

DRAFT

Planning Enabling Act

16 March 2005
Michigan Association of Planning
Law Committee

A bill to provide for county, township, city, and village planning; for the creation, organization, powers and duties of local planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies for violation of the provisions of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

Sec. 2. As used in this act:

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

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

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

(A) The elected county board of commissioners.

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

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

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

(c) "Legislative body" refers to the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or other similar duly elected representative body of a county, township, city, or village.

(d) "Local unit of government" means a county, township, city, or village.

(e) "Master plan" means a basic plan, general development plan, guide plan, or comprehensive plan as provided in section 5, or the plan referred to in 1943 PA 183, MCL 125.201 to 125.240; 1943 PA 184, MCL 125.271 to 125.310; or 1921 PA 207, MCL 125.581 to 125.600, being

the basis on which the zoning plan is developed by a county, township, or city or village, respectively.

(f) "Mayor" means the chief executive of the municipality, whether the official designation of his or her office is mayor, city manager, or otherwise.

(g) "Planning commission" means a planning commission as provided for under section 5.

(h) "Planning jurisdiction" for a county, city, or village refers to the areas encompassed by the legal boundaries of that county, city, or village, as provided for by section 17 of this act. "Planning jurisdiction" for a township refers to the unincorporated areas encompassed by the legal boundaries of that township.

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

(j) "Streets" means streets, avenues, boulevards, highways, roads, lanes, alleys, viaducts, and other ways.

Sec. 3. The master plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county, township, city, or village and its environs which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for a system of transportation to lessen congestion on public roads and

streets, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities such as sewage disposal, safe and adequate water supply, recreation and other public improvements to encourage the use of resources in accordance with their character and adaptability; and to consider the character of each county, township, city, and village and its suitability for particular uses judged in terms of such factors as the trend in land and population development.

Sec. 4. *Reserved.*

Sec. 5. (1) Any local unit of government is authorized and empowered to make, adopt, amend, extend, add to, or carry out a master plan as provided in this act and create by ordinance a planning commission with powers and duties provided in this act. The planning commission of a local unit of government shall be designated the planning commission.

(2) The legislative body of any city or village now or hereafter having a planning commission created by charter may by ordinance extend the powers and duties of that planning commission in accordance with the terms of this act. Provisions of this act regarding membership of the planning commission, selection of officers, meetings, rules, records, appointment of employees, contracts for services, and expenditures shall not apply to such cities or villages. This act shall not affect the powers and duties or organization of

such planning commission under a charter except as they may be added to or enlarged by the terms of this act.

(3) In counties having a population between 650,000 and 1,000,000 and having a board of county auditors, any county planning commission and any planning department created or existing under the provisions of this act may, by resolution of the county board of supervisors, be placed under the jurisdiction of the county board of auditors.

(4) An existing planning commission created pursuant to authorities repealed by this act does not need to be reconstituted under the provisions of this act, but any changes to the membership or duties of that planning commission subsequent to the effective date of this act shall be made pursuant to the provisions of this act.

Sec. 6. (1) For a township exercising the authority to create a planning commission under section 5, the ordinance creating the planning commission shall become effective 60 days after publication in a newspaper having general circulation in a township. Within 60 days following the publication of the ordinance by the township board of trustees, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of the township equal to not less than 8% of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, may be filed with the township clerk praying therein for the submission of the ordinance to the electors residing in the unincorporated portion of the township for their approval or rejection. Upon the filing of the petition, the ordinance shall not take effect until approved by a majority of the electors voting

thereon at the next regular or special election which allows reasonable time for proper notices and printing of ballots or at any special election called for that purpose. The township board shall provide the manner of submitting such ordinance to the electors for their approval or rejection, and determining the results thereof.

(2) Upon the filing with the township clerk of a petition requesting the township board to adopt an ordinance as herein provided, signed by a number of qualified and registered voters residing in the unincorporated area of the township equal to not less than 8% of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, the township board, at its first meeting following such filing shall submit the same to a vote as provided in this section.

