

Act No. 263
Public Acts of 2001
Approved by the Governor
January 9, 2002
Filed with the Secretary of State
January 9, 2002
EFFECTIVE DATE: January 9, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Reps. Ruth Johnson, Birkholz and Kolb

ENROLLED HOUSE BILL No. 5038

AN ACT to amend 1959 PA 168, entitled "An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies," by amending sections 1, 6, 7, 8, 9, and 10 (MCL 125.321, 125.326, 125.327, 125.328, 125.329, and 125.330), section 6 as amended by 1987 PA 73 and section 9 as amended by 1999 PA 197, and by adding sections 7a and 7b.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

(a) "Basic plan" or "plan" means a master plan, general development plan, guide plan, or the plan referred to in 1943 PA 184, MCL 125.271 to 125.310, being the basis on which the zoning plan is developed.

(b) "Citizen member" means a member of a township planning commission holding no other township office except that a citizen member may be a member of a township zoning board of adjustment or appeals.

(c) "County board of commissioners" means 1 of the following, as applicable:

(i) The county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521.

(ii) In all other counties, 1 of the following:

(A) The elected county board of commissioners.

(B) A subcommittee of the county board of commissioners if the county board of commissioners delegates its powers and duties under this act to such a subcommittee.

(C) The regional planning commission for the region in which the county is located if the county board of commissioners delegates its powers and duties under this act to the regional planning commission.

(D) "Planning commission" means township planning commission.

Sec. 6. (1) The township planning commission shall make and approve a basic plan as a guide for the development of unincorporated portions of the township. As a basis for the plan, the township planning commission may do any of the following:

(a) Make inquiries, investigations, and surveys of all the resources of the township.

(b) Assemble and analyze data and formulate plans for the proper conservation and uses of all resources, including a determination of the extent of probable future need for the most advantageous designation of lands having various use potentials and for services, facilities, and utilities required to equip those lands.

(c) Meet with other governmental planning commissions to deliberate.

(2) The township planning commission may make use of expert advice and information which may be furnished by appropriate federal, state, county, and municipal officials, departments, and agencies having information, maps, and data pertinent to township planning. State, regional, county, and municipal officials, departments, and agencies shall make available public information for the use of township planning commissions and may furnish such other technical assistance and advice as they may have for planning purposes.

(3) In addition to the basic plan provided in subsection (1), by a majority vote of the members, the township planning commission may adopt a plan for a geographic area less than the entire unincorporated area of the township if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 2. Before adoption of a plan under this subsection, the township planning commission shall hold at least 1 public hearing on the plan after giving notice as provided in section 8(1).

(4) After adoption of a plan under this act, a site plan for a property located in the plan area that is required to be submitted under section 16e of the township zoning act, 1943 PA 184, MCL 125.286e, shall comply with the plan adopted under this act.

(5) The purpose of the 1987 amendments to this section was to clarify the authority of a planning commission, which was implied from the language of this act, but was not specifically set forth in this act.

Sec. 7. The basic plan shall address land use issues and may project 20 years or more into the future. The plan shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the planning commission's recommendations for the physical development of the unincorporated area of the township. The basic plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the township:

(a) A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.

(b) The general location, character and extent of streets, roads, highways, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and water front developments; flood prevention works, drainage, sanitary sewers and water supply systems, works for preventing pollution, and works for maintaining water levels; and public utilities and structures.

(c) Recommendations as to the general character, extent, and layout for the redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, or changes or use or extension of ways, grounds, open spaces, buildings, utilities, or other facilities.

(d) Recommendations for implementing any of its proposals.

Sec. 7a. (1) A basic plan shall be adopted under the procedures set forth in this section and sections 7b and 8.

(2) Before preparing a plan, a township planning commission shall mail by first-class mail a notice, explaining that the planning commission intends to prepare a plan and requesting the recipient's cooperation and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each township, city, or village located within or contiguous to the township.

(b) The regional planning commission for the region in which the township is located, if there is no county planning commission for the county where the township is located. If there is a county planning commission for the county where the township is located, the township planning commission may consult with the regional planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the township is located.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the township, and any government entity, that registers its name and mailing address for this purpose with the township planning commission.

(3) The notice to an entity under subsection (2) may request permission for the township or county, as applicable, to submit electronically any information required to be submitted to that entity under section 7b or 8. If the entity to which the notice is sent grants this permission, information submitted to or by that entity under section 7b or 8 may be submitted electronically. Otherwise, such information shall be submitted in writing by first-class mail or personal delivery.

Sec. 7b. (1) A plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the township or with functional subject matter areas of the plan.

(2) After preparing a proposed plan, the township planning commission shall submit the proposed plan to the township board for review and comment.

