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# Table of Contents

Chapter 1: Introduction. . . . .	1
Purpose of the Audit. . . . .	1
Organization and Content. . . . .	1
How to use the Audit. . . . .	2
Organization and Content. . . . .	3
Defined Terms. . . . .	3
Chapter 2: Planned Unit Development. . . . .	5
Basic Setup. . . . .	5
PUD as an Amendment. . . . .	6
Application. . . . .	6
Process. . . . .	6
Public Notification. . . . .	6
Minutes. . . . .	9
General Process. . . . .	13
Record Keeping. . . . .	16
PUD as a Special Use. . . . .	20
Administrative Structure. . . . .	20
Preapplication. . . . .	20
Application. . . . .	21
Ordinance Standards. . . . .	22
Public Notification. . . . .	23
Minutes. . . . .	26
General Process. . . . .	30
Record Keeping. . . . .	34
Chapter 3: Smart Growth. . . . .	37



# Chapter 1: Introduction

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

## Purpose of the Audit

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

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

## Organization and Content

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

1. **Basic Setup** (MSU Extension bulletin number E-3051) makes

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sure that your planning commission and zoning board of appeals are set up properly and a system is in place to make sure the community keeps up-to-date.

2. **The Plan** (E-3052) reviews the process of plan and plan amendment adoption (to make sure that it was done properly) and reviews of an existing plan to determine if it needs to be updated, and reviews what should be in a plan.
3. **Planning Coordination** (E-3053) covers the process of coordination with neighboring government planning (review of each other's plans); coordination with state, federal and other government agencies; coordination practices; and joint planning commissions.
4. **The Zoning Ordinance** (E-3054) reviews the process of zoning ordinance and zoning amendment adoption (to make sure that it was done properly) and what needs to be in the file to document that the proper steps were taken. This publication also reviews what should be in a zoning ordinance.
5. **Administrative Structure** (E-3055) provides a performance audit for the operation of the planning commission, zoning administrator, and zoning board of appeals. It covers office procedures, job descriptions, filing systems, bylaws, rules of procedure, compliance with the Open Meetings Act, minutes, and process for meetings and decision making.
6. **Special Land Uses** (E-3056) provides a review of the administrative structure for handling special use permits: pre-applications, applications, public notification, record keeping, and use of standards in making decisions.
7. **Planned Unit Development** (E-3057) provides a review of the administrative structure for handling planned unit development handled as a special use permit and as a zoning amendment: pre-applications, applications, public notification, record keeping, and use of standards in making special use decisions or basis in the

plan for zoning amendment decisions.

8. **Site Plan Review** (E-3058) provides a review of the administrative structure for handling site plan reviews: applications, public notification, record keeping, and use of standards in making decisions.
9. **Capital Improvement Program** (E-3104) provides a review of the process of creating an annual capital improvement program (CIP).
10. **Subdivision and Land Splitting Reviews** (E-3105) provides a review of the administrative structure for handling land divisions, subdivisions or plats, site-condominiums, lot splits, and certified plats: preapplication meetings with the developer, public notification, plat review, record keeping, and use of standards in making decisions.
11. **Capital Improvements Review** (E-3106) provides a review of the process for the planning commission to review and comment on local government construction projects (which are otherwise not subject to zoning), and outlines how this review can be used as a constructive way to ensure that government-funded projects comply with the adopted plan and local ordinances.

Each of these *Community Planning and Zoning Audits* is available at <http://web2.msue.msu.edu/bulletins/subjectsearch.cfm> and [www.msue.msu.edu/lu](http://www.msue.msu.edu/lu), and from your county Extension office.

## How to use the Audit

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

The *Community Planning and Zoning Audit* can be utilized by local units of government in a variety of ways. A community can go

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

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

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

## Organization and Content

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

1. Introduction.
2. Planned Unit Development.
3. Smart Growth.

The audit is based on Michigan Public Act 110 of 2006, as amended (the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et*

*seq.*), Public Act 33 of 2008 (the Michigan Planning Enabling Act, M.C.L. 125.8101 *et seq.*), recommendations from members of the MSU Extension Land Use Team, and intergovernmental coordination and plan content “best planning practices” derived from a proposed Coordinated Planning Act developed by the Michigan Association of Planning.