(3) The township clerk shall transmit copies of the ordinance to the secretary of state and to the planning commission of the county of which the township is a part, and if there is no county planning commission, to the regional planning commission which is exercising planning jurisdiction over the township, within 10 days after adoption. The secretary of state shall maintain a public record of all ordinances so received.

(4) A petition under subdivision 2, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject

to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

Sec. 7. (1) For a county, the planning commission shall consist of not less than 5 nor more than 11 members who shall individually be representative of important segments of the economic, governmental, educational, social life, and development of the particular county, in accordance with the major interests as they exist in the county, such as agriculture, recreation, education, public health, government, transportation, industry, and commerce. The county board of commissioners shall establish the basis for representative membership on the planning commission. All members shall be qualified electors of the county. A majority of planning commission members shall not hold another office or position in the county government.

(2) Where the county planning commission consists of 5 members, 1 member may be a member of the county board of commissioners elected and serving. Where the planning commission consists of from 6 to 8 members, 2 members may be members of the county board of commissioners elected and serving. Where the planning commission consists of from 9 to 11 members, 3 members may be members of the county board of commissioners elected and serving. Any member of the county board of commissioners appointed to the planning commission shall serve as an ex officio member of the planning commission. All ex officio members appointed under this section shall have full voting rights.

(3) The county board of commissioners shall appoint to the county planning commission 1 member of a public school board or an administrative employee of a school district included, in whole or in

part, within the county's boundaries. The appointment required under this subsection shall be made upon the first vacancy that occurs after August 17, 2004.

(4) The term of each appointed planning commission member shall be for 3 years, except that of the members first appointed, 1/3 shall serve for 1 year, 1/3 for 2 years and 1/3 for 3 years and the terms of ex officio members shall correspond to their respective official tenures or as may be determined by the county board of commissioners. A successor shall be appointed not more than 1 month after the term of the preceding planning commission member has expired.

(5) The method of appointment and the term of office of members of the planning commission shall be determined by resolution of a majority of the full membership of the county board of commissioners.

(6) The county board of commissioners shall provide for the filling of a vacancy in the membership of the planning commission for the unexpired term.

(7) The county board of commissioners shall provide for the removal of a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Sec. 8. (1) For a township, the planning commission shall consist of not less than 5 nor more than 9 members, who shall be representative of major interests as they exist in the township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors of the township. One member of the township board shall serve

as an ex officio member of the planning commission. All ex officio members appointed under this section shall have full voting rights.

(2) The term of each member shall be for 3 years, except that of the members first appointed, 1/3 shall serve for 1 year, 1/3 for 2 years and 1/3 for 3 years and the terms of ex officio members shall correspond to their respective official tenures or as may be determined by the township board. A successor shall be appointed not more than 1 month after the term of the preceding planning commission member has expired.

(3) The township supervisor shall appoint all members of the planning commission with the approval of the township board.

(4) All vacancies for unexpired terms shall be filled for the remainder of such term.

(5) The township board shall provide for the removal of a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Sec. 9. (1) Except as provided in subsections (2), (3), and (4), the planning commission for a city or village shall consist of 9 members who shall be representative of major interests as they exist in the city or village, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members of the planning commission, whether constituted under this subsection or subsections (2), (3), or (4), shall be qualified electors of the city or village.

(2) If considered desirable by the legislative body, the planning commission may consist of the mayor, 1 administrative official of the

city or village selected by the mayor, and 1 member of the legislative body to be selected by the legislative body as members ex officio, and 6 other persons who shall be appointed by the mayor as provided in this section. An appointed member shall not hold another office of the city or village except that 1 appointed member may be a member of the zoning board of appeals or a member of a joint fire administrative board. The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor. The term of each appointed member, if 6 members are appointed, shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years. All ex officio members appointed under this subsection shall have full voting rights.

(3) If considered desirable by the legislative body, the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. An appointed member shall not hold another office of the city or village, except that 1 appointed member may be a member of the zoning board of appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative

body. The term of each appointed member shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. All ex officio members appointed under this subsection shall have full voting rights.

