



# HOUSE BILL No. 6124

November 9, 2000, Introduced by Reps. Jellema, Lockwood, Scranton, Godchaux, Birkholz, LaForge, Richner, Byl, Bovin, Rivet and LaSata and referred to the Committee on Local Government and Urban Policy.

A bill to provide for coordinated land use and capital facility planning among cities, villages, townships, counties, regions, and state and federal agencies; to provide for the creation, organization, powers, and duties of planning commissions; to provide for the preparation of capital improvement programs; to provide conditions for funding or construction of capital improvements; to authorize the review of land divisions, plats, and condominium projects; to establish a grant program to assist with the financing of plans; to provide for the powers and duties of certain governmental officials; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER 1

SHORT TITLE AND DEFINITIONS

Sec. 1. This act shall be known and may be cited as the "coordinated planning act".

Sec. 3. As used in this act:

(a) "Capital facility" means land, an interest in land, or a structure if acquired or constructed with public funds or constructed or operated by a private entity under contract to a state or regional governmental entity or political subdivision with public funds and used to provide a public service. Capital facility may include, but is not limited to, all of the following:

(i) Schools, police stations and other law enforcement offices, correctional facilities, fire stations, hospitals, libraries, government administration buildings, and buildings housing ambulance or rescue services or other government services.

(ii) Infrastructure for communication systems; mass transit systems; electric utilities; public health and sanitation; water supply wells, storage, or treatment; sewage or storm water collection, treatment, and disposal; solid waste collection, disposal, or recycling; flood control; or shoreline protection.

(iii) Parks, open space, and recreational facilities; roads, streets, highways, and alleys; airports; railways; harbor facilities; sidewalks; bicycle paths; road or path lighting systems; traffic signals; or bridges.

1 (b) "Capital improvement program" or "CIP" means a schedule  
2 for all of the following, as described in section 71:

3 (i) The purchase, sale, construction, improvement, or  
4 replacement of capital facilities.

5 (ii) The purchase, sale, or replacement of major equipment  
6 including, but not limited to, buses, vehicles for collection of  
7 garbage or recyclable materials, ambulances, law enforcement  
8 vehicles, firefighting apparatus, and dispatch and communications  
9 equipment.

10 (c) "Chief administrative officer" means 1 of the following,  
11 as applicable:

12 (i) In a city, the city manager, or, if there is no city  
13 manager, the mayor.

14 (ii) In a village, the village manager, or, if there is no  
15 village manager, the village president.

16 (iii) In a township, the township manager. If there is no  
17 township manager, "chief administrative officer" means the town-  
18 ship superintendent, or, if there is no township superintendent,  
19 the township supervisor.

20 (iv) In a county organized under 1966 PA 293, MCL 45.501 to  
21 45.521, the county executive or chief administrative officer.

22 (v) In a county organized under 1973 PA 139, MCL 45.551 to  
23 45.573, the county manager or county executive.

24 (vi) In any other county, the chairperson of the county  
25 board of commissioners.

26 (d) "Comprehensive plan" means a plan as described under  
27 section 49.

1 (e) "County plan" means a plan for the development of a  
2 county under section 43.

3 (f) "County planning commission" means a planning commission  
4 established under section 11(3).

5 (g) "Department", unless the context indicates a different  
6 meaning, means the department of management and budget.

7 (h) "Future land use plan" means a plan described under  
8 section 47.

9 (i) "General plan" means a plan as described in section 45.

10 (j) "Governing body" means the following:

11 (i) With respect to a city or village, the legislative body  
12 of the city or village.

13 (ii) With respect to a township, the township board.

14 (iii) With respect to a county, the county board of  
15 commissioners.

16 (iv) With respect to a public school district, the board of  
17 education.

18 (v) With respect to a public school academy, the board of  
19 directors.

20 (vi) With respect to a local authority established by or  
21 pursuant to state law, the board of that authority.

22 (k) "Growth management plan" or "redevelopment plan" means a  
23 plan as described in section 51.

24 (l) "Guideline" means that term as defined in section 3 of  
25 the administrative procedures act of 1969, 1969 PA 306,  
26 MCL 24.203.

1           Sec. 5. As used in this act:

2           (a) "Issue of greater than local concern" means a land use  
3 or capital facility whose size, scale, or projected use may  
4 create a significant, measurable impact on the infrastructure,  
5 environment, or economy beyond the borders of a single jurisdic-  
6 tion and which may include, but need not be limited to, a solid  
7 waste landfill, hazardous waste disposal facility, airport, sta-  
8 dium, freeway, freeway interchange, power plant, regional shop-  
9 ping center, community college, large manufacturing facility,  
10 prison, or new harbor facility.

11           (b) "Joint municipal plan" means a plan for the development  
12 of all or part of the combined territory of 2 or more municipali-  
13 ties under section 47.

14           (c) "Joint municipal planning commission" means a planning  
15 commission established under section 11(2).

16           (d) "Jurisdictional area" means the territory over which a  
17 planning commission has jurisdiction pursuant to section 11.

18           (e) "Local unit" means a municipality or county.

19           (f) "Municipal" or "municipality" means or refers to a city,  
20 village, or township.

21           (g) "Municipal plan" means a plan for the development of a  
22 municipality under section 47.

23           (h) "Municipal planning commission" means a planning commis-  
24 sion established under section 11(1) or exercising the powers and  
25 duties of such a planning commission pursuant to section 11(1).

26           Sec. 7. As used in this act:

1 (a) "Participating" means either of the following:

2 (i) With reference to a municipality, that the municipality  
3 has taken part in the establishment of a joint municipal planning  
4 commission or joined an existing joint municipal planning commis-  
5 sion and that has not withdrawn from the joint municipal planning  
6 commission.

7 (ii) With reference to a local unit, public school district,  
8 public school academy, special authority, or other political sub-  
9 division, that the political subdivision has taken part in the  
10 establishment of a regional planning commission or joined an  
11 existing regional planning commission, as applicable, and that  
12 has not withdrawn from the regional planning commission.

13 (b) "Plan", unless the context indicates a different mean-  
14 ing, means a county plan, municipal plan, joint municipal plan,  
15 or regional plan.

16 (c) "Planning commission", unless the context indicates a  
17 different meaning, means a county planning commission, municipal  
18 planning commission, joint municipal planning commission, or  
19 regional planning commission.

20 (d) "Planning director" means either of the following:

21 (i) A community planner as defined in section 2301(b) of the  
22 occupational code, 1980 PA 299, MCL 339.2301, who is in charge of  
23 the office responsible for community planning in a local unit or  
24 region, and whose office may provide staff support to the plan-  
25 ning commission in that local unit or region.

26 (ii) The planner in charge of an office responsible for  
27 community planning, economic development or housing assistance,

1 or air, land, water, transportation, or other capital facility  
2 planning in a state agency, whose programs, plans, or decisions  
3 may affect the plans or capital improvement, land use, or zoning  
4 decisions of a local unit or regional planning commission.

5 (e) "Political subdivision" means a local unit, a school  
6 district, or an authority established by 2 or more local units by  
7 or pursuant to state law.

8 (f) "Proposing" when used to describe a planning commission  
9 means a planning commission that intends to prepare or has pre-  
10 pared a proposed plan or that has prepared a proposed CIP and  
11 submitted it for review and comment under section 71, as  
12 applicable.

13 (g) "Region" means the jurisdictional area of a regional  
14 planning commission.

15 (h) "Regional plan" means a plan for the development of the  
16 area under the jurisdiction of a regional planning commission  
17 under section 43 or 45.

18 (i) "Regional planning commission", unless the context indi-  
19 cates a different meaning, means any of the following:

20 (i) A regional planning commission established under  
21 section 11(4).

22 (ii) A regional planning commission or regional council of  
23 governments exercising the powers provided for in section 29 and  
24 following, pursuant to section 11(5).

25 (iii) A metropolitan area council established under  
26 section 5 of the metropolitan councils act, 1989 PA 292,

1 MCL 124.655, or a regional council of governments exercising the  
2 powers provided for by this act, pursuant to section 11(6).

3 (j) "Reviewing" when used to describe a planning commission,  
4 state or federal agency, or entity means a planning commission,  
5 state or federal agency, or entity to which a municipal plan,  
6 joint municipal plan, county plan, or regional plan is required  
7 to be submitted for review under section 55(2) or a CIP is  
8 required to be submitted for review under section 71, as  
9 applicable.

10 (k) "Zoning plan" means a part of a future land use plan  
11 described in section 47(2)(f).

## 12 CHAPTER 2

### 13 PLANNING COMMISSIONS

14 Sec. 11. (1) By ordinance, the governing body of a municipi-  
15 pality may establish a municipal planning commission or, if the  
16 municipality has a population of less than 5,000, may provide  
17 that the governing body shall serve as the municipal planning  
18 commission. A planning commission established before the effec-  
19 tive date of this act by municipal charter may continue to oper-  
20 ate on and after the effective date of this act subject to the  
21 charter provisions without being reconstituted under this act.  
22 However, a municipality may by ordinance or charter amendment  
23 alter the powers and duties of a planning commission established  
24 by charter to include the powers and duties of a municipal plan-  
25 ning commission under this act. Furthermore, any charter amend-  
26 ment related to the planning commission and adopted after the  
27 effective date of this act shall conform with this act.



1           (2) The governing bodies of 2 or more contiguous  
2 municipalities may by resolution adopt an agreement establishing  
3 a joint municipal planning commission. The agreement shall  
4 describe the area for which a joint municipal planning commission  
5 has responsibility to prepare a plan, which may consist of the  
6 combined territory of the participating municipalities or any  
7 portion of that territory. The agreement shall include a proce-  
8 dure by which a participating municipality may withdraw from the  
9 joint municipal planning commission and a procedure by which a  
10 municipality may join the joint municipal planning commission.

11           (3) The county board of commissioners of a county may by  
12 ordinance establish a county planning commission.

13           (4) The governing bodies of 3 or more contiguous counties,  
14 and of any number of other political subdivisions within those  
15 counties, may by resolution adopt an agreement establishing a  
16 regional planning commission. The agreement shall describe the  
17 area over which a regional planning commission has responsibility  
18 to prepare a coordinated plan. The agreement shall include a  
19 procedure by which a participating political subdivision may  
20 withdraw from the regional planning commission and a procedure by  
21 which a political subdivision may join a regional planning  
22 commission.

23           (5) Notwithstanding subsection (4), a regional planning com-  
24 mission created under 1945 PA 281, MCL 125.11 to 125.25, a  
25 regional council of governments to which the activities, func-  
26 tions, and programs of such a regional planning commission were  
27 transferred under section 14 of 1945 PA 281, MCL 125.24, or a

1 regional economic development commission created under 1966  
2 PA 46, MCL 125.1231 to 125.1237, may exercise the powers provided  
3 for a regional planning commission in section 29 and following,  
4 but only if the regional planning commission created under 1945  
5 PA 281, MCL 125.11 to 125.25, regional council of governments, or  
6 regional economic development planning commission was in exis-  
7 tence on the effective date of this act, has boundaries as  
8 defined in Executive Directive 1992-2, and complies with the  
9 requirements of section 29 and following.

10 (6) A regional planning commission created under 1945  
11 PA 281, MCL 125.11 to 125.25, and a regional council of govern-  
12 ments or a metropolitan area council established under section 5  
13 of the metropolitan councils act, 1989 PA 292, MCL 124.655, may  
14 by resolution adopt an agreement to transfer that regional plan-  
15 ning commission's powers, functions, staff, assets, and liabili-  
16 ties under this act to the regional council of governments or  
17 metropolitan area council if the territory served is coterminous  
18 with county boundaries and is not less than before the transfer.  
19 To be effective, the agreement shall also be approved by a reso-  
20 lution of the governing bodies of a majority of the political  
21 subdivisions participating in that regional planning commission.  
22 If the agreement takes effect, the regional council of govern-  
23 ments or metropolitan area council may receive and disburse  
24 grants-in-aid and other revenues that would otherwise be avail-  
25 able to that regional planning commission. This subsection is  
26 subject to subsection (5).

