

May 1, 2008

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## Check List # 2 For Adoption of a Zoning Ordinance in Michigan

This is a step-by-step procedure for planning, land use and zoning. This particular checklist (#2) is for adoption of a new zoning ordinance in Michigan. It is designed to provide a list of steps -- in order -- which leads to a well planned and zoned community. This outline is based on Public Act 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*), and recommendations of Kurt H. Schindler, MSU Extension land use team member. This version of the checklists includes to the Michigan Zoning Enabling Act through February 12, 2008 (P.A. 12 of 2008).

There are also separate procedural checklists for performing other zoning and planning functions. They are listed in the box on page 2.

The Michigan Zoning Enabling Act is a new statute, that changes how various zoning procedures are done. The entire purpose of this act was to create a single set of procedures to follow regardless if zoning is being done in a city, village, township, or county. After July 1, 2006 (the effective date of the act) only the procedures in the Michigan Zoning Enabling Act should be used (and the following statutes must not be used any more). Even if local zoning has a different procedure, the procedures in the Michigan Zoning Enabling Act have to be used starting July 1, 2006.

Within a year (July 1, 2007) local zoning has to be amended to reflect the procedures in the Michigan Zoning Enabling Act. This act replaces the following statutes. Only for matters that took place before July 1, 2006 should the old statutes be referenced:

- P.A. 183 of 1943, as amended, (being the County Zoning Act, M.C.L. 125.201 *et seq.*) See MSU Extension Land Use Team's *Land Use Series* "Checklist # C2; For Adoption of a County Zoning Ordinance in Michigan".
- P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 *et seq.*) See MSU Extension Land Use Team's *Land Use Series* "Checklist # T2; For Adoption of a Township Zoning Ordinance in Michigan".
- P.A. 207 of 1921, as amended, (being the City and Village Zoning Act, M.C.L. 125.581 *et seq.*) See MSU Extension Land Use Team's *Land Use Series* "Checklist # M2; For Adoption of a City and Village Zoning Ordinance in Michigan".

For any step of this process, the Michigan State University Extension members of the MSU Land Use Team can assist with sample materials; coordinating efforts between the township, county, and the state; and providing guidelines.

*"Thirty seven million  
acres is all the Michigan  
we will ever have."*

Former Governor  
William G. Milliken

Michigan State University  
Extension Land Use Team

<http://ntweb11a.ais.msu.edu/luaoe/index.asp>

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This outline is not designed as a substitute for reading and understanding the Michigan Zoning Enabling Act. This outline is not a substitute for legal advice. There is no substitute for hiring an attorney. **Do not** attempt to adopt or amend an ordinance without an attorney.

## Related Publications

There are also separate procedural checklists for performing other planning and zoning functions. They are:

- *Land Use Series*: "Check List #1A; To Create a Planning Commission or Amend an Existing Planning Commission Ordinance."
- *Land Use Series*: "#1B; Sample Ordinance to create a planning commission"
- *Land Use Series*: "#1C; Summary of changes between new Michigan Planning Enabling Act and the three old planning acts: Municipal Planning Act, County Planning Act, and Township Planning Act."
- *Land Use Series*: "Checklist #1D; Steps to Transition an Existing Planning Commission to Comply with the Michigan Planning Enabling Act"
- *Land Use Series*: "#1E; Sample Bylaws for a planning commission."
- *Land Use Series*: "Checklist #1F; What Should be in a Master Plan"
- *Land Use Series*: "Checklist #1G; For Adoption of a Plan in Michigan"
- *Land Use Series*: "Checklist #1H; The Five Year Plan Review."
- *Land Use Series*: "Checklist #1I; For Adoption of an Amendment to a Plan"
- *Land Use Series*: "Checklist #1J; Adopting and Updating a Capital Improvement Program"
- *Land Use Series*: "Checklist #1K; Review of Infrastructure and Public Capital Expenditure"
- *Land Use Series*: "Checklist #1L; Adoption or Amendment of Subdivision Rules"
- *Land Use Series*: "#1M; How Governments Make Submissions on a Neighbor's or County's Proposed Plan"
- *Land Use Series*: "#1N; How a Planning Commission Should Respond to Submissions"
- *Land Use Series*, "Checklist #2; for Adoption of a Zoning Ordinance in Michigan."
- *Land Use Series*, "Checklist #3; for Adoption of an Interim Zoning Ordinance in Michigan."
- *Land Use Series*, "Checklist #4; for Adoption of a Zoning Ordinance Amendment (Including PUD) in Michigan"
- *Land Use Series*, "Checklist #5: for Processing a Special Use Permit (Including PUD) Application in Michigan."
- *Land Use Series*, "Checklist #6: for Processing a Zoning Appeal and Variance in Michigan."