(4) If considered desirable by the legislative body of a municipality that has a population of less than 5,000, the planning commission shall consist of 5, 7, or 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and the remainder of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. An appointed member shall not hold another office of the city or village, except that 1 appointed member may be a member of the zoning board of appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. Except as provided in subsection (5), the term of each appointed member shall be 3 years or until his or her successor takes office except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. All ex officio members appointed under this subsection shall have full voting rights.

(5) For a planning commission described in subsection (4) that consists of 5 members, the respective terms of 1 of the members first appointed shall be for 1 year and 2 for 2 years. For a planning

commission described in subsection (4) that consists of 7 members, the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years.

(6) A vacancy for unexpired terms shall be filled for the unexpired term by the mayor in the case of a member selected or appointed by the mayor, by the legislative body in the case of the member appointed by the legislative body, and by the appointing officer designated by the legislative body in a city or village in which the mayor is not an elective officer.

(7) The legislative body shall provide for the removal of a member of the planning commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

Sec. 10. *Reserved.*

Sec. 11. (1) Members of the planning commission may be compensated for their services as provided by the legislative body. The planning commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the legislative body, including attendance at conferences and meetings.

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

(3) The planning commission shall have the right to accept and use gifts for the exercise of its functions. Money so accepted shall be deposited with the treasurer of the local unit of government in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The treasurer shall draw warrants against the special nonreverting fund only upon vouchers signed by the chairman and secretary of the planning commission and upon orders drawn by the clerk of the local unit of government. The expenditures of the planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the legislative body.

Sec. 12 (1) The planning commission shall elect a chairperson from its appointed members and create and fill other offices as it considers advisable. The term of each officer shall be 1 year with eligibility for reelection.

(2) The planning commission may appoint advisory committees outside of its membership.

Sec. 13 (1) The planning commission or legislative body may employ a planning director and other such personnel as it may deem necessary, contract for the services of planning and other technicians, and pay such other expenses within the funds provided from a budget authorized by the legislative body, as may be deemed necessary. The appointment of employees shall be subject to the same provisions of law as govern other corresponding civil employees of the local unit of government.

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

Sec. 14 (1) The planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. Rules of procedures shall specify the circumstances under which special meetings may be called.

(2) The business that the planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by 1976 PA 267 and the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours in advance of the meeting.

Sec. 15. (1) The planning commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(2) The planning commission shall make an annual written report to the legislative body concerning its operations and the status of

planning activities, including recommendations regarding actions by the legislative body related to planning and development.

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

Sec. 16. *Reserved.*

Sec. 17 (1) The planning commission shall make and approve a master plan as a guide for development within the planning jurisdiction, subject to the following:

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

(b) For a city or village, the planning jurisdiction may include any areas outside of the city or village boundaries that, in the planning commission's judgment, bear relation to the planning of the city or village.

(2) In the preparation of the master plan, the planning commission shall:

(a) Make careful and comprehensive surveys and studies of present conditions and future growth of the county, township, city, or village and with due regard to its relation to neighboring territories.

(b) Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for the

economic, social, and physical development of the county, township, city, or village and seek the maximum coordination of the local unit of government's programs with these agencies.

(c) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in local plans may be avoided.

(3) In the preparation of the master plan, the planning commission may meet with other governmental planning commissions to deliberate.

(4) The planning commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys. In general, the planning commission shall have such lawful powers as may be necessary to enable it to fulfill its functions, promote comprehensive planning, or carry out the purposes of this act.

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

Section 18. (1) The master plan shall address land use issues and may project 20 years or more into the future. The master plan shall include maps, plats, charts, and descriptive, explanatory and other related matter and shall show the planning commission's recommendations for the physical development of the planning jurisdiction.

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

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

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

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

(d) For a township, city, or village, and for a county that has adopted a zoning ordinance under the county zoning act, 1943 PA 183, MCL 125.201 to 125.240, a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

(e) Recommendations for implementing any of its proposals.