1 (7) Upon establishment of a municipal planning commission or  
2 joint municipal planning commission under this act, a planning  
3 commission for that municipality or for 1 of those municipalities  
4 established under 1931 PA 285, MCL 125.31 to 125.45, or 1959 PA  
5 168, MCL 125.321 to 125.333, is abolished. Upon establishment of  
6 a county planning commission under this act, a planning commis-  
7 sion for that county established under 1945 PA 282, MCL 125.101  
8 to 125.107, is abolished.

9 Sec. 13. (1) Except in a municipality where the governing  
10 body is serving as a municipal planning commission pursuant to  
11 section 11(1) and consists of less than 5 members, a municipal  
12 planning commission or county planning commission shall consist  
13 of 5 or more regular, voting members. A joint municipal planning  
14 commission shall consist of 5 or more regular, voting members as  
15 determined by the agreement establishing the planning  
16 commission. A regional planning commission established under  
17 section 11(4) shall consist of 9 or more regular, voting members  
18 or such membership as determined by the agreement establishing  
19 that regional planning commission. Each municipality participat-  
20 ing in a joint municipal planning commission or each county par-  
21 ticipating in a regional planning commission established under  
22 section 11(4) shall be represented on the regional planning com-  
23 mission by 1 or more members as determined by the agreement.

24 (2) Except in a municipality where the governing body is  
25 serving as a municipal planning commission pursuant to  
26 section 11(1), a municipal planning commission or county planning  
27 commission may include not more than 2 alternate members. A

1 joint municipal planning commission may include a number of  
2 alternate members not to exceed 1/3 of the total number of regu-  
3 lar members as determined by the agreement establishing the plan-  
4 ning commission. A regional planning commission established  
5 under section 11(4) may include a number of alternate members,  
6 not to exceed the total number of regular members, as determined  
7 by the agreement establishing the planning commission. An alter-  
8 nate member may be called on a rotating basis, under circum-  
9 stances specified by the ordinance or agreement establishing the  
10 planning commission, to serve in the absence of a regular member  
11 if a regular member has been absent for 2 or more consecutive  
12 meetings or is expected to be absent for 2 or more consecutive  
13 meetings. An alternate member may also be called to serve as a  
14 regular member if a regular member has abstained on a matter  
15 because of conflict of interest. The alternate member appointed  
16 shall serve until the return of a regular member. However, if  
17 requested by the chairperson of the planning commission, the  
18 alternate member shall continue to serve on a pending individual  
19 case after the return of the regular member until a decision is  
20 made, and the regular member shall not participate in that case.

21 (3) A member of a planning commission shall be appointed by  
22 the following officer or body of the political subdivision repre-  
23 sented by that member:

24 (a) The mayor of a city, the president of a village, or the  
25 supervisor of a township with the concurrence of a majority of  
26 the members of the governing body of the municipality.

1 (b) The county executive or chief administrative officer of  
2 a county organized under 1966 PA 293, MCL 45.501 to 45.521, or  
3 the county manager or county executive of a county organized  
4 under 1973 PA 139, MCL 45.551 to 45.573, with the concurrence of  
5 a majority of the members of the county board of commissioners.

6 (c) The county board of commissioners of a county other than  
7 a county described in subdivision (b), acting by the affirmative  
8 vote of a majority of its members.

9 (d) The superintendent of a public school district or the  
10 chief administrator of a public school academy with the concur-  
11 rence of a majority of the members of the board of the public  
12 school district or public school academy.

13 (e) The board or other governing body of a political subdi-  
14 vision, acting by the affirmative vote of a majority of its  
15 members.

16 (4) A member of a planning commission shall be a qualified  
17 elector and shall reside within the jurisdictional area of the  
18 planning commission. An officer or body making appointments of  
19 members of a planning commission in a local unit or to a joint  
20 municipal planning commission under subsection (3) shall strive  
21 to provide balanced representation of geographic areas comprising  
22 the jurisdictional area of the planning commission, as well as of  
23 race, sex, and age, and of major interests such as agriculture,  
24 recreation, education, environment, public health, government,  
25 commerce, transportation, and industry, as applicable.

26 (5) A member of a zoning board or zoning board of appeals of  
27 a local unit shall not be a member of a planning commission

1 established by that local unit or of a joint municipal planning  
2 commission in which that local unit is participating.

3 (6) The chief administrative officer of a local unit, a  
4 building inspector, zoning administrator, or employee of a local  
5 unit, or a community planner employed by or under contract to a  
6 local unit shall not be a member of a planning commission estab-  
7 lished by that local unit or of a joint municipal planning com-  
8 mission in which that local unit is participating.

9 (7) A member of a governing body of a local unit shall not  
10 be a member of a planning commission established by that local  
11 unit or of a joint municipal planning commission in which that  
12 local unit is participating. This subsection does not apply to a  
13 municipality with a population of less than 5,000 in which the  
14 governing body serves as the municipal planning commission or to  
15 a planning commission established before the effective date of  
16 this act by municipal charter if the municipal charter provides  
17 that a member of the governing body shall be a member of the  
18 planning commission, as authorized by section 11(1). If a member  
19 of the governing body of a local unit is a member of a municipal  
20 planning commission established before the effective date of this  
21 act by municipal charter, that member shall be a nonvoting member  
22 unless the charter provides otherwise.

23 (8) Notwithstanding a requirement as to the size of the  
24 planning commission or any other requirement under this section,  
25 the governing body of a local unit may provide by resolution that  
26 an individual serving immediately before the effective date of  
27 this act as a member of a planning commission established by that

1 local unit or as a representative of that local unit on a  
2 regional planning commission may continue to serve, for the dura-  
3 tion of his or her term, as a member of a successor planning com-  
4 mission established by that local unit under this act or as a  
5 representative of that local unit on a successor regional plan-  
6 ning commission established under section 11(4), respectively.

7       Sec. 15. Subject to sections 11(1) and 13(8), the term of a  
8 member of a municipal planning commission, a joint planning com-  
9 mission, or a county planning commission is 3 years. However,  
10 the officer or body appointing members of a planning commission  
11 under section 13(3) shall make initial appointments of shorter  
12 terms as necessary so that as nearly as possible the terms of 1/3  
13 of the members expire each year. The term of a member of a  
14 regional planning commission established under section 11(4)  
15 shall be as established in the agreement creating that regional  
16 planning commission.

17       Sec. 17. (1) A vacancy in the office of a member of a plan-  
18 ning commission shall be filled for the remainder of the term in  
19 the same manner as the original appointment was made.

20       (2) A member of a planning commission may be removed from  
21 office by the officer or body authorized to appoint members of  
22 the planning commission under section 13, with the concurrence of  
23 the body authorized to concur in the appointment of the member,  
24 if any. The member may be removed only after a hearing under the  
25 open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A member  
26 of a planning commission may be removed from office for  
27 malfeasance, misfeasance, or nonfeasance in office as defined by

1 ordinance or charter provision or in the agreement establishing  
2 the planning commission. Nonfeasance may be defined to include,  
3 but need not be limited to, either of the following:

4 (a) The failure of a member, without good cause, to attend 1  
5 or more orientation, training, or other educational conferences  
6 or programs related to community planning, capital improvement  
7 programming, land use regulation, or other relevant topics as  
8 required by the ordinance or agreement establishing the planning  
9 commission.

10 (b) Poor attendance or preparation as defined by ordinance  
11 or charter provision, in the agreement establishing the planning  
12 commission, or in the rules of procedure of the planning  
13 commission.

14 Sec. 19. (1) A member of a municipal planning commission or  
15 county planning commission or of an advisory or other committee  
16 thereof may receive compensation and reimbursement for actual,  
17 reasonable expenses pursuant to standards and procedures adopted  
18 by ordinance or resolution of the governing body of the local  
19 unit. A member of a joint municipal planning commission, of a  
20 regional planning commission established under section 11(4), or  
21 of an advisory or other committee of either such planning commis-  
22 sion may receive compensation and reimbursement for actual, rea-  
23 sonable expenses pursuant to standards and procedures in an  
24 agreement adopted by the governing bodies of the participating  
25 municipalities by resolution. The standards and procedures may  
26 authorize compensation and expenses for attending orientation,  
27 training, or other educational conferences or programs related to



1 community planning, capital improvement programming, land use  
2 regulation, or other topics related to community planning or com-  
3 munity development.

4 (2) Compensation under subsection (1) may consist of a per  
5 diem. An individual shall not receive a per diem for attending  
6 more than 1 meeting of the planning commission or more than 1  
7 meeting of the same committee of the planning commission per  
8 day.

9 Sec. 21. (1) The governing body of a local unit in which  
10 there is a municipal planning commission or a county planning  
11 commission shall include in the general budget an annual operat-  
12 ing budget for the planning commission and shall appropriate the  
13 budgeted amount to the planning commission. The governing body  
14 of each local unit participating in a joint municipal planning  
15 commission shall adopt resolutions agreeing upon an annual oper-  
16 ating budget for the planning commission and upon the share of  
17 the operating budget to be contributed by each local unit. The  
18 governing body of each local unit participating in a joint munic-  
19 ipal planning commission or a regional planning commission estab-  
20 lished under section 11(4) shall include in the general budget of  
21 that local unit the local unit's share of the annual operating  
22 budget for that planning commission and shall appropriate the  
23 budgeted amount to that planning commission.

24 (2) The budget of a planning commission, or a local unit's  
25 share of that budget, may appear in the general budget as a  
26 single line item or multiple line items. The budget may include  
27 1 or more of the following:

1 (a) Compensation and reimbursement for reasonable expenses  
2 of planning commission members.

3 (b) Educational literature.

4 (c) Orientation, training, and educational conferences or  
5 programs for the planning commission and staff.

6 (d) Staff salaries and benefits.

7 (e) Equipment, supplies, and office space.

8 (f) Consultant and other professional services.

9 (g) Preparation, adoption, duplication, and dissemination of  
10 plans and ordinances.

11 (h) Studies and information acquisition.

12 (i) Organizational memberships and dues.

13 (j) Other items related to the activities of the planning  
14 commission.

15 (3) The expenditures of a planning commission shall not  
16 exceed the amounts appropriated without prior approval according  
17 to established procedures.

18 (4) A planning commission of a local unit, after consulta-  
19 tion with the governing body, a joint municipal planning commis-  
20 sion, after consultation with the governing bodies of the partic-  
21 ipating municipalities, or a regional planning commission estab-  
22 lished under section 11(4) may accept and enter into agreements  
23 concerning receiving, lending, transferring, or conveying grants  
24 or gifts of funds, personnel, or other assistance from any source  
25 that promotes broad public interests consistent with the purposes  
26 of this act, to be used in carrying out the planning commission's  
27 functions. Money so accepted shall be deposited with the

1 treasurer of a local unit in a special nonreverting planning  
2 commission fund for expenditure by the planning commission for  
3 the purpose, if any, designated by the grantor or donor. The  
4 treasurer of the local unit, of each participating municipality,  
5 or of a regional planning commission established under  
6 section 11(4) shall draw warrants against the special nonrevert-  
7 ing fund only upon vouchers signed by the chairperson of the  
8 planning commission or chief administrative officer of the  
9 regional planning commission established under section 11(4),  
10 unless another procedure with adequate accounting safeguards is  
11 adopted by the governing body of the local unit or of a partici-  
12 pating municipality or by that regional planning commission.

13 (5) A municipal planning commission or county planning com-  
14 mission shall submit a written annual report to the governing  
15 body of the municipality or county. A joint municipal planning  
16 commission or regional planning commission shall submit an annual  
17 report to the governing bodies of the participating political  
18 subdivisions. The annual report created under this subsection  
19 shall cover the planning commission's operations and the status  
20 of its planning activities, including its expenditures and recom-  
21 mendations related to planning and development. The planning  
22 commission shall prepare an annual work program for activities  
23 and funding requests from all sources during the succeeding year  
24 and submit it to the appropriate governing body or governing  
25 bodies in time to be considered as part of the general budget  
26 under subsection (1).

1       Sec. 23. (1) The following may, after consultation with the  
2 planning commission, hire a planning director according to hiring  
3 procedures adopted by the appropriate local unit or political  
4 subdivision:

5       (a) The governing body of the local unit establishing a  
6 municipal planning commission.

