



# Comparing the Township Planning Act and the **NEW** Michigan Planning Enabling Act

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Michigan Townships Association  
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Convenient side-by-side comparison of the **Township Planning Act**, Public Act 168 of 1959, MCL 125.321, *et seq.* (*repealed effective September 1, 2008*), and the **Michigan Planning Enabling Act**, Public Act 33 of 2008, MCL 125.3801, *et seq.* (*effective September 1, 2008*)

*This Michigan Townships Association information resource was prepared by MTA Staff for informational purposes, and it is not legal guidance or a substitute for either Act. Township personnel should refer to the most current version of a statute, and consider whether subsequent amendments, legislation, Attorney General opinions or case law have changed its text or effect. Townships are urged to consult with their local planning consultant and legal counsel to ensure that any implementation or interpretation of the two Acts discussed is appropriate to the individual township's specific master plan, zoning ordinance, and local needs and circumstances.*

PLANNING

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Township Planning Act		Michigan Planning Enabling Act
		<p><b>125.3801 Short title.</b></p> <p>Sec. 1. This act shall be known and may be cited as the "Michigan planning enabling act".</p>
<p><b>125.321 Township planning commission; definitions.</b></p> <p>Sec. 1. As used in this act:</p> <p>(a) "Basic plan" or "plan" means a master plan, general development plan, guide plan, or the plan referred to in 1943 PA 184, MCL 125.271 to 125.310, being the basis on which the zoning plan is developed.</p> <p>(b) "Citizen member" means a member of a township planning commission holding no other township office except that a citizen member may be a member of a township zoning board of adjustment or appeals.</p> <p>(c) "County board of commissioners" means 1 of the following, as applicable:</p> <p>(i) The county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521.</p> <p>(ii) In all other counties, 1 of the following:</p> <p>(A) The elected county board of commissioners.</p> <p>(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.</p> <p>(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.</p> <p>(D) "Planning commission" means township planning commission.</p>	<p><b>Article I: General Provisions</b></p>	<p><b>125.3803 Definitions.</b></p> <p>Sec. 3. As used in this act:</p> <p>(a) "Chief administrative official" means the manager or other highest nonelected administrative official of a city or village.</p> <p>(b) "Chief elected official" means the mayor of a city, the president of a village, the supervisor of a township, or, subject to section 5, the chairperson of the county board of commissioners of a county.</p> <p>(c) "County board of commissioners", subject to section 5, means the elected county board of commissioners, except that, as used in sections 39 and 41, county board of commissioners means 1 of the following:</p> <p>(i) A committee of the county board of commissioners, if the county board of commissioners delegates its powers and duties under this act to the committee.</p> <p>(ii) 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.</p> <p>(d) "Ex officio member", in reference to a planning commission, means a member, with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that other office.</p> <p>(e) "Legislative body" means the county board of commissioners of a county, the board of trustees of a township, or the council or other elected governing body of a city or village.</p> <p>(f) "Local unit of government" or "local unit" means a county or municipality.</p> <p>(g) "Master plan" means either of the following:</p> <p>(i) As provided in section 81(1), any plan adopted or amended before</p>

		<p>the effective date of this act under a planning act repealed under section 85.</p> <p>(ii) Any plan adopted or amended under this act. This includes, but is not limited to, a plan prepared by a planning commission authorized by this act and used to satisfy the requirement of section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term.</p> <p>(h) "Municipality" or "municipal" means or refers to a city, village, or township.</p> <p>(i) "Planning commission" means either of the following, as applicable:</p> <p>(i) A planning commission created pursuant to section 11(1).</p> <p>(ii) A planning commission retained pursuant to section 81(2) or (3), subject to the limitations on the application of this act provided in section 81(2) and (3).</p> <p>(j) "Planning jurisdiction" for a county, city, or village refers to the areas encompassed by the legal boundaries of that county, city, or village, subject to section 31(1). Planning jurisdiction for a township refers to the areas encompassed by the legal boundaries of that township outside of the areas of incorporated villages and cities, subject to section 31(1).</p> <p>(k) "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.</p> <p>(l) "Street" means a street, avenue, boulevard, highway, road, lane, alley, viaduct, or other way intended for use by automobiles.</p>
		<p><b>125.3805 Assignment of power or duty to county officer or body.</b></p> <p>Sec. 5. The assignment of a power or duty under this act to a county officer or body is subject to 1966 PA 293, MCL 45.501 to 45.521, or 1973 PA 139, MCL 45.551 to 45.573, in a county organized under 1 of those acts.</p>

**125.322 Township planning commission; purpose of plans.**

Sec. 2. The purpose of plans prepared pursuant to this act shall be to promote public health, safety and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation and other public improvements; and to consider the character of each township and its suitability for particular uses judged in terms of such factors as the trend in land and population development.

**125.3807 Master plan; adoption, amendment, and implementation by local government; purpose.**

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

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

- (a) Is coordinated, adjusted, harmonious, efficient, and economical.
- (b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
- (c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.
- (d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:
  - (i) A system of transportation to lessen congestion on streets.
  - (ii) Safety from fire and other dangers.
  - (iii) Light and air.
  - (iv) Healthful and convenient distribution of population.
  - (v) Good civic design and arrangement and wise and efficient expenditure of public funds.
  - (vi) Public utilities such as sewage disposal and water supply and other public improvements.
  - (vii) Recreation.
  - (viii) The use of resources in accordance with their character and adaptability.