All of these are available at [www.msue.msu.edu/lu/](http://www.msue.msu.edu/lu/).

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 years from now they are still available.

This checklist is divided into three columns. The first column has a place to check when the task is done, and a place to check when the

## Glossary

The following terms are used in this publication, and have the following specific meanings.

**§** means the section number of Public Act 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*),

**Chief administrative official** means the manager or other highest nonelected administrative official of a city or village.

**Chief elected official** means the mayor of a city, president of a village, supervisor of a township, or chair of a county board of commissioners.

**Ex officio member** means a member of a planning commission, with full voting rights unless otherwise specified by city or village charter, by virtue of holding another office.

**Legislative Body** means the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or 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 adopted under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled.

**Planning Commission** means the local unit of government planning commission created under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled. In a few communities it may still be a "zoning board" (townships) or "zoning commission" (city and villages). Has used here, the use of the term "planning commission" includes all of these terms.

**Zoning jurisdiction** means the area encompassed by one of the following:

- legal boundaries of a city or village for a city or village respectively;
- legal boundaries of a township outside the limits of a city(ies) and village(s) for a township;
- legal boundaries of a county outside the limits of a city(ies) and village(s); or the county including any city(ies) and village(s) which has adopted the county plan (See §209, M.C.L. 125.3209)..

documentation has been placed in a permanent file. The second column is the step, or task, to complete in order to adopt a proper plan/zoning ordinance, or amendment to either. The third column is what should be included in a permanent file to document the work that has been done. Sometimes the middle column is further divided into two columns. The

heading will indicate which **one** should be followed in your community’s case. It is always a matter of doing one or the other, never both.

This check list is intended to be linear, with each step being done in order, and most requiring the previous step to be done before starting the next.

Check when task is done	Step, or Task	Copy in the permanent file
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p><b>Step 1.</b> A plan, or at least the land use (or zoning plan) component of a plan has been adopted following each of the proper steps (see checklists # 1G, 1H, and 1I).</p> <p>PLANS. The planning acts gives importance to plans: First, “‘Master Plan’ means either of the following: . . . (ii)Any plan adopted or amended under this Act. This includes, but is not limited to, a plan prepared by a planning commission authorized by this act and <b>used to satisfy the requirement of section 203(1) of the Michigan zoning enabling act</b>, 206 PA 110, M.C.L. 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term.” (emphasis added). (§3(g), M.C.L. __3(g))</p> <p>Section 203(1) of the Michigan Zoning Enabling Act reads “The zoning ordinance shall be based upon a plan . . .” (§203(1), M.C.L. 125.3203(1)). (See additional references to Airport Plans (§203(2-4), M.C.L. 125.3203(2-4)). Zoning ordinances adopted after March 28, 2001 shall be consistent with any airport zoning regulations. Any zoning amendment adopted after March 28, 2001 shall not increase any inconsistency with any airport zoning regulations.)</p>	<p>Check lists for Plan Adoption for the documentation and steps which should be followed.</p>