7       (b) The county board of commissioners of a county, other  
8 than a county described in section 13(3)(b), with a county plan-  
9 ning commission.

10       (c) The chief administrative officer of a county described  
11 in section 13(3)(b) with a county planning commission.

12       (d) The governing bodies, acting jointly, of the political  
13 subdivisions participating in a joint municipal planning commis-  
14 sion or regional planning commission established under  
15 section 11(4).

16       (2) The authority to hire a planning director may be dele-  
17 gated to the chief administrative officer of a local unit by the  
18 governing body.

19       (3) The planning commission of a local unit may hire a plan-  
20 ning director, if so authorized by the governing body and if  
21 funds have been appropriated for that purpose.

22       (4) A planning commission, planning director, chief adminis-  
23 trative officer, or governing body may contract with consultants  
24 for planning related services pursuant to any procedures govern-  
25 ing such contracts in the local unit or regional planning  
26 commission.

1 (5) Except as otherwise provided in this act, this section  
2 does not affect contracts entered into or charter provisions  
3 adopted before the effective date of this act.

4 Sec. 25. (1) A planning commission shall elect from its  
5 members a chairperson, a vice-chairperson, a secretary, and such  
6 other officers as it considers advisable. Unless otherwise pro-  
7 vided by charter, an ex officio member may not serve as chair-  
8 person, and the chairperson has no vote except in the case of a  
9 tie. The term of each officer shall be 1 year but a member may  
10 serve as an officer for successive terms.

11 (2) A planning commission shall adopt rules of procedure  
12 which shall include, but need not be limited to, all of the  
13 following:

14 (a) Rules concerning oaths of office.

15 (b) The election of officers including whether they may suc-  
16 ceed themselves.

17 (c) The circumstances and procedures under which alternate  
18 members may sit.

19 (d) Ethical conduct.

20 (e) The adoption or amendment of plans.

21 (f) The review and approval or rejection of proposed public  
22 facilities.

23 (g) The conduct of public hearings and other public  
24 meetings.

25 (h) The preparation of findings of fact.

26 (i) Votes on motions.

1 (j) The circumstances, if any, under which a matter may  
2 receive reconsideration.

3 (k) The tabling of business.

4 (3) In the conduct of its business, a planning commission  
5 shall establish procedures that both encourage and ensure oppor-  
6 tunity for input by any individual, without regard to geographic  
7 area of residence. The planning commission shall keep a public  
8 record of its resolutions, transactions, findings, and  
9 determinations.

10 (4) A planning commission shall hold not less than 4 regular  
11 meetings each year. A special meeting shall be called by the  
12 chairperson upon written request to the secretary by at least 2  
13 members or such greater number of members as may be required by  
14 the planning commission's rules of procedure. A special meeting  
15 shall also be called any time a plan has been submitted to the  
16 planning commission for review under section 57 for review and no  
17 regular meeting is scheduled to permit comment within the time  
18 provided in section 57. The business that the planning commis-  
19 sion performs shall be conducted at a public meeting of the plan-  
20 ning commission held in compliance with the open meetings act,  
21 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time,  
22 date, and place of a regular or special meeting shall be given in  
23 the manner required by the open meetings act, 1976 PA 267,  
24 MCL 15.261 to 15.275, and the secretary shall send written notice  
25 of a special meeting to commission members not less than 18 hours  
26 in advance of the meeting.

1 (5) A writing prepared, owned, used, in the possession of,  
2 or retained by the planning commission in the performance of an  
3 official function shall be made available to the public in com-  
4 pliance with the freedom of information act, 1976 PA 442,  
5 MCL 15.231 to 15.246.

6 (6) A member of a planning commission shall abstain from  
7 taking part in deliberations on or deciding a matter on which the  
8 member has a conflict of interest. An ordinance or agreement  
9 establishing a planning commission shall describe the circum-  
10 stances under which a conflict of interest exists and set forth  
11 the procedure for abstention. The rules of procedure of the  
12 planning commission shall reiterate these circumstances and may  
13 add procedures and circumstances not in conflict with those in  
14 the ordinance or agreement establishing the planning commission.  
15 In addition, members of a planning commission are subject to any  
16 applicable law or ordinance concerning incompatible offices or  
17 conflicts of interest including, but not limited to, 1978 PA 566,  
18 MCL 15.181 to 15.185, and 1968 PA 317, MCL 15.321 to 15.330.

19 Sec. 27. A planning commission may appoint committees of  
20 its members and advisory committees on which qualified individu-  
21 als who are not members of the planning commission may serve.  
22 The procedures for committee appointments shall be established in  
23 the rules of procedure of the planning commission.

24 Sec. 29. (1) When preparing or revising a plan, a planning  
25 commission shall encourage broad-based input from citizens,  
26 interest groups, and public officials from across the  
27 jurisdictional area of the planning commission, such as that

1 obtained from opinion surveys, local visioning or futuring, town  
2 meetings, focus groups, advisory committees, and related partici-  
3 pation techniques.

4 (2) A planning commission shall act as coordinating agency  
5 for information and program activities related to its  
6 objectives. A planning commission shall coordinate its plans  
7 with related plans of the departments or subdivisions of the  
8 local unit as well as those relevant plans of the county, region,  
9 state, and federal government subject to any applicable require-  
10 ments of this act.

11 (3) Each county planning commission shall maintain planning  
12 data and maps with a wide range of information pertinent to plan-  
13 ning in the county or region in formats that are easily accessi-  
14 ble to the public. A county planning commission and regional  
15 planning commission whose jurisdiction includes that county may  
16 agree that the regional planning commission shall assume the  
17 county's responsibilities under this subsection.

18 (4) Public officials at every level of government shall,  
19 upon request by the planning commission or its staff or represen-  
20 tative, furnish such information as a planning commission may  
21 require for accomplishment of its responsibilities and may fur-  
22 nish technical assistance.

23 (5) A planning commission may conduct workshops, meetings,  
24 and seminars relative to its functions. A planning commission  
25 shall promote public understanding of and interest in the plan.  
26 A planning commission shall prepare and periodically distribute  
27 copies of adopted plans and educational materials about proposed



1 and adopted plans to citizens of the jurisdictional area of the  
2 planning commission.

3       Sec. 31. (1) A planning commission has those powers neces-  
4 sary to prepare plans, coordinate planning with adjoining units  
5 of government and other governmental agencies, promote and, to  
6 the extent provided for by this act, maintain consistency between  
7 adopted plans and land development regulations and capital  
8 improvement programs adopted to implement those plans, and other-  
9 wise carry out the purposes of this act or a plan adopted under  
10 this act.

11       (2) A county planning commission, municipal planning commis-  
12 sion, or joint municipal planning commission may implement a task  
13 or program delegated to the planning commission. The task or  
14 program shall be delegated to the planning commission by agree-  
15 ment or by ordinance. However, a specific project may be dele-  
16 gated by resolution of the governing body, or, for a joint munic-  
17 ipal planning commission, resolution of the governing body of  
18 each participating municipality. The power to sell land, to  
19 acquire land by gift, purchase, or condemnation, or to acquire  
20 any other property by condemnation shall not be delegated to the  
21 planning commission. However, a planning commission may arrange  
22 for the sale or acquisition of land subject to the approval of  
23 the governing body or governing bodies. The task or program del-  
24 egated may include, but need not be limited to, 1 or more of the  
25 following:

26       (a) Arranging for the acquisition, by gift or purchase, of  
27 the necessary land for rights-of-way and easements for streets

1 and highways, trails, greenways, telecommunications, flood  
2 control, drainage, utilities, hazard mitigation, environmental  
3 contamination mitigation, public housing projects, job develop-  
4 ment projects, redevelopment projects, parks and recreation  
5 projects, civic centers, nature preserves, public buildings, his-  
6 toric preservation, and farmland, forestland, or other open space  
7 preservation, or other public facilities or purposes as defined  
8 in the plan.

9 (b) Consistent with subpart 11 of part 21 of the natural  
10 resources and environmental protection act, MCL 324.2140 to  
11 324.2144, the city and village zoning act, 1921 PA 207,  
12 MCL 125.581 to 125.600, the township zoning act, 1943 PA 184,  
13 MCL 125.271 to 125.310, or the county zoning act, 1943 PA 183,  
14 MCL 125.201 to 125.240, as applicable, implementing programs to  
15 purchase development rights or, to the extent permitted by law,  
16 transferring of development rights.

17 (c) Arranging for the acquisition by gift or purchase of the  
18 necessary land for the site of a project as defined in the plan.

19 (d) Arranging for acquisition by gift or purchase, construc-  
20 tion, reconstruction, repair, renovation, restoration, operation,  
21 and maintenance of buildings and structures for a project as  
22 defined in the plan.

23 (e) Dedicating projects, land, buildings, and structures  
24 acquired by gift or purchase to governmental units and public  
25 agencies for their use, maintenance, and operation.

26 (f) Entering into agreements with private or public entities  
27 for the execution of the powers as provided in this subsection.

1 (g) Designing and implementing an impact assessment system  
2 that ensures each new increment of development pays its fair  
3 share of the infrastructure costs associated with the new devel-  
4 opment and minimizes negative impacts on land, water, and air  
5 resources.

6 (h) Carrying out capital improvement programming responsi-  
7 bilities as provided in chapter 4 to ensure development has ade-  
8 quate capital facilities concurrent with the need.

9 (i) Carrying out zoning, condominium, and subdivision review  
10 responsibilities as provided in chapter 5.

### 11 CHAPTER 3

#### 12 LOCAL UNIT AND REGIONAL PLANS

13 Sec. 41. (1) Subject to the requirements of this chapter, a  
14 planning commission shall prepare a plan for the development of  
15 the jurisdictional area of the planning commission.

16 (2) The purpose of a plan is to promote public health,  
17 safety, and general welfare through the creation of economically  
18 and environmentally sustainable communities whose plans are com-  
19 patible with and consistent with other plans of other local units  
20 and state agencies, as specified in this act, and with plans  
21 listed in section 53(1). The purpose of a plan shall also  
22 include all of the following:

23 (a) The embodiment of a common future vision of new develop-  
24 ment and redevelopment for at least the next 20 years after adop-  
25 tion of the plan and the identification of feasible steps to  
26 achieve that vision.

1 (b) The coordinated and harmonious long-range physical,  
2 social, environmental, and economic development or redevelopment  
3 of the community in a fiscally sound and feasible manner.

4 (c) The availability of adequate light, clean air, and clean  
5 water.

6 (d) The promotion of safety from fire, floods, erosion,  
7 storm surge, and other dangers, as applicable.

8 (e) The use of natural and physical resources in accordance  
9 with their character and adaptability.

10 (f) The appropriate use of any agricultural lands, forests,  
11 wetlands, shorelines, sand dunes, and other open spaces consider-  
12 ing their economic and environmental values.

13 (g) To avoid the overcrowding of land and the underutiliza-  
14 tion of land by buildings or people.

15 (h) To promote population densities and distribution pat-  
16 terns that are attractive, healthy, safe, and convenient to work-  
17 places and services and that can be efficiently served by sewer,  
18 water, public safety, garbage collection, transportation, and  
19 other services, as applicable.

20 (i) Retention of existing employers and attraction of new  
21 ones so that the area will have suitable employment opportunities  
22 with adequate wages sufficient to support the needs of people  
23 living in the community.

24 (j) The provision of adequate land in a planned pattern for  
25 all the land uses necessary to meet the identified needs, in par-  
26 ticular, the need for affordable housing near places of  
27 employment.

1 (k) The provision of a system of interconnected roads,  
2 highways, and streets and of bicycle, pedestrian, transit, and  
3 other transportation modes as appropriate in the community.

4 (l) The prevention and mitigation of congestion on public  
5 roads and streets and the management of access to prevent acci-  
6 dents and preserve vehicular capacity.

7 (m) The provision of a cost-effective environmentally sound,  
8 safe, and efficient system of capital facilities.

9 (n) The consideration of the character of each community and  
10 its suitability for particular uses judged in terms of such fac-  
11 tors as the trend in land and population development in the area  
12 and the physical features of existing buildings and landscapes in  
13 a community.

14 (o) The promotion of quality building designs and improved  
15 or preserved community appearance.

