

SENATE BILL No. 206

February 15, 2007, Introduced by Senators BIRKHOLZ, ANDERSON, VAN WOERKOM, JANSEN, PATTERSON, PAPPAGEORGE and ALLEN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to provide for county, township, city, and village planning; to provide for the creation, organization, powers, and duties of local planning commissions; to provide for the powers and duties of certain state and local governmental officers and agencies; to provide for the regulation and subdivision of land; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE I. GENERAL PROVISIONS

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

Sec. 3. As used in this act:

(a) "Chief executive official" means the mayor, city manager, or other chief executive of a city, the president or village

1 manager of a village, the supervisor of a township, or, subject to
2 section 5, the chairperson of the county board of commissioners of
3 a county.

4 (b) "County board of commissioners", subject to section 5,
5 means the elected county board of commissioners, except that, as
6 used in sections 39 and 41, county board of commissioners means 1
7 of the following:

8 (i) A subcommittee of the county board of commissioners, if the
9 county board of commissioners delegates its powers and duties under
10 this act to the subcommittee.

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

15 (c) "Ex officio member", in reference to a planning
16 commission, means a member with full voting rights who serves on
17 the planning commission by virtue of holding another office, for
18 the term of that other office.

19 (d) "Legislative body" means the county board of commissioners
20 of a county, the board of trustees of a township, or the council or
21 other elected governing body of a city or village.

22 (e) "Local unit of government" or "local unit" means a county
23 or municipality.

24 (f) "Master plan" means either of the following:

25 (i) Any plan adopted or amended before the effective date of
26 this act under a planning act repealed under section 85. This
27 includes, but is not limited to, a plan prepared by a planning

1 commission and adopted before the effective date of this act to
2 satisfy section 1 of the former city and village zoning act, 1921
3 PA 207, section 3 of the former township zoning act, 1943 PA 184,
4 or section 3 of the former county zoning act, 1943 PA 183, or
5 section 203(1) of the Michigan zoning enabling act, 2006 PA 110,
6 MCL 125.3203, regardless of whether it is entitled a master plan,
7 basic plan, county plan, development plan, guide plan, land use
8 plan, municipal plan, township plan, plan, or any other term.

9 (ii) Any plan adopted or amended under this act. This includes,
10 but is not limited to, a plan prepared by a planning commission
11 authorized by this act and used to satisfy the requirement of
12 section 203(1) of the Michigan zoning enabling act, 2006 PA 110,
13 MCL 125.3203, regardless of whether it is entitled a master plan,
14 basic plan, county plan, development plan, guide plan, land use
15 plan, municipal plan, township plan, plan, or any other term.

16 (g) "Municipality" or "municipal" means or refers to a city,
17 village, or township.

18 (h) "Planning commission" means either of the following, as
19 applicable:

20 (i) A planning commission created pursuant to section 11(1).

21 (ii) A planning commission retained pursuant to section 81(2)
22 or (3), subject to the limitations on the application of this act
23 provided in section 81(2) and (3).

24 (i) "Planning jurisdiction" for a county, city, or village
25 refers to the areas encompassed by the legal boundaries of that
26 county, city, or village, subject to section 31(1). Planning
27 jurisdiction for a township refers to the areas encompassed by the

1 legal boundaries of that township outside of the areas of
2 incorporated villages and cities, subject to section 31(1).

3 (j) "Population" means the population according to the most
4 recent federal decennial census or according to a special census
5 conducted under section 7 of the Glenn Steil state revenue sharing
6 act of 1971, 1971 PA 140, MCL 141.907, whichever is the more
7 recent.

8 (k) "Street" means a street, avenue, boulevard, highway, road,
9 lane, alley, viaduct, or other way intended for use by automobiles.

10 Sec. 5. The assignment of a power or duty under this act to a
11 county officer or body is subject to 1966 PA 293, MCL 45.501 to
12 45.521, or 1973 PA 139, MCL 45.551 to 45.573, in a county organized
13 under 1 of those acts.

14 Sec. 7. (1) A local unit of government may adopt, amend, and
15 implement a master plan as provided in this act.

16 (2) The general purpose of a master plan is to guide and
17 accomplish, in the planning jurisdiction and its environs,
18 development that satisfies all of the following criteria:

19 (a) Is coordinated, adjusted, harmonious, efficient, and
20 economical.

21 (b) Considers the character of the planning jurisdiction and
22 its suitability for particular uses, judged in terms of such
23 factors as trends in land and population development.

24 (c) Will, in accordance with present and future needs, best
25 promote public health, safety, morals, order, convenience,
26 prosperity, and general welfare.

27 (d) Includes, among other things, promotion of or adequate

1 provision for 1 or more of the following:

2 (i) A system of transportation to lessen congestion on streets.

3 (ii) Safety from fire and other dangers.

4 (iii) Light and air.

5 (iv) Healthful and convenient distribution of population.

6 (v) Good civic design and arrangement and wise and efficient
7 expenditure of public funds.

8 (vi) Public utilities such as sewage disposal and water supply
9 and other public improvements.

10 (vii) Recreation.

11 (viii) The use of resources in accordance with their character
12 and adaptability.

13 ARTICLE II. PLANNING COMMISSION CREATION AND ADMINISTRATION

14 Sec. 11. (1) A local unit of government may adopt an ordinance
15 creating a planning commission with powers and duties provided in
16 this act. The planning commission of a local unit of government
17 shall be officially called "the planning commission", even if a
18 charter, ordinance, or resolution uses a different name such as
19 "plan board" or "planning board".

20 (2) Within 14 days after a local unit of government adopts an
21 ordinance under this act creating a planning commission, the clerk
22 of the local unit shall transmit notice of the adoption to the
23 planning commission of the county where the local unit is located.
24 However, if there is no county planning commission or if the local
25 unit adopting the ordinance is a county, notice shall be
26 transmitted to the regional planning commission engaged in planning
27 for the region within which the local unit is located. Notice under

1 this subsection is not required when a planning commission created
2 before the effective date of this act continues in existence under
3 this act, but is required when an ordinance governing or creating
4 the planning commission is amended or superseded under section
5 81(2)(b) or (3)(b).

