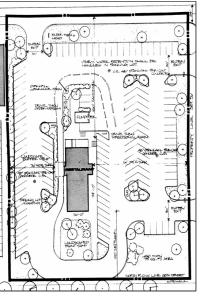
#### PLANNING AND ZONING\*A\*SYST. #3

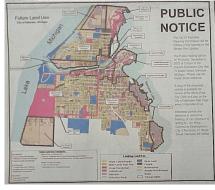
A community planning and zoning assessment system.

# Community Planning & Zoning Audit Planning Coordination

June 23, 2008











Land Use Team

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

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- Patricia E. Norris, MSU Professor of Agricultural Economics, Guyer-Seevers Chair in Natural Resource Conservation
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- 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: preapplications, 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 <a href="www.msue.msu.edu/lu">www.msue.msu.edu/lu</a> 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. Planning Coordination
- 3. Smart Growth

The audit is based on Michigan Public Act 110 of 2006, as amended (the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), Public Act 33 of 2008 (the Michigan Planning Enabling Act, M.C.L. 125.8101 *et seq.*), recommendations from members of the MSU Extension Land Use Team, and intergovernmental coordination and plan content "best planning practices" derived from a proposed Coordinated Planning Act developed by the Michigan Association of Planning.

The Community Planning and Zoning Audit is not designed to be a substitute for reading and understanding the Michigan Zoning Enabling Act or the Michigan Planning Enabling Act. Nor is this document a substitute for legal advice or for professional planner services. It is important to document each step of the process in planning and zoning a community. Keep detailed minutes, affidavits of publication and mailing, open meeting notices, letters of transmittal, and communications all on file so that years from now they are still

available.

#### **Defined Terms**

"Appeals board" means the zoning board of appeals (ZBA).

"Certified" (resolution, minutes, ordinance, etc.) means the keeper of the records for the local unit of government (secretary of the planning commission or clerk of the local unit of government for the planning commission or the clerk of the municipality for the legislative body) provides an affidavit that the copy provided is a true and accurate copy of the document.

"Elected official" means a member of a legislative body.

"Legislative body" refers to the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or any other similar duly elected representative body of a county, township, city, or village.

"Local unit of government" means a county, township, city, or village. "Municipality" means a city, village, or township.

"Plan" means any plan or master plan adopted under the Michigan Planning Enabling Act or one of the three former planning acts, regardless of what it is titled.

"Planning commission" means a zoning board, zoning commission, planning commission, or planning board<sup>2</sup>

<sup>&</sup>lt;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>&</sup>lt;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: Planning Coordination

The purpose of this chapter is to help determine if best planning practices are being used to work with surrounding governments for planning and work with various state, federal, and tribal governments.

Coordination can take many forms and can be done to a small extent or to a large extent. Generally, with planning, the planning effort should match the geography of the topic. For example, planning that addresses water quality is best done at the watershed level of geography. Watershed boundaries seldom follow political boundaries, so it is best done by involving cooperative efforts from each municipal planning commission that has territory within the watershed. This "issue of greater than local concern" approach can also be used for economic development planning (labor market area), transportation (corridor), and parks (park district), as well as many other topics.

Coordination also means sharing materials, having regular

meetings with neighboring municipalities, and sharing resources. Often the county planning commission's function is to be the body that reviews the "bigger picture" and helps facilitate coordination efforts.

To conduct this review, you will need the following:

- 1. An individual(s) familiar with past practices and the history of coordinated activities outlined above.
- 2. A copy of your plan.
- 3. A copy of the comments made about your plan during the adoption process (from the surrounding local governments and at the public hearing).
- 4. Minutes of planning commission meetings during the period in which coordination activities took place.
- 5. A copy of the Michigan Planning Enabling Act.