16 (p) The promotion of good civic design and arrangement of  
17 public buildings and public spaces.

18 (q) Providing the basis for specific programs to improve  
19 community quality of life in accordance with adopted plans.

20 (r) Promoting land use patterns that prevent unreasonable  
21 inequities between communities, races, income groups, or  
22 generations.

23 (s) The establishment of a rational legal basis for zoning,  
24 subdivision, condominium, and related land development regula-  
25 tions as provided in subsections (3) to (5).

26 (3) A municipal plan or joint municipal plan shall serve as  
27 the principal general policy guide for future land use and

1 capital facilities within the municipality or municipalities. A  
2 municipal plan or joint municipal plan shall also serve as the  
3 legal basis for zoning, land division, subdivision, condominium,  
4 redevelopment ordinances and rules, capital improvement programs,  
5 and other programs recognized in the municipal plan or joint  
6 municipal plan as being related to the development or redevelop-  
7 ment of the jurisdictional area if required by law to be based on  
8 a plan.

9 (4) A county plan shall serve as the legal basis for any  
10 county zoning and land division ordinances and rules and for cap-  
11 ital improvement programs and other programs recognized in the  
12 county plan as being related to the physical growth or redevelop-  
13 ment of the county if required by law to be based on a plan. A  
14 county plan that has received a recommendation for approval of at  
15 least 60% of the planning commissions within the county shall  
16 serve as the principal general policy guide for future land use  
17 and county capital facilities as defined in the county plan.

18 (5) A regional plan may serve as all or part of the legal  
19 basis for any program that the regional planning commission has  
20 authority to implement if required by law to be based on a plan.  
21 A regional plan shall serve as a general policy guide for future  
22 land use and capital facilities serving the region as defined in  
23 the regional plan.

24 Sec. 43. (1) A regional plan or a county plan for a county  
25 that has not adopted a zoning ordinance shall be a general plan  
26 as described in section 45. A municipal plan, a joint municipal  
27 plan, or a county plan for a county that has adopted a zoning

1 ordinance shall be a future land use plan as described in  
2 section 47, a comprehensive plan as described in section 49, or,  
3 as appropriate, a growth management plan or redevelopment plan as  
4 described in section 51.

5 (2) Additional provisions concerning the contents of plans  
6 are found in section 53.

7 (3) Procedures for the preparation, adoption, and amendment  
8 of plans and to ensure coordination of plans are found in  
9 sections 55 to 65.

10 Sec. 45. A regional plan or a county plan for a county that  
11 has not adopted a zoning ordinance shall be a general plan. A  
12 general plan shall be a policy-based plan with generalized future  
13 land use maps. A general plan shall include all of the  
14 following:

15 (a) A separate section on affordable housing needs and a  
16 strategy to meet those needs, as well as a section on job reten-  
17 tion and expansion and a strategy to meet those needs.

18 (b) A separate section on the relationship between jobs,  
19 housing, and transportation within the county or region.

20 (c) A separate section on multimodal transportation includ-  
21 ing streets and highways, public transit, airports, railroads,  
22 ports, and pedestrian and bicycle ways.

23 (d) A separate section on capital facilities owned or oper-  
24 ated, or both, or privately contracted for by the county or by a  
25 regional governmental entity, together with long-range fiscal  
26 plans for the provision of new capital facilities for the county  
27 or region. The long-range fiscal plans shall be the basis for

1 the county or regional capital improvement program. The section  
2 on capital facilities in a county plan shall include any capital  
3 facilities or capital improvements included in a capital improve-  
4 ment plan or capital facilities plan prepared by a county road  
5 commission, drain commissioner, parks and recreation commission,  
6 or other county agency unless the county agency's plan is incon-  
7 sistent with the future land use plan of the county or regional  
8 governmental entity, in which case the county planning commission  
9 or regional planning commission shall so indicate to the county  
10 agency and request changes that would eliminate the  
11 inconsistency.

12 (e) If the general plan is for a county, an analysis of all  
13 the municipal plans and joint municipal plans of municipalities  
14 within the county to ensure coordination and consistency includ-  
15 ing, but not limited to, buildout, economic, fiscal, environmen-  
16 tal, and social impact analyses according to a common methodology  
17 established by the department of management and budget. A county  
18 plan shall also meet the requirements for a municipal future land  
19 use plan if the county administers county zoning.

20 (f) Such other elements as determined by the planning  
21 commission.

22 (g) A program of implementation.

23 Sec. 47. (1) A municipal plan, a joint municipal plan, or a  
24 county plan for a county that has adopted a zoning ordinance may  
25 be a future land use plan.



1 (2) A future land use plan shall address land use at least  
2 20 years into the future and shall include all of the following  
3 elements:

4 (a) If the local unit is a county that has adopted a zoning  
5 ordinance, all of the elements of a general plan.

6 (b) The arrangement of future land uses, as well as the  
7 intensity and density of such uses and the degree to which they  
8 are or are not compatible with the future land use plans and  
9 zoning regulations of adjoining jurisdictions or the management  
10 plans of state or federal agencies with public lands within the  
11 jurisdictional area. Future land use shall be described in the  
12 text and depicted on a future land use map showing the general  
13 location and arrangement of future land uses. Individual parcel  
14 lines shall not be evident on a future land use map.

15 (c) A future transportation network, including, but not  
16 limited to, roads and streets, bridges, railroads, airports,  
17 bicycle paths, and pedestrian ways.

18 (d) Provision for a network of electronic communication  
19 facilities.

20 (e) Future capital facilities.

21 (f) A zoning plan for the control of the height, area, bulk,  
22 density, location, and use of buildings and premises, for current  
23 and future zoning districts and an explanation of their relation-  
24 ship to the future land use plan. The zoning plan shall provide  
25 specific guidance for the zoning map and other short-term zoning  
26 decisions over a period of not more than the next 5 years. The  
27 text shall describe how the community intends to move from

1 present conditions illustrated on the current zoning map and  
2 described in the zoning plan to the proposed future relationship  
3 of land uses illustrated on the future land use map. This subdi-  
4 vision applies only if the local unit has adopted zoning regula-  
5 tions, is in the process of adopting zoning regulations, or is  
6 subject to adopted zoning regulations of a county or joint munic-  
7 ipal planning commission.

8 (g) A discussion of measures considered and included in the  
9 development of the future land use plan to avoid possible takings  
10 of private property without just compensation if land use regula-  
11 tions were to be subsequently adopted or amended consistent with  
12 the plan. In the development of this part of the plan, the plan-  
13 ning commission shall consider takings assessment guidelines  
14 issued by the attorney general under the property rights preser-  
15 vation act, 1996 PA 101, MCL 24.421 to 24.425.

16 (h) A program of implementation.

17 (3) Each of the elements of a future land use plan listed in  
18 subsection (2) shall incorporate goals, objectives, policies, and  
19 strategies to be employed in fulfilling the plan. Each element  
20 of a future land use plan shall utilize maps and, if helpful,  
21 plats, charts, and tables. Maps, plats, charts, and tables shall  
22 be accompanied by explanatory text.

23 Sec. 49. (1) A municipal plan, a joint municipal plan, or a  
24 county plan for a county that has adopted a zoning ordinance may  
25 be a comprehensive plan.

26 (2) A comprehensive plan shall include all of the  
27 following:

1 (a) All the elements of future land use plan.

2 (b) Recommendations for environmental protection and for the  
3 social, economic, or physical development or redevelopment of the  
4 jurisdictional area. The comprehensive plan shall identify the  
5 amount and source of the fiscal and other resources to be used to  
6 implement the recommendations in the comprehensive plan.

7 (c) An analysis of existing community disparities in employ-  
8 ment, income, housing, transportation, education, and crime and  
9 recommendations for public and private measures to rectify  
10 disparities.

11 (d) A separate section on multimodal transportation facili-  
12 ties, together with long-range fiscal plans for the provision or  
13 replacement of transportation facilities. This section may be  
14 part of the future transportation network element of a future  
15 land use plan.

16 (e) Additional information on capital facilities necessary  
17 for the comprehensive plan to serve as the basis for the develop-  
18 ment and annual updating of a capital improvement program under  
19 chapter 4. The comprehensive plan shall include a map of the  
20 location of new capital facilities on which construction is pro-  
21 posed to begin, or which are proposed to be acquired, within a  
22 period at least as long as that covered by a capital improvement  
23 program prepared under chapter 4.

24 (f) Maps and text with an analysis of existing conditions  
25 and strategies to address identified problems and opportunities  
26 with the following:

1           (i) Housing, including, but not limited to, the condition of  
2 existing housing and specific needs for affordable and assisted  
3 housing, and analysis of options for meeting those needs.

4           (ii) Economic development, including, but not limited to,  
5 job retention and promotion strategies.

6           (iii) Environmental protection, including, but not limited  
7 to, air and water quality.

8           (iv) Management of natural resources, including, but not  
9 limited to, each of the following, if it exists within the local  
10 unit:

11           (A) Agricultural lands.

12           (B) Forest lands.

13           (C) Mineral lands.

14           (D) Wetlands.

15           (E) Floodplains.

16           (F) Headwater areas.

17           (G) Sand dunes.

18           (H) Areas at high risk of erosion.

19           (I) Other sensitive areas.

20           (J) Endangered or threatened species habitat.

21           (K) Land use related to preserving biodiversity.

22           (v) Measures to develop, protect, enhance, or change commu-  
23 nity character.

24           (g) A program of implementation.

25           (3) A comprehensive plan also may include 1 or more of the  
26 following elements:

- 1 (a) Soil and water conservation.
- 2 (b) Open space protection.
- 3 (c) Intergovernmental coordination.
- 4 (d) Human services, including, but not limited to, child
- 5 care services, senior citizen programming, and mental health
- 6 services.
- 7 (e) Historic preservation.
- 8 (f) Coastal zone management.
- 9 (g) Solid waste management.
- 10 (h) Energy conservation.
- 11 (i) Watershed planning and management.
- 12 (j) Community corrections.
- 13 (k) Annexation.
- 14 (l) Redevelopment.
- 15 (m) Other elements.
- 16 (4) A comprehensive plan, except for the portion consisting
- 17 of a future land use plan, may be adopted by successive parts
- 18 that correspond to major geographical divisions of the jurisdic-
- 19 tional area of the planning commission or with functional divi-
- 20 sions of the subject matter of the comprehensive plan, such as
- 21 housing or transportation.
- 22 Sec. 51. (1) A municipal plan, a joint municipal plan, or a
- 23 county plan for a county that has adopted a zoning ordinance may
- 24 be a growth management plan or redevelopment plan.
- 25 (2) A growth management plan or redevelopment plan shall
- 26 include all of the following:

- 1 (a) All the elements of a comprehensive plan.
- 2 (b) A mechanism for phasing growth or redevelopment  
3 efforts.
- 4 (c) One or more of the following elements:
- 5 (i) The boundaries for expansion or replacement of capital  
6 facilities or public services by local units during the period of  
7 the growth management plan or redevelopment plan.
- 8 (ii) Maximum density of land use based on available public  
9 services and facilities and specified level of service standards  
10 for those services and facilities.
- 11 (iii) Consistent with the city and village zoning act, 1921  
12 PA 207, MCL 125.581 to 125.600, the township zoning act, 1943  
13 PA 184, MCL 125.271 to 125.310, or the county zoning act, 1943  
14 PA 183, MCL 125.201 to 125.240, as applicable, a program for the  
15 purchase of development rights or, to the extent permissible by  
16 law, transfer of development rights.
- 17 (iv) Maps showing the location of proposed future road  
18 right-of-way and of other capital facilities beyond 5 years in  
19 the future.
- 20 (v) A strategy and locations for provision of affordable  
21 housing.
- 22 (vi) A strategy that links future jobs, housing, and trans-  
23 portation in mutually supportive ways.
- 24 (vii) A strategy for land assembly and redevelopment.
- 25 (viii) Other elements as necessary to implement the growth  
26 management or redevelopment goals of the growth management plan  
27 or redevelopment plan.

1 (d) A program of implementation.

