

**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1 before the effective date of this act under a planning act repealed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 city or village, the mayor or village
25 president shall appoint members of the planning commission, subject
26 to approval by a majority vote of the members of the legislative
27 body elected and serving. In a township or county, the legislative

1 body shall appoint members of the planning commission, by majority
2 vote of the members of the legislative body. However, if the
3 legislative body does not make an appointment to fill a vacancy on
4 the planning commission within 63 days after the vacancy is
5 created, the chief elected official of the township or county shall
6 make the appointment.

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

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

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

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

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

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

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

27 (6) For a county planning commission, the county shall make

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

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

13 (a) The board of directors of the economic development
14 corporation of the city or village created under the economic
15 development corporations act, 1974 PA 338, MCL 125.1601 to
16 125.1636.

17 (b) The board of a downtown development authority created
18 under 1975 PA 197, MCL 125.1651 to 125.1681, if the boundaries of
19 the downtown district are the same as the boundaries of the city or
20 village.

21 (c) A board created under the tax increment finance authority
22 act, 1980 PA 450, MCL 125.1801 to 125.1830, if the boundaries of
23 the authority district are the same as the boundaries of the city
24 or village.

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

1 subsection (7).

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

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

18 Sec. 17. (1) A planning commission shall elect a chairperson
19 and secretary from its members and create and fill other offices as
20 it considers advisable. An ex officio member of the planning
21 commission is not eligible to serve as chairperson. The term of
22 each officer shall be 1 year, with opportunity for reelection as
23 specified in bylaws adopted under section 19.

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

26 Sec. 19. (1) A planning commission shall adopt bylaws for the
27 transaction of business, and shall keep a public record of its

1 resolutions, transactions, findings, and determinations.

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

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

15 (2) The business that a planning commission may perform shall
16 be conducted at a public meeting of the planning commission held in
17 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to
18 15.275. Public notice of the time, date, and place of a regular or
19 special meeting shall be given in the manner required by that act.

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

24 Sec. 23. (1) Members of a planning commission may be
25 compensated for their services as provided by the legislative body.
26 A planning commission may adopt bylaws relative to compensation and
27 expenses of its members and employees for travel when engaged in

1 the performance of activities authorized by the legislative body,
2 including, but not limited to, attendance at conferences,
3 workshops, educational and training programs, and meetings.

4 (2) After preparing the annual report required under section
5 19, a planning commission may prepare a detailed budget and submit
6 the budget to the legislative body for approval or disapproval. The
7 legislative body annually may appropriate funds for carrying out
8 the purposes and functions permitted under this act, and may match
9 local government funds with federal, state, county, or other local
10 government or private grants.

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

26 Sec. 25. (1) A local unit of government may employ a planning
27 director and other personnel as it considers necessary, contract

1 for the services of planning and other technicians, and incur other
2 expenses, within a budget authorized by the legislative body. This
3 authority shall be exercised by the legislative body, unless a
4 charter provision or ordinance delegates this authority to the
5 planning commission or another body or official. The appointment of
6 employees is subject to the same provisions of law as govern other
7 corresponding civil employees of the local unit of government.

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

16 ARTICLE III. PREPARATION AND ADOPTION OF MASTER PLAN

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

20 (a) For a county, the master plan may include planning in
21 cooperation with the constituted authorities for incorporated areas
22 in whole or to the extent to which, in the planning commission's
23 judgment, they are related to the planning of the unincorporated
24 territory or of the county as a whole.

25 (b) For a township that on the effective date of this act had
26 a planning commission created under former 1931 PA 285, or for a
27 city or village, the planning jurisdiction may include any areas

1 outside of the municipal boundaries that, in the planning
2 commission's judgment, are related to the planning of the
3 municipality.

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

6 (a) Make careful and comprehensive surveys and studies of
7 present conditions and future growth within the planning
8 jurisdiction with due regard to its relation to neighboring
9 jurisdictions.

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

13 (c) Cooperate with all departments of the state and federal
14 governments and other public agencies concerned with programs for
15 economic, social, and physical development within the planning
16 jurisdiction and seek the maximum coordination of the local unit of
17 government's programs with these agencies.

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

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

24 Sec. 33. (1) A master plan shall address land use and
25 infrastructure issues and may project 20 years or more into the
26 future. A master plan shall include maps, plats, charts, and
27 descriptive, explanatory, and other related matter and shall show

1 the planning commission's recommendations for the physical
2 development of the planning jurisdiction.