<p><b>125.323 Township planning commission; creation; referendum; resolution, copies to secretary of state and county or regional planning commission.</b></p> <p>Sec. 3. (1) The township board of any township may create, by resolution, a township planning commission with power to make, adopt, extend, add to or otherwise amend, and to carry out plans for the unincorporated portions of the township as provided in this act.</p> <p>(2) The resolution creating a 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 resolution by the township board, 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 resolution to the electors residing in the unincorporated portion of the township for their approval or rejection. Upon the filing of the petition, the resolution 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 resolution to the electors for their approval or rejection, and determining the results thereof.</p> <p>(3) Upon the filing with the township clerk of a petition requesting the township board to adopt a resolution 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.</p> <p>(4) The township clerk shall transmit copies of the resolution 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 resolutions so received.</p>	<p><b>Article II: Planning Commission Creation and Administration</b></p>	<p><b>125.3811 Planning commission; creation; adoption of ordinance by local unit of government; notice required; exception; adoption of charter provision by city or home rule village; effect of repeal of planning act; continued exercise or transfer of powers and duties of zoning board or zoning commission.</b></p> <p>Sec. 11. (1) A local unit of government may adopt an ordinance creating a planning commission with powers and duties provided in this act. The planning commission of a local unit of government shall be officially called "the planning commission", even if a charter, ordinance, or resolution uses a different name such as "plan board" or "planning board".</p> <p>(2) Within 14 days after a local unit of government adopts an ordinance under subsection (1) creating a planning commission, the clerk of the local unit shall transmit notice of the adoption to the planning commission of the county where the local unit is located. However, if there is not a county planning commission or if the local unit adopting the ordinance is a county, notice shall be transmitted to the regional planning commission engaged in planning for the region within which the local unit is located. Notice under this subsection is not required when a planning commission created before the effective date of this act continues in existence under this act, but is required when an ordinance governing or creating a planning commission is amended or superseded under section 81(2)(b) or (3)(b).</p> <p>(3) If, after the effective date of this act, a city or home rule village adopts a charter provision providing for a planning commission, the charter provision shall be implemented by an ordinance that conforms to this act. Section 81(2) provides for the continuation of a planning commission created by a charter provision adopted before the effective date of this act.</p> <p>(4) Section 81(3) provides for the continuation of a planning commission created under a planning act repealed under section 85.</p> <p>(5) Section 83 provides for the continued exercise by a planning commission, or the transfer to a planning commission, of the powers and duties of a zoning board or zoning commission.</p> <p><b>125.3813 Planning commission; effect of township ordinance; number of days; petition requesting submission of ordinance to electors; filing; petition subject to Michigan election law; violation.</b></p>
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**125.323a Violation of §§ 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 3a. A petition under section 3, 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. 13. (1) Subject to subsection (2), a township ordinance creating a planning commission under this act shall take effect 63 days after the ordinance is published by the township board in a newspaper having general circulation in the township.

(2) Subject to subsection (3), before a township ordinance creating a planning commission takes effect, a petition may be filed with the township clerk requesting the submission of the ordinance to the electors residing in the unincorporated portion of the township for their approval or rejection. The petition shall be signed by a number of qualified and registered electors 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. If such a petition is filed, the ordinance shall not take effect until approved by a majority of the electors residing in the unincorporated portion of the township voting thereon at the next regular or special election that allows reasonable time for proper notices and printing of ballots or at any special election called for that purpose, as determined by the township board. The township board shall specify the language of the ballot question.

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

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

(5) A petition under this section, 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.

**125.324 Township planning commission; members, qualification, appointment, term, vacancies, compensation, budget; gifts; expenditures.**

Sec. 4. (1) 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 and property owners of the township. One member of the township board shall be a member of the planning commission.

(2) All members of the planning commission shall be appointed by the township supervisor with the approval of the township board. Members may be removed by the township supervisor, after a hearing, with the approval of the township board.

(3) 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. A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

(4) Members of the planning commission may be compensated for their services as provided by the township board. 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 township planning commission, including attendance at conferences and meetings. The planning commission shall prepare a detailed budget and submit same to the township board for approval or disapproval. The township board annually may appropriate and make available funds for carrying out the purposes and functions permitted under this act, and may match township funds with federal, state, county or other local government or private grants. The township board may accept and use gifts and grants for planning commission purposes. Money so accepted shall be deposited with the township treasurer in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The township 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 township clerk. The expenditures of the planning commission, exclusive of gifts and grants, shall be within the amounts

**125.3815 Planning commission; membership; appointment; terms; vacancy; representation; qualifications; ex-officio members; board serving as planning commission; removal of member; conditions; conflict of interest; additional requirements.**

Sec. 15. (1) In a municipality, the chief elected official shall appoint members of the planning commission, subject to approval by a majority vote of the members of the legislative body elected and serving. In a county, the county board of commissioners shall determine the method of appointment of members of the planning commission by resolution of a majority of the full membership of the county board.