2 Sec. 53. (1) Subject to subsection (2), a municipal plan,  
3 joint municipal plan, or county plan shall include or incorporate  
4 by reference the relevant portions of any of the following  
5 adopted plans that apply to the territory covered by the plan:

6 (a) A development plan adopted by a tax increment finance  
7 authority under the tax increment finance authority act, 1980  
8 PA 450, MCL 125.1801 to 125.1830.

9 (b) A development plan adopted by a downtown development  
10 authority under 1975 PA 197, MCL 125.1651 to 125.1681.

11 (c) A development plan adopted by a local development  
12 finance authority under the local development financing act, 1986  
13 PA 281, MCL 125.2151 to 125.2174.

14 (d) A development plan adopted by an international tradeport  
15 development authority under the international tradeport develop-  
16 ment authority act, 1994 PA 325, MCL 125.2521 to 125.2546.

17 (e) A brownfield plan adopted by a brownfield redevelopment  
18 authority under the brownfield redevelopment financing act, 1996  
19 PA 381, MCL 125.2651 to 125.2672.

20 (f) A plan adopted by a county or regional economic develop-  
21 ment commission under 1966 PA 46, MCL 125.1231 to 125.1237.

22 (g) A project plan adopted by an economic development corpo-  
23 ration under the economic development corporations act, 1974  
24 PA 338, MCL 125.1601 to 125.1636.

25 (h) A plan adopted by a housing commission under 1933 (Ex  
26 Sess) PA 18, MCL 125.691 to 125.709c.

1 (i) A development plan approved by a planning commission and  
2 supervising agency under the urban redevelopment corporations  
3 law, 1941 PA 250, MCL 125.901 to 125.922.

4 (j) A county or regional park or recreation plan adopted by  
5 a county or regional commission under 1965 PA 261, MCL 46.351 to  
6 46.367.

7 (k) A plan adopted by an historic district commission under  
8 the local historic districts act, 1970 PA 169, MCL 399.201 to  
9 399.215.

10 (l) An airport approach plan adopted by the aeronautics com-  
11 mission under the airport zoning act, 1950 (Ex Sess) PA 23,  
12 MCL 259.431 to 259.465.

13 (m) Any plan for the construction or closure of school  
14 buildings adopted by a public school district or public school  
15 academy.

16 (n) A sewer system or sewage disposal plan adopted by a  
17 local unit or adopted by an authority under 1955 PA 233,  
18 MCL 124.281 to 124.294.

19 (o) A water supply system plan adopted by a local unit or  
20 adopted by an authority under 1952 PA 196, MCL 124.251 to  
21 124.262, or 1955 PA 233, MCL 124.281 to 124.294.

22 (p) A solid waste management plan adopted under part 115 of  
23 the natural resources and environmental protection act, 1994  
24 PA 451, MCL 324.11501 to 324.11550.

25 (q) A blighted area rehabilitation plan adopted under 1945  
26 PA 344, MCL 125.71 to 125.84.



1 (r) A neighborhood area improvement plan adopted under 1949  
2 PA 208, MCL 125.941 to 125.952.

3 (s) A plan for redevelopment of principal shopping areas,  
4 1961 PA 120, MCL 125.591 to 125.987.

5 (t) A comprehensive development plan under the enterprise  
6 zone act, 1985 PA 224, MCL 125.2101 to 125.2123.

7 (u) A strategic plan under the empowerment zone development  
8 corporation act, 1995 PA 75, MCL 125.2561 to 125.2591.

9 (v) Any capital facility or other metropolitan plan prepared  
10 by a metropolitan area council under the metropolitan councils  
11 act, 1989 PA 292, MCL 124.651 to 124.729.

12 (w) Any other plan related to land use, redevelopment, eco-  
13 nomic development, environmental protection, or transportation or  
14 other public facilities adopted in or applicable to the territory  
15 covered by the municipal plan, joint municipal plan, or county  
16 plan.

17 (2) A municipal plan or joint municipal plan need not incor-  
18 porate or include by reference a plan or a portion of a plan  
19 listed under subsection (1)(a) to (w) that is inconsistent with a  
20 regional plan or county plan or with 1 or more elements of the  
21 municipal plan or joint municipal plan that achieves a purpose  
22 set forth in section 41. A county plan need not incorporate or  
23 include by reference a plan or a portion of a plan listed under  
24 subsection (1)(a) to (w) that is inconsistent with a regional  
25 plan.

26 (3) After a plan under this act has been adopted, an  
27 amendment to a plan listed in subsection (1)(a) to (w) shall not

1 be inconsistent with the purposes listed in section 41 and shall  
2 be submitted to the planning commission for comment a reasonable  
3 time before adoption.

4 (4) A municipal plan or joint municipal plan may include  
5 special purpose, sub-area, functional, neighborhood, corridor, or  
6 strategic plans as necessary to provide greater detail in achiev-  
7 ing the purposes of this act.

8 (5) A plan may incorporate by reference plans, or portions  
9 of plans, adopted by other agencies of political subdivisions,  
10 this state, or the federal government. A county may adopt the  
11 relevant portion of a regional plan as the county plan if that  
12 portion of the regional plan meets the requirements for a county  
13 plan. A municipality may adopt the relevant portion of a county  
14 plan as the municipal plan if that portion of the county plan  
15 meets the requirements in section 49(2).

16 (6) A zoning map adopted as part of a zoning ordinance by  
17 the governing body of a local unit under the county zoning act,  
18 1943 PA 183, MCL 125.201 to 125.240; the township zoning act,  
19 1943 PA 184, MCL 125.271 to 125.310; or the city and village  
20 zoning act, 1921 PA 207, MCL 125.581 to 125.600, is not a future  
21 land use map, and neither a zoning map, nor the text of a zoning  
22 ordinance, constitutes a plan under this act. Likewise, a plan  
23 is not a zoning ordinance and a future land use map is not a  
24 zoning map under these zoning enabling acts.

25 (7) A plan shall be entitled and known as "general plan",  
26 "future land use plan", "comprehensive plan", "growth management  
27 plan", or "redevelopment plan", as appropriate based on the

1 content of the plan. A part of a plan adopted under  
2 subsection (3) shall have a title reflective of its contents and  
3 also indicate, as part of the title, that it supplements a spe-  
4 cific type plan under this section described by its title.

5 Sec. 55. (1) Before preparing a plan, a proposing planning  
6 commission shall send to all of the following a written notice  
7 explaining that the planning commission intends to prepare a plan  
8 and requesting the recipient's cooperation and comment:

9 (a) Each political subdivision whose territory is contiguous  
10 to or includes all or part of the jurisdictional area of the  
11 planning commission.

12 (b) Each federal, state, or local governmental entity pro-  
13 viding services to property within the jurisdictional area of the  
14 planning commission, including, but not limited to, the county  
15 road commission and county drain commissioner.

16 (c) Each railroad; public airport; oil or gas pipeline com-  
17 pany; electric, natural gas, steam, sewer, or water public utili-  
18 ty; or telephone, fiber optic, cable, or other communications  
19 company that has facilities or, to the knowledge of the planning  
20 commission, intends to install facilities, within the jurisdic-  
21 tional area of the planning commission.

22 (d) Each entity listed in section 53(1).

23 (e) If the proposing planning commission is a regional plan-  
24 ning commission, to each municipal planning commission or joint  
25 municipal planning commission whose jurisdictional area is conti-  
26 guous to or includes part of the jurisdictional area of the  
27 regional planning commission.

1 (2) A proposing planning commission shall also send a notice  
2 described in subsection (1) to each of the following reviewing  
3 entities:

4 (a) To each state or federal agency responsible for managing  
5 at least 10 contiguous acres of public lands within the jurisdic-  
6 tional area of the planning commission.

7 (b) If the proposing planning commission is a municipal  
8 planning commission or joint municipal planning commission, to  
9 each municipal planning commission, joint municipal planning com-  
10 mission, and county planning commission, or if there is not a  
11 county planning commission, to each regional planning commission,  
12 whose jurisdictional area is contiguous to or includes all or  
13 part of the jurisdictional area of the proposing planning  
14 commission.

15 (c) If the proposing planning commission is a county plan-  
16 ning commission, to each municipal planning commission, joint  
17 municipal planning commission, county planning commission, and  
18 regional planning commission whose jurisdictional area is conti-  
19 guous to or includes all or part of the jurisdictional area of  
20 the proposing planning commission.

21 (d) If the proposing planning commission is a regional plan-  
22 ning commission, to each county planning commission and regional  
23 planning commission whose jurisdictional area is contiguous to or  
24 includes all or part of the jurisdictional area of the proposing  
25 planning commission.

26 (3) The notice under this section may request permission for  
27 the proposing planning commission to submit electronically any

1 information required to be submitted under section 57 or 59. If  
2 the entity to which the notice is sent grants such permission,  
3 information submitted to or by the proposing planning commission  
4 under section 57 or 59 may be submitted electronically.  
5 Otherwise, such information shall be submitted in writing.

6 (4) If requested, a representative of the planning commis-  
7 sion shall meet with any person entitled to notice under this  
8 section to discuss the proposed plan. The planning commission  
9 shall consider the written comments of persons entitled to notice  
10 under this section and the written comments of other interested  
11 persons as it prepares and revises a proposed plan.

12 (5) Public officials shall furnish in a timely manner infor-  
13 mation, advice, and technical assistance requested by a planning  
14 commission to achieve coordination, compatibility, and consis-  
15 tency between plans.

16 Sec. 57. (1) After preparing a proposed plan, the proposing  
17 planning commission shall submit a copy of the proposed plan as  
18 follows:

19 (a) To each entity entitled to notice under section 55(1)  
20 along with a notice that, not more than 63 days after the date of  
21 submittal of the proposed plan, the entity may submit to the pro-  
22 posing planning commission any questions, suggestions, or other  
23 comments on the plan.

24 (b) To each reviewing entity along with a notice that, not  
25 more than 63 days after the date of submittal of the proposed  
26 plan, the reviewing entity may submit to the proposing planning

1 commission its consent or objection to the plan, along with any  
2 questions, suggestions, or other comments on the plan.

3       Sec. 59. (1) A proposing planning commission shall give  
4 serious consideration to and attempt in good faith to address  
5 every objection or suggestion made and shall reply to each com-  
6 ment made by a reviewing entity. If the proposing planning com-  
7 mission disagrees with any objection or comments made by a  
8 reviewing entity, the reply shall so state along with the reasons  
9 why. The reply may propose changes to the proposed plan. The  
10 proposing planning commission may employ dispute resolution serv-  
11 ices to resolve a disagreement with a reviewing entity.

12       (2) A reviewing entity shall be considered to consent to a  
13 proposed plan unless the reviewing entity objects to the plan  
14 within the time provided under subsection (1) and does not with-  
15 draw its objection in writing before final adoption of the plan,  
16 the objection includes specific facts supporting the objection,  
17 and the objection is based on failure of the plan or an element  
18 of the plan to satisfy 1 or more of the following requirements:

19       (a) The proposed plan and each element thereof shall conform  
20 to the requirements of this act.

21       (b) The proposed plan and each element of the proposed plan  
22 shall be feasible. A proposed plan or element is feasible if the  
23 jurisdiction for which the plan is being proposed has sufficient  
24 authority and resources, including, but not limited to, finances,  
25 personnel, and facilities, to carry out the program of implemen-  
26 tation in the proposed plan.

1 (c) The proposed plan and each element of the proposed plan  
2 shall be sound. A proposed plan or element is sound if both of  
3 the following apply:

4 (i) The facts, statistics, maps, analysis, and other infor-  
5 mation included or referred to in the proposed plan or element  
6 are substantially correct and substantially reflect present and  
7 future conditions in the jurisdictional area of the proposing  
8 planning commission, as described in the proposed plan, and  
9 present and future conditions in the jurisdictional area of the  
10 reviewing entity.

11 (ii) Based on professionally accepted planning principles,  
12 the goals and policies of the proposed plan or element are an  
13 appropriate response to the facts, statistics, maps, analysis,  
14 and other information included or referred to in the proposed  
15 plan or element.

16 (d) The proposed plan shall be consistent. A proposed plan  
17 is consistent if both of the following apply:

18 (i) The goals, policies, and program of implementation for  
19 each element of the plan would further, or at least not interfere  
20 with, the goals, policy, and program of implementation of other  
21 elements of the same plan.