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

## Defined Terms

“*Appeals board*” means the zoning board of appeals (ZBA).

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

“*Elected official*” means a member of a legislative body.

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

“*Local unit of government*” means a county, township, city, or village.

“*Municipality*” means a city, village, or township.

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

“*Planning commission*” means a zoning board, zoning commission,<sup>1</sup> planning commission, or planning board.<sup>2</sup>

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

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



# Chapter 2: Planned Unit Development

To perform this review, you will need:

1. A copy of your zoning ordinance.
2. The files related to processing planned unit development (PUD) applications, providing public notice, and documenting reviews, conditions, and decisions related to PUDs in your meeting minutes and other records of approval.
3. A copy of the Michigan Zoning Enabling Act.

4. A copy of the Open Meetings Act.
5. A copy of the community master plan.

If the answer to a question is “yes” or “not applicable”, good. If the answer to a question is “no”, this missing item needs to be found and included in the file. If it cannot be found, consult with the local unit of government attorney for steps necessary to correct the situation.

## Basic Setup

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>1. Does the ordinance state the manner in which a planned unit development will be handled – as a special land use or as a rezoning (zoning amendment)?</p> <p>a. If a planned unit development will be handled as a rezoning, skip to “PUD as an Amendment” on page 6.</p> <p>b. If a planned unit development will be handled as a special land use, skip to “PUD as a Special Land Use” on page 20. (M.C.L. 125.3503(7)-125.3503(8))</p>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>Doing so is required by the Michigan Zoning Enabling Act. Amend the zoning ordinance immediately to include this provision.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

# PUD as an Amendment

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<b>Application</b>			
<p>1. Do you have on file a copy of the planned unit development application and other supporting documentation for the rezoning request from the applicant, or minutes of the meeting at which the legislative body or planning commission initiated the consideration of the rezoning?</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, try to recover the documentation and include it in the files. Also start the practice of doing so immediately for new applications.</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>
<b>Process</b>			
<p>2. Are established planning and zoning criteria set forth in the zoning ordinance to review planned unit development applications? (M.C.L. 125.3503(3))</p>	<p><b>Yes</b> <input type="checkbox"/>                      Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>                      This is required by the Michigan Zoning Enabling Act. Amend the ordinance to include such criteria immediately.</p>	<p>Check this box: <input type="checkbox"/>                      to indicate this is an improvement that needs to be done.                      Check this box: <input type="checkbox"/>                      to indicate when improvement is done.</p>
<b>Public Notification</b>			
<p>3. Is a public hearing notice for the review of a planned unit development rezoning request published in a newspaper of general circulation? (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103)</p>	<p><b>Yes</b> <input type="checkbox"/>                      Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>                      Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/>                      to indicate this is an improvement that needs to be done.                      Check this box: <input type="checkbox"/>                      to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>4. Is the public hearing notice sent by mail or personal delivery to the owners of property for which approval is being considered, except for planning developments involving 11 or more parcels? (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103(2))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>5. Is the public hearing notice sent by mail or personal delivery to persons whose real property is being assessed within 300 feet of the property for which the approval is being considered, except for planning developments involving 11 or more parcels? (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103(2))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>6. If the rezoning for a planned unit development involves an individual property or 10 or fewer adjacent properties, is the public hearing notice sent by mail or personal delivery to one occupant of each structure/unit (only one notice needs to be sent to structures with more than four units) within 300 feet of the property for which the approval is being considered? (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103(2))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>7. Is the public hearing notice given not less than 15 days before the date the application will be considered for approval? (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103(3))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>8. Does the public hearing notice describe the nature of the request? (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103(4)(a))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>9.</b> Does the public hearing notice indicate the property that is subject to the request? (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103(4)(b))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>10.</b> Does the public hearing notice include a listing of all existing street addresses within the property? (Note: Addresses do NOT need to be created if none exist; other means of identification may be used. No addresses need to be listed at all for PUDs involving 11 or more parcels.) (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103(4)(b))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>11.</b> Does the public hearing notice state when and where the request will be considered? (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103(4)(c))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>12.</b> Does the public hearing notice indicate when and where written comments will be received concerning the request? (M.C.L. 125.3503(7), 125.3306, 125.3202, and 125.3103(4)(d))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>13.</b> Does documentation in the file include the following?</p> <p>a. Copies of notices sent by mail or personal delivery to the owners of the subject property and owners and occupants of property within 300 feet of the property being considered, and one occupant per structure or managers/owners of structures with more than four dwelling units located within 300 feet of the property for which the approval is being considered. (M.C.L. 125.3103(2))</p> <p>b. Affidavits to show the notices were delivered.</p> <p>c. Affidavits of publication of the public hearing notices in a newspaper of general circulation.</p> <p>d. A list of those to whom notices were sent.</p> <p>e. Minutes of the public hearing.</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, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