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

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

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

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

(b) 2, in a city or village that has, or on the effective date of this act

<p>appropriated by the township board.</p>		<p>had, a population of less than 5,000, except as provided in subdivision (a).</p> <p>(c) 1, in local units of government other than those described in subdivision (a) or (b).</p> <p>(5) In a township that on the effective date of this act had a planning commission created under former 1931 PA 285, 1 member of the legislative body or the chief elected official, or both, may be appointed to the planning commission, as ex officio members. In any other township, 1 member of the legislative body shall be appointed to the planning commission, as an ex officio member. In a city, village, or county, the chief administrative official or a person designated by the chief administrative official, if any, the chief elected official, 1 or more members of the legislative body, or any combination thereof, may be appointed to the planning commission, as ex officio members, unless prohibited by charter. However, in a city, village, or county, not more than 1/3 of the members of the planning commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the planning commission. The term of an ex officio member of a planning commission shall be as follows:</p> <p>(a) The term of a chief elected official shall correspond to his or her term as chief elected official.</p> <p>(b) The term of a chief administrative official shall expire with the term of the chief elected official that appointed him or her as chief administrative official.</p> <p>(c) The term of a member of the legislative body shall expire with his or her term on the legislative body.</p> <p>(6) For a county planning commission, the county shall make every reasonable effort to ensure that the membership of the county planning commission includes a 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 requirements of this subsection apply whenever an appointment is to be made to the planning commission, unless an incumbent is being reappointed or an ex officio member is being appointed under subsection (5).</p> <p>(7) Subject to subsection (8), a city or village that has a population of less than 5,000, and that has not created a planning commission by charter, may by an ordinance adopted under section 11(1) provide that 1 of the following boards serve as its planning commission:</p>
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		<p>(a) The board of directors of the economic development corporation of the city or village created under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.</p> <p>(b) The board of a downtown development authority created under 1975 PA 197, MCL 125.1651 to 125.1681, if the boundaries of the downtown district are the same as the boundaries of the city or village.</p> <p>(c) A board created under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, if the boundaries of the authority district are the same as the boundaries of the city or village.</p> <p>(8) Subsections (1) to (5) do not apply to a planning commission established under subsection (7). All other provisions of this act apply to a planning commission established under subsection (7).</p> <p>(9) The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.</p> <p>(10) An ordinance creating a planning commission may impose additional requirements relevant to the subject matter of, but not inconsistent with, this section.</p>
<p><b>125.325 Township planning commission; election of officers; creation of offices and committees; term of officer; appointment of advisory committees; meetings; conducting business at public meeting; notice of meeting; powers of township board; rules; public record; annual report; availability of certain writings to public.</b></p> <p>Sec. 5. (1) The planning commission shall elect a chairperson, vice-chairperson, and secretary from its members and shall create and fill other offices or committees as it considers advisable. The term of each officer shall be 1 year. The planning commission may appoint</p>		<p><b>125.3817 Chairperson, secretary, and other offices; election; terms; appointment of advisory committees.</b></p> <p>Sec. 17. (1) A planning commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under section 19.</p> <p>(2) A planning commission may appoint advisory committees whose</p>

<p>advisory committees outside of its membership.</p> <p>(2) 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. A special meeting may be called by 2 members upon written request to the secretary or by the chairperson. The business which the planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976 and the secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.</p> <p>(3) The township board, upon recommendation of the planning commission, may employ a planning director or other planning personnel, contract for the services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.</p> <p>(4) The planning commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. It shall make an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development. 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 Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.</p>		<p>members are not members of the planning commission.</p> <p><b>125.3821 Meetings; frequency; time; place; special meeting; notice; compliance with open meetings act; availability of writings to public.</b></p> <p>Sec. 21. (1) A planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting.</p> <p>(2) The business that a planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with the open meetings act, 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 that act.</p> <p>(3) A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.</p> <p><b>125.3819 Bylaws; adoption; public record requirements; annual report by planning commission.</b></p> <p>Sec. 19. (1) A planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.</p> <p>(2) A 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.</p> <p><b>125.3823 Compensation; expenses; preparation of budget; acceptance of gifts.</b></p> <p>Sec. 23. (1) Members of a planning commission may be compensated for their services as provided by the legislative body. A planning commission may adopt bylaws relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the legislative body, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.</p>
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		<p>(2) After preparing the annual report required under section 19, a planning commission may prepare a detailed budget and submit the budget to the legislative body for approval or disapproval. The legislative body annually may appropriate 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, contributions, or endowments.</p> <p>(3) A planning commission may accept gifts for the exercise of its functions. However, in a township, other than a township that on the effective date of this act had a planning commission created under former 1931 PA 285, only the township board may accept such gifts, on behalf of the planning commission. A gift of money so accepted in either case 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 a warrant against the special nonreverting fund only upon receipt of a voucher signed by the chairperson and secretary of the planning commission and an order drawn by the clerk of the local unit of government. The expenditures of a planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the legislative body.</p> <p><b>125.3825 Employment of planning director and other personnel; contract for services; use of information and advice provided by public officials, departments, and agencies.</b></p> <p>Sec. 25. (1) A local unit of government may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the legislative body. This authority shall be exercised by the legislative body, unless a charter provision or ordinance delegates this authority to the planning commission or another body or official. The appointment of employees is subject to the same provisions of law as govern other corresponding civil employees of the local unit of government.</p> <p>(2) For the purposes of this act, a planning commission may make use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county, and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of planning commissions and furnish such other technical assistance and advice as they may have for planning purposes.</p>
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<p><b>125.326 Basic plan as guide for development of unincorporated portions of township; basis; expert advice and information; technical assistance; adoption of plan for certain geographic area; site plan; authority of planning commission clarified.</b></p> <p>Sec. 6. (1) The township planning commission shall make and approve a basic plan as a guide for the development of unincorporated portions of the township. As a basis for the plan, the township planning commission may do any of the following:</p> <p>(a) Make inquiries, investigations, and surveys of all the resources of the township.</p> <p>(b) Assemble and analyze data and formulate plans for the proper conservation and uses of all resources, including a determination of the extent of probable future need for the most advantageous designation of lands having various use potentials and for services, facilities, and utilities required to equip those lands.</p> <p>(c) Meet with other governmental planning commissions to deliberate.</p> <p>(2) The township planning commission may make use of expert advice and information which may be furnished by appropriate federal, state, county, and municipal officials, departments, and agencies having information, maps, and data pertinent to township planning. State, regional, county, and municipal officials, departments, and agencies shall make available public information for the use of township planning commissions and may furnish such other technical assistance and advice as they may have for planning purposes.</p> <p>(3) In addition to the basic plan provided in subsection (1), by a majority vote of the members, the township planning commission may adopt a plan for a geographic area less than the entire unincorporated area of the township if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 2. Before adoption of a plan under this subsection, the township planning commission shall hold at least 1 public hearing on the plan after giving notice as</p>	<p><b>Article III: Preparation and Adoption of Master Plan</b></p>	<p><b>125.3831 Master plan; preparation by planning commission; conditions; duties; meetings with other governmental planning commissions or agency staff; powers.</b></p> <p>Sec. 31. (1) A planning commission shall make and approve a master plan as a guide for development within the planning jurisdiction subject to section 81 and the following:</p> <p>(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.</p> <p>(b) For a township that on the effective date of this act had a planning commission created under former 1931 PA 285, or for a city or village, the planning jurisdiction may include any areas outside of the municipal boundaries that, in the planning commission's judgment, are related to the planning of the municipality.</p> <p>(2) In the preparation of a master plan, a planning commission shall do all of the following, as applicable:</p> <p>(a) Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.</p> <p>(b) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.</p> <p>(c) Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit of government's programs with these agencies.</p> <p>(3) In the preparation of the master plan, the planning commission may meet with other governmental planning commissions or agency staff to deliberate.</p>