Sec. 19. In addition to the master plan provided in sections 17 and 18, the planning commission may, by a majority vote of the

members, adopt a plan for a geographic area less than the entire planning jurisdiction if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 3. Before adoption of a plan under this subsection, the planning commission shall hold at least 1 public hearing on the plan after giving notice as provided in section 24.

Sec. 20. (1) A county board of commissioners may designate the county planning commission as the metropolitan county planning commission. Any planning commission so organized shall perform metropolitan and regional planning, whenever necessary or desirable. The metropolitan county planning commission may engage in comprehensive planning, including but not limited to the following, to the extent directly related to urban needs:

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

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

(c) Coordination of all related plans of the departments or subdivisions of the government concerned.

(d) Intergovernmental coordination of all related planned activities among the state and local governmental agencies concerned.

(2) In addition to the powers conferred by other provisions of this act, the metropolitan county planning commission may apply for,

receive and accept grants from any governmental agency, or from the federal government, and agree to and comply with such terms and conditions as may be necessary, convenient or desirable. The metropolitan county planning commission may do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in carrying out its functions, when approved by a 2/3 vote of the board of commissioners.

Sec. 22. (1) A master plan shall be adopted under the procedures set forth in this section and sections 23 and 24.

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

(a) For any local unit of government undertaking a master plan, the planning commission, or if there is no planning commission, the legislative body, of each township, city, or village located within or contiguous to the local unit of government.

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

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

(d) For a township, city, or village undertaking a master plan, the regional planning commission for the region in which the township, city, or village is located, if there is no county planning commission

for the county in which that local unit of government is located. If there is a county planning commission, the planning commission may consult with the regional planning commission but is not required to do so.

(e) For a township, city, or village undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that local unit of government is located.

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

(3) In providing notice as required under subsection (2), a local unit of government may request permission from the entity being notified to submit electronically any information required to be submitted to that entity under section 23 or 24. If the entity to which the notice is sent grants this permission, information submitted to or by that entity under section 23 or 24 may be submitted electronically. Otherwise, such information shall be submitted in writing by first-class mail or personal delivery.

Sec. 23. (1) A master plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the planning jurisdiction or with functional subject matter areas of the master plan.

(2) After preparing a proposed master plan, the planning commission shall submit the proposed master plan to the legislative body for review and comment. The process of adopting a master plan shall not proceed further unless the legislative body approves the distribution of the proposed master plan.

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

(a) For any local unit of government proposing a master plan, the planning commission, or if there is no planning commission, the legislative body, of each township, city, or village located within or contiguous to the local unit of government.

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

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

(d) For a township, city, or village proposing a master plan, the regional planning commission for the region in which the township, city, or village is located, if there is no county planning commission for the county in which that local unit of government is located. If there is a county planning commission, the secretary of the planning

commission may submit a copy of the proposed plan to the regional planning commission but is not required to do so.

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

(f) For any unit of local government proposing a master plan, each public utility company and railroad company owning or operating a public utility or railroad within the local unit of government, and any government entity that registers its name and address for this purpose with the secretary of the planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed master plan, or of a master plan as provided in section 24(5), shall reimburse the local unit of government for any copying and postage costs thereby incurred.

(4) For a proposed county master plan, an entity described in subsection (3) may submit comments on the proposed master plan to the planning commission within 65 days after the proposed master plan was submitted to that entity by the county under subsection (3).

(5) For a proposed township, city, or village master plan, an entity described in subsection (3)(a), (d), or (f) may submit comments on the proposed master plan to the planning commission within 65 days after the proposed master plan was submitted to that entity by the local unit of government under subsection (3). A planning commission or legislative body described in subsection (3)(a) or (d) shall concurrently submit a copy of the comments to the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the local unit of government proposing the master plan is located.

(6) For a proposed township, city, or village master plan, not less than 75 days or more than 95 days after the date the proposed master plan was submitted to the county planning commission or the county board of commissioners under subsection (3), the county planning commission or the county board of commissioners, respectively, shall submit to the planning commission of the local unit of government proposing the master plan its comments on that proposed master plan. The comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners, after considering any comments received under subsection (5), considers the proposed master plan to be inconsistent with the master plan of any city, village, township, or region described in subsection (3)(a) or (d).