## Minutes

<p><b>14.</b> Are you keeping a record of meeting minutes? (M.C.L. 15.269(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>Doing so is required by the Michigan Open Meetings Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>15.</b> Are the minutes being reviewed and accepted according to the appropriate rules of order?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            Doing so should be required by the legislative body's rules of order (bylaws). Start the practice of doing so immediately, and amend the rules of order to include such a provision, if needed.(see <i>Land Use Series: "Sample #1E: Bylaws for a 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"/>            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>16.</b> Do the minutes show that decisions have been based on materials that are sufficiently substantiated to be found to be true (i.e., having substance or capable of being treated as fact, not imaginary)?            (Article VI, §28 Michigan Constitution)</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is required for administrative decisions. Start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>17.</b> Do the minutes reflect enough of the debate to indicate clearly which statements made in the discussion became, by consensus, the legislative body's list of facts it found to be true and germane to the issue, the "findings of fact"?            (Article VI, §28 Michigan Constitution)</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is required for administrative decisions. Start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>18.</b> Do the minutes show that the amount of evidence supporting the legislative body's decision outweighs the material supporting other possible decisions?            (Article VI, §28 Michigan Constitution)</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is required for administrative decisions. Start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>19.</b> Do the minutes show that the review is based on the entire record (minutes, application, attachments, and so on), not a review of just part of the record? (Article VI, §28 Michigan Constitution)</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required for administrative decisions. Start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>20.</b> Do the minutes include enough information for a person who did not attend the meeting to get a reasonable idea of what happened at the meeting?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>21. Do the minutes include the following elements?</b></p> <ul style="list-style-type: none"> <li>a. The date, time, and place of the meeting. (M.C.L. 15.269(1))</li> <li>b. A list of members present, members absent, and indication of others present. (M.C.L. 15.269(1))</li> <li>c. The motion to close a part of the meeting to the public which includes a list of the statutory authority to close the portion of the meeting. (M.C.L. 15.269(1))</li> <li>d. Who spoke and a summary of what was said.</li> <li>e. A statement of the approval being requested.</li> <li>f. The location of the property involved (tax parcel number and description, legal description, and common description).</li> <li>g. The exhibits submitted (list each one, describe each, number or letter each, and refer to the letter or number in the minutes).</li> <li>h. Information considered (summary of discussion by members at the meeting).</li> <li>i. The administrative body's findings of fact.</li> <li>j. Reasons for the decision that has been made.</li> <li>k. The decision (i.e., approve, deny, approve with modification).</li> <li>l. A list of all required conditions to the approval or improvements (and if they are to be built up front, name the type of performance security to be used), if any.</li> <li>m. The list of all changes to the map/drawing/site plan submitted.</li> </ul>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>Items a-c are required. The other elements are recommended. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>



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

**22.** Do you consider the following questions when reviewing a proposed PUD zoning amendment for appropriateness?

- a. Are there substantial reasons why the property cannot be reasonably used as currently zoned?
- b. Is the use more appropriately handled as a special land use in the existing district or another district?
- c. If a zone change is proposed, is it supported by the adopted master plan?
- d. Would a change of present district boundaries be compatible with existing land uses in the area?
- e. Are adequate sites available elsewhere that are already properly zoned to accommodate the proposed use?
- f. Would the rezoning constitute a spot zone granting a special privilege to one landowner not available to others?
- g. Was there a mistake in the original zoning classification?
- h. Has there been a change of conditions in the area supporting the proposed rezoning?
- i. Would the change severely affect traffic, public facilities, and the natural characteristics of the area, or significantly change population density?
- j. Is the change consistent with the purposes for which zoning is adopted?
- k. Is the proposed change out of scale with the needs of the community?
- l. If the change is approved, what will be the probable effect on stimulation of similar zoning requests in the vicinity? Would this secondary effect negatively affect community plans and public services?
- m. Is the proposed change precedent-setting?
- n. Is the proposed boundary appropriate?