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

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

15 (b) The general location, character, and extent of streets,
16 railroads, airports, bicycle paths, pedestrian ways, bridges,
17 waterways, and waterfront developments; sanitary sewers and water
18 supply systems; facilities for flood prevention, drainage,
19 pollution prevention, and maintenance of water levels; and public
20 utilities and structures.

21 (c) Recommendations as to the general character, extent, and
22 layout of redevelopment or rehabilitation of blighted areas; and
23 the removal, relocation, widening, narrowing, vacating,
24 abandonment, change of use, or extension of streets, grounds, open
25 spaces, buildings, utilities, or other facilities.

26 (d) For a local unit of government that has adopted a zoning
27 ordinance, a zoning plan for various zoning districts controlling

1 the height, area, bulk, location, and use of buildings and
2 premises. The zoning plan shall include an explanation of how the
3 land use categories on the future land use map relate to the
4 districts on the zoning map.

5 (e) Recommendations for implementing any of the master plan's
6 proposals.

7 (3) If a master plan is or includes a master street plan,
8 the means for implementing the master street plan in cooperation
9 with the county road commission and the state transportation
10 department shall be specified in the master street plan in a manner
11 consistent with the respective powers and duties of and any written
12 agreements between these entities and the municipality.

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

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

19 Sec. 37. (1) A county board of commissioners may designate the
20 county planning commission as the metropolitan county planning
21 commission. A county planning commission so designated shall
22 perform metropolitan and regional planning whenever necessary or
23 desirable. The metropolitan county planning commission may engage
24 in comprehensive planning, including, but not limited to, the
25 following:

26 (a) Preparation, as a guide for long-range development, of
27 general physical plans with respect to the pattern and intensity of

1 land use and the provision of public facilities, together with
2 long-range fiscal plans for such development.

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

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

8 (d) Intergovernmental coordination of all related planning
9 activities among the state and local governmental agencies within
10 the metropolitan area or region.

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

20 Sec. 39. (1) A master plan shall be adopted under the
21 procedures set forth in this section and sections 41 and 43. A
22 master plan may be adopted as a whole or by successive parts
23 corresponding with major geographical areas of the planning
24 jurisdiction or with functional subject matter areas of the master
25 plan.

26 (2) Before preparing a master plan, a planning commission
27 shall send to all of the following, by first-class mail or personal

1 delivery, a notice explaining that the planning commission intends
2 to prepare a master plan and requesting the recipient's cooperation
3 and comment:

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

8 (b) For a county undertaking a master plan, the regional
9 planning commission for the region in which the county is located,
10 if any.

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

15 (d) For a municipality undertaking a master plan, the regional
16 planning commission for the region in which the municipality is
17 located, if there is no county planning commission for the county
18 in which that municipality is located. If there is a county
19 planning commission, the municipal planning commission may consult
20 with the regional planning commission but is not required to do so.

21 (e) For a municipality undertaking a master plan, the county
22 planning commission, or if there is no county planning commission,
23 the county board of commissioners, for the county in which that
24 municipality is located.

25 (f) For any local unit of government undertaking a master
26 plan, each public utility company and railroad company owning or
27 operating a public utility or railroad within the local unit of

1 government, and any government entity that registers its name and
2 mailing address for this purpose with the planning commission.

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

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

16 Sec. 41. (1) After preparing a proposed master plan, a
17 planning commission shall submit the proposed master plan to the
18 legislative body for review and comment. The process of adopting a
19 master plan shall not proceed further unless the legislative body
20 approves the distribution of the proposed master plan.

21 (2) If the legislative body approves the distribution of the
22 proposed master plan, it shall notify the secretary of the planning
23 commission, and the secretary of the planning commission shall
24 submit, in the manner provided in section 39(3), a copy of the
25 proposed master plan, for review and comment, to all of the
26 following:

27 (a) For any local unit of government proposing a master plan,

1 the planning commission, or if there is no planning commission, the
2 legislative body, of each municipality located within or contiguous
3 to the local unit of government.

4 (b) For a county proposing a master plan, the regional
5 planning commission for the region in which the county is located,
6 if any.

7 (c) For a county proposing a master plan, the county planning
8 commission, or if there is no county planning commission, the
9 county board of commissioners, for each county located contiguous
10 to the county.

