C	D
Population of 5,000 or more	Population of fewer than 5,000	Legislative body of village or city is the appeals board	Appeals board predates July 1, 2006, and continues as is
<p>The number of members of the zoning board of appeals shall be specified in the zoning ordinance.</p> <p>(a) Membership is five or more members for 3-year terms, staggered:</p> <p>(i) Members and any alternate members shall be selected from the electors of the local unit of government residing within the zoning jurisdiction.</p> <p>(ii) The members selected shall be representative of the population distribution and of the various interests present in the local unit of government.</p> <p>(b) One may be a member of the legislative body but shall not serve as chair.</p> <p>(c) None of the members is an employee or contractor of the legislative body.</p> <p>(M.C.L. 125.3601(2 to 6))</p>	<p>The number of members of the zoning board of appeals shall be specified in the zoning ordinance.</p> <p>(a) Membership is three or more members for 3-year terms, staggered:</p> <p>(i) Members and any alternate members shall be selected from the electors of the local unit of government residing within the zoning jurisdiction.</p> <p>(ii) The members selected shall be representative of the population distribution and of the various interests present in the local unit of government.</p> <p>(b) One may be a member of the legislative body but shall not serve as chair.</p> <p>(c) None of the members is an employee or contractor of the legislative body.</p>	<p>The legislative body is specified as the appeals board in the zoning ordinance.</p> <p>(a) None of the members is an employee or contractor of the legislative body.</p>	<p>A zoning board of appeals in existence on the effective date of M.C.L. 125.3101 <i>et seq.</i> may continue to act as the zoning board of appeals subject to M.C.L. 125.3101 <i>et seq.</i></p> <p>The number of members of the zoning board of appeals shall be specified in the zoning ordinance for 3-year terms, staggered.</p> <p>(a) Membership is not more than the zoning ordinance specified.</p> <p>(b) One may be a member of the legislative body but shall not serve as chair.</p> <p>(c) None of the members is an employee or contractor of the legislative body.</p> <p>(M.C.L. 125.3601(1, 3, and 6))</p>
<p>One of the regular members is a member of the planning commission. (In cities and villages this is optional.) (M.C.L. 125.3601(4))</p>	<p>One of the regular members is a member of the planning commission. (In cities and villages this is optional.) (M.C.L. 125.3601(4))</p>	<p>One of the regular members may be a member of the planning commission. (M.C.L. 125.3601(4))</p>	<p>One of the regular members is a member of the planning commission as specified in the zoning ordinance. (M.C.L. 125.3601(4))</p>
<p>May appoint up to two alternate members for the same term as regular members. (M.C.L. 125.3601(7))</p>	<p>May appoint up to two alternate members for the same term as regular members. (M.C.L. 125.3601(7))</p>		<p>May appoint up to two alternate members for the same term as regular members if specified in the zoning ordinance.</p>
<p>A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. (Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.) (M.C.L. 125.3601(7))</p>	<p>A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. (Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.) (M.C.L. 125.3601(9))</p>		<p>A member of the zoning board of appeals may be removed by the legislative body for cause specified in the zoning ordinance upon written charges and after a public hearing.</p>
<p>A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties. (M.C.L. 125.3601(8))</p>	<p>A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties. (M.C.L. 125.3601(8))</p>	<p>A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties. (M.C.L. 125.3601(8))</p>	