6 (3) If, after the effective date of this act, a city or home
7 rule village adopts a charter provision providing for a planning
8 commission, the charter provision shall be implemented by an
9 ordinance that conforms to this act. Section 81(2) provides for the
10 continuation of a planning commission created by a charter
11 provision adopted before the effective date of this act.

12 (4) Section 81(3) provides for the continuation of a planning
13 commission created under a planning act repealed under section 85.

14 (5) Section 83 provides for the continued exercise by a
15 planning commission, or the transfer to a planning commission, of
16 the powers and duties of a zoning board or zoning commission.

17 Sec. 13. (1) Subject to subsection (2), a township ordinance
18 creating a planning commission under this act shall take effect 63
19 days after the ordinance is published by the township board in a
20 newspaper having general circulation in the township.

21 (2) Subject to subsection (3), before a township ordinance
22 creating a planning commission takes effect, a petition may be
23 filed with the township clerk requesting the submission of the
24 ordinance to the electors residing in the unincorporated portion of
25 the township for their approval or rejection. The petition shall be
26 signed by a number of qualified and registered electors residing in
27 the unincorporated portion of the township equal to not less than

1 8% of the total vote cast for all candidates for governor, at the
2 last preceding general election at which a governor was elected. If
3 such a petition is filed, the ordinance shall not take effect until
4 approved by a majority of the electors residing in the
5 unincorporated portion of the township voting thereon at the next
6 regular or special election that allows reasonable time for proper
7 notices and printing of ballots or at any special election called
8 for that purpose, as determined by the township board. The township
9 board shall specify the language of the ballot question.

10 (3) Subsection (2) does not apply if the planning commission
11 created by the ordinance is the successor to an existing zoning
12 commission or zoning board as provided for under section 301 of the
13 Michigan zoning enabling act, 2006 PA 110, MCL 125.3301.

14 (4) If a township board does not on its own initiative adopt
15 an ordinance under this act creating a planning commission, a
16 petition may be filed with the township clerk requesting the
17 township board to adopt such an ordinance. The petition shall be
18 signed by a number of qualified and registered electors as provided
19 in subsection (2). If such a petition is filed, the township board,
20 at its first meeting following the filing shall submit the question
21 to the electors of the township in the same manner as provided
22 under subsection (2).

23 (5) A petition under this section, including the circulation
24 and signing of the petition, is subject to section 488 of the
25 Michigan election law, 1954 PA 116, MCL 168.488. A person who
26 violates a provision of the Michigan election law, 1954 PA 116, MCL
27 168.1 to 168.992, applicable to a petition described in this

1 section is subject to the penalties prescribed for that violation
2 in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

3 Sec. 15. (1) In a city or village, the mayor or village
4 president shall appoint members of the planning commission, subject
5 to approval by a majority vote of the members of the legislative
6 body elected and serving. In a township or county, the legislative
7 body shall appoint members of the planning commission, by majority
8 vote of the members of the legislative body. However, if the
9 legislative body does not make an appointment to fill a vacancy on
10 the planning commission within 63 days after the vacancy is
11 created, the chief executive official of the township or county
12 shall make the appointment.

13 (2) A city, village, or township planning commission shall
14 consist of 5, 7, or 9 members. A county planning commission shall
15 consist of 5, 7, 9, or 11 members. Members of a planning commission
16 other than ex officio members under subsection (5) shall be
17 appointed for 3-year terms. However, of the members of the planning
18 commission, other than ex officio members, first appointed, a
19 number shall be appointed to 1-year or 2-year terms such that, as
20 nearly as possible, the terms of 1/3 of all the planning commission
21 members will expire each year. If a vacancy occurs on a planning
22 commission, the vacancy shall be filled for the unexpired term in
23 the same manner as provided for an original appointment. A member
24 shall hold office until his or her successor is appointed.

25 (3) The membership of a planning commission shall be
26 representative of important segments of the community, such as the
27 economic, governmental, educational, and social development of the

1 local unit of government, in accordance with the major interests as
2 they exist in the local unit of government, such as agriculture,
3 natural resources, recreation, education, public health,
4 government, transportation, industry, and commerce. The membership
5 shall also be representative of the entire geography of the local
6 unit of government to the extent practicable.

7 (4) Members of a planning commission shall be qualified
8 electors of the local unit of government, except that the following
9 number of planning commission members may be individuals who are
10 not qualified electors of the local unit of government:

11 (a) 3, in a city that on the effective date of this act had a
12 population of more than 2,700 but less than 2,800.

13 (b) 2, in a city or village that has, or on the effective date
14 of this act had, a population of less than 5,000, except as
15 provided in subdivision (a).

16 (c) 1, in local units of government other than those described
17 in subdivision (a) or (b).

18 (5) In a township that on the effective date of this act had a
19 planning commission created under former 1931 PA 285, 1 member of
20 the legislative body or the chief executive official, or both, may
21 be appointed to the planning commission, as ex officio members. In
22 any other township, 1 member of the legislative body shall be
23 appointed to the planning commission, as an ex officio member. In a
24 city, village, or county, the chief executive official and members
25 of the legislative body may be appointed to the planning
26 commission, as ex officio members, unless prohibited by charter.
27 However, in a city, village, or county, not more than 1/3 of the

1 members of the planning commission may be ex officio members.
2 Except as provided in this subsection, an officer or employee of
3 the local unit of government is not eligible to be a member of the
4 planning commission.

5 (6) For a county planning commission, the county shall make
6 every reasonable effort to ensure that the membership of the county
7 planning commission includes a member of a public school board or
8 an administrative employee of a school district included, in whole
9 or in part, within the county's boundaries. The requirements of
10 this subsection apply whenever an appointment is to be made to the
11 planning commission, unless an incumbent is being reappointed or an
12 ex officio member is being appointed under subsection (5).