<p>provided in section 8(1).</p> <p>(4) After adoption of a plan under this act, a site plan for a property located in the plan area that is required to be submitted under section 16e of the township zoning act, 1943 PA 184, MCL 125.286e, shall comply with the plan adopted under this act.</p> <p>(5) The purpose of the 1987 amendments to this section was to clarify the authority of a planning commission, which was implied from the language of this act, but was not specifically set forth in this act.</p>		<p>(4) In general, a planning commission has such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of this act.</p>
<p><b>125.327 Basic plan; contents.</b></p> <p>Sec. 7. The basic plan shall address land use issues and may project 20 years or more into the future. The plan shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the planning commission's recommendations for the physical development of the unincorporated area of the township. The basic plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the township:</p> <p>(a) A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.</p> <p>(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.</p> <p>(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.</p> <p>(d) Recommendations for implementing any of its proposals.</p>		<p><b>125.3833 Master plan; land use and infrastructure issues; inclusion of maps, plats, charts, and other related matter; recommendations for physical development; additional subjects; implementation of master street plan; specifications; section subject to MCL 125.3881(1).</b></p> <p>Sec. 33. (1) A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A 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.</p> <p>(2) A 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:</p> <p>(a) A land use plan that consists 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. If a county has not adopted a zoning ordinance under former 1943 PA 183 or the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, a land use plan and program for the county may be a general plan with a generalized future land use map.</p> <p>(b) The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and waterfront developments; sanitary sewers and water supply systems; facilities for flood prevention, drainage, pollution prevention, and</p>

		<p>maintenance of water levels; and public utilities and structures.</p> <p>(c) Recommendations as to the general character, extent, and layout of redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of streets, grounds, open spaces, buildings, utilities, or other facilities.</p> <p>(d) For a local unit of government that has adopted a zoning ordinance, a zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.</p> <p>(e) Recommendations for implementing any of the master plan's proposals.</p> <p>(3) If a master plan is or includes a master street plan, the means for implementing the master street plan in cooperation with the county road commission and the state transportation department shall be specified in the master street plan in a manner consistent with the respective powers and duties of and any written agreements between these entities and the municipality.</p> <p>(4) This section is subject to section 81(1).</p>
		<p><b>125.3835 Subplan; adoption.</b></p> <p>Sec. 35. A planning commission may, by a majority vote of the members, adopt a subplan 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 7.</p>
		<p><b>125.3837 Metropolitan county planning commission; designation; powers.</b></p> <p>Sec. 37. (1) A county board of commissioners may designate the county planning commission as the metropolitan county planning commission. A county planning commission so designated 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:</p> <p>(a) Preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use</p>

		<p>and the provision of public facilities, together with long-range fiscal plans for such development.</p> <p>(b) Programming of capital improvements based on relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program.</p> <p>(c) Coordination of all related plans of local governmental agencies within the metropolitan area or region.</p> <p>(d) Intergovernmental coordination of all related planning activities among the state and local governmental agencies within the metropolitan area or region.</p> <p>(2) In addition to the powers conferred by other provisions of this act, a metropolitan county planning commission may apply for, receive, and accept grants from any local, regional, state, or federal governmental agency and agree to and comply with the terms and conditions of such grants. A metropolitan county planning commission may do any and all things necessary or desirable to secure the financial aid or cooperation of a regional, state, or federal governmental agency in carrying out its functions, when approved by a 2/3 vote of the county board of commissioners.</p>
<p><b>125.327a Adoption of basic plan; notice; submission of information electronically.</b></p> <p>Sec. 7a. (1) A basic plan shall be adopted under the procedures set forth in this section and sections 7b and 8.</p> <p>(2) Before preparing a plan, a township planning commission shall mail by first-class mail a notice, explaining that the planning commission intends to prepare a plan and requesting the recipient's cooperation and comment, to all of the following:</p> <p>(a) The planning commission, or if there is no planning commission, the legislative body, of each township, city, or village located within or contiguous to the township.</p> <p>(b) The regional planning commission for the region in which the township is located, if there is no county planning commission for the county where the township is located. If there is a county planning commission for the county where the township is located, the township planning commission may consult with the regional planning commission but is not required to do so.</p> <p>(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the</p>		<p><b>125.3839 Master plan; adoption; procedures; notice; submittals; use of electronic mail.</b></p> <p>Sec. 39. (1) A master plan shall be adopted under the procedures set forth in this section and sections 41 and 43. 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.</p> <p>(2) Before preparing a master plan, a planning commission shall send to all of the following, by first-class mail or personal delivery, a notice explaining that the planning commission intends to prepare a master plan and requesting the recipient's cooperation and comment:</p> <p>(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 municipality located within or contiguous to the local unit of government.</p> <p>(b) For a county undertaking a master plan, the regional planning commission for the region in which the county is located, if any.</p> <p>(c) For a county undertaking a master plan, the county planning commission, or if there is no county planning commission, the county</p>

