

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 206

A bill to codify the laws regarding and 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:

1 ARTICLE I. GENERAL PROVISIONS

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

4 Sec. 3. As used in this act:

5 (a) "Chief administrative official" means the manager or other
6 highest nonelected administrative official of a city or village.

1 (b) "Chief elected official" means the mayor of a city, the
2 president of a village, the supervisor of a township, or, subject
3 to section 5, the chairperson of the county board of commissioners
4 of a county.

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

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

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

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

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

24 (f) "Local unit of government" or "local unit" means a county
25 or municipality.

26 (g) "Master plan" means either of the following:

27 (i) As provided in section 81(1), any plan adopted or amended

1 before the effective date of this act under a planning act repealed
2 under section 85.

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

10 (h) "Municipality" or "municipal" means or refers to a city,
11 village, or township.

12 (i) "Planning commission" means either of the following, as
13 applicable:

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

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

18 (j) "Planning jurisdiction" for a county, city, or village
19 refers to the areas encompassed by the legal boundaries of that
20 county, city, or village, subject to section 31(1). Planning
21 jurisdiction for a township refers to the areas encompassed by the
22 legal boundaries of that township outside of the areas of
23 incorporated villages and cities, subject to section 31(1).

24 (k) "Population" means the population according to the most
25 recent federal decennial census or according to a special census
26 conducted under section 7 of the Glenn Steil state revenue sharing
27 act of 1971, 1971 PA 140, MCL 141.907, whichever is the more

1 recent.

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

4 Sec. 5. The assignment of a power or duty under this act to a
5 county officer or body is subject to 1966 PA 293, MCL 45.501 to
6 45.521, or 1973 PA 139, MCL 45.551 to 45.573, in a county organized
7 under 1 of those acts.

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

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

13 (a) Is coordinated, adjusted, harmonious, efficient, and
14 economical.

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

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

21 (d) Includes, among other things, promotion of or adequate
22 provision for 1 or more of the following:

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

24 (ii) Safety from fire and other dangers.

25 (iii) Light and air.

26 (iv) Healthful and convenient distribution of population.

27 (v) Good civic design and arrangement and wise and efficient

1 expenditure of public funds.

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

4 (vii) Recreation.

5 (viii) The use of resources in accordance with their character
6 and adaptability.

7 ARTICLE II. PLANNING COMMISSION CREATION AND ADMINISTRATION

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

14 (2) Within 14 days after a local unit of government adopts an
15 ordinance under subsection (1) creating a planning commission, the
16 clerk of the local unit shall transmit notice of the adoption to
17 the planning commission of the county where the local unit is
18 located. However, if there is not a county planning commission or
19 if the local unit adopting the ordinance is a county, notice shall
20 be transmitted to the regional planning commission engaged in
21 planning for the region within which the local unit is located.
22 Notice under this subsection is not required when a planning
23 commission created before the effective date of this act continues
24 in existence under this act, but is required when an ordinance
25 governing or creating a planning commission is amended or
26 superseded under section 81(2)(b) or (3)(b).

27 (3) If, after the effective date of this act, a city or home

1 rule village adopts a charter provision providing for a planning
2 commission, the charter provision shall be implemented by an
3 ordinance that conforms to this act. Section 81(2) provides for the
4 continuation of a planning commission created by a charter
5 provision adopted before the effective date of this act.

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

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

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

15 (2) Subject to subsection (3), before a township ordinance
16 creating a planning commission takes effect, a petition may be
17 filed with the township clerk requesting the submission of the
18 ordinance to the electors residing in the unincorporated portion of
19 the township for their approval or rejection. The petition shall be
20 signed by a number of qualified and registered electors residing in
21 the unincorporated portion of the township equal to not less than
22 8% of the total vote cast for all candidates for governor, at the
23 last preceding general election at which a governor was elected. If
24 such a petition is filed, the ordinance shall not take effect until
25 approved by a majority of the electors residing in the
26 unincorporated portion of the township voting thereon at the next
27 regular or special election that allows reasonable time for proper

1 notices and printing of ballots or at any special election called
2 for that purpose, as determined by the township board. The township
3 board shall specify the language of the ballot question.