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

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

Sec. 24 (1) Before approving a proposed master plan, the planning commission shall hold not less than 1 public hearing on the proposed master plan. The hearing shall be held after the expiration of the deadline for comment under section 23(4) or (6), as applicable. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the county, township, city, or village. The planning commission shall also submit notice to each entity described in section 22(2).

(2) The approval of the master plan shall be by resolution of the planning commission carried by the affirmative votes of not less than a majority of the members of the planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the whole or part of the master plan, and the action taken shall be recorded on the map and plan and descriptive matter and signed by the chairperson or the secretary of the planning commission. Following approval of the proposed master plan by the planning commission, the secretary of the planning commission shall submit a copy of the proposed master plan to the legislative body.

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

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

(5) Upon final adoption of the master plan, copies of the adopted master plan shall be submitted in the same manner as provided for submitting copies of the proposed master plan under section 23(3).

Sec. 25. (1) An extension, addition, revision, or other amendment to a master plan shall be adopted under the same procedure as a master plan or a successive part of a master plan under sections 22, 23, and 24. However, for an amendment other than a revision of the master plan, both of the following apply:

(a) The 65-day period otherwise provided for in section 23(4) shall be 40 days.

(b) The 75- to 95-day period otherwise provided for in section 23(6) shall be 55 to 75 days.

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

Sec. 26. *Reserved.*

Sec. 27. A county master plan describing the recommended development of an incorporated area within the county shall not be recognized as the official master plan or part of the official master plan for that area unless adopted by the appropriate city or village in the manner prescribed by law or by charter for the adoption of such plans by cities or villages.

Sec. 28. This act does not alter the authority of the planning department of a city or village established by charter to submit a proposed master plan, or a proposed extension, addition, revision, or other amendment to a master plan, to a planning commission, whether directly or indirectly as provided by charter. This section notwithstanding, a planning commission must comply with the requirements of this act.

Sec. 29. (1) The planning commission shall have the power to promote public interest in and understanding of the master plan and, to that end, may publish and distribute copies of the master plan or of any report, and may employ such other means of publicity and education as it may deem advisable.

(2) The planning commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof, regardless of whether

exempted from the requirement to prepare a capital improvement program by the legislative body under section 32.

(3) It shall be part of the planning commission's duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out the master plan.

Sec. 30. *Reserved.*

Sec. 31. For a township, city, or village, if the planning commission has adopted a master plan for the entire planning jurisdiction, or of 1 or more major sections or districts thereof, no street, square, park, or other public way, ground, or open space, or public building or structure, shall be constructed or authorized within the planning jurisdiction or relevant subarea until the location, character, and extent thereof is submitted to the planning commission for review and approval. The planning commission shall communicate its reasons for approval or disapproval to the legislative body. In the case of disapproval, the legislative body shall have the power to overrule the planning commission by a recorded vote of not less than 2/3 of its entire membership for a city or village, or by a recorded vote of not less than the majority of its membership for a township. If the public way, ground, space, building, structure, or utility is one, the authorization or financing of which does not under the law or charter provisions governing same, fall within the province of the legislative body, then the submission to the planning commission shall be by the board, commission, or body having such

jurisdiction, and the planning commission's disapproval may be overruled by said board, commission, or body by a vote of not less than 2/3 of its membership for a city or village, or by a recorded vote of not less than the majority of its membership for a township. The failure of the planning commission to act within 30 days from and after the date of official submission to the planning commission shall be deemed approval.

Sec. 32. For the purpose of furthering the desirable future development of the county, township, city, or village under the master plan, the planning commission, after adoption of a master plan, shall prepare capital improvement programs of public structures and improvements, unless exempted from this requirement by resolution of the legislative body. If not exempted, the commission shall annually prepare such a program for the ensuing 6 years, which program shall show those public structures and improvements, in the general order of their priority, which in the commission's judgment will be needed or desirable and can be undertaken within the 6-year period. The comprehensive coordinated programs shall be based upon the requirements of the community for all types of public improvements, and, to that end, each agency or department of such municipality concerned with such improvements shall upon request furnish the planning commission with lists, plans and estimates of time and cost of public structures and improvements within the purview of such department.