#### Statutory Review of Plans/Coordination

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
1. When the planning commission receives a plan from another unit of government, is there an active process to review that plan and submit comments to the other unit of government?	Yes □ Good. Go to the next question.	No □  This practice should be started right away. Review of a neighboring government's plan(s) should be just as important and of the same priority as processing a special use permit or other	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<ol> <li>Does the review by the planning commission consider at least the following points?</li> <li>Infrastructure, particularly as it relates to boundary coordination.</li> <li>Consistency or inconsistencies of the plan being reviewed with the adopted plan for your municipality.</li> <li>Other border issues.</li> <li>Issues of greater than local concern.</li> <li>Comparison with local plan contents.</li> <li>Comparison with county/regional plan contents.</li> <li>Comparison with other relevant adopted plans (such as historic preservation, local wetland protection plan, TIF or brownfield redevelopment plan, etc.)</li> <li>Comparison to and with various implementation strategies.</li> </ol>	Yes □ Good. Go to the next question.	No □  This best planning practice should be started right away. At a minimum, the process of review should involve looking at these points.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
<ul> <li>3. Does the review by the planning commission include:</li> <li>a. A "thank you" for the opportunity to review the plan.</li> <li>b. The title of the draft plan being reviewed.</li> <li>c. The titles of plans used to determine consistency or inconsistency (along with an indication of the status of those plans – e.g., the date of the plans and if the plan[s] is [are] upto-date or about to be amended or updated).</li> <li>d. If the issues raised in the review warrant a joint meeting between the two planning commissions or face-to-face meeting between representatives of the two municipalities.</li> <li>e. The identity of the submissions' preparer/author.</li> </ul>	Yes □ Good. Go to the next question.	No □  This best planning practice should be started right away. At a minimum, the review letter should address these points.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<ul> <li>4. If the review is done by a county planning commission, does the review also include the following:</li> <li>a. A statement indicating if the plan is inconsistent with the plan of any city, village, township, or region that received a copy of the draft plan (or amendment).</li> <li>b. A statement if the plan (or amendment) is inconsistent with county plan(s).</li> <li>(M.C.L. 125.3841(3))</li> </ul>	Yes □ Good. Go to the next question.	No □ At a minimum, the process of review by a county should involve looking at these two additional points.	Check this box: to indicate this is an improvement that needs to be done. Check this box: to indicate when improvement is done.
5. When the review of the other plan is done, are comments put in writing and sent to the neighboring government within 63 days of receiving the plan? (M.C.L. 125.3841(3))  (See MSU Land Use Team's Land Use Series: "How Governments Make Submissions on a Neighbor's or County's Proposed Plan" at www.msue.msu.edu/lu.)	Yes □ Good. Go to the next question.	No □  This practice should be started right away. Comment should always be in writing. Written comment back should always be done, even if just to acknowledge the plan was received and all appears fine.	Check this box: to indicate this is an improvement that needs to be done. Check this box: to indicate when improvement is done.
6. When the review of the other plan is done, are comments put in writing and a copy sent to the respective county planning commission within 63 days of receiving the plan?	Yes □ Good. Go to the next question.	No □  This best planning practice should be started right away. A copy should be sent to the county planning commission.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.