Check when task is done	Step, or Task	Copy in the permanent file
<input type="checkbox"/> Task is done  <input type="checkbox"/> In the file	<p><b>Step 2.</b> The legislative body for your government acts to form a planning commission as specified by the Michigan Planning Enabling Act (M.C.L. ___ <i>et seq.</i> (including transferring all the powers and duties of a zoning commission to the planning commission):</p> <ul style="list-style-type: none"> <li>• <b>For cities and villages, townships, and counties</b> wishing to have their own individual <b>planning commission</b>: P.A.33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. ___83(2) and ___83(3).)</li> <li>• <b>For any two, or more, city(ies), village(s), or township(s) wishing to plan and zone jointly</b>: P.A. 226 of 2003, as amended, (being the Joint Municipal Planning Act, M.C.L. 125.131 <i>et seq.</i>)</li> </ul> <p><b>OR</b></p> <p>The legislative body acts to form a zoning commission as specified in §211, M.C.L. 125.3211 and §301, (M.C.L. 125.3301).</p> <p>It is also possible for citizens to petition for the creation of a zoning commission, see §211(3), M.C.L. 125.3211(3).</p> <p>It is also possible for citizens to petition for the creation of a zoning commission, see §211(3), M.C.L. 125.3211(3).</p> <p>Beginning July 1, 2011, a zoning commission’s powers and duties under the Michigan Zoning Enabling Act or an ordinance under that act shall only be exercised or performed by a planning commission. (Thus a zoning commission shall cease to exist.) (§301(2), M.C.L. 125.3301(2))</p> <p>A planning commission already in existence on July 1, 2006 may continue. (§301(1), M.C.L. 125.3301(1))</p>	<p>Copy of legislative body minutes where creation of zoning board (or combining it with planning) took place.</p>
<input type="checkbox"/> Task is done	<p><b>Step 3.</b> The planning commission should author (1) the text of a zoning ordinance and (2) prepare the zoning map (establish zoning districts). In doing so the planning commission may use information, experts and assistance as is available. The materials prepared should include:</p> <ol style="list-style-type: none"> <li>1. A zoning plan for the areas subject to zoning of the local unit of government.</li> <li>2. The establishment of zoning districts, including the boundaries of those districts.</li> <li>3. The text of a zoning ordinance, with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole.</li> </ol>	<p>Copy of office manual, application forms, etc.</p>
<input type="checkbox"/> Task is done  <input type="checkbox"/> In the file	<p><b>Step 4.</b> The planning commission should determine and author a procedure, policy for the administration and enforcement of the zoning ordinance. This should be contained in a zoning administrator’s manual including:</p> <ul style="list-style-type: none"> <li>• sample zoning permit applications;</li> <li>• special use permit applications;</li> <li>• occupancy permits;</li> <li>• form letters for handling violations and other situations;</li> <li>• policy for handling violation/enforcement problems and at what point an attorney becomes involved and prosecution is started;</li> <li>• where records are kept;</li> <li>• expectations for patrol and inspections in the township; and</li> <li>• permit fees, appeals fees, special meeting fees.</li> </ul> <p>Also the planning commission’s bylaws (or rules of procedure) need to cover details on the process for considering amendments, and administration of the ordinance, ethics, conflict of interest, zoning administrator supervision, and so on.</p>	<p>Copy of office manual, application forms, etc.</p>