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

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

17 (5) A petition under this section, including the circulation
18 and signing of the petition, is subject to section 488 of the
19 Michigan election law, 1954 PA 116, MCL 168.488. A person who
20 violates a provision of the Michigan election law, 1954 PA 116, MCL
21 168.1 to 168.992, applicable to a petition described in this
22 section is subject to the penalties prescribed for that violation
23 in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

24 Sec. 15. (1) In a municipality, the chief elected official
25 shall appoint members of the planning commission, subject to
26 approval by a majority vote of the members of the legislative body
27 elected and serving. In a county, the county board of commissioners

1 shall determine the method of appointment of members of the
2 planning commission by resolution of a majority of the full
3 membership of the county board.

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

16 (3) The membership of a planning commission shall be
17 representative of important segments of the community, such as the
18 economic, governmental, educational, and social development of the
19 local unit of government, in accordance with the major interests as
20 they exist in the local unit of government, such as agriculture,
21 natural resources, recreation, education, public health,
22 government, transportation, industry, and commerce. The membership
23 shall also be representative of the entire geography of the local
24 unit of government to the extent practicable.

25 (4) Members of a planning commission shall be qualified
26 electors of the local unit of government, except that the following
27 number of planning commission members may be individuals who are

1 not qualified electors of the local unit of government:

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

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

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

9 (5) In a township that on the effective date of this act had a
10 planning commission created under former 1931 PA 285, 1 member of
11 the legislative body or the chief elected official, or both, may be
12 appointed to the planning commission, as ex officio members. In any
13 other township, 1 member of the legislative body shall be appointed
14 to the planning commission, as an ex officio member. In a city,
15 village, or county, the chief administrative official or a person
16 designated by the chief administrative official, if any, the chief
17 elected official, 1 or more members of the legislative body, or any
18 combination thereof, may be appointed to the planning commission,
19 as ex officio members, unless prohibited by charter. However, in a
20 city, village, or county, not more than 1/3 of the members of the
21 planning commission may be ex officio members. Except as provided
22 in this subsection, an elected officer or employee of the local
23 unit of government is not eligible to be a member of the planning
24 commission. The term of an ex officio member of a planning
25 commission shall be as follows:

26 (a) The term of a chief elected official shall correspond to
27 his or her term as chief elected official.

1 (b) The term of a chief administrative official shall expire
2 with the term of the chief elected official that appointed him or
3 her as chief administrative official.

4 (c) The term of a member of the legislative body shall expire
5 with his or her term on the legislative body.

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

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

19 (a) The board of directors of the economic development
20 corporation of the city or village created under the economic
21 development corporations act, 1974 PA 338, MCL 125.1601 to
22 125.1636.

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

27 (c) A board created under the tax increment finance authority

1 act, 1980 PA 450, MCL 125.1801 to 125.1830, if the boundaries of
2 the authority district are the same as the boundaries of the city
3 or village.

4 (8) Subsections (1) to (5) do not apply to a planning
5 commission established under subsection (7). All other provisions
6 of this act apply to a planning commission established under
7 subsection (7).

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

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

24 Sec. 17. (1) A planning commission shall elect a chairperson
25 and secretary from its members and create and fill other offices as
26 it considers advisable. An ex officio member of the planning
27 commission is not eligible to serve as chairperson. The term of

1 each officer shall be 1 year, with opportunity for reelection as
2 specified in bylaws adopted under section 19.

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

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

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

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

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

26 (3) A writing prepared, owned, used, in the possession of, or
27 retained by a planning commission in the performance of an official

1 function shall be made available to the public in compliance with
2 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

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

10 (2) After preparing the annual report required under section
11 19, a planning commission may prepare a detailed budget and submit
12 the budget to the legislative body for approval or disapproval. The
13 legislative body annually may appropriate funds for carrying out
14 the purposes and functions permitted under this act, and may match
15 local government funds with federal, state, county, or other local
16 government or private grants, contributions, or endowments.