22 (ii) The goals, policy, and program of implementation of the  
23 plan and each element thereof would further, or at least not  
24 interfere with, the goals, policy, and program of implementation  
25 of a plan of the reviewing entity adopted under this act or under  
26 an enabling act in effect at the time of adoption of the  
27 reviewing entity's plan. Circumstances that violate the

1 requirements of this subparagraph include, but are not limited  
2 to, all of the following:

3       (A) If the jurisdictional area of the reviewing planning  
4 commission and the jurisdictional area of the proposing planning  
5 commission are contiguous, land use intensity, land use density,  
6 or capital facilities in the jurisdictional area of the proposing  
7 planning commission and near the common border are incompatible  
8 with or would conflict with land use intensity, land use density,  
9 or capital facilities in the jurisdictional area of the reviewing  
10 planning commission and near the common border.

11       (B) If the reviewing entity is the planning commission of a  
12 local unit or a regional planning commission, the proposed plan  
13 would create 1 or more specific, verifiable threats to the health  
14 or safety of individuals within the local unit or region.

15       (C) If the reviewing entity is the planning commission of a  
16 local unit or region, cumulative effects of the proposed plan or  
17 element are likely to reduce the existing or planned quality of  
18 life in the proposed local unit or region in reasonably identi-  
19 fiable and verifiable ways.

20       (4) A regional planning commission is not required to comply  
21 with subsections (1) to (3). A regional planning commission  
22 shall adopt a plan pursuant to procedures adopted by the regional  
23 planning commission. The procedures shall, at a minimum, provide  
24 each reviewing entity with an opportunity for comment and require  
25 that at least 60% of the counties lying in whole or part within  
26 the jurisdictional area of the regional planning commission  
27 consent to the plan before it is adopted. If a municipality



1 submits questions, suggestions, or other comments on a proposed  
2 regional plan to the regional planning commission, the municipal-  
3 ity shall submit a copy to the county planning commission or, if  
4 there is no county planning commission, to the county board of  
5 commissioners of the county in which the municipality is  
6 located.

7 (5) This section does not prohibit a reviewing entity, when  
8 formulating its response to the proposed plan based on the cri-  
9 teria set forth in this section, from considering the comments  
10 and objections of any other person, including, but not limited  
11 to, any local unit of government to which the plan was not  
12 required to be submitted.

13 (6) Notwithstanding any other provision of this section, a  
14 reviewing planning commission, other than a regional planning  
15 commission, shall be considered to have consented to a plan pro-  
16 posed by a municipal planning commission or joint municipal plan-  
17 ning commission if that reviewing planning commission's plan was  
18 not adopted or amended in the last 5 years.

19 Sec. 61. After satisfying the requirements of section 59,  
20 the proposing planning commission shall hold a public hearing on  
21 the plan. The planning commission shall publish notice of the  
22 public hearing twice in a newspaper having a general circulation  
23 in the jurisdictional area of the planning commission. The  
24 notices shall be published at least 2 weeks apart and not more  
25 than 28 or less than 7 days before the hearing. The notices  
26 shall include the following information:

1 (a) The jurisdictional area of the planning commission.

2 (b) A list of the elements identified in sections 45 to 53  
3 that are covered by the proposed plan.

4 (c) The place and time at which a copy of the proposed plan  
5 may be purchased or inspected.

6 (d) The place, time, and telephone number at which further  
7 information on the proposed plan can be obtained.

8 Sec. 63. (1) After the hearing under section 61, the pro-  
9 posing planning commission shall approve or reject the plan, with  
10 or without any changes proposed by the planning commission under  
11 section 59, by majority vote of the members of the planning  
12 commission.

13 (2) Approval of the plan by the planning commission is the  
14 final step for adoption of either of the following:

15 (a) A regional plan.

16 (b) A county plan for a county without county zoning and in  
17 which the county board of commissioners has not adopted a resolu-  
18 tion stating that it will exercise authority to approve or reject  
19 the plan.

20 (3) The final step for adoption of a county plan for a  
21 county other than a county described in subsection (2), for a  
22 municipal plan, or for a joint municipal plan is approval of the  
23 plan by the governing body of the county, by the governing body  
24 of the municipality, or by agreement of the governing bodies of  
25 the participating municipalities, respectively. After the plan-  
26 ning commission approves the plan, it shall forward the plan to  
27 the governing body or governing bodies for approval. If the

1 governing body determines or the governing bodies agree that the  
2 plan should be changed, the governing body or governing bodies  
3 shall submit a clear statement of the proposed changes and the  
4 rationale for each proposed change to the planning commission,  
5 and each entity entitled to notice under section 55. Not more  
6 than 63 days later, the affected jurisdictions shall respond to  
7 the planning commission, which in turn shall respond to the gov-  
8 erning body or the governing bodies, within 28 additional days.  
9 The governing body, or the governing bodies by agreement, shall  
10 then approve or reject the plan, with or without the proposed  
11 changes, by vote of a majority of its members. The governing  
12 body or governing bodies shall document responses to any comments  
13 on the plan received by the governing body or governing bodies  
14 during the process provided for by this subsection.

15 (4) Notice of final adoption of any plan under this section  
16 shall be published once in a newspaper of general circulation in  
17 the jurisdictional area of the planning commission not more than  
18 14 days after adoption. The notice of adoption shall include the  
19 following information:

20 (a) That a plan was adopted pursuant to this act.

21 (b) The jurisdictional area of the planning commission.

22 (c) A listing of the elements identified in sections 45 to  
23 53 that are covered by the plan.

24 (d) The effective date of the plan which shall not be ear-  
25 lier than the date of publication of the notice.

26 (e) The place and time at which a copy of the plan may be  
27 purchased or inspected.

1 (f) The place, time, and telephone number at which further  
2 information on the plan can be obtained.

3 (5) The final page of the plan shall include all of the  
4 following:

5 (a) The date of adoption of the plan.

6 (b) The roll call vote of the planning commission and, if  
7 applicable, the governing body or governing bodies.

8 (c) A list of the reviewing entities that indicates whether  
9 each reviewing entity responded to the proposed plan under  
10 section 59, when it responded, and whether it consented or  
11 objected to the proposed plan.

12 (6) At the time of adoption, a plan shall have an appendix  
13 that includes all of the following:

14 (a) A written copy of all correspondence from reviewing  
15 entities before adoption, along with all written replies.

16 (b) A summary of all written, electronic, or oral comments  
17 on the proposed plan received from the public at or following the  
18 public hearing on the proposed plan under section 61.

19 (c) A list of all reviewing entities that did not consent to  
20 the plan and specific reasons why the concerns raised were not  
21 accommodated before adoption of the plan.

22 (7) Promptly after a plan is adopted, the planning commis-  
23 sion shall transmit a certified copy of the plan to all of the  
24 following:

25 (a) To each reviewing entity.

1 (b) If the plan is a joint municipal plan or regional plan,  
2 to the governing body of each participating political  
3 subdivision.

4 (c) If the plan is a municipal plan or joint municipal plan,  
5 to the regional planning commission whose jurisdictional area  
6 includes all or part of the jurisdictional area of the planning  
7 commission submitting the plan.

8 (d) If the plan is a municipal plan, joint municipal plan,  
9 or regional plan, to the county planning commission or, if there  
10 is not a county planning commission, the county clerk of each  
11 county that includes all or part of the jurisdictional area of  
12 the planning commission transmitting the plan. The county plan-  
13 ning commission or county clerk shall make a record of receipt  
14 for all adopted plans, which shall include the date, means of  
15 transmittal, and name and address of the planning commission that  
16 transmitted the plan. The county planning commission or county  
17 clerk shall maintain the record of transmittal with the original  
18 copy of the plan.

19 (8) Subject to subsection (9), in the office of the county  
20 planning commission, or, if there is no county planning commis-  
21 sion, in the office of the county clerk, each county shall main-  
22 tain in writing at a single location and make available for  
23 public inspection during normal business hours all of the  
24 following:

25 (a) Any plan that has been submitted to the county planning  
26 commission, if any, for approval under section 57 and that has  
27 been adopted or whose adoption is pending.

1 (b) The county plan, if any.

2 (c) The regional plan adopted by the regional planning com-  
3 mission in which that county is located, if any.

4 (d) The capital facilities map prepared under section 71.

5 (9) A county may instead maintain all or part of the plans  
6 or capital facility map under subsection (8) on a publicly acces-  
7 sible internet site in a readily accessible format.

8 (10) A municipal plan or joint municipal plan adopted under  
9 this act supersedes a plan for that municipality or 1 of those  
10 municipalities adopted under 1931 PA 285, MCL 125.31 to 125.45,  
11 or 1959 PA 168, MCL 125.321 to 125.333. A county plan adopted  
12 under this act supersedes a plan for that county adopted under  
13 1945 PA 282, MCL 125.101 to 125.107.

14 Sec. 65. (1) A successive part of a plan or an amendment to  
15 a plan shall be adopted pursuant to the same procedures that  
16 govern the adoption of a plan except as follows:

17 (a) An entity to which notice of the start of a plan amend-  
18 ment process is given under section 55 may reply in writing that  
19 it does not desire to review a plan amendment. If so, the  
20 entity's consent may be presumed and a draft of the plan amend-  
21 ment need not be submitted to it, unless, before a draft of the  
22 plan amendment has been sent to any other such entity for review,  
23 the entity notifies the planning commission in writing that it  
24 has reversed its decision and desires to review and comment on  
25 the successive part or amendment.

26 (b) The period for responding to a proposed amendment to a  
27 plan under section 57 is 42 days.

1           (2) Every 5 years after adoption of the plan, the planning  
2 commission shall review the plan and prepare and recommend adop-  
3 tion of any amendments to the plan that it considers advisable.  
4 Except as provided in this subsection, a plan shall only be  
5 amended once every fifth year after its adoption. In other  
6 years, the plan may be amended only once each year and only if 1  
7 or more of the following apply:

8           (a) The amendment involves the siting or significant expan-  
9 sion or reduction of capacity of a capital facility.

10           (b) The amendment involves an issue of greater than local  
11 concern.

12           (c) The amendment is in response to an emergency that  
13 resulted in or may result in substantial injury or harm to the  
14 population or substantial damage to or loss of property or public  
15 funds, such as a tornado, explosion, terrorist act, military  
16 action, or riot.

17           (d) The amendment is in response to a court order.

18           (3) All proposals for amendments to a plan shall be pro-  
19 cessed concurrently so the cumulative effect of the various pro-  
20 posals can be ascertained. A governing body shall document the  
21 reason for a plan amendment in the motion to approve the plan  
22 amendment.

23           (4) An amendment to a CIP does not constitute a plan amend-  
24 ment under this section.

25

#### CHAPTER 4





1 it must also include in the CIP all capital facilities to be  
2 acquired, constructed, or improved using funds under the control  
3 of the county board of commissioners, county road commission,  
4 county drain commissioner, or other special entities created with  
5 the county as a partner or sole responsible entity as well as  
6 proposed capital improvements included in local CIPs. A county  
7 board of commissioners may withhold funds from any county agency  
8 that does not submit its proposed capital facility plan or capi-  
9 tal improvement plan to the county planning commission.

10 (4) Before approving a CIP, the planning commission shall  
11 make written findings that the proposed CIP is consistent with  
12 and promotes the purposes of the plan.

13 (5) After the planning commission approves a proposed CIP,  
14 the planning commission shall submit a certified copy of the pro-  
15 posed CIP to the chief administrative officer, if any, and the  
16 governing body of the local unit that established the planning  
17 commission or of each participating local unit, and to each  
18 public agency that requests a copy.

19 (6) After a planning commission approves a proposed CIP, the  
20 planning commission shall also submit a certified copy of the  
21 proposed CIP for review to each municipal planning commission,  
22 joint municipal planning commission, and county planning commis-  
23 sion whose jurisdictional area is contiguous to or includes all  
24 or part of the jurisdictional area of the proposing planning  
25 commission. If the jurisdictional area of the proposing planning  
26 commission is contiguous to or includes all or part of a county

1 that has no county planning commission, the proposed CIP shall be  
2 submitted to the county board of commissioners of that county.