Check when task is done	Step, or Task		Copy in the permanent file
<input type="checkbox"/> Task is done	<p><b>Step 5.</b> (Optional) Submit the proposed ordinance for an informal review to a third party, such as a County Planning Office (if they provide such service), MSU Extension Land Use Area of Expertise team member (if they provide such service), or a professional planner; <b>and review by an attorney is strongly recommended.</b></p>		Copy of the review (letters, minutes, other) by county planning, MSUE, or professional planner; and attorney.
<input type="checkbox"/> In the file	<p><b>Step 6.</b> The planning commission shall hold at least one public hearing on the zoning ordinance (§306(1), M.C.L. 125.3306(1)). Notices for the public hearing are required. The notice shall include the following information:</p> <ul style="list-style-type: none"> <li>• Describe the nature of the request, e.g., that this is a hearing on a proposed new zoning ordinance (§103(4)(a), M.C.L. 125.3103(4)(a)).</li> <li>• Indicate the property(ies) which is(are) subject of the proposed new zoning ordinance (§103(4)(b), M.C.L. 125.3103(4)(b)).</li> <li>• A statement of when and where the issue will be considered (§103(4)(c), M.C.L. 125.3103(4)(c)).</li> <li>• An indication of when and where written comments will be received concerning the issue (§103(4)(d), M.C.L. 125.3103(4)(d)).</li> </ul> <p>The notices shall be given not less than 15 days before the date of consideration for approval (§103(3), M.C.L. 125.3103(3)). Notices shall be:</p> <ul style="list-style-type: none"> <li>• Published in a newspaper of general circulation in the local unit of government (§103(1), M.C.L. 125.3103(1)). (Note: "General circulation" means a newspaper which has a paid subscription, and does not mean a free-distribution advertiser or similar type publication.)</li> <li>• Send the notice, by mail, to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected. (§306(2), M.C.L. 125.3306(2))</li> </ul> <p>See also §202(2) and 202(3), M.C.L. 125.3202(2) and 125.3202(3).</p>		Copy of notices of hearing, affidavit notices were delivered, affidavit of publication, list of who notices were sent to,
<input type="checkbox"/> Task is done	<p><b>Step 7.</b> <b>For cities, villages, and counties.</b></p>	<p><b>Step 7.</b> <b>For Townships</b></p>	Minutes of public hearing.
<input type="checkbox"/> In the file (notices, etc.)	Go to step 8.	<p>After the hearing, the planning commission shall submit the proposed ordinance to the County Planning Commission (§307, M.C.L. 125.3307). (One should check with the County Planning Department to find out the deadline prior to the County Planning Commission meeting for submittal.) The planning commission has 30 days for this review. The review is waived if not received by the township within the 30 days.</p> <p>It is recommended the following be provided with the submittal to the county: A letter from the township's lawyer stating:</p> <ol style="list-style-type: none"> <li>a. He or she reviewed the proposed ordinance.</li> <li>b. It is written properly.</li> <li>c. It has been adopted properly to date.</li> <li>d. In his or her opinion he or she can uphold its provisions in court.</li> </ol>	<p><b>For townships:</b></p> <p>Letter of transmittal to the County Planning Commission</p> <p>Copy of attorney's letter to County Planning Commission.</p>
<input type="checkbox"/> In the file (minutes)	<input type="checkbox"/> Task is done	<input type="checkbox"/> In the file	