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>2. Using <b>one</b> of the columns in the above table that matches the type of appeals board your community has (as specified in your zoning ordinance):</p> <p>Are the appointment procedures (who appoints, how ratified) consistently followed?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This could be a problem should anyone wish to challenge if members are properly appointed. Consult with an attorney to correct this.</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>3. Using the same column in the above table:</p> <p>Is the number of members on the appeals board correct?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This could be a problem should anyone wish to challenge the composition of the appeals board. Consult with an attorney to correct this.</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>4. Using the same column in the above table:</p> <p>Is representation on the appeals board properly constituted?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This could be a problem should anyone wish to challenge the composition of the appeals board. Consult with an attorney to correct this.</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>5. Using the same column in the above table:</p> <p>Is the number of members appointed from the legislative body and planning commission to the zoning board of appeals properly constituted?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>Review the zoning ordinance for information about the number of members to be appointed to the appeals board. Amend the zoning ordinance if discrepancies exist. Consult with an attorney to correct this.</p>	<p>Check this box: <input type="checkbox"/></p> <p>to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/></p> <p>to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>6. Using the same column in the above table:</p> <p>Are successors appointed in a timely manner so the equal or nearly equal staggering of the 3-year terms is preserved?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This action is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately. Consult with an attorney to correct this.</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>7. Using the same column in the above table:</p> <p>Are vacancies filled properly and in a timely manner so the equal or nearly equal staggering of the 3-year terms is preserved?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This action is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately. Consult with an attorney to correct this.</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>8. Using the same column in the above table:</p> <p>Have removals from office followed a hearing, have designated procedures been followed, and were removals for the causes specified?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This action is required by the Michigan Zoning Enabling Act. Maybe amend the zoning ordinance to specify the procedures for removal from office. Consult with an attorney to correct this.</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>9. Using the same column in the above table:</p> <p>Are compensations to members following the requirements specified?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, amend the zoning ordinance or legislative body's policy on this matter to include compensation information.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>10.</b> If the village or city council (legislative body) is acting as the zoning board of appeals, then is the village or city council <b>not</b> also acting as the zoning board or planning commission?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> The city or village council can not act as a planning commission. It is recommended that the city or village council not act as <b>both</b> the zoning board and zoning board of appeals.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>11.</b> Do you have on file adopted rules of procedure for the zoning board of appeals?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Try to recover the rules of procedure and include them in the files. If they can not be recovered, adopt new rules of procedure (see <i>Land Use Series: "#7: Sample Rules of Procedure for a Zoning Board of Appeals"</i> at <a href="http://www.msue.msu.edu/lu">www.msue.msu.edu/lu</a>).</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

## Keeping Up-to-date, Training

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>1.</b> Are planning commission members subject to a legislative body policy, bylaws provision, or other policy that requires members to receive continuing education in land use each year?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, amend the planning commission resolution or bylaws to include such a requirement.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>2. Does the legislative body or the ordinance creating a planning commission have a provision that prohibits the reappointment of a planning commission member if he/she did not obtain continuing education in land use?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, amend the planning commission resolution to include such a requirement.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>3. Are zoning board of appeals members subject to a legislative body policy, bylaws provision, or other policy that requires members to receive continuing education in land use each year?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, amend the zoning ordinance or rules of procedure to include such a requirement.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>4. Does the legislative body or the zoning ordinance have a provision that prohibits the reappointment of a zoning board of appeals member if he/she did not obtain continuing education in land use?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, amend the zoning ordinance to include such a requirement.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>5. Is the staff (planner, zoning administrator) subject to a legislative body policy, bylaws provision, job description, or contract provision that requires continuing education in land use each year?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, amend legislative body policy, bylaws provision, job description, or contract provision to include such a requirement.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>6. Do the planning commission members, zoning board of appeals members, and zoning administrator/planning staff members receive regular updates on land use issues through subscription to one or more periodicals, newsletters, or similar publications that include reports on new statutes, court case law, and similar changes for planning and zoning?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. Starting a subscription to one or more such publications is wise.</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>

**Suggested continuing education requirements:**

(Note: the number of days or hours given here is just an example. These numbers might be modified to fit a community's budget and situation.)

Position	First-year training requirement	Second-year and all following year training requirements
Member of the planning commission	16 to 22 hours	6 to 8 hours per year
Member of the zoning board of appeals	16 to 22 hours	6 to 8 hours per year
Planner	3 to 5 days	3 to 5 days per year
Zoning administrator	3 days	3 days per year
Individual doing both planning and zoning administration	6 to 8 days	6 to 8 days per year

## Chapter 3: Smart Growth

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

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

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

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

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

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

- c. Socially beneficial
  - i. Encourages people to live close enough to one another for comfortable interaction.
  - ii. Designs residential areas for conversation from the sidewalk
  - iii. Encourages “eyes on the street” at all hours to reduce crime and fear of crime.

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