<p>county in which the township is located.</p> <p>(d) Each public utility company and railroad company owning or operating a public utility or railroad within the township, and any government entity, that registers its name and mailing address for this purpose with the township planning commission.</p> <p>(3) The notice to an entity under subsection (2) may request permission for the township or county, as applicable, to submit electronically any information required to be submitted to that entity under section 7b or 8. If the entity to which the notice is sent grants this permission, information submitted to or by that entity under section 7b or 8 may be submitted electronically. Otherwise, such information shall be submitted in writing by first-class mail or personal delivery.</p>		<p>board of commissioners, for each county located contiguous to the county.</p> <p>(d) For a municipality undertaking a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that municipality is located. If there is a county planning commission, the municipal planning commission may consult with the regional planning commission but is not required to do so.</p> <p>(e) For a municipality 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 municipality is located.</p> <p>(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.</p> <p>(g) If the master plan will include a master street plan, the county road commission and the state transportation department.</p> <p>(3) A submittal under section 41 or 43 by or to an entity described in subsection (2) may be made by personal or first-class mail delivery of a hard copy or by electronic mail. However, the planning commission preparing the plan shall not make such submittals by electronic mail unless, in the notice described in subsection (2), the planning commission states that it intends to make such submittals by electronic mail and the entity receiving that notice does not respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge.</p>
<p><b>125.327b Adoption of plan; submission to township board; review and comment; notice to certain entities; submission of comments; advisory statements.</b></p> <p>Sec. 7b. (1) A plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the township or with functional subject matter areas of the plan.</p> <p>(2) After preparing a proposed plan, the township planning commission shall submit the proposed plan to the township board for review and comment.</p>		<p><b>125.3841 Preparation of proposed master plan; submission to legislative body for review and comment; approval required; notice; submission of comments; statements as advisory.</b></p> <p>Sec. 41. (1) After preparing a proposed master plan, a 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.</p> <p>(2) If the legislative body approves the distribution of the proposed master plan, it shall notify the secretary of the planning commission,</p>

<p>(3) If the township board approves the distribution of the proposed plan, it shall notify the secretary of the planning commission and the secretary shall submit a copy of the proposed plan, for review and comment, to all of the following:</p> <p>(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, or township located within or contiguous to the township.</p> <p>(b) The regional planning commission, if any, for the region in which the township is located, if there is no county planning commission for the county in which the township is located. If there is a county planning commission for the county in which the township is located, the secretary of the township planning commission may submit a copy of the proposed plan to the regional planning commission but is not required to do so.</p> <p>(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the township is located. The secretary of the township planning commission shall concurrently submit to the county planning commission a statement that the requirements of subdivision (a) have been met or, if there is no county planning commission, shall submit to the county board of commissioners a statement that the requirements of subdivisions (a) and (b) have been met. The statement shall be signed by the secretary and shall include the name and address of each planning commission or legislative body to which a copy of the proposed plan was submitted under subdivision (a) or (b) and the date of submittal.</p> <p>(d) Each public utility company and railroad company owning or operating a public utility or railroad within the township, and any government entity, that registers its name and address for this purpose with the secretary of the township planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed plan, or of a plan as provided in section 8(5), shall reimburse the township for any copying and postage costs thereby incurred by the township.</p> <p>(4) An entity described in subsection (3) may submit comments on the proposed plan to the township planning commission within 63 days after the proposed plan was submitted to that entity under subsection (3). If the county planning commission or the county board of commissioners that receives a copy of the plan under subsection (3)(c) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:</p>		<p>and the secretary of the planning commission shall submit, in the manner provided in section 39(3), a copy of the proposed master plan, for review and comment, to all of the following:</p> <p>(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 municipality located within or contiguous to the local unit of government.</p> <p>(b) For a county proposing a master plan, the regional planning commission for the region in which the county is located, if any.</p> <p>(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.</p> <p>(d) For a municipality proposing a master plan, the regional planning commission for the region in which the municipality 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 master plan to the regional planning commission but is not required to do so.</p> <p>(e) For a municipality 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 municipality is located. The secretary of the planning commission shall concurrently submit to the county planning commission, in the manner provided in section 39(3), a statement that the requirements of subdivision (a) have been met or, if there is no county planning commission, shall submit to the county board of commissioners, in the manner provided in section 39(3), a statement that the requirements of subdivisions (a) and (d) have been met. The statement shall be signed by the secretary and 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), as applicable, and the date of submittal.</p> <p>(f) For any local unit of 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 described in this subdivision that receives a copy of a proposed master plan, or of a final master plan as provided in section 43(5),</p>
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<p>(a) A statement whether the county planning commission or county board of commissioners considers the proposed plan to be inconsistent with the plan of any city, village, township, or region described in subsection (3)(a) or (b).</p> <p>(b) If the county has a county plan, a statement whether the county planning commission considers the proposed basic plan to be inconsistent with the county plan.</p> <p>(5) The statements provided for in subsection (4)(a) and (b) are advisory only.</p>		<p>shall reimburse the local unit of government for any copying and postage costs thereby incurred.</p> <p>(g) If the proposed master plan is or includes a proposed master street plan, the county road commission and the state transportation department.</p> <p>(3) An entity described in subsection (2) may submit comments on the proposed master plan to the planning commission in the manner provided in section 39(3) within 63 days after the proposed master plan was submitted to that entity under subsection (2). If the county planning commission or the county board of commissioners that receives a copy of a proposed master plan under subsection (2)(e) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:</p> <p>(a) A statement whether the county planning commission or county board of commissioners considers the proposed master plan to be inconsistent with the master plan of any municipality or region described in subsection (2)(a) or (d).</p> <p>(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.</p> <p>(4) The statements provided for in subsection (3)(a) and (b) are advisory only.</p>
<p><b>125.328 Basic plan; public hearing approval procedure; approval by township board; final adoption.</b></p> <p>Sec. 8. (1) Before approving a proposed basic plan, the township planning commission shall hold a public hearing on the proposed plan. The hearing shall be held after the expiration of the deadline for comment under section 7b(4). The township planning commission shall publish notice of the hearing twice in a newspaper of general circulation in the township. The first publication shall be not more than 30 days or less than 20 days before the date of the hearing. The second publication shall be not more than 8 days before the date of the hearing.</p> <p>(2) At or after the hearing under subsection (1), the township planning commission may approve the proposed plan by majority vote of its membership. Following approval of the proposed plan by the township planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the</p>		<p><b>125.3843 Proposed master plan; public hearing; notice; approval by resolution of planning commission; statement; submission of copy of master plan to legislative body; approval or rejection by legislative body; procedures; submission of adopted master plan to certain entities.</b></p> <p>Sec. 43. (1) Before approving a proposed master plan, a 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 41(3). 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 local unit of government. The planning commission shall also submit notice of the public hearing in the manner provided in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section 41.</p> <p>(2) The approval of the proposed master plan shall be by resolution</p>