(M.C.L. 125.3201-125.211, 125.3503-125.3506)

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

**No**   
 A number of these considerations are required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.

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

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>23. If this audit is being done for a township: after the public hearing, do you submit for review the proposed rezoning to the coordinating zoning committee (county zoning commission or planning commission delegated to review township zoning proposals)? (M.C.L. 125.3503(7), 125.3306, and 125.3307)</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/>            Not applicable because this is not a township.</p>	<p><b>No</b> <input type="checkbox"/>            Doing so is required by the Michigan Zoning Enabling Act (for townships). Start the practice of doing so immediately (see <i>Land Use Series</i>: “Checklist #4: For Adoption of a Zoning Ordinance Amendment (Including PUDs) in Michigan” 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.</p> <p>Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p>24. If this audit is being done for a township: do you have on file a copy of the letter transmitting the proposed rezoning to the coordinating zoning committee (county zoning commission or planning commission delegated to review township zoning proposals)? (M.C.L. 125.3503(7), 125.3306, and 125.3307)</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/>            Not applicable because this is not a township.</p>	<p><b>No</b> <input type="checkbox"/>            This action is required by the Michigan Zoning Enabling Act (for townships). Filing a copy of the letter is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            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>25. Do you have on file a copy of the review/critique of the proposed rezoning (letters, minutes, other) by county planning, a professional planner, and attorney?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>26. Do you have on file a certified copy of the legislative body's minutes (including motion and vote) to adopt the zoning amendment (i.e., approve the rezoning)? (M.C.L. 15.269)</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Open Meetings Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>27. Do you have on file a summary report from the legislative body that includes:</p> <p>a. A summary of the comments made at the public hearing?</p> <p>b. Detailed findings concerning the application based on planning and zoning criteria and concerns raised at the hearing?</p> <p>c. A recommendation supported by the above findings and concerns?</p> <p>d. If this audit is being done for a township: the county zoning review body's recommendations?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>28. Do you have on file a certified copy of the minutes of the legislative body's meeting at which the proposed rezoning was reviewed? (M.C.L. 15.269)</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Open Meetings Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>29. Do you have on file, if the legislative body held an additional (optional) hearing on the proposed rezoning, a copy of the landowner's request for the hearing before the legislative body? (M.C.L. 125.3401(4))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/> Not applicable because such a public hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>30.</b> If the legislative body held an additional (optional) public hearing on the proposed rezoning, is there documentation in the file that includes the following?</p> <p>a. Copies of notices sent by mail or personal delivery to the owners of property, persons whose real property is being assessed, and one occupant per structure, or managers/owners of structures with more than four dwelling units located within 300 feet of the property for which the approval is being considered. (M.C.L. 125.3103(2))</p> <p>b. Affidavits to show the notices were delivered.</p> <p>c. An affidavit of publication of the public hearing notice in a newspaper of general circulation.</p> <p>d. A list of those to whom notices were sent.</p> <p>e. Minutes of the public hearing.</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because such a hearing was not held.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>Item a is required. The other items are recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