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

1 commission and an order drawn by the clerk of the local unit of
2 government. The expenditures of a planning commission, exclusive of
3 gifts and grants, shall be within the amounts appropriated by the
4 legislative body.

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

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

22 ARTICLE III. PREPARATION AND ADOPTION OF MASTER PLAN

23 Sec. 31. (1) A planning commission shall make and approve a
24 master plan as a guide for development within the planning
25 jurisdiction subject to section 81 and the following:

26 (a) For a county, the master plan may include planning in
27 cooperation with the constituted authorities for incorporated areas

1 in whole or to the extent to which, in the planning commission's
2 judgment, they are related to the planning of the unincorporated
3 territory or of the county as a whole.

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

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

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

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

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

24 (3) In the preparation of the master plan, the planning
25 commission may meet with other governmental planning commissions or
26 agency staff to deliberate.

27 (4) In general, a planning commission has such lawful powers

1 as may be necessary to enable it to promote local planning and
2 otherwise carry out the purposes of this act.

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

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

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

21 (b) The general location, character, and extent of streets,
22 railroads, airports, bicycle paths, pedestrian ways, bridges,
23 waterways, and waterfront developments; sanitary sewers and water
24 supply systems; facilities for flood prevention, drainage,
25 pollution prevention, and maintenance of water levels; and public
26 utilities and structures.

27 (c) Recommendations as to the general character, extent, and

1 layout of redevelopment or rehabilitation of blighted areas; and
2 the removal, relocation, widening, narrowing, vacating,
3 abandonment, change of use, or extension of streets, grounds, open
4 spaces, buildings, utilities, or other facilities.

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

11 (e) Recommendations for implementing any of the master plan's
12 proposals.

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

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

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

25 Sec. 37. (1) A county board of commissioners may designate the
26 county planning commission as the metropolitan county planning
27 commission. A county planning commission so designated shall

1 perform metropolitan and regional planning whenever necessary or
2 desirable. The metropolitan county planning commission may engage
3 in comprehensive planning, including, but not limited to, the
4 following:

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

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

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

14 (d) Intergovernmental coordination of all related planning
15 activities among the state and local governmental agencies within
16 the metropolitan area or region.

17 (2) In addition to the powers conferred by other provisions of
18 this act, a metropolitan county planning commission may apply for,
19 receive, and accept grants from any local, regional, state, or
20 federal governmental agency and agree to and comply with the terms
21 and conditions of such grants. A metropolitan county planning
22 commission may do any and all things necessary or desirable to
23 secure the financial aid or cooperation of a regional, state, or
24 federal governmental agency in carrying out its functions, when
25 approved by a 2/3 vote of the county board of commissioners.

26 Sec. 39. (1) A master plan shall be adopted under the
27 procedures set forth in this section and sections 41 and 43. A

1 master plan may be adopted as a whole or by successive parts
2 corresponding with major geographical areas of the planning
3 jurisdiction or with functional subject matter areas of the master
4 plan.

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

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

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

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

21 (d) For a municipality undertaking a master plan, the regional
22 planning commission for the region in which the municipality is
23 located, if there is no county planning commission for the county
24 in which that municipality is located. If there is a county
25 planning commission, the municipal planning commission may consult
26 with the regional planning commission but is not required to do so.

27 (e) For a municipality undertaking 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.

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

9 (g) If the master plan will include a master street plan, the
10 county road commission and the state transportation department.

11 (3) A submittal under section 41 or 43 by or to an entity
12 described in subsection (2) may be made by personal or first-class
13 mail delivery of a hard copy or by electronic mail. However, the
14 planning commission preparing the plan shall not make such
15 submittals by electronic mail unless, in the notice described in
16 subsection (2), the planning commission states that it intends to
17 make such submittals by electronic mail and the entity receiving
18 that notice does not respond by objecting to the use of electronic
19 mail. Electronic mail may contain a link to a website on which the
20 submittal is posted if the website is accessible to the public free
21 of charge.