<p>township board.</p> <p>(3) Approval of the plan by the planning commission under subsection (2) is the final step for adoption of the plan, unless the township board by resolution has asserted the right to approve or reject the plan. In that case, after approval of the plan by the planning commission, the township board shall approve or reject the plan.</p> <p>(4) If the township board rejects the proposed plan, the township board shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the township board's objections and revise the proposed plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until a proposed plan is approved by the township board.</p> <p>(5) The plan is effective upon final adoption. Upon final adoption of the plan, copies of the adopted plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 7b(3).</p>		<p>of the planning commission carried by the affirmative votes of not less than 2/3 of the members of a city or village planning commission or not less than a majority of the members of a township or county planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the master plan. A statement recording the planning commission's approval of the master plan, signed by the chairperson or secretary of the planning commission, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map. Following approval of the proposed master plan by the planning commission, the secretary of the planning commission shall submit a copy of the master plan to the legislative body.</p> <p>(3) Approval of the proposed 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 proposed master plan by the planning commission, the legislative body shall approve or reject the proposed master plan. A statement recording the legislative body's approval of the master plan, signed by the clerk of the legislative body, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.</p> <p>(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.</p> <p>(5) Upon final adoption of the master plan, the secretary of the planning commission shall submit, in the manner provided in section 39(3), copies of the adopted master plan to the same entities to which copies of the proposed master plan were required to be submitted under section 41(2).</p>
<p><b>125.329 Plan amendment or adoption of new plan.</b></p> <p>Sec. 9. (1) An extension, addition, revision, or other amendment to a basic plan shall be adopted under the same procedure as a plan or</p>		<p><b>125.3845 Extension, addition, revision, or other amendment to master plan; adoption; procedures; review and findings.</b></p> <p>Sec. 45. (1) An extension, addition, revision, or other amendment to a</p>

<p>a successive part of a plan under sections 7a, 7b, and 8. However, for an amendment other than a revision of the plan, the 63-day period otherwise provided for in section 7b(4) shall be 40 days.</p> <p>(2) At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.</p> <p>(3) Until January 9, 2003, a township may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act that were in effect on January 8, 2003.</p> <p><b>[Excerpt]</b></p>		<p>master plan shall be adopted by following the procedure under sections 39, 41, and 43, subject to all of the following:</p> <p>(a) Any of the following amendments to a master plan may be made without following the procedure under sections 39, 41, and 43:</p> <p>(i) A grammatical, typographical, or similar editorial change.</p> <p>(ii) A title change.</p> <p>(iii) A change to conform to an adopted plat.</p> <p>(b) Subject to subdivision (a), the review period provided for in section 41(3) shall be 42 days instead of 63 days.</p> <p>(c) When a planning commission sends notice to an entity under section 39(2) that it intends to prepare a subplan, the notice may indicate that the local unit of government intends not to provide that entity with further notices of or copies of proposed or final subplans otherwise required to be submitted to that entity under section 39, 41, or 43. Unless the entity responds that it chooses to receive notice of subplans, the local unit of government is not required to provide further notice of subplans to that entity.</p> <p>(2) At least every 5 years after adoption of a master plan, a 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. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission.</p>
		<p><b>125.3847 Part of county master plan covering incorporated area; adoption by appropriate city or village required; exception.</b></p> <p>Sec. 47. (1) Subject to subsection (2), a part of a county master plan covering 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 this act.</p> <p>(2) Subsection (1) does not apply if the incorporated area is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or</p>