## Record Keeping

<p><b>31.</b> If this audit is being done for a township: do you have on file a copy of the county planning commission's (or county board of commissioner coordinating zoning committee's) response and recommendation on the rezoning?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because this is not for a township.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>32.</b> Do you have on file (if the legislative body considers changes, additions, or amendments to the proposed rezoning, and the changes, etc., were referred back to the planning commission for consideration and comment within the legislative body's specified period of time) a copy of the legislative body's request?</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, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>33.</b> Do you have on file a copy of the adopted rezoning (i.e., zoning amendment), including any amendments, supplements, and maps? (M.C.L. 125.3503(7), 125.3401(7))</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>Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>34.</b> Do you have on file a copy of the notice of ordinance adoption mailed to an airport manager? (M.C.L. 125.3503(7), 125.3401(8))</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because there is not an airport.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>This action is required by the Michigan Zoning Enabling Act. Filing a copy of the notice is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>35.</b> If this audit is being done for a township: do you have on file a copy of a statement indicating the zoning ordinance has been filed with the county clerk? (M.C.L. 41.185)</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p> <p><b>NA</b> <input type="checkbox"/></p> <p>Not applicable because this is not a township or because the township has regular office hours on each business day and thus not required to file the ordinance with the county clerk.</p>	<p><b>No</b> <input type="checkbox"/></p> <p>Filing ordinance with the county clerk is required for all adopted township ordinances.</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>36.</b> Do you have on file a copy of a statement indicating the zoning ordinance has been filed with the county planning commission?</p> <p>If this audit is being done for a county planning commission: has the county planning commission requested copies of all zoning ordinances and zoning ordinance amendments from all municipalities? (M.C.L. 125.3869)</p>	<p><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 ordinance being on file with the county planning commission and the county planning commission keeping a current library of all those ordinances are recommended and a best planning practice.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>37.</b> Do you have on file a copy of the notice of ordinance adoption published in a local newspaper of general circulation? Notice should include:</p> <p>a. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.</p> <p>b. The effective date of the amendment.</p> <p>c. The place where and time when a copy of the amendment may be purchased or inspected.</p> <p>(M.C.L. 125.3503(7), 125.3401(7))</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>Publication of the notice is required by the Michigan Zoning Enabling Act. Filing a copy of the notice is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>38.</b> Do you have on file a copy of the affidavit of publication of the notice of ordinance adoption in the local newspaper?</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, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>39.</b> Do you have on file documentation of the filing of the zoning amendment, including any changes, supplements, and maps, with the local unit of government clerk or at some other permanent location? (M.C.L. 125.3503(7), 125.3401(7))</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            A copy of the adopted ordinance needs to be filed with the clerk of the legislative body, but the planning commission is not required to keep a copy on file. This is recommended. If desired, start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<p><b>40.</b> Do you have on file an updated (or annotated) copy of the entire zoning ordinance that shows the zoning amendment within the text?</p> <p>Skip to page 35 (unless your zoning ordinance also handles PUD as a special 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, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>

# PUD as a Special Use

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<b>Administrative Structure</b>			
<p>1. Does the ordinance state the name of the body or official responsible for reviewing and granting approval of PUD as a special use (zoning administrator, planning commission, or legislative body)? (M.C.L. 125.3503(4)(a))</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is required by the Michigan Zoning Enabling Act. Amend the ordinance to include this provision immediately (see <i>Land Use Series</i>: "Checklist #5: For Processing a Zoning Special Use Permit (Including PUDs) in Michigan" 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>
<p>2. Does the zoning ordinance clearly state whether an appeal of a PUD as a special use may be taken to 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"/>            This is required by the Michigan Zoning Enabling Act if an appeal of a PUD as a special use is allowed to be taken to the zoning board of appeals. If desired, amend the ordinance to include this provision.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>
<b>Preapplication</b>			
<p>3. Do you have procedures detailed in your ordinance for a preapplication conference before submitting a PUD as a special use application?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            Doing so is optional. If desired, amend the ordinance to include such a provision.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>



Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>4. If so, does the ordinance identify the body or official involved in the preapplication conference?</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 ordinance to include such a provision.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

## Application

<p>5. Does the ordinance contain procedures and a list of supporting materials and fees required for completing the application, review, and approval of special land use requests? (M.C.L. 125.3502(1)(c), 125.3503(4)(c))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act except for the fees they are optional. Amend the ordinance to include the required provisions immediately, and, if desired, also the optional provisions.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>6. Does the material required for the application include a site plan? (M.C.L. 125.3501(3))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Amend the ordinance to include such a provision.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>7. Does the ordinance specify the person or body responsible for reviewing the PUD as a special use application package to determine that:</p> <p>a. All the required information is complete?</p> <p>b. The proposed use is permitted in the desired district as PUD as a special use permit?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, amend the ordinance to include such a provision.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>8. If the application is complete, does the reviewing official prepare a staff report on the PUD as a special use application for the approving body?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