13 (7) Subject to subsection (8), a city or village that has a
14 population of less than 5,000, and that has not created a planning
15 commission by charter, may by an ordinance adopted under section
16 11(1) provide that 1 of the following boards serve as its planning
17 commission:

18 (a) The board of directors of the economic development
19 corporation of the city or village created under the economic
20 development corporations act, 1974 PA 338, MCL 125.1601 to
21 125.1636.

22 (b) The board of a downtown development authority created
23 under 1975 PA 197, MCL 125.1651 to 125.1681, if the boundaries of
24 the downtown district are the same as the boundaries of the city or
25 village.

26 (c) A board created under the tax increment finance authority
27 act, 1980 PA 450, MCL 125.1801 to 125.1830, if the boundaries of

1 the authority district are the same as the boundaries of the city
2 or village.

3 (8) Subsections (1) to (5) do not apply to a planning
4 commission established under subsection (7). All other provisions
5 of this act, including, but not limited to, provisions regarding
6 planning commission powers, duties, organization, selection of
7 officers, meetings, rules, records, appointment of employees,
8 contracts for services, and expenditures, apply to a planning
9 commission established under subsection (7).

10 (9) The legislative body may remove a member of the planning
11 commission for misfeasance, malfeasance, or nonfeasance in office
12 upon written charges and after a public hearing. Before casting a
13 vote on a matter on which a member may reasonably be considered to
14 have a conflict of interest, the member shall disclose the
15 potential conflict of interest to the planning commission. The
16 member is disqualified from voting on the matter if so provided by
17 the bylaws or by a majority vote of the remaining members of the
18 planning commission. Failure of a member to disclose a potential
19 conflict of interest as required by this subsection constitutes
20 malfeasance in office. Unless the legislative body, by ordinance,
21 defines conflict of interest for the purposes of this subsection,
22 the planning commission shall do so in its bylaws.

23 (10) An ordinance creating a planning commission may impose
24 additional requirements relevant to the subject matter of, but not
25 inconsistent with, this section.

26 Sec. 17. (1) A planning commission shall elect a chairperson
27 and secretary from its members and create and fill other offices as

1 it considers advisable. An ex officio member of the planning
2 commission is not eligible to serve as chairperson. The term of
3 each officer shall be 1 year, with opportunity for reelection as
4 specified in bylaws adopted under section 19.

5 (2) A planning commission may appoint advisory committees
6 whose members are not members of the planning commission.

7 Sec. 19. (1) A planning commission shall adopt bylaws for the
8 transaction of business, and shall keep a public record of its
9 resolutions, transactions, findings, and determinations.

10 (2) A planning commission shall make an annual written report
11 to the legislative body concerning its operations and the status of
12 planning activities, including recommendations regarding actions by
13 the legislative body related to planning and development.

14 Sec. 21. (1) A planning commission shall hold not less than 4
15 regular meetings each year, and by resolution shall determine the
16 time and place of the meetings. Unless the bylaws provide
17 otherwise, a special meeting of the planning commission may be
18 called by the chairperson or by 2 other members, upon written
19 request to the secretary. Unless the bylaws provide otherwise, the
20 secretary shall send written notice of a special meeting to
21 planning commission members not less than 48 hours before the
22 meeting.

23 (2) The business that a planning commission may perform shall
24 be conducted at a public meeting of the planning commission held in
25 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to
26 15.275. Public notice of the time, date, and place of a regular or
27 special meeting shall be given in the manner required by that act.

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

5 Sec. 23. (1) Members of a planning commission may be
6 compensated for their services as provided by the legislative body.
7 A planning commission may adopt bylaws relative to compensation and
8 expenses of its members and employees for travel when engaged in
9 the performance of activities authorized by the legislative body,
10 including, but not limited to, attendance at conferences,
11 workshops, educational and training programs, and meetings.

12 (2) After preparing the annual report required under section
13 19, a planning commission may prepare a detailed budget and submit
14 the budget to the legislative body for approval or disapproval. The
15 legislative body annually may appropriate funds for carrying out
16 the purposes and functions permitted under this act, and may match
17 local government funds with federal, state, county, or other local
18 government or private grants.

19 (3) A planning commission may accept gifts for the exercise of
20 its functions. However, in a township, other than a township that
21 on the effective date of this act had a planning commission created
22 under former 1931 PA 285, only the township board may accept such
23 gifts, on behalf of the planning commission. A gift of money so
24 accepted in either case shall be deposited with the treasurer of
25 the local unit of government in a special nonreverting planning
26 commission fund for expenditure by the planning commission for the
27 purpose designated by the donor. The treasurer shall draw a warrant

1 against the special nonreverting fund only upon receipt of a
2 voucher signed by the chairperson and secretary of the planning
3 commission and an order drawn by the clerk of the local unit of
4 government. The expenditures of a planning commission, exclusive of
5 gifts and grants, shall be within the amounts appropriated by the
6 legislative body.

7 Sec. 25. (1) A local unit of government may employ a planning
8 director and other personnel as it considers necessary, contract
9 for the services of planning and other technicians, and incur other
10 expenses, within a budget authorized by the legislative body, as
11 the planning commission considers necessary. This authority shall
12 be exercised by the legislative body, unless a charter provision or
13 ordinance delegates this authority to the planning commission or
14 another body or official. The appointment of employees is subject
15 to the same provisions of law as govern other corresponding civil
16 employees of the local unit of government.

17 (2) For the purposes of this act, a planning commission may
18 make use of maps, data, and other information and expert advice
19 provided by appropriate federal, state, regional, county, and
20 municipal officials, departments, and agencies. All public
21 officials, departments, and agencies shall make available public
22 information for the use of planning commissions and furnish such
23 other technical assistance and advice as they may have for planning
24 purposes.

25 ARTICLE III. PREPARATION AND ADOPTION OF MASTER PLAN

26 Sec. 31. (1) A planning commission shall make and approve a
27 master plan as a guide for development within the planning

1 jurisdiction, subject to section 81 and the following:

2 (a) For a county, the master plan may include planning in
3 cooperation with the constituted authorities for incorporated areas
4 in whole or to the extent to which, in the planning commission's
5 judgment, they are related to the planning of the unincorporated
6 territory or of the county as a whole.