3 (7) Not more than 42 days after receipt of a CIP under sub-  
4 section (6), a reviewing entity shall notify in writing the pro-  
5 posing planning commission whether there is any element of the  
6 proposed CIP that is inconsistent with the plan, if any, of the  
7 reviewing entity. The notice shall describe in detail any  
8 inconsistency. The proposing planning commission shall give  
9 serious consideration to and attempt in good faith to address the  
10 alleged inconsistency and may employ dispute resolution services  
11 to resolve any disagreement with the reviewing entity.

12 (8) Not less than 42 days after the proposed CIP is submit-  
13 ted to reviewing entities under subsection (6), the governing  
14 body of the local unit whose planning commission prepared the  
15 proposed CIP, or, for a joint municipal planning commission, the  
16 governing body of each participating local unit shall conduct a  
17 public hearing on the proposed CIP and may approve the CIP.  
18 Approval of the proposed CIP by the governing body or governing  
19 bodies is the final step for adoption of the CIP. The CIP is  
20 effective upon adoption.

21 (9) After a planning commission approves a proposed CIP but  
22 before a CIP is finally adopted, a person, including, but not  
23 limited to, the local unit or local units whose planning commis-  
24 sions approved the proposed CIP, shall not undertake a capital  
25 improvement included in the proposed CIP.

26 (10) Promptly after a CIP, other than a county CIP, is  
27 adopted, the municipal planning commission or joint municipal

1 planning commission shall transmit a certified copy of the CIP to  
2 the county planning commission of each county within which all or  
3 part of the jurisdictional area of the municipal planning commis-  
4 sion or joint municipal planning commission is located, or, if  
5 there is no county planning commission, to the county clerk.

6       Sec. 73. (1) If a CIP is adopted pursuant to this part, the  
7 planning commission for the local unit that adopted the CIP shall  
8 review the CIP at least annually.

9       (2) If a CIP was adopted under this part, an amendment to  
10 the CIP shall be adopted pursuant to the same procedures that  
11 govern adoption of a CIP under this part.

12       Sec. 75. (1) The legislature shall not appropriate funds,  
13 including, but not limited to, federal funds passed through this  
14 state, for the construction or acquisition of a capital facility  
15 by a local unit unless the capital facility is included in a  
16 CIP. A local unit shall not expend funds appropriated by the  
17 legislature, including, but not limited to, federal funds passed  
18 through this state, for the construction or acquisition of a cap-  
19 ital facility unless the capital facility, at the time of the  
20 appropriation, was included in a CIP.

21       (2) Capital facilities included in CIPs that meet all of the  
22 following requirements shall have a higher priority for state  
23 appropriations, including, but not limited to, appropriations of  
24 federal funds passed through this state, than capital facilities  
25 included in CIPs that do not meet all of the following  
26 requirements:

1 (a) The CIP was adopted under this chapter.

2 (b) The plan is consistent with relevant adopted plans of  
3 state departments and agencies and the statutes governing those  
4 departments and agencies.

5 (3) If a CIP proposes to finance a capital facility using  
6 state funds, including, but not limited to, federal funds passed  
7 through this state, the planning commission, or, if there is no  
8 planning commission, the governing body of the local unit or  
9 local units that prepared the CIP shall submit to the department  
10 all of the following:

11 (a) A request for funding assistance.

12 (b) A description of the proposed capital facility.

13 (c) A copy of the CIP or the specific portion of the CIP  
14 relevant to the capital facility.

15 (d) If the CIP was adopted under this part, a copy of any  
16 written comments relative to the capital facility received from a  
17 reviewing entity under section 71.

18 (4) The joint capital outlay committee shall consider the  
19 effect of proposed new local or state capital facilities or dis-  
20 position of state lands upon the municipality in which the capi-  
21 tal facilities or state land is located.

22 (5) Subject to subsection (4), after a CIP is adopted under  
23 this chapter, the local unit adopting the CIP or a county,  
24 regional, state, or federal agency shall not purchase, construct,  
25 or improve a capital facility in that local unit unless 1 of the  
26 following applies:

1 (a) The capital improvement is provided for in the CIP. A  
2 CIP may be amended to satisfy the requirements of this  
3 subdivision pursuant to section 75.

4 (b) The body authorized to undertake the capital improvement  
5 approves the capital improvement by a 2/3 vote of its entire mem-  
6 bership after adopting written findings that either the project  
7 is essential to address a public health or safety hazard, or that  
8 the project is not inconsistent with the plan or related projects  
9 in the approved CIP for the jurisdiction of the planning  
10 commission. The findings shall include a detailed statement of  
11 the basis for the findings. A copy of the findings shall be sub-  
12 mitted to the planning commission.

13 Sec. 77. (1) The planning commission shall review the CIP  
14 at least annually.

15 (2) An amendment to a CIP shall be adopted pursuant to the  
16 same procedures that govern adoption of the CIP.

#### 17 CHAPTER 5

#### 18 PLANNING COMMISSION POWERS RELATED TO ZONING, 19 CONDOMINIUM, AND SUBDIVISION REVIEW

20 Sec. 81. Within 1 year after the effective date of this  
21 act, the governing body of a local unit, by ordinance or resolu-  
22 tion, shall transfer to a planning commission all powers and  
23 duties for a zoning board or commission provided by the county  
24 zoning act, 1943 PA 183, MCL 125.201 to 125.240; the township  
25 zoning act, 1943 PA 184, MCL 125.271 to 125.310; or the city and  
26 village zoning act, 1921 PA 207, MCL 125.581 to 125.600, as  
27 applicable, if the zoning board or commission has been in

1 existence for more than 3 years. If the existing zoning board or  
2 commission is nearing the completion of drafting an interim  
3 zoning ordinance, the governing body shall postpone the transfer  
4 of the zoning board's powers and duties until the completion of  
5 the zoning plan and adoption of an interim zoning ordinance by  
6 the governing body, but the postponement shall not exceed  
7 1 year.

8       Sec. 83. Once a plan has been adopted under chapter 3 and a  
9 certified copy of the plan is filed in the office of the county  
10 register of deeds of each county in which the jurisdictional area  
11 of the planning commission is located, a subdivision of land  
12 within the jurisdictional area of the planning commission shall  
13 not be filed or recorded unless the planning commission and gov-  
14 erning body have approved the subdivision as complying with regu-  
15 lations adopted under section 85 and the chairperson or secretary  
16 of the planning commission and the clerk of the local unit have  
17 entered the approval of the planning commission and governing  
18 body in writing on the plat.

19       Sec. 85. (1) The municipal planning commission, joint  
20 municipal planning commission, or, in a county that has adopted a  
21 zoning ordinance, county planning commission shall propose and  
22 the governing body shall adopt regulations pertaining to the sub-  
23 division of land within its jurisdiction referred to in  
24 section 105(b) of the land division act, 1967 PA 288,  
25 MCL 560.105. The regulations may provide for the proper arrange-  
26 ment of streets in relation to other existing or planned streets  
27 and to the future land use plan, for adequate and convenient open

1 spaces for traffic, utilities, access of firefighting apparatus,  
2 recreation, light, and air, and for the avoidance of congestion  
3 of population, including minimum width and area of lots. The  
4 regulations may include provisions as to the extent to which  
5 streets and other ways shall be graded and improved and to which  
6 water and sewer and other utility mains, piping, or other facili-  
7 ties shall be installed as a condition precedent to the approval  
8 of the plat. The regulations shall be consistent with the land  
9 division act, 1967 PA 288, MCL 560.101 to 560.293.

10 (2) The regulations may provide for a tentative approval of  
11 the plat before improvements or utilities are constructed or  
12 installed. A tentative approval is revocable and shall not be  
13 entered on the plat. In lieu of the completion of such improve-  
14 ments and utilities before the final approval of the plat, the  
15 governing body may accept a bond with surety to secure the actual  
16 construction and installation of the improvements or utilities at  
17 a time and according to specifications fixed by or under the reg-  
18 ulations of the local unit.

19 (3) The subdivision regulations shall be published as pro-  
20 vided by law for the publication of ordinances, and before adop-  
21 tion, a public hearing shall be held on the regulations. The  
22 governing body may choose to adopt the subdivision regulations as  
23 a part of the zoning ordinance pursuant to the procedures for  
24 adoption and the appropriate zoning enabling act. The combined  
25 regulations shall be entitled Land Development Code of  
26 \_\_\_\_\_ (name of jurisdiction). A copy of the  
27 regulations shall be certified by the clerk of the local unit to

1 the clerk of each county in which the jurisdictional area of the  
2 local unit is located.

3       Sec. 87. (1) A municipal planning commission, joint municipi-  
4 pal planning commission, or, in a county that has adopted a  
5 zoning ordinance, county planning commission shall make a recom-  
6 mendation to approve, approve with modifications, or disapprove a  
7 condominium project under an ordinance adopted to implement local  
8 unit review authority under the condominium act, 1978 PA 59,  
9 MCL 559.101 to 559.275, or a plat under an ordinance adopted  
10 under the land division act, 1967 PA 288, MCL 560.101 to  
11 560.293. The planning commission shall state in its records the  
12 grounds for recommending approval or disapproval of a condominium  
13 project or subdivision plat.

14       (2) A condominium project or subdivision plat submitted to  
15 the municipal planning commission or joint municipal planning  
16 commission shall contain the name and address of a person to whom  
17 notice of a hearing shall be sent. The planning commission shall  
18 act upon the condominium project or plat only after conducting a  
19 hearing on the plat. Notice of the time and place of the hearing  
20 shall be sent to the address contained in the condominium project  
21 plat by registered mail not less than 15 days before the date of  
22 the hearing. Notice shall also be mailed to the owners of land  
23 immediately adjoining the platted land, as their names appear  
24 upon the records in the county register of deeds office and their  
25 addresses appear in the directory of the municipality or on the  
26 tax records of the municipality or county.



1           (3) Upon preliminary approval by the governing body, a  
2 condominium or subdivision plat shall be considered to be an  
3 amendment of or an addition to or a detail of the plan and a part  
4 of the plan, unless the plat or condominium project never  
5 receives final approval by the governing body or governing  
6 bodies. Approval of a condominium project or plat does not con-  
7 stitute an acceptance by the public of any street or other open  
8 space shown upon the master deed or plat. The planning commis-  
9 sion may recommend to the governing body or governing bodies  
10 amendments of the zoning ordinance or map to conform to the plan-  
11 ning commission's recommendations for the zoning regulation of  
12 the territory comprised within approved condominium projects or  
13 subdivisions. The planning commission may agree with the appli-  
14 cant upon use, height, area, or bulk requirements or restrictions  
15 governing buildings and premises within the condominium project  
16 or subdivision, if the requirements or restrictions do not autho-  
17 rize the violation of the zoning ordinance or joint municipal  
18 zoning ordinance. The requirements or restrictions shall be  
19 stated upon the condominium master deed or plat before the  
20 approval and recording of the master deed or plat. The require-  
21 ments or restrictions shall have the same force of law and be  
22 enforceable in the same manner and with the same sanctions and  
23 subject to the same power of amendment or repeal as though set  
24 out as a part of the zoning ordinance or map.

25           (4) The failure of the governing body to approve, approve  
26 with modifications, or disapprove a preliminary or final  
27 condominium project or plat within 90 days after the preliminary

1 or final condominium project or plat is submitted to the planning  
2 commission constitutes approval, and a certificate of approval  
3 shall be issued by the planning commission upon request of the  
4 applicant. However, an applicant for planning commission  
5 approval of a condominium project or plat may consent to an  
6 extension of the 90-day period.

7 CHAPTER 6

8 STATE AGENCY PLANS AND STATE PLANNING ASSISTANCE

9 Sec. 91. The department of management and budget shall ini-  
10 tiate within 2 months after the effective date of this act and  
11 thereafter continue the following activities either within the  
12 department or, by interdepartmental agreement, with 1 or more  
13 other state departments:

14 (a) Inventorying existing policies embodied in state legis-  
15 lation and programs of state departments that affect land use  
16 decisions and recommending policy changes where warranted to be  
17 consistent with the purposes of this act.