## Other Planning Coordination Practices (all optional)

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
1. By statute, plans must be sent to surrounding municipalities for review and comment (M.C.L. 125.3839(2) and 125.3841(2)). Does local practice also include sending a complimentary copy of zoning and other ordinances to surrounding municipalities?	Yes □ Good. Go to the next question.	No □  This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
<b>2.</b> If your planning commission receives a complimentary copy of a surrounding municipality's zoning and other ordinances, is there a file or shelf where these documents are kept for future reference?	Yes □ Good. Go to the next question.	No □  This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
3. Do policy or ordinance provisions exist that identify issues of greater than local concern, and when special use permits, PUDs, plan amendments, and zoning amendments are considered about those issues, are notices sent to the respective surrounding municipality(ies)?	Yes □ Good. Go to the next question.	No □ This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
<b>4.</b> Do periodic meetings occur between two or more planning commissions from surrounding municipalities to discuss issues of mutual interest or issues of greater than local concern?	Yes □ Good. Go to the next question.	No □ This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
5. Is there a permanent standing interjurisdictional committee between two or more planning commissions of surrounding municipalities which meets on a periodic basis on topics of common interest for the participating planning commissions?	Yes □ Good. Go to the next question.	No □  This is a higher level best planning practice and is recommended for communities with more active planning programs.  Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
<b>6.</b> Is there an effort to have uniform format (codification) for plans and zoning ordinances within a specific geographic area or within a county?	Yes □ Good. Go to the next question.	No □  This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
7. Does your municipality have a reciprocal agreement with one or more neighboring municipalities for zoning staff members from one to cover for staff members of the other during vacations, sickness, conflict of interest, and vacancy?	Yes □ Good. Go to the next question.	No □  This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
8. Does your community have a shared or joint zoning administration office?	Yes □ Good. Go to the next question.	No □  This is a higher level best planning practice and is recommended for small or low-volume communities.  Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
9. If this audit is being done for a county planning commission: does the planning commission view itself as a facilitator, pointing out issues of greater than local concern and helping convene meetings between respective municipalities?	Yes □ Good. Go to the next question.  NA □ Not applicable because this is not a county planning commission.	No □  This best planning practice is recommended. Consider starting this as a policy.	Check this box: to indicate this is an improvement that needs to be done. Check this box: to indicate when improvement is done.
10. If this audit is being done for a county planning commission: does the county have a professional planning staff (employees or contract basis) that works with municipalities in the county and provides technical assistance to municipalities in the county?	Yes □ Good. Go to the next question.  NA □  Not applicable because this is not a county planning commission.	No □  This is a higher level best planning practice and is recommended for county planning. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
11. If this audit is being done for a county planning commission: does the county develop sample ordinance, plan, and other document language for use by municipalities? Are representatives of municipalities directly involved in preparing the sample ordinance language?	Yes □ Good. Go to the next question.  NA □  Not applicable because this is not a county planning commission.	No □  This is a higher level best planning practice and is recommended for county planning. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
12. If this audit is being done for a county planning commission: does the county have a geographic information system (GIS) with GIS data readily available for use by municipalities in the county, or is there a municipal system of sharing data for planning purposes?	Yes □ Good. Go to the next question.  NA □  Not applicable because this is not a county planning commission.	No □  This is a higher level best planning practice and is recommended for county planning. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
13. Does the planning commission take an active role in the state regional planning agency (council of governments, regional planning commission) by participating at its meetings, knowing its staff, etc.?	Yes □ Good. Go to the next question.	No □  This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
14. Does the planning commission make sure it is on various state government agency and federal government agency public notification mailing lists as well as county, regional, and tribal government public notification mailing lists, so that the planning commission receives notices of infrastructure, planning, and management issues?	Yes □ Good. Go to the next question.	No □  This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.
15. When the planning commission receives these notices, does it review them and make comment as appropriate?	Yes □ Good. Go to the next question.	No □  This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
16. Do you send an up-to-date copy of your zoning ordinance to the county planning commission?  If this audit is being done for a county planning commission: has the county planning commission requested zoning ordinances from all municipalities and copies of all zoning ordinances and zoning ordinance amendments, and is a library of those ordinances are kept up-to-date? (M.C.L. 125.3869)	Yes □ Good. Go to the next question.	No □  The ordinance on file with the county planning commission, and the county planning commission keeping a current library of all those ordinances is recommended and a best planning practice.	Check this box: to indicate this is an improvement that needs to be done. Check this box: to indicate when improvement is done.

Joint Planning Commission

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
1. Does the planning commission regularly evaluate and consider the merits of forming a joint planning commission <sup>3</sup> pursuant to the Joint Municipal Planning Act (P.A. 226 of 2003, as amended, M.C.L. 125.131 <i>et seq.</i> )?	Yes □ Good. Go to the next question.	No □  This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.

<sup>&</sup>lt;sup>3</sup>A joint planning commission, (M.C.L. 125.131 *et seq.*) may be formed when any two or more townships, villages, and/or cities join together to form one planning commission with jurisdiction over any part or all of the participating townships, villages, and/or cities, and the joint planning commission has just planning, or zoning, jurisdiction over both. How joint planning commissions are set up has a great deal of flexibility and is entirely up to the participating governments, including membership, financing, authority, appointment process, and so on.

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
2. If this audit is being done for a county planning commission: does the planning commission propose or point out possible joint planning commission possibilities and facilitate the discussion about the idea between the respective municipalities?	Yes □ Good. Go to the next question.  NA □ Not applicable because this is not a county planning commission.	No □ This best planning practice is recommended. Consider starting this as a policy.	Check this box:  to indicate this is an improvement that needs to be done.  Check this box:  to indicate when improvement is done.

## 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.
- <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.

- 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.

- 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

- to the front porch.
- iii. Encourages "eyes on the street" at all hours to reduce crime and fear of crime.