22 Sec. 41. (1) After preparing a proposed master plan, a
23 planning commission shall submit the proposed master plan to the
24 legislative body for review and comment. The process of adopting a
25 master plan shall not proceed further unless the legislative body
26 approves the distribution of the proposed master plan.

27 (2) If the legislative body approves the distribution of the

1 proposed master plan, it shall notify the secretary of the planning
2 commission, and the secretary of the planning commission shall
3 submit, in the manner provided in section 39(3), a copy of the
4 proposed master plan, for review and comment, to all of the
5 following:

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

10 (b) For a county proposing a master plan, the regional
11 planning commission for the region in which the county is located,
12 if any.

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

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

24 (e) For a municipality proposing a master plan, the county
25 planning commission, or if there is no county planning commission,
26 the county board of commissioners, for the county in which that
27 municipality is located. The secretary of the planning commission

1 shall concurrently submit to the county planning commission, in the
2 manner provided in section 39(3), a statement that the requirements
3 of subdivision (a) have been met or, if there is no county planning
4 commission, shall submit to the county board of commissioners, in
5 the manner provided in section 39(3), a statement that the
6 requirements of subdivisions (a) and (d) have been met. The
7 statement shall be signed by the secretary and shall include the
8 name and address of each planning commission or legislative body to
9 which a copy of the proposed master plan was submitted under
10 subdivision (a) or (d), as applicable, and the date of submittal.

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

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

23 (3) An entity described in subsection (2) may submit comments
24 on the proposed master plan to the planning commission in the
25 manner provided in section 39(3) within 63 days after the proposed
26 master plan was submitted to that entity under subsection (2). If
27 the county planning commission or the county board of commissioners

1 that receives a copy of a proposed master plan under subsection
2 (2)(e) submits comments, the comments shall include, but need not
3 be limited to, both of the following, as applicable:

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

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

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

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

24 (2) The approval of the proposed master plan shall be by
25 resolution of the planning commission carried by the affirmative
26 votes of not less than 2/3 of the members of a city or village
27 planning commission or not less than a majority of the members of a

1 township or county planning commission. The resolution shall refer
2 expressly to the maps and descriptive and other matter intended by
3 the planning commission to form the master plan. A statement
4 recording the planning commission's approval of the master plan,
5 signed by the chairperson or secretary of the planning commission,
6 shall be included on the inside of the front or back cover of the
7 master plan and, if the future land use map is a separate document
8 from the text of the master plan, on the future land use map.

9 Following approval of the proposed master plan by the planning
10 commission, the secretary of the planning commission shall submit a
11 copy of the master plan to the legislative body.

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

24 (4) If the legislative body rejects the proposed master plan,
25 the legislative body shall submit to the planning commission a
26 statement of its objections to the proposed master plan. The
27 planning commission shall consider the legislative body's

1 objections and revise the proposed master plan so as to address
2 those objections. The procedures provided in subsections (1) to (3)
3 and this subsection shall be repeated until the legislative body
4 approves the proposed master plan.

5 (5) Upon final adoption of the master plan, the secretary of
6 the planning commission shall submit, in the manner provided in
7 section 39(3), copies of the adopted master plan to the same
8 entities to which copies of the proposed master plan were required
9 to be submitted under section 41(2).

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

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

16 (i) A grammatical, typographical, or similar editorial change.

17 (ii) A title change.

18 (iii) A change to conform to an adopted plat.

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

21 (c) When a planning commission sends notice to an entity under
22 section 39(2) that it intends to prepare a subplan, the notice may
23 indicate that the local unit of government intends not to provide
24 that entity with further notices of or copies of proposed or final
25 subplans otherwise required to be submitted to that entity under
26 section 39, 41, or 43. Unless the entity responds that it chooses
27 to receive notice of subplans, the local unit of government is not

1 required to provide further notice of subplans to that entity.