18 (b) Summarizing goals, objectives, and policies of the  
19 adopted plans of state departments that relate to land use, eco-  
20 nomic development, environmental protection, and the provision of  
21 capital facilities including, but not limited to, roads, schools,  
22 sewer and water systems, storm drains, prisons, and other capital  
23 improvements, in order to identify geographic areas of the state  
24 where goals, objectives, policies, and proposed capital improve-  
25 ments may be or are in conflict.

26 (c) Preparing reports that evaluate and make recommendations  
27 regarding state technical assistance provided to local

1 governments by state agencies, and data and mapping services  
2 available to and desired by local units and regional governmental  
3 entities. The first such report shall propose policies for  
4 siting of state and private facilities that, because of their  
5 size or scale, may significantly affect several communities or  
6 state or regional capital facilities or services, as well as  
7 other land use and capital facility issues of greater than local  
8 concern.

9 (d) Preparing recommendations on incentives for state fund-  
10 ing of capital facilities included in CIPs and allocation of  
11 local revenue sharing based on the degree to which local unit  
12 plans have received the consent under section 59.

13 (e) By not more than 3 years after each decennial census and  
14 then at least biannually thereafter until the next decennial  
15 census, preparing and distributing to local units and regional  
16 governmental entities population and employment forecasts at the  
17 county level for a 30-year period, based on 5-year increments.

18 (f) Maintaining a land and water database in a geographic  
19 information system pursuant to part 609 of the natural resources  
20 and environmental protection act, 1994 PA 451, MCL 324.60901 to  
21 324.60910, that includes land use and land cover for every acre  
22 of land in Michigan. The database shall be updated on a state-  
23 wide basis by 2005 and every 5 years after 2005.

24 (g) Designing and, if appropriate, administering a method  
25 for resolving disputes between plans prepared by regional plan-  
26 ning commissions for contiguous regions.

1 (h) Preparing guidelines for the siting of essential capital  
2 facilities and development of coordinated plans by the state  
3 transportation department, the department of natural resources,  
4 the department of environmental quality, the department of educa-  
5 tion, the department of corrections, the state housing develop-  
6 ment authority, and other state departments and state agencies  
7 that have responsibility for developing or maintaining state  
8 lands or state capital facilities or for providing financing  
9 directly from the state or as a pass-through from the federal  
10 government to local units. The guidelines prepared by the  
11 department shall provide for notice to every local unit and  
12 region by a state department that a draft plan is about to be  
13 developed by the state department or a state agency within the  
14 state department, and then, after a draft has been prepared, that  
15 a plan is scheduled to be adopted. The guidelines shall also  
16 provide for and the notices shall indicate an opportunity for  
17 interested persons to comment at a public hearing or in writing.  
18 The department of management and budget shall prepare guidelines  
19 for the conduct of public hearings under this section. Records  
20 prepared to accompany the development of state department and  
21 state agency plans shall indicate which local plans were con-  
22 sulted and the specific efforts that were initiated to eliminate  
23 inconsistencies when they were identified. After a plan is  
24 adopted by a state department or state agency, the plan shall be  
25 used as the basis for capital improvements, land acquisition, or  
26 disposition of state lands and facilities, and state grants or  
27 pass-through money for that state department or state agency.

1 (i) Preparing guidelines for the development of capital  
2 facility needs and improvement requests by state departments and  
3 state agencies. The guidelines shall include, but need not be  
4 limited to, all of the following:

5 (i) A biennial process for development and submittal of a  
6 statement of needs for new or expanded state capital facilities  
7 or state lands, or those proposed to be significantly reduced in  
8 size or recommended for disposal.

9 (ii) The format for text and maps describing such needs.

10 (iii) The information required to be submitted as a part of  
11 the statement of needs, which shall include, but need not be  
12 limited to, the following:

13 (A) Location of the capital facility, if known.

14 (B) Size, type, use, or purpose of the capital facility,  
15 area, or service population to be served, year proposed for con-  
16 struction, and useful life of the proposed capital facility.

17 (C) Projected construction and operating costs.

18 (iv) Requirements for supporting documentation that shows  
19 the state or regional need for the capital facility, and the  
20 degree to which it conforms with adopted plans of local units.

21 (v) The criteria to be used in evaluating such requests  
22 including how each proposed capital facility is consistent with  
23 any adopted plans of the state agency.

24 (j) Compiling the individual proposed statements of capital  
25 facility needs of all state agencies into a consolidated proposed  
26 statement of needs and consolidated state capital facilities map  
27 for inclusion in the governor's budget message as part of the

1 state capital outlay budget and a proposed 6-year capital  
2 improvement program. Not more than 30 days after the governor's  
3 budget message is submitted to the legislature, the director of  
4 the department of management and budget shall send a copy of the  
5 consolidated proposed statement of needs and consolidated state  
6 capital facilities map to each of the following:

7 (i) The director of each state department.

8 (ii) Each regional and county planning commission.

9 (iii) The governing body of each local unit of government.

10 (iv) The state library and all public libraries that serve  
11 as depositories of state documents.

12 (k) Ensuring adequate funds are included in the governor's  
13 annual budget message for the state to fulfill its obligations  
14 under sections 60903 and 60908 of the natural resources and envi-  
15 ronmental protection act, 1994 PA 451, MCL 324.60903 and  
16 324.60908.

17 (l) The establishment of a program of technical and finan-  
18 cial assistance and incentives to local units and regional gov-  
19 ernmental entities to encourage and facilitate the adoption and  
20 implementation of coordinated plans and development regulations  
21 throughout the state. This program shall include, at a minimum,  
22 the following elements:

23 (i) A program of technical assistance that utilizes depart-  
24 ment of management and budget staff, other state agency staff,  
25 and the technical resources of local units and regional govern-  
26 mental entities to help in the development and implementation of  
27 plans prepared under this act. The technical assistance may

1 include, but need not be limited to, model plans and structures  
2 for plans, model land use ordinances, education and training pro-  
3 grams, and information dissemination.

4 (ii) Developing and distributing guidelines to assist local  
5 units and regional governmental entities with the development of  
6 plans and resolution of disputes related to review of plans, cap-  
7 ital facility proposals, capital improvement programs, and issues  
8 of greater than local concern.

9 Sec. 93. In developing any guidelines, model plans or ordi-  
10 nances, standards and procedures, or rules under this act, the  
11 department shall seek the input and assistance of the Michigan  
12 municipal league, the Michigan townships association, the  
13 Michigan association of counties, the Michigan association of  
14 regions, and the Michigan society of planning.

15 Sec. 95. (1) The legislature shall appropriate grant fund-  
16 ing for the development of plans under this act in amounts pro-  
17 vided in section 97 for at least the first 7 years after the  
18 effective date of this act. Grants shall not be awarded to  
19 municipalities until all the funds eligible to be used by coun-  
20 ties and regional governmental entities seeking funds for that  
21 purpose have been distributed.

22 (2) Within the first 2 years of the effective date of fund-  
23 ing of this act, funding assistance of not less than 70% nor more  
24 than 80% of the cost of preparing or updating a county or  
25 regional plan to be in conformance with this act shall be pro-  
26 vided to counties and regional governmental entities that agree  
27 to prepare or update a plan under this act. These funds shall be

1 distributed to counties and regional governmental entities in the  
2 Lower Peninsula before distribution to those in the Upper  
3 Peninsula unless standards and procedures established under  
4 section 97 allow for a different order of distribution. After  
5 the first 2 years from the effective date of this act, county or  
6 regional plans shall not receive less than 45% nor more than 50%  
7 of the cost of preparing a plan under this act.

8 (3) Municipal plans shall receive not less than 50% nor more  
9 than 60% of the cost of preparing or updating a plan to be in  
10 conformance with this act.

11 (4) Joint municipal plans shall receive not less than 65%  
12 nor more than 75% of the cost of preparing or updating a plan to  
13 be in conformance with this act.

14 (5) A local unit or regional governmental entity shall not  
15 receive funding assistance more than once within the first  
16 7 years after the effective date of this act.

17 (6) The legislature may allocate up to 5% of the total funds  
18 available to local units and regional governmental entities for  
19 50% matching grants to nonprofit organizations and citizen organ-  
20 izations to promote and enhance broad based citizen participation  
21 in the preparation of plans under this act.

22 Sec. 97. The legislature shall provide grant funds for the  
23 preparation of local unit and regional plans prepared under this  
24 act out of the general fund in an amount equal to at least  
25 \$15,000,000.00 per year for the first 7 years after the effective  
26 date of this act, unless another source of funds in at least an  
27 equal amount is provided. If \$15,000,000.00 per year is not



1 sufficient to cover the state allocated grant portion of these  
2 plans, the the department shall request a supplemental appropria-  
3 tion in amounts necessary to cover the state commitment. If sup-  
4 plemental funds are not forthcoming, or are inadequate, the the  
5 department shall extend the grant program beyond 7 years for the  
6 period of time necessary to cover the state commitment to all  
7 local units and regional governmental entities that wish to  
8 participate. The department shall separately request funds to  
9 carry out its responsibilities under chapter 6 and this chapter.  
10 Such funds shall be allocated from and not exceed 5% of the  
11 annual appropriations for the preparation of local unit and  
12 regional plans under this section and shall not be used for con-  
13 tinuing program activities under section 91(e) and (f) for which  
14 state appropriations were made before the effective date of this  
15 act. The department may not request or use funds secured pursu-  
16 ant to this act to fund activities already funded to meet  
17 requirements under other acts or other state programs. However,  
18 the the department shall request that funding necessary to meet  
19 its obligations under section 91(e) and (f) of this act that are  
20 not currently being met under existing programs established under  
21 other statutes, such as part 609 of the natural resources and  
22 environmental protection act, 1994 PA 451, MCL 324.60901 to  
23 324.60910, be requested from the legislature with an explanation  
24 as to why existing funding is inadequate to meet the requirements  
25 of this act.

26       Sec. 99. (1) Within 60 days after the effective date of  
27 this act, the department shall request the legislature for the

1 funds necessary to develop and implement this chapter.

2 Thereafter, the department shall include a funding request for  
3 this purpose as part of the annual budget process.

4 (2) Subject to section 93, the department shall adopt stan-  
5 dards and procedures for application, review, and approval of  
6 requests for grant assistance in the preparation and adoption of  
7 plans prepared pursuant to this act pursuant to the administra-  
8 tive procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.  
9 The legislature finds that preservation of the public health,  
10 safety, and welfare in light of the conditions intended to be  
11 addressed by plans and CIPs requires that the rules initially be  
12 promulgated under section 48 of the administrative procedures act  
13 of 1969, 1969 PA 306, MCL 24.248, within 120 days after the  
14 effective date of this act. The department shall adhere to the  
15 criteria in section 95 and establish standards for priority of  
16 assistance that consider rates of loss of farm and forest land,  
17 population growth rates, commercial and industrial development  
18 growth rates, land division rates, the existence, age, and qual-  
19 ity of existing plans of local units, and other relevant  
20 factors. Separate criteria and procedures shall be established  
21 for grants to enhance citizen participation. Local units and  
22 regional governmental entities shall not be eligible for funds to  
23 enhance citizen participation, except in partnership with other  
24 nonprofit organization or citizen groups which must be the prin-  
25 cipal recipient of any grants received. An effort shall be made  
26 by the department to ensure a broad range of interested parties

1 are involved in the development of a plan before approving a  
2 grant request under this chapter.

3       Sec. 101. State departments other than the department of  
4 management and budget shall examine their planning responsibili-  
5 ties under this act and, except for the state transportation  
6 department, may request separate state funds for this purpose.

7       Enacting section 1. The following acts are repealed 7 years  
8 after the effective date of this act:

9       (a) 1931 PA 285, MCL 125.31 to 125.45.

10       (b) 1945 PA 282, MCL 125.101 to 125.107.

11       (c) 1959 PA 168, MCL 125.321 to 125.333.

12       Enacting section 2. This act does not take effect unless  
13 all of the following bills of the 90th Legislature are enacted  
14 into law:

15       (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 6125 (request  
16 no. 06472'00 a).

17       (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 6126 (request  
18 no. 06472'00 b).

19       (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 6127 (request  
20 no. 06472'00 c).

21       (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 6128 (request  
22 no. 06472'00 g).