7 (b) For a township that on the effective date of this act had
8 a planning commission created under former 1931 PA 285, or for a
9 city or village, the planning jurisdiction may include any areas
10 outside of the municipal boundaries that, in the planning
11 commission's judgment, are related to the planning of the
12 municipality.

13 (2) In the preparation of a master plan, a planning commission
14 shall do all of the following, as applicable:

15 (a) Make careful and comprehensive surveys and studies of
16 present conditions and future growth within the planning
17 jurisdiction with due regard to its relation to neighboring
18 jurisdictions.

19 (b) Consult with representatives of adjacent local units of
20 government in respect to their planning so that conflicts in master
21 plans and zoning may be avoided.

22 (c) Cooperate with all departments of the state and federal
23 governments and other public agencies concerned with programs for
24 economic, social, and physical development within the planning
25 jurisdiction and seek the maximum coordination of the local unit of
26 government's programs with these agencies.

27 (3) In the preparation of the master plan, the planning

1 commission may meet with other governmental planning commissions or
2 agency staff to deliberate.

3 (4) In general, a planning commission has such lawful powers
4 as may be necessary to enable it to carry out the purposes of this
5 act.

6 Sec. 33. (1) A master plan shall address land use and
7 infrastructure issues and may project 20 years or more into the
8 future. A master plan shall include maps, plats, charts, and
9 descriptive, explanatory, and other related matter and shall show
10 the planning commission's recommendations for the physical
11 development of the planning jurisdiction.

12 (2) A master plan shall also include those of the following
13 subjects that reasonably can be considered as pertinent to the
14 future development of the planning jurisdiction:

15 (a) A land use plan that consists in part of a classification
16 and allocation of land for agriculture, residences, commerce,
17 industry, recreation, ways and grounds, public buildings, schools,
18 soil conservation, forests, woodlots, open space, wildlife refuges,
19 and other uses and purposes. If a county has not adopted a zoning
20 ordinance under former 1943 PA 183 or the Michigan zoning enabling
21 act, 2006 PA 110, MCL 125.3101 to 125.3702, a land use plan and
22 program for the county may be a general plan with a generalized
23 future land use map.

24 (b) The general location, character, and extent of streets,
25 railroads, airports, bicycle paths, pedestrian ways, bridges,
26 waterways, and waterfront developments; sanitary sewers and water
27 supply systems; facilities for flood prevention, drainage,

1 pollution prevention, and maintenance of water levels; and public
2 utilities and structures.

3 (c) Recommendations as to the general character, extent, and
4 layout of redevelopment or rehabilitation of blighted areas; and
5 the removal, relocation, widening, narrowing, vacating,
6 abandonment, change of use, or extension of streets, grounds, open
7 spaces, buildings, utilities, or other facilities.

8 (d) For a local unit of government that has adopted a zoning
9 ordinance, a zoning plan for various zoning districts controlling
10 the height, area, bulk, location, and use of buildings and
11 premises. The zoning plan shall include an explanation of how the
12 land use categories on the future land use map relate to the
13 districts on the zoning map.

14 (e) Recommendations for implementing any of the master plan's
15 proposals.

16 (3) If a master plan is or includes a master street plan,
17 the means for implementing the master street plan in cooperation
18 with the county road commission and the state transportation
19 department shall be specified in the master street plan in a manner
20 consistent with the respective powers and duties of and any written
21 agreements between these entities and the municipality.

22 (4) This section is subject to section 81(1).

23 Sec. 35. A planning commission may, by a majority vote of the
24 members, adopt a subplan for a geographic area less than the entire
25 planning jurisdiction, if, because of the unique physical or
26 demographic characteristics of that area, more intensive planning
27 is necessary for the purposes set forth in section 7.

1 Sec. 37. (1) A county board of commissioners may designate the
2 county planning commission as the metropolitan county planning
3 commission. A county planning commission so designated shall
4 perform metropolitan and regional planning whenever necessary or
5 desirable. The metropolitan county planning commission may engage
6 in comprehensive planning, including, but not limited to, the
7 following, to the extent directly related to urban needs:

8 (a) Preparation, as a guide for long-range development, of
9 general physical plans with respect to the pattern and intensity of
10 land use and the provision of public facilities, together with
11 long-range fiscal plans for such development.

12 (b) Programming of capital improvements based on relative
13 urgency, together with definitive financing plans for the
14 improvements to be constructed in the earlier years of the program.

15 (c) Coordination of all related plans of local governmental
16 agencies within the metropolitan area or region.

17 (d) Intergovernmental coordination of all related planning
18 activities among the state and local governmental agencies within
19 the metropolitan area or region.

20 (2) In addition to the powers conferred by other provisions of
21 this act, a metropolitan county planning commission may apply for,
22 receive, and accept grants from any local, regional, state, or
23 federal governmental agency and agree to and comply with the terms
24 and conditions of such grants. A metropolitan county planning
25 commission may do any and all things necessary or desirable to
26 secure the financial aid or cooperation of a regional, state, or
27 federal governmental agency in carrying out its functions, when

1 approved by a 2/3 vote of the county board of commissioners.

2 Sec. 39. (1) A master plan shall be adopted under the
3 procedures set forth in this section and sections 41 and 43. A
4 master plan may be adopted as a whole or by successive parts
5 corresponding with major geographical areas of the planning
6 jurisdiction or with functional subject matter areas of the master
7 plan.

8 (2) Before preparing a master plan, a planning commission
9 shall send to all of the following, by first-class mail or personal
10 delivery, a notice explaining that the planning commission intends
11 to prepare a master plan and requesting the recipient's cooperation
12 and comment:

13 (a) For any local unit of government undertaking a master
14 plan, the planning commission, or if there is no planning
15 commission, the legislative body, of each municipality located
16 within or contiguous to the local unit of government.

17 (b) For a county undertaking a master plan, the regional
18 planning commission for the region in which the county is located,
19 if any.