		1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.
		<p><b>125.3849 City or village planning department; authority to submit proposed master plan, or proposed extension, addition, revision, or other amendment.</b></p> <p>Sec. 49. (1) This act does not alter the authority of a planning department of a city or village created by charter to submit a proposed master plan, or a proposed extension, addition, revision, or other amendment to a master plan, to the planning commission, whether directly or indirectly as provided by charter.</p> <p>(2) Subsection (1) notwithstanding, a planning commission described in subsection (1) shall comply with the requirements of this act.</p>
<p><b>125.329 Plan amendment or adoption of new plan.</b></p> <p>Sec. 9.</p> <p><b>[Excerpt]</b></p> <p>(4) The planning commission shall promote public understanding of and interest in the plan, shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary</p>		<p><b>125.3851 Public interest and understanding; promotion.</b></p> <p>Sec. 51. (1) To promote public interest in and understanding of the master plan, a planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.</p> <p>(2) A planning commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the master plan.</p>

**125.330 Basic plan; approval of public way, space, building, or structure; adoption of capital improvement program.**

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

**Article IV:  
Special Provisions,  
Including Capital Improvements and Subdivision Review**

**125.3861 Construction of certain projects in area covered by municipal master plan; approval; initiation of work on project; requirements; report and advice.**

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

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

<p>(2) A township may adopt a capital improvement program.</p>		<p><b>125.3863 Approval of construction project before effective date of act; rescission of authorization; failure of planning commission to act within certain period of time.</b></p> <p>Sec. 63. If the opening, widening, or extension of a street, or the acquisition or enlargement of any square, park, playground, or other open space has been approved by a township planning commission that was created before the effective date of this act under former 1931 PA 285 or by a city or village planning commission and authorized by the legislative body as provided under section 61, the legislative body shall not rescind its authorization unless the matter has been resubmitted to the planning commission and the rescission has been approved by the planning commission. The planning commission shall hold a public hearing on the matter. The planning commission shall submit its reasons for approval or disapproval of the rescission to the legislative body. If the planning commission disapproves the rescission, the legislative body may overrule the planning commission by a vote of not less than 2/3 of its entire membership. If the planning commission fails to act within 63 days after submission of the proposed rescission to the planning commission, the proposed rescission shall be considered to be approved by the planning commission.</p> <p><b>125.3865 Capital improvements program of public structures and improvements; preparation; basis.</b></p> <p>Sec. 65. (1) To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. The capital improvements program shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or</p>
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		<p>improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.</p> <p>(2) Any township may prepare and adopt a capital improvement program. However, subsection (1) is only mandatory for a township if the township, alone or jointly with 1 or more other local units of government, owns or operates a water supply or sewage disposal system.</p> <p><b>125.3867 Programs for public structures and improvements; recommendations.</b></p> <p>Sec. 67. A planning commission may recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof, regardless of whether the planning commission is exempted from the requirement to prepare a capital improvements program under section 65.</p>
<p><b>125.331 Transfer of powers and duties for zoning boards to planning commission; postponement; filing zoning ordinances and amendments.</b></p> <p>Sec. 11. The township board, by resolution, may transfer to the planning commission all powers and duties provided by the township rural zoning act, Act No. 184 of the Public Acts of 1943, as amended, being sections 125.271 to 125.301 of the Michigan Compiled Laws, for zoning boards created under that act. If the existing zoning board is nearing the completion of its zoning plan, the township board 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. In 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.</p>		<p><b>125.3869 Copy of zoning ordinance and amendments; request by county planning commission for submission by municipal planning commission.</b></p> <p>Sec. 69. If a municipal planning commission has zoning duties pursuant to section 83 and the municipality has adopted a zoning ordinance, the county planning commission, if any, may, by first-class mail or personal delivery, request the municipal planning commission to submit to the county planning commission a copy of the zoning ordinance and any amendments. The municipal planning commission shall submit the requested documents to the county planning commission within 63 days after the request is received and shall submit any future amendments to the zoning ordinance within 63 days after the amendments are adopted. The municipal planning commission may submit a zoning ordinance or amendment under this subsection electronically.</p>

**125.332 Approval of plats.**

Sec. 12. The township board shall refer plats or other matters relating to land development to the planning commission before final action thereon by the township board and may request the planning commission to recommend regulations governing the subdivision of land. The recommendations may provide for the procedures of submittal, including recommendations for submitting a preliminary subdivision design, the standards of design and the physical improvements that may be required.

**125.3871 Recommendations for ordinances or rules governing subdivision of land; public hearing; notice; action on proposed plat; approval, approval with conditions, or disapproval by planning commission; approval of plat as amendment to master plan.**

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

(2) Recommendations for a subdivision ordinance or rule may address plat design, including the proper arrangement of streets in relation to other existing or planned streets and to the master plan; adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air; and the avoidance of congestion of population, including minimum width and area of lots. The recommendations may also address the extent to which streets 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 a plat.

(3) Before recommending an ordinance or rule described in subsection (1), the planning commission shall hold a public hearing on the proposed ordinance or rule. 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 local unit of government.

(4) If a municipality has adopted a master plan or master street plan, the planning commission of that municipality shall review and make recommendations on plats before action thereon by the legislative body under section 112 of the land division act, 1967 PA 288, MCL 560.112. If a township is subject to county zoning consistent with

		<p>section 209 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3209, or a city or village is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, and the municipality has adopted a master plan or master street plan, the county planning commission shall also review and make recommendations on plats before action thereon by the legislative body of the municipality under section 112 of the land division act, 1967 PA 288, MCL 560.112.</p> <p>(5) A planning commission shall not take action on a proposed plat without affording an opportunity for a public hearing thereon. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the municipality. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.</p> <p>(6) A planning commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the planning commission. If applicable standards under the land division act, 1967 PA 288, MCL 560.101 to 560.293, and an ordinance or published rules governing the subdivision of land authorized under section 105 of that act, MCL 560.105, are met, the planning commission shall recommend approval of the plat. If the planning commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the planning commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period. The grounds for any recommendation of disapproval of a plat shall be stated upon the records of the planning commission.</p> <p>(7) A plat approved by a municipality and recorded under section 172 of the land division act, 1967 PA 288, MCL 560.172, shall be considered to be an amendment to the master plan and a part thereof. Approval of a plat by a municipality does not constitute or effect an acceptance by the public of any street or other open space shown upon the plat.</p>
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**125.333 Inconsistent acts.**

Sec. 13. 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 Act No. 240 of the Public Acts of 1937, as amended, being sections 338.551 to 338.576 of the Compiled Laws of 1948, as to work required to be performed by registered architects, professional engineers or land surveyors. This act shall not preclude the creation or continuance of a township planning commission created pursuant to Act No. 285 of the Public Acts of 1931, as amended, being sections 125.31 to 125.45 of the Compiled Laws of 1948.