11 (d) For a municipality proposing a master plan, the regional
12 planning commission for the region in which the municipality is
13 located, if there is no county planning commission for the county
14 in which that local unit of government is located. If there is a
15 county planning commission, the secretary of the planning
16 commission may submit a copy of the proposed master plan to the
17 regional planning commission but is not required to do so.

18 (e) For a municipality proposing a master plan, the county
19 planning commission, or if there is no county planning commission,
20 the county board of commissioners, for the county in which that
21 municipality is located. The secretary of the planning commission
22 shall concurrently submit to the county planning commission, in the
23 manner provided in section 39(3), a statement that the requirements
24 of subdivision (a) have been met or, if there is no county planning
25 commission, shall submit to the county board of commissioners, in
26 the manner provided in section 39(3), a statement that the
27 requirements of subdivisions (a) and (d) have been met. The

1 statement shall be signed by the secretary and shall include the
2 name and address of each planning commission or legislative body to
3 which a copy of the proposed master plan was submitted under
4 subdivision (a) or (d), as applicable, and the date of submittal.

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

14 (g) If the proposed master plan is or includes a proposed
15 master street plan, the county road commission and the state
16 transportation department.

17 (3) An entity described in subsection (2) may submit comments
18 on the proposed master plan to the planning commission in the
19 manner provided in section 39(3) within 63 days after the proposed
20 master plan was submitted to that entity under subsection (2). If
21 the county planning commission or the county board of commissioners
22 that receives a copy of a proposed master plan under subsection
23 (2)(e) submits comments, the comments shall include, but need not
24 be limited to, both of the following, as applicable:

25 (a) A statement whether the county planning commission or
26 county board of commissioners considers the proposed master plan to
27 be inconsistent with the master plan of any municipality or region

1 described in subsection (2)(a) or (d).

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

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

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

18 (2) The approval of the proposed master plan shall be by
19 resolution of the planning commission carried by the affirmative
20 votes of not less than 2/3 of the members of a city or village
21 planning commission or not less than a majority of the members of a
22 township or county planning commission. The resolution shall refer
23 expressly to the maps and descriptive and other matter intended by
24 the planning commission to form the master plan. A statement
25 recording the planning commission's approval of the master plan,
26 signed by the chairperson or secretary of the planning commission,
27 shall be included on the inside of the front or back cover of the

1 master plan and, if the future land use map is a separate document
2 from the text of the master plan, on the future land use map.
3 Following approval of the proposed master plan by the planning
4 commission, the secretary of the planning commission shall submit a
5 copy of the master plan to the legislative body.

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

18 (4) If the legislative body rejects the proposed master plan,
19 the legislative body shall submit to the planning commission a
20 statement of its objections to the proposed master plan. The
21 planning commission shall consider the legislative body's
22 objections and revise the proposed master plan so as to address
23 those objections. The procedures provided in subsections (1) to (3)
24 and this subsection shall be repeated until the legislative body
25 approves the proposed master plan.

26 (5) Upon final adoption of the master plan, the secretary of
27 the planning commission shall submit, in the manner provided in

1 section 39(3), copies of the adopted master plan to the same
2 entities to which copies of the proposed master plan were required
3 to be submitted under section 41(2).

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

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

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

11 (ii) A title change.

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

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

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

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

1 commission.

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

7 (2) Subsection (1) does not apply if the incorporated area 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, 1967 (Ex Sess) PA 7, MCL 124.501 to
11 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

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

17 (2) Subsection (1) notwithstanding, a planning commission
18 described in subsection (1) shall comply with the requirements of
19 this act.

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

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

1 ARTICLE IV. SPECIAL PROVISIONS, INCLUDING

2 CAPITAL IMPROVEMENTS AND SUBDIVISION REVIEW

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

22 (2) Following adoption of the county plan or any part of a
23 county plan and the certification by the county planning commission
24 to the county board of commissioners of a copy of the plan, work
25 shall not be initiated on any project involving the expenditure of
26 money by a county board, department, or agency for the acquisition
27 of land, the erection of structures, or the extension,

1 construction, or improvement of any physical facility by any county
2 board, department, or agency unless a full description of the
3 project, including, but not limited to, its proposed location and
4 extent, has been submitted to the county planning commission and
5 the report and advice of the planning commission on the proposal
6 have been received by the county board of commissioners and by the
7 county board, department, or agency submitting the proposal.
8 However, work on the project may proceed if the planning commission
9 fails to provide in writing its report and advice upon the proposal
10 within 35 days after the proposal is filed with the planning
11 commission. The planning commission shall provide copies of the
12 report and advice to the county board, department, or agency
13 sponsoring the proposal.