Sec. 33. Whenever the legislative body of any city or village has ordered the opening, widening or extension of any street, avenue or

boulevard, or whenever the legislative body has ordered that proceedings be instituted for the acquisition or enlargement of any park, playground, playfield or other public open space, such resolution shall not be rescinded until after the matter has been referred back to the planning commission for a report and until after a public hearing has been held. The legislative body shall have power to overrule the recommendation of the planning commission by a vote of not less than 2/3 of its entire membership.

Sec. 34. (1) The planning commission of a city or village shall have all powers heretofore granted by law to the zoning commission of the municipality established under 1921 PA 207, MCL 125.581 to 125.600. From and after the creation of a planning commission in such city or village, all powers and records of the zoning commission shall be transferred to the planning commission. If the existing zoning commission is nearing the completion of its zoning plan, the legislative body may, by resolution, postpone the transfer of the zoning commission's powers until the completion of such zoning plan; but such postponement shall not exceed a period of 1 year.

(2) The legislative body of a county or township, by resolution, may transfer to the planning commission all powers and duties provided to a zoning board established under by 1943 PA 183, MCL 125.201 to 125.240, or 1943 PA 184, MCL 125.271 to 125.310, for the county or township, respectively. If the existing zoning board is nearing the completion of its zoning plan, the legislative body shall postpone the transfer of the zoning board's powers and duties until the completion of the zoning plan; but the postponement shall not exceed 1 year.

(3) For a county exercising the provisions of subsection (2), 1 member of the planning commission shall be designated as a member of the zoning board of appeals. In general the commission shall have such powers as may be necessary to fulfill its functions and carry out the purposes of this act.

(4) For a township exercising the provisions of subsection (2) and located within a county in which a county planning commission is established, the township planning commission shall file with the county planning commission a copy of the township zoning ordinances and any amendments to the ordinances.

Sec. 35. (1) Whenever the planning commission of a township, city, or village has adopted a master plan that addresses the major street system of its planning jurisdiction or subarea thereof, and has filed a certified copy of that master plan with the appropriate county or counties, then no plat of a subdivision of land within that area may be filed or recorded until it has been approved by the planning commission and such approval has been entered in writing on the plat by the chairman or secretary of the commission.

(2) Before exercising the powers referred to in subsection (1), the planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. These regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

The regulations may also include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the planning commission may provide for a tentative approval of the plat previous to such installation; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the planning commission may accept a bond with surety to secure to the local unit of government the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the planning commission. The local unit of government is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies. All such regulations shall be published as provided by law for the publication of ordinances, and before adoption, a public hearing shall be held thereon. A copy thereof shall be certified by the commission to the recorders of the counties in which the municipality and territory are located.

(3) The planning commission shall approve, modify or disapprove a plat within 60 days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand. The applicant for the planning commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of

any plat shall be stated upon the records of the planning commission. Any plat submitted to the planning commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the planning commission without affording a hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than 5 days before the date fixed therefore. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the county auditor's office and their addresses appear in the directory of the local unit of government or on the tax records of the local unit of government or county. Every plat approved by the planning commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the master plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The planning commission may, from time to time, recommend to the legislative body amendments of the zoning ordinance or map or additions thereto to conform to the planning commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The planning commission shall have the power to agree with the applicant upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the local unit of government. Such requirements or restrictions shall be stated upon the plat prior to

the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or zoning map of the local unit of government.

Sec. 36. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling except that this act shall not supersede 1937 PA 240, MCL 338.551 to 338.576, as to work required to be performed by registered architects, professional engineers or land surveyors.

Enacting section 1. The following acts and part of acts are repealed:

(a) The municipal planning act, 1931 PA 285, MCL 125.31 to 125.45.

(b) The county planning act, 1945 PA 282, MCL 125.101 to 125.115.

(c) The township planning act, 1959 PA 168, MCL 125.321 to 125.333.