20 (c) For a county undertaking a master plan, the county
21 planning commission, or if there is no county planning commission,
22 the county board of commissioners, for each county located
23 contiguous to the county.

24 (d) For a municipality undertaking a master plan, the regional
25 planning commission for the region in which the municipality is
26 located, if there is no county planning commission for the county
27 in which that municipality is located. If there is a county

1 planning commission, the municipal planning commission may consult
2 with the regional planning commission but is not required to do so.

3 (e) For a municipality undertaking a master plan, the county
4 planning commission, or if there is no county planning commission,
5 the county board of commissioners, for the county in which that
6 municipality is located.

7 (f) For any local unit of government undertaking a master
8 plan, each public utility company and railroad company owning or
9 operating a public utility or railroad within the local unit of
10 government, and any government entity that registers its name and
11 mailing address for this purpose with the planning commission.

12 (g) If the master plan will be or include a master street
13 plan, the county road commission and the state transportation
14 department.

15 (3) In providing notice as required under subsection (2), a
16 local unit of government may inform the entity being notified that
17 it intends to submit any notice or copy of a proposed or final
18 master plan required to be submitted to that entity under section
19 41 or 43 electronically or by posting on a website identified in
20 the notice under subsection (2). Such a website shall be accessible
21 to the public free of charge. However, if the entity to which the
22 notice under subsection (2) is sent responds that it chooses to
23 receive such information in writing, information submitted to or by
24 that entity under section 41 or 43 shall be submitted in writing by
25 first-class mail or personal delivery.

26 Sec. 41. (1) After preparing a proposed master plan, a
27 planning commission shall submit the proposed master plan to the

1 legislative body for review and comment. The process of adopting a
2 master plan shall not proceed further unless the legislative body
3 approves the distribution of the proposed master plan.

4 (2) If the legislative body approves the distribution of the
5 proposed master plan, it shall notify the secretary of the planning
6 commission, and the secretary of the planning commission shall
7 submit a copy of the proposed master plan, for review and comment,
8 to all of the following:

9 (a) For any local unit of government proposing a master plan,
10 the planning commission, or if there is no planning commission, the
11 legislative body, of each municipality located within or contiguous
12 to the local unit of government.

13 (b) For a county proposing a master plan, the regional
14 planning commission for the region in which the county is located,
15 if any.

16 (c) For a county proposing a master plan, the county planning
17 commission, or if there is no county planning commission, the
18 county board of commissioners, for each county located contiguous
19 to the county.

20 (d) For a municipality proposing a master plan, the regional
21 planning commission for the region in which the municipality is
22 located, if there is no county planning commission for the county
23 in which that local unit of government is located. If there is a
24 county planning commission, the secretary of the planning
25 commission may submit a copy of the proposed master plan to the
26 regional planning commission but is not required to do so.

27 (e) For a municipality proposing a master plan, the county

1 planning commission, or if there is no county planning commission,
2 the county board of commissioners, for the county in which that
3 municipality is located. The secretary of the planning commission
4 shall concurrently submit to the county planning commission a
5 statement that the requirements of subdivision (a) have been met
6 or, if there is no county planning commission, shall submit to the
7 county board of commissioners a statement that the requirements of
8 subdivisions (a) and (d) have been met. The statement shall be
9 signed by the secretary and shall include the name and address of
10 each planning commission or legislative body to which a copy of the
11 proposed master plan was submitted under subdivision (a) or (d), as
12 applicable, and the date of submittal.

13 (f) For any local unit of government proposing a master plan,
14 each public utility company and railroad company owning or
15 operating a public utility or railroad within the local unit of
16 government, and any government entity that registers its name and
17 address for this purpose with the secretary of the planning
18 commission. An entity that, pursuant to this subdivision, receives
19 a copy of a proposed master plan, or of a final master plan as
20 provided in section 43(5), shall reimburse the local unit of
21 government for any copying and postage costs thereby incurred.

22 (g) If the proposed master plan is or includes a proposed
23 master street plan, the county road commission and the state
24 transportation department.

25 (3) An entity described in subsection (2)(a) to (f) may submit
26 comments on the proposed master plan to the planning commission
27 within 63 days after the proposed master plan was submitted to that

1 entity under subsection (2). If the county planning commission or
2 the county board of commissioners that receives a copy of a
3 proposed master plan under subsection (2)(e) submits comments, the
4 comments shall include, but need not be limited to, both of the
5 following, as applicable:

6 (a) A statement whether the county planning commission or
7 county board of commissioners considers the proposed master plan to
8 be inconsistent with the master plan of any municipality or region
9 described in subsection (2)(a) or (d).

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

13 (4) The statements provided for in subsection (3)(a) and (b)
14 are advisory only.

15 Sec. 43. (1) Before approving a proposed master plan, a
16 planning commission shall hold not less than 1 public hearing on
17 the proposed master plan. The hearing shall be held after the
18 expiration of the deadline for comment under section 41(3). The
19 planning commission shall give notice of the time and place of the
20 public hearing not less than 15 days before the hearing by
21 publication in a newspaper of general circulation within the local
22 unit of government. The planning commission shall also submit
23 notice of the public hearing to each entity described in section
24 39(2)(a) to (f). This notice may accompany the proposed master plan
25 submitted under section 41.

26 (2) The approval of the proposed master plan shall be by
27 resolution of the planning commission carried by the affirmative

1 votes of not less than 2/3 of the members of a city or village
2 planning commission or not less than a majority of the members of a
3 township or county planning commission. The resolution shall refer
4 expressly to the maps and descriptive and other matter intended by
5 the planning commission to form the master plan. A statement
6 recording the planning commission's approval of the master plan,
7 signed by the chairperson or secretary of the planning commission,
8 shall be included on the inside of the front or back cover of the
9 master plan and, if the future land use map is a separate document
10 from the text of the master plan, on the future land use map.
11 Following approval of the proposed master plan by the planning
12 commission, the secretary of the planning commission shall submit a
13 copy of the master plan to the legislative body.