## Ordinance Standards

<p>9. Does the ordinance specifically list the land uses that require PUD as a special use approval? (M.C.L. 125.3503(4)(b))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Amend the ordinance to include such provisions immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>10. Does the ordinance contain the requirements and standards upon which decisions on approval of PUD as a special use shall be based? (M.C.L. 125.3503(4)(b))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Amend the ordinance to include such a provision immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>11. Do the standards contained in the ordinance include, at a minimum, that the land use or activity authorized is compatible with the following?</p> <ul style="list-style-type: none"> <li>a. Adjacent uses of land.</li> <li>b. The natural environment.</li> <li>c. The capacities of public services and facilities affected by the land use.</li> <li>d. The public health, safety, and welfare of the local unit of government.</li> </ul> <p>(M.C.L. 125.3504(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> These minimum standards are required by the Michigan Zoning Enabling Act. Amend the ordinance to include these minimum standards immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>12.</b> If the site plan review is handled separately from the initial review of the PUD as a special use, are review standards included in the zoning ordinance? (M.C.L. 125.3501(4))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> According to the Michigan Zoning Enabling Act, review standards must be included in the ordinance if a site plan is required. If desired, amend the ordinance to include this provision immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>13.</b> Is the process for amending an approved PUD as a special use outlined in the zoning ordinance? (M.C.L. 125.3504(5))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Amend the ordinance to include such a provision immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>14.</b> Does the zoning ordinance contain general provisions and standards that apply to PUD as a special use (including regulations on signs, parking, major new developments, etc.)?</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 ordinance to include such provisions.</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>

## Public Notification

<p><b>15.</b> Is a public hearing notice for the review of a PUD as a special use request published in a newspaper of general circulation? (Note: a public hearing must be conducted for a planned unit development regardless of whether it is handled as an amendment or a special land use.) (M.C.L. 125.3503(5), 125.3103)</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>16.</b> Is the public hearing notice sent by mail or personal delivery to the owners of property for which approval is being considered? (M.C.L. 125.3503(5), 125.3103(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>17.</b> Is the public hearing notice sent by mail or personal delivery to persons whose real property is being assessed within 300 feet of the property for which the approval is being considered? (M.C.L. 125.3503(5), 125.3103(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>18.</b> Is the public hearing notice sent by mail or personal delivery to one occupant of each structure/unit within 300 feet of the property only one notice needs to be sent to each multiple-unit structure with more than four units, for which the approval is being considered? (M.C.L. 125.503(5), 125.3103(2))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>19.</b> Is the public hearing notice given not less than 15 days before the date the application will be considered for approval? (M.C.L. 125.3503(5), 125.3103(3))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>20.</b> Does the public hearing notice describe the nature of the request? (M.C.L. 125.3503(5), 125.3103(4)(a))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>21. Does the public hearing notice indicate the property that is the subject of the request? (M.C.L. 125.3503(5), 125.3103(4)(b))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>22. Does the public hearing notice include a listing of all existing street addresses within the property? (Note: addresses do NOT need to be created if none exist; other means of identification may be used.) (M.C.L. 125.3503(5), 125.3103(4)(b))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>23. Does the public hearing notice state when and where the request will be considered? (M.C.L. 125.3503(5), 125.3103(4)(c))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>24. Does the public hearing notice indicate when and where written comments will be received concerning the request? (M.C.L. 125.3503(5), 125.3103(4)(d))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>25.</b> Does documentation in the file include the following?</p> <p>a. Copies of notices sent by mail or personal delivery to the owners of property, persons whose real property is being assessed, and one occupant per structure or managers/owners of structures with more than four dwelling units located within 300 feet of the property for which the approval is being considered. (M.C.L. 125.3103(2))</p> <p>b. Affidavits to show the notices were delivered.</p> <p>c. Affidavits of publication of public hearing notices in a newspaper of general circulation.</p> <p>d. List of those to whom notices were sent.</p> <p>e. Minutes of the public hearing.</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, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