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

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

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

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

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

26 Sec. 51. (1) To promote public interest in and understanding
27 of the master plan, a planning commission may publish and

1 distribute copies of the master plan or of any report, and employ
2 other means of publicity and education.

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

7 ARTICLE IV. SPECIAL PROVISIONS, INCLUDING

8 CAPITAL IMPROVEMENTS AND SUBDIVISION REVIEW

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

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

20 Sec. 63. If the opening, widening, or extension of a street,
21 or the acquisition or enlargement of any square, park, playground,
22 or other open space has been approved by a township planning
23 commission that was created before the effective date of this act
24 under former 1931 PA 285 or by a city or village planning
25 commission and authorized by the legislative body as provided under
26 section 61, the legislative body shall not rescind its
27 authorization unless the matter has been resubmitted to the

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

12 Sec. 65. (1) To further the desirable future development of
13 the local unit of government under the master plan, a planning
14 commission, after adoption of a master plan, shall annually prepare
15 a capital improvements program of public structures and
16 improvements, unless the planning commission is exempted from this
17 requirement by charter or otherwise. If the planning commission is
18 exempted, the legislative body either shall prepare and adopt a
19 capital improvements program, separate from or as a part of the
20 annual budget, or shall delegate the preparation of the capital
21 improvements program to the chief elected official or a nonelected
22 administrative official, subject to final approval by the
23 legislative body. The capital improvements program shall show those
24 public structures and improvements, in the general order of their
25 priority, that in the commission's judgment will be needed or
26 desirable and can be undertaken within the ensuing 6-year period.
27 The capital improvements program shall be based upon the

1 requirements of the local unit of government for all types of
2 public structures and improvements. Consequently, each agency or
3 department of the local unit of government with authority for
4 public structures or improvements shall upon request furnish the
5 planning commission with lists, plans, and estimates of time and
6 cost of those public structures and improvements.

7 (2) Any township may prepare and adopt a capital improvement
8 program. However, subsection (1) is only mandatory for a township
9 if the township, alone or jointly with 1 or more other local units
10 of government, owns or operates a water supply or sewage disposal
11 system.

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

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

1 under this subsection electronically.

2 Sec. 71. (1) A planning commission may recommend to the
3 legislative body provisions of an ordinance or rules governing the
4 subdivision of land authorized under section 105 of the land
5 division act, 1967 PA 288, MCL 560.105. If a township is subject to
6 county zoning consistent with section 209 of the Michigan zoning
7 enabling act, 2006 PA 110, MCL 125.3209, or a city or village is
8 subject to county zoning pursuant to the Michigan zoning enabling
9 act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under
10 the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501
11 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, the
12 county planning commission may recommend to the legislative body of
13 the municipality provisions of an ordinance or rules governing the
14 subdivision of land authorized under section 105 of the land
15 division act, 1967 PA 288, MCL 560.105. A planning commission may
16 proceed under this subsection on its own initiative or upon request
17 of the appropriate legislative body.

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

1 plat.

2 (3) Before recommending an ordinance or rule described in
3 subsection (1), the planning commission shall hold a public hearing
4 on the proposed ordinance or rule. The planning commission shall
5 give notice of the time and place of the public hearing not less
6 than 15 days before the hearing by publication in a newspaper of
7 general circulation within the local unit of government.

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

24 (5) A planning commission shall not take action on a proposed
25 plat without affording an opportunity for a public hearing thereon.
26 A plat submitted to the planning commission shall contain the name
27 and address of the proprietor or other person to whom notice of a

1 hearing shall be sent. Not less than 15 days before the date of the
2 hearing, notice of the date, time, and place of the hearing shall
3 be sent to that person at that address by mail and shall be
4 published in a newspaper of general circulation in the
5 municipality. Similar notice shall be mailed to the owners of land
6 immediately adjoining the proposed platted land.