14 (3) Approval of the proposed master plan by the planning
15 commission under subsection (2) is the final step for adoption of
16 the master plan, unless the legislative body by resolution has
17 asserted the right to approve or reject the master plan. In that
18 case, after approval of the proposed master plan by the planning
19 commission, the legislative body shall approve or reject the
20 proposed master plan. A statement recording the legislative body's
21 approval of the master plan, signed by the clerk of the legislative
22 body, shall be included on the inside of the front or back cover of
23 the master plan and, if the future land use map is a separate
24 document from the text of the master plan, on the future land use
25 map.

26 (4) If the legislative body rejects the proposed master plan,
27 the legislative body shall submit to the planning commission a

1 statement of its objections to the proposed master plan. The
2 planning commission shall consider the legislative body's
3 objections and revise the proposed master plan so as to address
4 those objections. The procedures provided in subsections (1) to (3)
5 and this subsection shall be repeated until the legislative body
6 approves the proposed master plan.

7 (5) Upon final adoption of the master plan, copies of the
8 adopted master plan shall be submitted by the secretary of the
9 planning commission to the same entities to which copies of the
10 proposed master plan were required to be submitted under section
11 41(2).

12 Sec. 45. (1) An extension, addition, revision, or other
13 amendment to a master plan shall be adopted by following the
14 procedure under sections 39, 41, and 43, subject to all of the
15 following:

16 (a) Any of the following amendments to a plan may be made
17 without following the procedure under sections 39, 41, and 43:

18 (i) Grammatical, typographical, or similar editorial changes.

19 (ii) A title change.

20 (iii) Changes to conform to an adopted plat.

21 (b) Subject to subdivision (a), the review period provided for
22 in section 41(3) shall be 42 days instead of 63 days.

23 (c) When a planning commission sends notice to an entity under
24 section 39(2) that it intends to prepare a subplan, the notice may
25 indicate that the local unit of government intends not to provide
26 that entity with further notices of or copies of proposed or final
27 subplans otherwise required to be submitted to that entity under

1 section 39, 41, or 43. Unless the entity responds that it chooses
2 to receive notice of subplans, the local unit of government is not
3 required to provide further notice of subplans to that entity.

4 (2) At least every 5 years after adoption of a master plan, a
5 planning commission shall review the master plan and determine
6 whether to commence the procedure to amend the master plan or adopt
7 a new master plan. The review and its findings shall be recorded in
8 the minutes of the relevant meeting or meetings of the planning
9 commission.

10 Sec. 47. (1) Subject to subsection (2), a part of a county
11 master plan covering an incorporated area within the county shall
12 not be recognized as the official master plan or part of the
13 official master plan for that area unless adopted by the
14 appropriate city or village in the manner prescribed by this act.

15 (2) Subsection (1) does not apply if the incorporated area is
16 subject to county zoning pursuant to the Michigan zoning enabling
17 act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under
18 the urban cooperation act, 1967 (Ex Sess) PA 7, MCL 124.501 to
19 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

20 Sec. 49. (1) This act does not alter the authority of a
21 planning department of a city or village created by charter to
22 submit a proposed master plan, or a proposed extension, addition,
23 revision, or other amendment to a master plan, to the planning
24 commission, whether directly or indirectly as provided by charter.

25 (2) Subsection (1) notwithstanding, a planning commission
26 described in subsection (1) shall comply with the requirements of
27 this act.

1 Sec. 51. (1) To promote public interest in and understanding
2 of the master plan, a planning commission may publish and
3 distribute copies of the master plan or of any report, and employ
4 other means of publicity and education.

5 (2) A planning commission shall consult with and advise public
6 officials and agencies, public utility companies, civic,
7 educational, professional, and other organizations, and citizens
8 concerning the promotion or implementation of the master plan.

9 ARTICLE IV. SPECIAL PROVISIONS, INCLUDING

10 CAPITAL IMPROVEMENTS AND SUBDIVISION REVIEW

11 Sec. 61. (1) A street; square, park, playground, public way,
12 ground, or other open space; or public building or other structure
13 shall not be constructed or authorized for construction in an area
14 covered by a municipal master plan unless the location, character,
15 and extent of the street, public way, open space, structure, or
16 utility have been submitted to the planning commission by the
17 legislative body or other body having jurisdiction over the
18 authorization or financing of the project and has been approved by
19 the planning commission. The planning commission shall submit its
20 reasons for approval or disapproval to the body having
21 jurisdiction. If the planning commission disapproves, the body
22 having jurisdiction may overrule the planning commission by a vote
23 of not less than 2/3 of its entire membership for a township that
24 on the enactment date of this act had a planning commission created
25 under former 1931 PA 285, or for a city or village, or by a vote of
26 not less than a majority of its membership for any other township.
27 If the planning commission fails to act within 35 days after

1 submission of the proposal to the planning commission, the project
2 shall be considered to be approved by the planning commission.

3 (2) Following adoption of the county plan or any part of a
4 county plan and the certification by the county planning commission
5 to the county board of commissioners of a copy of the plan, work
6 shall not be initiated on any project involving the expenditure of
7 money by a county board, department, or agency for the acquisition
8 of land, the erection of structures, or the extension,
9 construction, or improvement of any physical facility by any county
10 board, department, or agency unless a full description of the
11 project, including, but not limited to, its proposed location and
12 extent, has been submitted to the county planning commission and
13 the report and advice of the planning commission on the proposal
14 have been received by the county board of commissioners and by the
15 county board, department, or agency submitting the proposal.
16 However, work on the project may proceed if the planning commission
17 fails to provide in writing its report and advice upon the proposal
18 within 35 days after the proposal is filed with the planning
19 commission. The planning commission shall provide copies of the
20 report and advice to the county board, department, or agency
21 sponsoring the proposal.