## Minutes

<p><b>26.</b> Are you keeping a record of meeting minutes? (M.C.L. 15.269(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>Doing so is required by the Michigan Open Meetings Act. Start the practice of doing so immediately (see <i>Land Use Series</i>: “How to Take Minutes for Administrative Decisions” 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.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
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Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>27. Are the minutes being reviewed and accepted according to the appropriate bylaws? (M.C.L. 15.269(1))</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> Doing so should be required by the body's bylaws. Start the practice of doing so immediately, and amend the rules of order to include such a provision, if needed (see <i>Land Use Series</i>: "Sample #1E: Bylaws for a Planning Commission" 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>
<p>28. Do the minutes show that decisions have been based on materials that are sufficiently substantiated to be found to be true – i.e., having substance or capable of being treated as fact, not imaginary? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required for administrative decisions. Start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>29. Do the minutes reflect enough of the debate to indicate clearly which statements made in discussion became, by consensus, the administrative body's list of facts it found to be true and germane to the issue, the "findings of fact"? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required for administrative decisions. Start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>30. Do the minutes show that the amount of evidence supporting the administrative body's decision outweighs the material supporting other possible decisions? (Article VI, §28 Michigan Constitution)</p>	<p>Yes <input type="checkbox"/> Good. Go to the next question.</p>	<p>No <input type="checkbox"/> This is required for administrative decisions. Start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>31.</b> Do the minutes show that the review is based on the entire record (minutes, application, attachments, and so on), not a review of just part of the record? (Article VI, §28 Michigan Constitution)</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required for administrative decisions. Start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>32.</b> Do the minutes include enough information for a person who did not attend the meeting to get a reasonable idea of what happened at the meeting?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>



Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>33.</b> Do the minutes include the following elements?</p> <ul style="list-style-type: none"> <li>a. The date, time, and place of the meeting. (M.C.L. 15.269(1))</li> <li>b. A list of members present, members absent, and indication of others present. (M.C.L. 15.269(1))</li> <li>c. The motion to close a part of the meeting to the public, which includes a list of the statutory authority to close the portion of the meeting. (M.C.L. 15.269(1))</li> <li>d. Who spoke and a summary of what was said.</li> <li>e. A statement of the approval being requested.</li> <li>f. The location of the property involved (tax parcel number and description, legal description, and common description).</li> <li>g. The exhibits submitted (list each one, describe each, number or letter each, and refer to the letter or number in the minutes).</li> <li>h. Information considered (summary of discussion by members at the meeting).</li> <li>i. The administrative body's findings of fact.</li> <li>j. Reasons for the decision that has been made.</li> <li>k. The decision (i.e., approve, deny, approve with modification).</li> <li>l. A list of all required conditions to the approval or improvements (and if they are to be built up front, name the type of performance security to be used), if any.</li> <li>m. The list of all changes to the map/drawing/site plan submitted.</li> </ul>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>Items a-c are required. The other elements are recommended. Start doing so immediately. Minutes for administrative bodies should contain this much detail.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

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

**34.** Is the PUD as a special use application reviewed to determine if the proposed special land use meets the following standards?

- a. The use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area in which it is proposed.
- b. The use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water, and sewage facilities.
- c. The use shall not create excessive additional requirements at public cost for public facilities and services.
- d. The use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

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

**No**   
 This is recommended but not required. If desired, start the practice of doing so immediately (see *Land Use Series*: “Checklist #5: For Processing a Zoning Special Use Permit [Including PUDs] in Michigan” at [www.msue.msu.edu/lu](http://www.msue.msu.edu/lu)).