14 Sec. 63. If the opening, widening, or extension of a street,
15 or the acquisition or enlargement of any square, park, playground,
16 or other open space has been approved by a township planning
17 commission that was created before the effective date of this act
18 under former 1931 PA 285 or by a city or village planning
19 commission and authorized by the legislative body as provided under
20 section 61, the legislative body shall not rescind its
21 authorization unless the matter has been resubmitted to the
22 planning commission and the rescission has been approved by the
23 planning commission. The planning commission shall hold a public
24 hearing on the matter. The planning commission shall submit its
25 reasons for approval or disapproval of the rescission to the
26 legislative body. If the planning commission disapproves the
27 rescission, the legislative body may overrule the planning

1 commission by a vote of not less than 2/3 of its entire membership.
2 If the planning commission fails to act within 63 days after
3 submission of the proposed rescission to the planning commission,
4 the proposed rescission shall be considered to be approved by the
5 planning commission.

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

1 (2) Subsection (1) does not apply to a township unless the
2 township, alone or jointly with 1 or more other local units of
3 government, owns or operates a water supply or sewage disposal
4 system.

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

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

22 Sec. 71. (1) A planning commission may recommend to the
23 legislative body provisions of an ordinance or rules governing the
24 subdivision of land authorized under section 105 of the land
25 division act, 1967 PA 288, MCL 560.105. If a township is subject to
26 county zoning consistent with section 209 of the Michigan zoning
27 enabling act, 2006 PA 110, MCL 125.3209, or a city or village is

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

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

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

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

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

27 (6) A planning commission shall recommend approval, approval

1 with conditions, or disapproval of a plat within 63 days after the
2 plat is submitted to the planning commission. If applicable
3 standards under the land division act, 1967 PA 288, MCL 560.101 to
4 560.293, and an ordinance or published rules governing the
5 subdivision of land authorized under section 105 of that act, MCL
6 560.105, are met, the planning commission shall recommend approval
7 of the plat. If the planning commission fails to act within the
8 required period, the plat shall be considered to have been
9 recommended for approval, and a certificate to that effect shall be
10 issued by the planning commission upon request of the proprietor.
11 However, the proprietor may waive this requirement and consent to
12 an extension of the 63-day period. The grounds for any
13 recommendation of disapproval of a plat shall be stated upon the
14 records of the planning commission.

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

21 ARTICLE V. TRANSITIONAL PROVISIONS AND REPEALER

22 Sec. 81. (1) Unless rescinded by the local unit of government,
23 any plan adopted or amended under a planning act repealed under
24 section 85 need not be readopted under this act but continues in
25 effect as a master plan under this act, regardless of whether it is
26 entitled a master plan, basic plan, county plan, development plan,
27 guide plan, land use plan, municipal plan, township plan, plan, or

1 any other term. This includes, but is not limited to, a plan
2 prepared by a planning commission and adopted before the effective
3 date of this act to satisfy the requirements of section 1 of the
4 former city and village zoning act, 1921 PA 207, section 3 of the
5 former township zoning act, 1943 PA 184, or section 3 of the former
6 county zoning act, 1943 PA 183, or section 203(1) of the Michigan
7 zoning enabling act, 2006 PA 110, MCL 125.3203. The master plan is
8 subject to the requirements of this act, including, but not limited
9 to, the requirement for periodic review under section 45(2) and the
10 amendment procedures set forth in this act. However, the master
11 plan is not subject to the requirements of section 33 until it is
12 first amended under this act.

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

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

1 provisions of this act, including, but not limited to, provisions
2 regarding planning commission selection of officers, meetings,
3 rules, records, appointment of employees, contracts for services,
4 and expenditures, do apply to such a planning commission.

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

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

12 (ii) July 1, 2011.

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

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

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

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

1 (ii) July 1, 2011.

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

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

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

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

1 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702. If an existing
2 zoning board or zoning commission in the local unit of government
3 is nearing the completion of its draft zoning ordinance, the
4 legislative body shall postpone the transfer of the zoning board's
5 or zoning commission's powers, duties, and records until the
6 completion of the draft zoning ordinance, but is not required to
7 postpone the transfer more than 1 year.

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

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

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

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

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

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