Check when task is done	Step, or Task	Copy in the permanent file
<input type="checkbox"/> Task is done	<p><b>Step 8.</b> The planning commission should adopt a resolution recommending to the legislative body to adopt the zoning ordinance, or to not adopt the zoning ordinance, and file with the legislative body (§305, M.C.L. 125.3305):</p> <ul style="list-style-type: none"> <li>• A zoning plan for the areas subject to zoning of the local unit of government.</li> <li>• The establishment of zoning districts, including the boundaries of those districts.</li> <li>• The text of a zoning ordinance, with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole.</li> <li>• The manner of administering and enforcing the proposed zoning ordinance.</li> <li>• A written summary of each comment made at the public hearing(s). (§308(1), M.C.L. 125.3308(1))</li> <li>• If a township, a copy of County Planning Commission’s recommendations on the proposed zoning.</li> </ul>	Copy of zoning ordinance, zoning map, zoning manual and forms.
<input type="checkbox"/> In the file		Copy of County Planning Commission recommendation on zoning ordinance.
<input type="checkbox"/> Task is done	<b>Step 9.</b> The legislative body shall review the proposed zoning ordinance.	Minutes of the legislative body meeting.
<input type="checkbox"/> In the file		
<input type="checkbox"/> Task is done	<p><b>Step 10.</b> (Optional, which may or may not happen) The legislative body may hold an additional hearing on the proposed ordinance/amendment if it considers it necessary (or as may be required by city or village charter) (§401(1), M.C.L. 125.3401(1)). Notices for the public hearing are required (§401(2), M.C.L. 125.3401(2)). The notice shall include the following information:</p> <ul style="list-style-type: none"> <li>• Describe the nature of the request (§103(4)(a), M.C.L. 125.3103(4)(a)).</li> <li>• Indicate the property(ies) which is(are) subject of the hearing (§103(4)(b), M.C.L. 125.3103(4)(b)).</li> <li>• A statement of when and where the issue will be considered (§103(4)(c), M.C.L. 125.3103(4)(c)).</li> <li>• An indication of when and where written comments will be received concerning the issue (§103(4)(d), M.C.L. 125.3103(4)(d)).</li> </ul> <p>If a hearing is held, the notices shall be given not less than 15 days before the date of consideration for approval (§103(3), M.C.L. 125.3103(3)). Notices shall be:</p> <ul style="list-style-type: none"> <li>• Published in a newspaper of general circulation in the local unit of government (§103(1), M.C.L. 125.3103(1)). (Note: “General circulation” means a newspaper which has a paid subscription, and does not mean a free-distribution advertiser or similar type publication.)</li> <li>• Send the notice by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected. (§306(2), M.C.L. 125.3306(2))</li> </ul> <p>See also §202(2) and 202(3), M.C.L. 125.3202(2) and 125.3202(3).</p> <p>The legislative body shall hold a hearing on a zoning ordinance if a interested property owner requests a hearing by certified mail, addressed to the clerk of the legislative body. A hearing under this subsection is not subject to the above requirements. The notice for this requested hearing shall include the following information:</p> <ul style="list-style-type: none"> <li>• Description the nature of the request.</li> <li>• Indicate the property(ies) which is(are) subject of the request.</li> <li>• A statement of when and where the request will be considered.</li> <li>• An indication of when and where written comments will be received concerning the request</li> </ul> <p>If a requested hearing is held, the notices shall be given not less than 15 days before the date of the requested hearing (§401(4)), M.C.L. 125.3401(4)). Notices shall be:</p> <ul style="list-style-type: none"> <li>• Sent to the interested property owner.</li> </ul>	Copy of notices of hearing, affidavit notices were delivered,
<input type="checkbox"/> In the file (notices, etc.)		affidavit of publication,
<input type="checkbox"/> In the file (minutes)		list of who notices were sent to,
<input type="checkbox"/> Task is done	<p><b>Step 11.</b> If the legislative body considers changes, additions or amendments to the proposed ordinance; the changes, etc., may be referred back to the planning commission for consideration and comment within the legislative body’s specified period of time. (§401(3), M.C.L. 125.3401(3))</p>	Copy of landowner’s request,
<input type="checkbox"/> In the file		Minutes of public hearing.
		Copy of legislative body’s request.