22 Sec. 63. If the opening, widening, or extension of a street,
23 or the acquisition or enlargement of any square, park, playground,
24 or other open space has been approved by a township planning
25 commission that was created before the effective date of this act
26 under former 1931 PA 285 or by a city or village planning
27 commission and authorized by the legislative body as provided under

1 section 61, the legislative body shall not rescind its
2 authorization unless the matter has been resubmitted to the
3 planning commission and the rescission has been approved by the
4 planning commission. The planning commission shall hold a public
5 hearing on the matter. The planning commission shall submit its
6 reasons for approval or disapproval of the rescission to the
7 legislative body. If the planning commission disapproves the
8 rescission, the legislative body may overrule the planning
9 commission by a vote of not less than 2/3 of its entire membership.
10 If the planning commission fails to act within 63 days after
11 submission of the proposed rescission to the planning commission,
12 the proposed rescission shall be considered to be approved by the
13 planning commission.

14 Sec. 65. To further the desirable future development of the
15 local unit of government under the master plan, a planning
16 commission, after adoption of a master plan, shall annually prepare
17 a capital improvements program of public structures and
18 improvements, unless the planning commission is exempted from this
19 requirement by charter or otherwise. If the planning commission is
20 exempted, the legislative body either shall prepare and adopt a
21 capital improvements program, separate from or as a part of the
22 annual budget, or shall delegate the preparation of the capital
23 improvements program to the chief executive official or other
24 administrative official, subject to final approval by the
25 legislative body. The capital improvements program shall show those
26 public structures and improvements, in the general order of their
27 priority, that in the commission's judgment will be needed or

1 desirable and can be undertaken within the ensuing 6-year period.
2 The capital improvements program shall be based upon the
3 requirements of the local unit of government for all types of
4 public structures and improvements. Consequently, each agency or
5 department of the local unit of government with authority for
6 public structures or improvements shall upon request furnish the
7 planning commission with lists, plans, and estimates of time and
8 cost of those public structures and improvements.

9 Sec. 67. A planning commission may recommend to the
10 appropriate public officials programs for public structures and
11 improvements and for the financing thereof, regardless of whether
12 the planning commission is exempted from the requirement to prepare
13 a capital improvements program under section 65.

14 Sec. 69. If a municipal planning commission has zoning duties
15 pursuant to section 83 and the municipality has adopted a zoning
16 ordinance, the county planning commission, if any, may, by first-
17 class mail or personal delivery, request the municipal planning
18 commission to submit to the county planning commission a copy of
19 the zoning ordinance and any amendments. The municipal planning
20 commission shall submit the requested documents to the county
21 planning commission within 63 days after the request is received
22 and shall submit any future amendments to the zoning ordinance
23 within 63 days after the amendments are adopted. The municipal
24 planning commission may submit a zoning ordinance or amendment
25 under this subsection electronically.

26 Sec. 71. (1) A planning commission may recommend to the
27 legislative body provisions of an ordinance or rules governing the

1 subdivision of land authorized under section 105 of the land
2 division act, 1967 PA 288, MCL 560.105. If a township is subject to
3 county zoning consistent with section 209 of the Michigan zoning
4 enabling act, 2006 PA 110, MCL 125.3209, or a city or village is
5 subject to county zoning pursuant to the Michigan zoning enabling
6 act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under
7 the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501
8 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, the
9 county planning commission may recommend to the legislative body of
10 the municipality provisions of an ordinance or rules governing the
11 subdivision of land authorized under section 105 of the land
12 division act, 1967 PA 288, MCL 560.105. A planning commission may
13 proceed under this subsection on its own initiative or upon request
14 of the appropriate legislative body.

15 (2) Recommendations for a subdivision ordinance or rule may
16 address plat design, including the proper arrangement of streets in
17 relation to other existing or planned streets and to the master
18 plan; adequate and convenient open spaces for traffic, utilities,
19 access of firefighting apparatus, recreation, light, and air; and
20 the avoidance of congestion of population, including minimum width
21 and area of lots. The recommendations may also address the extent
22 to which streets shall be graded and improved and to which water
23 and sewer and other utility mains, piping, or other facilities
24 shall be installed as a condition precedent to the approval of a
25 plat.

26 (3) Before recommending an ordinance or rule described in
27 subsection (1), the planning commission shall hold a public hearing

1 on the proposed ordinance or rule preceded by notice as provided in
2 section 43(1).

3 (4) If a municipality has adopted a master plan or master
4 street plan, the planning commission of that municipality shall
5 review and make recommendations on plats before action thereon by
6 the legislative body under section 112 of the land division act,
7 1967 PA 288, MCL 560.112. If a township is subject to county zoning
8 consistent with section 209 of the Michigan zoning enabling act,
9 2006 PA 110, MCL 125.3209, or a city or village is subject to
10 county zoning pursuant to the Michigan zoning enabling act, 2006 PA
11 110, MCL 125.3101 to 125.3702, and a contract under the urban
12 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
13 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, and the
14 municipality has adopted a master plan or master street plan, the
15 county planning commission shall also review and make
16 recommendations on plats before action thereon by the legislative
17 body of the municipality under section 112 of the land division
18 act, 1967 PA 288, MCL 560.112.

19 (5) A planning commission shall not take action on a proposed
20 plat without affording an opportunity for a public hearing thereon.
21 A plat submitted to the planning commission shall contain the name
22 and address of the proprietor or other person to whom notice of a
23 hearing shall be sent. Not less than 15 days before the date of the
24 hearing, notice of the date, time, and place of the hearing shall
25 be sent to that person at that address by mail and shall be
26 published in a newspaper of general circulation in the
27 municipality. Similar notice shall be mailed to the owners of land

1 immediately adjoining the proposed platted land, as their names
2 appear upon the plats in the county register of deeds office and as
3 their addresses appear in the directory of the municipality or on
4 the tax records of the municipality.

5 (6) A planning commission shall recommend approval, approval
6 with conditions, or disapproval of a plat within 63 days after the
7 plat is submitted to the planning commission. If applicable
8 standards under the land division act, 1967 PA 288, MCL 560.101 to
9 560.293, and an ordinance or published rules governing the
10 subdivision of land authorized under section 105 of that act, MCL
11 560.105, are met, the planning commission shall recommend approval
12 of the plat. If the planning commission fails to act within the
13 required period, the plat shall be considered to have been
14 recommended for approval, and a certificate to that effect shall be
15 issued by the planning commission upon request of the proprietor.
16 However, the proprietor may waive this requirement and consent to
17 an extension of the 63-day period. The grounds for any
18 recommendation of disapproval of a plat shall be stated upon the
19 records of the planning commission.