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

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

ARTICLE V. TRANSITIONAL PROVISIONS AND REPEALER

Sec. 81. (1) Unless rescinded by the local unit of government, any plan adopted or amended under a planning act repealed under section 85 need not be readopted under this act but continues in effect as a master plan under this act, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term. This includes, but is not limited to, a plan prepared by a planning commission and adopted before the effective date of this act to satisfy the requirements of section 1 of the former city and village zoning act, 1921 PA 207, section 3 of the former township zoning act, 1943 PA 184, section 3 of the former county zoning act, 1943 PA 183, or section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203. The master plan is subject to the requirements of this act, including, but not limited to, the requirement for periodic review under section 45(2) and the amendment procedures set forth in this act. However, the master plan is not subject to the requirements of section 33 until it is first amended under this act.

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

(a) The legislative body may by ordinance increase the powers

1 and duties of the planning commission to correspond with the powers
2 and duties of a planning commission created under this act.

3 Provisions of this act regarding planning commission powers and
4 duties do not otherwise apply to a planning commission created by
5 charter before the effective date of this act and provisions of
6 this act regarding planning commission membership, appointment, and
7 organization do not apply to such a planning commission. All other
8 provisions of this act, including, but not limited to, provisions
9 regarding planning commission selection of officers, meetings,
10 rules, records, appointment of employees, contracts for services,
11 and expenditures, do apply to such a planning commission.

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

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

19 (ii) July 1, 2011.

20 (3) Unless repealed, an ordinance creating a planning
21 commission under former 1931 PA 285 or former 1945 PA 282 or a
22 resolution creating a planning commission under former 1959 PA 168
23 continues in effect under this act, and the planning commission
24 need not be newly created by an ordinance adopted under this act.
25 However, all of the following apply:

26 (a) Beginning on the effective date of this act, the duties of
27 the planning commission are subject to the requirements of this

1 act.

2 (b) The legislative body shall amend the ordinance, or repeal
3 the ordinance or resolution and adopt a new ordinance, to fully
4 conform to the requirements of this act by the earlier of the
5 following dates:

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

8 (ii) July 1, 2011.

9 (c) An ordinance adopted under subdivision (b) is not subject
10 to referendum.

11 (4) Unless repealed or rescinded by the legislative body, an
12 ordinance or published rules governing the subdivision of land
13 authorized under section 105 of the land division act, 1967 PA 288,
14 MCL 560.105, need not be readopted under this act or amended to
15 comply with this act but continue in effect under this act.
16 However, if amended, the ordinance or published rules shall be
17 amended under the procedures of this act.

18 Sec. 83. (1) If, on the effective date of this act, a planning
19 commission had the powers and duties of a zoning board or zoning
20 commission under the former city and village zoning act, 1921 PA
21 207, the former county zoning act, 1943 PA 183, or the former
22 township zoning act, 1943 PA 184, and under the Michigan zoning
23 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, the planning
24 commission may continue to exercise those powers and duties without
25 amendment of the ordinance, resolution, or charter provision that
26 created the planning commission.

27 (2) If, on the effective date of this act, a local unit of

1 government had a planning commission without zoning authority
2 created under former 1931 PA 285, former 1945 PA 282, or former
3 1959 PA 168, the legislative body may by amendment to the ordinance
4 creating the planning commission, or, if the planning commission
5 was created by resolution, may by resolution, transfer to the
6 planning commission all the powers and duties provided to a zoning
7 board or zoning commission created under the Michigan zoning
8 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702. If an existing
9 zoning board or zoning commission in the local unit of government
10 is nearing the completion of its draft zoning ordinance, the
11 legislative body shall postpone the transfer of the zoning board's
12 or zoning commission's powers, duties, and records until the
13 completion of the draft zoning ordinance, but is not required to
14 postpone the transfer more than 1 year.

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

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

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

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

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

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

6 Enacting section 1. This act takes effect September 1, 2008.