Check when task is done	Step, or Task	Copy in the permanent file				
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p><b>Step 12.</b> The legislative body shall vote on the adoption of the proposed ordinance, with or without amendments. The vote to adopt is done with a majority vote of the members of the legislative body (§401(5), M.C.L. 125.3401(5)).</p> <table border="1" data-bbox="383 415 1166 1073"> <thead> <tr> <th data-bbox="383 422 724 449">Step 12a. For a city or village.</th> <th data-bbox="808 422 1122 476">Step 12a. For a township or county.</th> </tr> </thead> <tbody> <tr> <td data-bbox="383 485 756 638">           The ordinance shall take effect (§401(6), M.C.L. 125.3401(6)):           <ul style="list-style-type: none"> <li>• seven days after a "notice of adoption" has been published, step 14, or</li> <li>• a later date specified by the legislative body or charter.</li> </ul> </td> <td data-bbox="808 512 1198 1073">           The ordinance shall take effect:           <ul style="list-style-type: none"> <li>• seven days after a "notice of adoption" has been published, step 14, (§401(6), M.C.L. 125.3401(6)), or</li> <li>• If a petition was not filed: expiration of the 30 days after a "notice of adoption" was published, step 16. (§402(3)(a), M.C.L. 125.3402(3)(a)), or</li> <li>• If a petition was filed: when the legislative body's clerk has determined the petition is inadequate (e.g. not enough qualified signatures, drafted improperly) (§402(3)(b), M.C.L. 125.3402(3)(b)), or</li> <li>• If an adequate petition was filed: after the results of an election (step 15c) have been certified to have adopted the zoning ordinance/amendment (§402(3)(c), M.C.L. 125.3402(3)(c)), or</li> <li>• a later date specified by the legislative body or charter (§401(6), M.C.L. 125.3401(6)).</li> </ul> </td> </tr> </tbody> </table>	Step 12a. For a city or village.	Step 12a. For a township or county.	The ordinance shall take effect (§401(6), M.C.L. 125.3401(6)): <ul style="list-style-type: none"> <li>• seven days after a "notice of adoption" has been published, step 14, or</li> <li>• a later date specified by the legislative body or charter.</li> </ul>	The ordinance shall take effect: <ul style="list-style-type: none"> <li>• seven days after a "notice of adoption" has been published, step 14, (§401(6), M.C.L. 125.3401(6)), or</li> <li>• If a petition was not filed: expiration of the 30 days after a "notice of adoption" was published, step 16. (§402(3)(a), M.C.L. 125.3402(3)(a)), or</li> <li>• If a petition was filed: when the legislative body's clerk has determined the petition is inadequate (e.g. not enough qualified signatures, drafted improperly) (§402(3)(b), M.C.L. 125.3402(3)(b)), or</li> <li>• If an adequate petition was filed: after the results of an election (step 15c) have been certified to have adopted the zoning ordinance/amendment (§402(3)(c), M.C.L. 125.3402(3)(c)), or</li> <li>• a later date specified by the legislative body or charter (§401(6), M.C.L. 125.3401(6)).</li> </ul>	Copy of minutes (including motion and vote) to adopt the zoning ordinance.
Step 12a. For a city or village.	Step 12a. For a township or county.					
The ordinance shall take effect (§401(6), M.C.L. 125.3401(6)): <ul style="list-style-type: none"> <li>• seven days after a "notice of adoption" has been published, step 14, or</li> <li>• a later date specified by the legislative body or charter.</li> </ul>	The ordinance shall take effect: <ul style="list-style-type: none"> <li>• seven days after a "notice of adoption" has been published, step 14, (§401(6), M.C.L. 125.3401(6)), or</li> <li>• If a petition was not filed: expiration of the 30 days after a "notice of adoption" was published, step 16. (§402(3)(a), M.C.L. 125.3402(3)(a)), or</li> <li>• If a petition was filed: when the legislative body's clerk has determined the petition is inadequate (e.g. not enough qualified signatures, drafted improperly) (§402(3)(b), M.C.L. 125.3402(3)(b)), or</li> <li>• If an adequate petition was filed: after the results of an election (step 15c) have been certified to have adopted the zoning ordinance/amendment (§402(3)(c), M.C.L. 125.3402(3)(c)), or</li> <li>• a later date specified by the legislative body or charter (§401(6), M.C.L. 125.3401(6)).</li> </ul>					
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p><b>Step 13.</b> A copy of the ordinance, amendments, supplements, and maps shall be filed with the local unit of government's clerk (§401(7), M.C.L. 125.3401(7)) and if a township, also the county clerk.</p> <p>A copy of the notice of adoption, step 14, shall be mailed to an airport(s) manager (see §306, M.C.L. 125.3306).</p> <p>If the county planning commission so requested, a copy of the zoning ordinance shall be provided to the county planning commission. The copy may be sent electronically (M.C.L. 125.3869).</p>	Copy of the adopted ordinance  Copy of mailing to airport(s) manager.  If a township, a copy of filing with the county clerk  Copy of mailing to county planning commission.				
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p><b>Step 14.</b> One notice of "ordinance adoption", within 15 days of adoption (step 12), shall be published in a local newspaper (§401(7), M.C.L. 125.3401(7)). (Note: "General circulation" means a newspaper which has a paid subscription, and does not mean a free-distribution advertiser or similar type publication.)</p> <p>The notice shall include (§401(9), M.C.L. 125.3401(9)):</p> <ul style="list-style-type: none"> <li>• The following statement:  " A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the (county, township, city, or village) of ____."</li> <li>• The effective date of the ordinance.</li> <li>• The place where and the time when a copy of the ordinance may be purchased or inspected.</li> </ul>	Copy of the "notice of ordinance adoption" and affidavit of publication.  Statement of effective date of the ordinance				