(3) If the township board approves the distribution of the proposed plan, it shall notify the secretary of the planning commission and the secretary of the township planning commission shall submit a copy of the proposed plan, for review and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, or township located within or contiguous to the township.

(b) The regional planning commission, if any, for the region in which the township is located, if there is no county planning commission for the county in which the township is located. If there is a county planning commission for the county in which the township is located, the secretary of the township planning commission may submit a copy of the proposed plan to the regional planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the township is located. The secretary of the township planning commission shall concurrently submit to the county planning commission or, if there is no county planning commission, the county board of commissioners, a statement, signed by the secretary, that the requirements of subdivisions (a) and (b) have been met. The statement shall include the name and address of each planning commission or legislative body to which a copy of the proposed plan was submitted under subdivision (a) or (b) and the date of submittal.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the township, and any government entity, that registers its name and address for this purpose with the secretary of the township planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed plan, or of a plan as provided in section 8(5), shall reimburse the township for any copying and postage costs thereby incurred by the township.

(4) An entity described in subsection (3)(a), (b), or (d) may submit comments on the proposed plan to the township planning commission within 65 days after the proposed plan was submitted to that entity under subsection (3). A planning commission or legislative body described in subsection (3)(a) or (b) shall concurrently submit a copy of the comments to the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the township proposing the plan is located.

(5) Not less than 75 days or more than 95 days after the date the proposed plan was submitted to the county planning commission or the county board of commissioners under subsection (3), the county planning commission or the county board of commissioners, respectively, shall submit to the township planning commission its comments on the proposed basic plan. The comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners, after considering any comments received under subsection (4), considers the proposed plan to be inconsistent with the plan of any city, village, township, or region described in subsection (3)(a) or (b).

(b) If the county has a county plan, a statement whether the county planning commission considers the proposed basic plan to be inconsistent with the county plan.

(6) The statements provided for in subsection (5)(a) and (b) are advisory only.

Sec. 8. (1) Before approving a proposed basic plan, the township planning commission shall hold a public hearing on the proposed plan. The hearing shall be held after the expiration of the deadline for comment under section 7b(5). The township planning commission shall publish notice of the hearing twice in a newspaper of general circulation in the township. The first publication shall be not more than 30 days or less than 20 days before the date of the hearing. The second publication shall be not more than 8 days before the date of the hearing.

(2) At or after the hearing under subsection (1), the township planning commission may approve the proposed plan by majority vote of its membership. Following approval of the proposed plan by the township planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the township board.

(3) Approval of the plan by the planning commission under subsection (2) is the final step for adoption of the plan, unless the township board by resolution has asserted the right to approve or reject the plan. In that case, after approval of the plan by the planning commission, the township board shall approve or reject the plan.

(4) If the township board rejects the proposed plan, the township board shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the township board's objections and revise the proposed plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until a proposed plan is approved by the township board.

(5) The plan is effective upon final adoption. Upon final adoption of the plan, copies of the adopted plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 7b(3).

Sec. 9. (1) An extension, addition, revision, or other amendment to a basic plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 7a, 7b, and 8. However, for an amendment other than a revision of the plan, both of the following apply:

(a) The 65-day period otherwise provided for in section 7b(4) shall be 40 days.

(b) The 75- to 95-day period otherwise provided for in section 7b(5) shall be 55 to 75 days.

(2) At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.

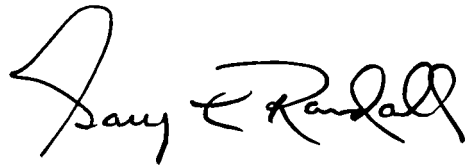
(3) Until 1 year after the effective date of the 2001 amendments that added this subsection, a township may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act immediately before the effective date of the 2001 amendments that added this subsection.

(4) The planning commission shall promote public understanding of and interest in the plan, shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

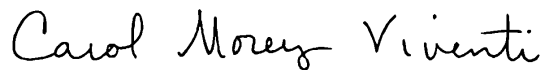
Sec. 10. (1) Whenever the planning commission has adopted the basic plan of the township of 1 or more major sections or districts thereof, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the township or in the planned section and district until the location, character and extent thereof shall have been submitted to and approved by the planning commission. The planning commission shall communicate its reasons for approval or disapproval to the township board, which shall have the power to overrule the planning commission by a recorded vote of not less than a majority of its entire membership. If the public way, ground, space, building, structure or utility is one, the authorization or financing of which does not, under the law governing same, fall within the province of the township board, then the submission to the planning commission shall be by the board, commission or body having jurisdiction, and the planning commission's disapproval may be overruled by resolution of the board, commission or body by a vote of not less than a majority of its membership. The failure of the planning commission to act within 60 days after the official submission to the planning commission shall be deemed approval.

(2) A township may adopt a capital improvement program.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.