**Article V:  
Transitional  
Provisions  
and Repealer**

**125.3881 Plan adopted or amended under planning act repealed under MCL 125.3885; effect; city or home rule village charter provision creating planning commission or ordinance implementing provision before effective date of act; ordinance creating planning commission under former law; ordinance or rules governing subdivision of land.**

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

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

(a) The legislative body may by ordinance increase the powers and duties of the planning commission to correspond with the powers and duties of a planning commission created under this act. Provisions of this act regarding planning commission powers and duties do not otherwise apply to a planning commission created by charter before the effective date of this act and provisions of this act regarding planning commission membership, appointment, and organization do not apply to such a planning commission. All other provisions of this act, including, but not limited to, provisions regarding planning commission selection of officers, meetings, rules, records, appointment of employees, contracts for services, and expenditures, do apply to such a planning commission.

<p><b>125.331 Transfer of powers and duties for zoning boards to planning commission; postponement; filing zoning ordinances and amendments.</b></p> <p>Sec. 11. The township board, by resolution, may transfer to the planning commission all powers and duties provided by the township rural zoning act, Act No. 184 of the Public Acts of 1943, as</p>		<p>(b) The legislative body shall amend any ordinance adopted before the effective date of this act to implement the charter provision, or repeal the ordinance and adopt a new ordinance, to fully conform to the requirements of this act made applicable by subdivision (a), by the earlier of the following dates:</p> <p>(i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.</p> <p>(ii) July 1, 2011.</p> <p>(3) Unless repealed, an ordinance creating a planning commission under former 1931 PA 285 or former 1945 PA 282 or a resolution creating a planning commission under former 1959 PA 168 continues in effect under this act, and the planning commission need not be newly created by an ordinance adopted under this act. However, all of the following apply:</p> <p>(a) Beginning on the effective date of this act, the duties of the planning commission are subject to the requirements of this act.</p> <p>(b) The legislative body shall amend the ordinance, or repeal the ordinance or resolution and adopt a new ordinance, to fully conform to the requirements of this act by the earlier of the following dates:</p> <p>(i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.</p> <p>(ii) July 1, 2011.</p> <p>(c) An ordinance adopted under subdivision (b) is not subject to referendum.</p> <p>(4) Unless repealed or rescinded by the legislative body, an ordinance or published rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105, need not be readopted under this act or amended to comply with this act but continue in effect under this act. However, if amended, the ordinance or published rules shall be amended under the procedures of this act.</p> <p><b>125.3883 Transfer of powers, duties, and records.</b></p> <p>Sec. 83. (1) If, on the effective date of this act, a planning commission had the powers and duties of a zoning board or zoning commission under the former city and village zoning act, 1921 PA 207, the former county zoning act, 1943 PA 183, or the former township zoning act, 1943 PA 184, and under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, the planning</p>
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<p>amended, being sections 125.271 to 125.301 of the Michigan Compiled Laws, for zoning boards created under that act. If the existing zoning board is nearing the completion of its zoning plan, the township board 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. In 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.</p>		<p>commission may continue to exercise those powers and duties without amendment of the ordinance, resolution, or charter provision that created the planning commission.</p> <p>(2) If, on the effective date of this act, a local unit of government had a planning commission without zoning authority created under former 1931 PA 285, former 1945 PA 282, or former 1959 PA 168, the legislative body may by amendment to the ordinance creating the planning commission, or, if the planning commission was created by resolution, may by resolution, transfer to the planning commission all the powers and duties provided to a zoning board or zoning commission created under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702. If an existing zoning board or zoning commission in the local unit of government is nearing the completion of its draft zoning ordinance, the legislative body shall postpone the transfer of the zoning board's or zoning commission's powers, duties, and records until the completion of the draft zoning ordinance, but is not required to postpone the transfer more than 1 year.</p> <p>(3) If, on or after the effective date of this act, a planning commission is created in a local unit of government that has had a zoning board or zoning commission since before the effective date of this act, the legislative body shall transfer all the powers, duties, and records of the zoning board or zoning commission to the planning commission before July 1, 2011. If the existing zoning board or zoning commission is nearing the completion of its draft zoning ordinance, the legislative body may, by resolution, postpone the transfer of the zoning board's or zoning commission's powers, duties, and records until the completion of the draft zoning ordinance, but not later than until 1 year after creation of the planning commission or July 1, 2011, whichever comes first.</p> <p><b>125.3885 Repeal of certain acts.</b></p> <p>Sec. 85. (1) The following acts are repealed:</p> <p>(a) 1931 PA 285, MCL 125.31 to 125.45.</p> <p>(b) 1945 PA 282, MCL 125.101 to 125.115.</p> <p>(c) 1959 PA 168, MCL 125.321 to 125.333.</p> <p>(2) Any plan adopted or amended under an act repealed under subsection (1) is subject to section 81(1).</p>
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