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

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>35 A.</b> Are the following issues considered to determine the appropriateness of a PUD as a special use in a particular area in relation to the general health, safety, and welfare of the community at large? This includes:</p> <ul style="list-style-type: none"> <li>a. Accessibility of the property in question to fire and police protection.</li> <li>b. Traffic conditions (especially adding to a hazardous situation).</li> <li>c. Transportation design requirements, if any, that will be needed to accommodate any traffic impact from the use intended.</li> <li>d. Appropriateness of the location, nature, and height of the proposed use to the sizes, types, and kinds of buildings, uses, and structures in the vicinity and adjacent properties.</li> <li>e. Appropriateness of the land use in relation to the safety and convenience of people.</li> </ul>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p><b>35 B.</b> Are the following issues considered to determine the appropriateness of a PUD as a special use in a particular area?</p> <p>a. Any potential decrease in the pleasant use and enjoyment of adjacent buildings, uses, and structures permitted by right under current zoning and that might be reflected in decreases in property values, if the proposed PUD as a special use were approved.</p> <p>b. Harmony with the local master plan, which considers whether the location and size of the proposed use, the nature and intensity of the activities involved, the size of the site with respect to existing and future streets (giving access to it), and parks and drainage systems will be in harmony with the character of land use intended for the area or district in question as stated in the master plan.</p> <p>c. Impacts of the applicant's proposed use, its location and intensity, and the height of its buildings, walls, fences, and other structures upon the appropriate character of development existing or planned for the area.</p> <p>d. Any hazards arising from storage and/or use of flammable fluids or other hazardous substances.</p> <p>e. That the operation in connection with any special use is not environmentally objectionable to nearby properties because of noise, fumes, pollution, vibration, or light to an extent that is more than would be expected of any use permitted by right in the district in which the special land use is proposed.</p>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p><b>36.</b> Do the minutes of the meeting at which the PUD as a special use request was decided include the following?</p> <p>a. The final decision of the reviewing and approving body (to approve, not approve, approve with conditions).</p> <p>b. The reasons (conclusions) for the decision.</p> <p>c. The findings of fact upon which the reasons are based.</p> <p>d. The conditions of approval (optional). (Article VI, §28 Michigan Constitution, M.C.L. 125.3504(4))</p>	<p style="text-align: center;"><b>Yes</b> <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p style="text-align: center;"><b>No</b> <input type="checkbox"/></p> <p>This is required for administrative decisions. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done.</p> <p>Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>37. Are the findings attached to and approved as part of the meeting minutes?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>38. If the findings of fact and reasons indicate that all standards for the PUD as a special use stated in the zoning ordinance and other applicable state and federal statutes are met, is the PUD as a special use permit then approved? (M.C.L. 125.3504(3))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> Doing so is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>39. If conditions are imposed, do the conditions meet all of the following requirements?</p> <p>a. Designed to protect natural resources; the health, safety, and welfare; and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.</p> <p>b. Related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.</p> <p>c. Necessary to meet the intent and purpose of the zoning requirements, related to the standards established in the zoning ordinance for the land use or activity under consideration, and necessary to ensure compliance with those standards.</p> <p>d. Designed to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.</p> <p>(M.C.L. 125.3504(4))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<b>Record Keeping</b>			
<p>40. Upon approval, does the site plan for a PUD as a special use (if required) become part of the record? (M.C.L. 125.3501(2)-125.3501(3))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>41. If conditions are imposed, are the conditions imposed with respect to the approval of land use or an activity recorded in the minutes? (M.C.L. 125.3504(5))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>42. If conditions are imposed, do the conditions imposed with respect to the approval of a land use or site plan remain unchanged except upon the mutual consent of the approving authority and the landowner? (M.C.L. 125.3504(5))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start the practice of doing so immediately.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>43. Does the record show conditions that are changed? (M.C.L. 125.3504(5))</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is required by the Michigan Zoning Enabling Act. Start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>
<p>44. Upon approval, does the file include copies of site inspection reports, memos, communications, and all other documentation?</p>	<p><b>Yes</b> <input type="checkbox"/> Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/> This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/> to indicate this is an improvement that needs to be done. Check this box: <input type="checkbox"/> to indicate when improvement is done.</p>

Question	Affirmative (we are doing it) answer	Negative (need to correct) answer	Action to correct has been done
<p>45. Upon completion of the project, does the file document that everything has been done as required?</p>	<p><b>Yes</b> <input type="checkbox"/>            Good. Go to the next question.</p>	<p><b>No</b> <input type="checkbox"/>            This is recommended but not required. If desired, start the practice of doing so from this point forward.</p>	<p>Check this box: <input type="checkbox"/>            to indicate this is an improvement that needs to be done.            Check this box: <input type="checkbox"/>            to indicate when improvement is done.</p>





# Chapter 3: Smart Growth

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

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

1. The Governor's Land Use Leadership Council used the following smart growth tenets<sup>3</sup> for many of the recommendations contained in its report on land use in Michigan. These 10 tenets can form the basis for establishing a set of state land use goals.
  - n. Mix land uses.
  - o. Compact building design.
  - p. Increase housing choice.
  - q. Encourage walking.

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

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

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

- c. Socially beneficial
  - i. Encourages people to live close enough to one another for comfortable interaction.
  - ii. Designs residential areas for conversation from the sidewalk

- iii. Encourages “eyes on the street” at all hours to reduce crime and fear of crime.

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