20 (7) A plat approved by a municipality and recorded under
21 section 172 of the land division act, 1967 PA 288, MCL 560.172,
22 shall be considered to be an amendment to the master plan and a
23 part thereof. Approval of a plat by a municipality does not
24 constitute or effect an acceptance by the public of any street or
25 other open space shown upon the plat.

26 ARTICLE V. TRANSITIONAL PROVISIONS AND REPEALER

27 Sec. 81. (1) Unless rescinded by the local unit of government,

1 any plan adopted or amended under a planning act repealed under
2 section 85 need not be readopted under this act but continues in
3 effect as a master plan under this act, regardless of whether it is
4 entitled a master plan, basic plan, county plan, development plan,
5 guide plan, land use plan, municipal plan, township plan, plan, or
6 any other term. The master plan is subject to the requirements of
7 this act, including, but not limited to, the requirement for
8 periodic review under section 45(2) and the amendment procedures
9 set forth in this act. However, the master plan is not subject to
10 the requirements of section 33 until it is first amended under this
11 act.

12 (2) Unless repealed, a city or home rule village charter
13 provision creating a planning commission before the effective date
14 of this act and any ordinance adopted before the effective date of
15 this act implementing that charter provision continues in existence
16 under this act, and the planning commission need not be newly
17 created by an ordinance adopted under this act. However, both of the
18 following apply:

19 (a) The legislative body may by ordinance increase the powers
20 and duties of the planning commission to correspond with the powers
21 and duties of a planning commission created under this act.
22 Provisions of this act regarding planning commission powers and
23 duties do not otherwise apply to a planning commission created by
24 charter before the effective date of this act and provisions of
25 this act regarding planning commission membership, appointment, and
26 organization do not apply to such a planning commission. All other
27 provisions of this act, including, but not limited to, provisions

1 regarding planning commission selection of officers, meetings,
2 rules, records, appointment of employees, contracts for services,
3 and expenditures, do apply to such a planning commission.

4 (b) The legislative body shall amend any ordinance adopted
5 before the effective date of this act to implement the charter
6 provision, or repeal the ordinance and adopt a new ordinance, to
7 fully conform to the requirements of this act made applicable by
8 subdivision (a), by the earlier of the following dates:

9 (i) The date when an amendatory or new ordinance is first
10 adopted under this act for any purpose.

11 (ii) July 1, 2011.

12 (3) Unless repealed, an ordinance creating a planning
13 commission under former 1931 PA 285 or former 1945 PA 282 or a
14 resolution creating a planning commission under former 1959 PA 168
15 continues in existence under this act, and the planning commission
16 need not be newly created by an ordinance adopted under this act.
17 However, all of the following apply:

18 (a) Beginning on the effective date of this act, the duties of
19 the planning commission are subject to the requirements of this
20 act.

21 (b) The legislative body shall amend the ordinance, or repeal
22 the ordinance or resolution and adopt a new ordinance, to fully
23 conform to the requirements of this act by the earlier of the
24 following dates:

25 (i) The date when an amendatory or new ordinance is first
26 adopted under this act for any purpose.

27 (ii) July 1, 2011.

1 (c) An ordinance adopted under subdivision (b) is not subject
2 to referendum.

3 (4) Unless repealed or rescinded by the legislative body, an
4 ordinance or published rules governing the subdivision of land
5 authorized under section 105 of the land division act, 1967 PA 288,
6 MCL 560.105, need not be readopted under this act or amended to
7 comply with this act but continue in effect under this act.
8 However, if amended, the ordinance or published rules shall be
9 amended under the procedures of this act.

10 Sec. 83. (1) If, on the effective date of this act, a planning
11 commission had the powers and duties of a zoning board or zoning
12 commission under the former city and village zoning act, 1921 PA
13 207, the former county zoning act, 1943 PA 183, or the former
14 township zoning act, 1943 PA 184, and under the Michigan zoning
15 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, the planning
16 commission may continue to exercise those powers and duties without
17 amendment of the ordinance, resolution, or charter provision that
18 created the planning commission.

19 (2) If, on the effective date of this act, a local unit of
20 government had a planning commission without zoning authority
21 created under former 1931 PA 285, former 1945 PA 282, or former
22 1959 PA 168, the legislative body may by amendment to the ordinance
23 creating the planning commission, or, if the planning commission
24 was created by resolution, may by resolution, transfer to the
25 planning commission all the powers and duties provided to a zoning
26 board or zoning commission created under the Michigan zoning
27 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702. If an existing

1 zoning board or zoning commission in the local unit of government
2 is nearing the completion of its draft zoning ordinance, the
3 legislative body shall postpone the transfer of the zoning board's
4 or zoning commission's powers, duties, and records until the
5 completion of the draft zoning ordinance, but is not required to
6 postpone the transfer more than 1 year.

7 (3) If, on or after the effective date of this act, a planning
8 commission is created in a local unit of government that has had a
9 zoning board or zoning commission since before the effective date
10 of this act, the legislative body shall transfer all the powers,
11 duties, and records of the zoning board or zoning commission to the
12 planning commission before July 1, 2011. If the existing zoning
13 board or zoning commission is nearing the completion of its draft
14 zoning ordinance, the legislative body may, by resolution, postpone
15 the transfer of the zoning board's or zoning commission's powers,
16 duties, and records until the completion of the draft zoning
17 ordinance, but not later than until 1 year after creation of the
18 planning commission or July 1, 2011, whichever comes first.

19 Sec. 85. (1) The following acts are repealed:

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

21 (b) 1945 PA 282, MCL 125.101 to 125.115.

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

23 (2) Any plan adopted or amended under an act repealed under
24 subsection (1) is subject to section 81(1).