Check when task is done	Step, or Task	Copy in the permanent file
<input type="checkbox"/> Task is done	<b>Step 15.</b> (Optional) A copy of the ordinance can be placed on file with the _____.	The updated ordinance.
<input type="checkbox"/> In the file	<b>Step 15a. For villages and cities.</b> (With no charter referendum options)	Copy of the “notice of intent.”
<input type="checkbox"/> Task is done	Go to step 16.	
<input type="checkbox"/> In the file	<b>Step 15a.</b> (Which may, or may not happen). <b>For townships and counties.</b> (And a city or village where a charter provides for referendums, but according to the procedure specified in charter, not the procedure found here.)	
<input type="checkbox"/> Task is done	<b>Step 15b. For villages and cities.</b> (With no charter referendum options)	Copy of petition, or documentation by the clerk saying the petition was not received within the 30 day period.
<input type="checkbox"/> In the file	Go to step 16.	
	Within seven days after the “notice of adoption” has been published (step 12a) a registered elector in the zoning jurisdiction may file with the clerk of the legislative body a “notice of intent” to file a petition to bring all, or part of, the zoning ordinance to a vote. (§402(1), M.C.L. 125.3402(1))	
	<b>Step 15b.</b> (Which may, or may not happen). <b>For townships and counties.</b> (And a city or village where a charter provides for referendums, but according to the procedure specified in charter, not the procedure found here.)	
	Within 30 days of the ordinance adoption (step 12a) that elector can file the petition with the clerk of the legislative body to have the zoning ordinance adoption (or a specified portion of the zoning ordinance) placed on the ballot. The petition needs to be signed by 15 percent of the qualified and registered voters in the zoning jurisdiction of the total vote cast for all candidates for governor at the last preceding general election. (§402(2), M.C.L. 125.3402(2))	

Check when task is done	Step, or Task	Copy in the permanent file
<input type="checkbox"/> Task is done  <input type="checkbox"/> In the file	<p><b>Step 15c. For villages and cities.</b> (With no charter referendum options)</p> <p>Go to step 16.</p>	<p>A copy of clerk's determination on the petition.</p> <p>Copy of election results.</p>
<input type="checkbox"/> Task is done  <input type="checkbox"/> In the file	<p><b>Step 15c.</b> (Which may, or may not happen). <b>For townships and counties.</b> (And a city or village where a charter provides for referendums, but according to the procedure specified in charter, not the procedure found here.)</p> <p>The clerk of the legislative body reviews the petition and determines that the petition is inadequate or is adequate (e.g. is/isn't enough qualified signatures, drafted properly/improperly).</p> <p>If the petition is adequate, the legislative body sets the date for that election. (§402(3), M.C.L. 125.3402(3))</p> <p><b>Step 16.</b> Once the ordinance has taken effect, the legislative body should act to do the following things:</p> <ul style="list-style-type: none"> <li>• Adopt a policy or procedure for administration and enforcement of the ordinance (step 8).</li> <li>• Appoint a zoning board of appeals as specified in the new zoning ordinance. (The board of appeals should meet as soon as possible to elect their officers, adopt their rules of procedure and bylaws.)</li> <li>• Act to appoint or hire a zoning administrator (the administrator should be instructed to follow the procedure and policy set by the planning commission and/or adopted by the legislative body). Once hired the zoning administrator should create an inventory of existing buildings which are nonconforming uses (easiest way is through use of tax roll or tax map air photos to establish uses at the start of a new ordinance or amendment).</li> </ul>	<p>Copy of the minutes for the meeting where action was taken.</p> <p>Copy of the policy or procedure.</p> <p>Copy of the appointments to the ZBA</p> <p>Contract/employment for zoning administrator.</p>
<input type="checkbox"/> Task is done	<p><b>Step 17.</b> The planning commission shall periodically prepare a report on the operations of the zoning ordinance, recommendations for amendments and supplements for the legislative body (§308(2), M.C.L. 125.3308(2)).</p>	

[August 15, 2008; Wexford MSUE CED: C:\Documents and Settings\Kurt Schindler\My Documents\wp\BullitensMSUE Wexford\pamphlet2zoneNewOrdChecklst.wpd]