

ESTABLISHED 1835



# SYLVAN TOWNSHIP

18027 Old US 12  
Chelsea, Michigan 48118-9673  
(734) 475-8890  
Fax: (734) 475-8905

Sylvan Township Planning Commission  
**DRAFT AGENDA**  
**SPECIAL MEETING**  
October 6, 2022  
7:00pm

- Call to Order – D.Seitz, Chairperson
- Pledge of Allegiance
- Roll call of members: T. Bareis, S. Eiseman, Courtney Heller, Leah Herrick S. Schulze, D. Seitz, Mike VanBuren - absent with notice
- Accept agenda
- Approval of closed session Minutes for the July 28, 2022 regular meeting
- Approval of Minutes for the September 22, 2022 regular meeting.
- Public Comment –
- Unfinished Business –
  1. Presentation of draft Open Space Preservation Ordinance -Rebecca Harvey, AICP  
Set public hearing
  2. Discussion with Attorney Thall regarding process to review Master Plan.
  3. Consideration of a request of Inlandish Development LLC for a conditional rezoning of twenty acres, 5601 Conway Road, formerly known as 5710 Conway rd. Tax parcel id f-06-11-200-024. The request is to conditionally rezone the parcel from the agriculture zoning district to low density residential for an additional 9-12 homes. There is one home currently on the property. There is no site plan for consideration at this time.
- New Business – None
- Communication-
- Comments/ concerns of the Planning Commission members
- Adjournment

REMINDER: Next regular meeting October 27, 2022

Supervisor  
Kathleen Kennedy

Clerk  
Amanda Nimke

Treasurer  
Rodney Branham

Trustee  
Kurt Koseck

Trustee  
Sandie Schulze

SYLVAN TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN

NOTICE OF PLANNING COMMISSION MEETING  
AND PUBLIC HEARINGS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF SYLVAN, WASHTENAW COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Sylvan Township Planning Commission will hold a SPECIAL MEETING at 18027 Old US 12, within Sylvan Township, on OCTOBER 6, 2022 at 7:00 p.m., that will include the following:

1. DISCUSSION OF THE PROCESS TO AMEND THE MASTER PLAN
2. WORKSESSION TO REVIEW A DRAFT OF THE PROPOSED OPEN SPACE DEVELOPMENT ORDINANCE
3. CONSIDERATION OF A CONDITIONAL REZONING APPLICATION AT 5601 CONWAY RD. (PUBLIC HEARING HELD 9/22/2022)
4. SUCH OTHER AND FURTHER MATTERS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION.

PLEASE TAKE FURTHER NOTICE that the Planning Commission meeting will be held in person. The public may also view/hear the meeting through Zoom access by computer and smart phone using the following link:

<https://us02web.zoom.us/j/82351253129>

Meeting ID: 823 5125 3129

Meeting ID:

One tap mobile

+13126266799,,82351253129# US (Chicago)

+16465588656,,82351253129# US (New York)

The public may only speak during the public hearing and during public comment by being physically present at the meeting. Such comments will be limited to three minutes per person for each item. To provide for orderly public participation a person wishing to speak must state their name and request to be recognized by the Planning Commission Chairperson. The Chairperson will recognize all persons wishing to speak during public comment and public hearings. If, prior to the meeting, members of the public have certain questions or wish to provide written comment on any business that will be addressed at the meeting then such persons may contact the Planning Commissioners through the undersigned Township Clerk at the below email or address. Written comments will also be received by the Planning Commission at the meeting before close of the public hearing.

The draft Open Space Development Ordinance, and the Zoning Ordinance/Map/Land Use Plan may be examined by contacting the undersigned Clerk of the Township via telephone or email; and/or by appointment with the same at the Township Hall as provided below; and may further be examined at the meeting. Copies will be available through the township website. The Township Zoning Ordinance can be accessed on [www.municode.com](http://www.municode.com).

All interested persons are invited to participate at the aforesaid time and place.

Sylvan Township will provide necessary reasonable auxiliary aids and services at the meeting to individuals with disabilities, such as signers for the hearing impaired and audiotapes of printed materials being considered, upon four day's advanced notice to the Township by contacting the Township Clerk, Amanda Nimke Ballard, at the below address or phone number.

SYLVAN TOWNSHIP PLANNING COMMISSION

By: Dave Seitz, Chair

Amanda Nimke  
Sylvan Township Clerk  
[animkeballard@sylvan-township.org](mailto:animkeballard@sylvan-township.org)

18027 Old US 12  
Chelsea, Michigan 48118-9673  
734-475-8905

# Open Space Preservation Ordinance

**Section 30-805    *Open Space Preservation Developments***

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*(a) Purpose*

This section is intended to offer an alternative to traditional subdivision design through the use of open space preservation development opportunities, as authorized by Section 506 of the Michigan Public Act 110 of 2006, as amended, for the purpose of:

- 1) Assuring permanent preservation of substantial open space and other natural resources;
- 2) Allowing innovation and greater flexibility in the design of residential developments;
- 3) Facilitating construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- 4) Providing for site development that maintains a low visual impact, particularly along roadways and abutting properties;
- 5) Encouraging a less sprawling form of development, thus preserving open space, natural features, and wildlife habitat areas consistent with the Township's rural character; and
- 6) Ensuring compatibility of design and use between neighboring properties.

These regulations are intended to result in a development substantially consistent with these Ordinance requirements, generally, yet allowing for specific modifications from the general requirements. These regulations are not intended as a device for ignoring the Township's zoning requirements or the planning concepts upon which this Ordinance has been based.

These open space preservation development standards provide the design framework for the residential development plan. The review and approval process for a subdivision or site condominium shall still apply and can be conducted in conjunction with the open space preservation development review and approval process.

*(b) Scope*

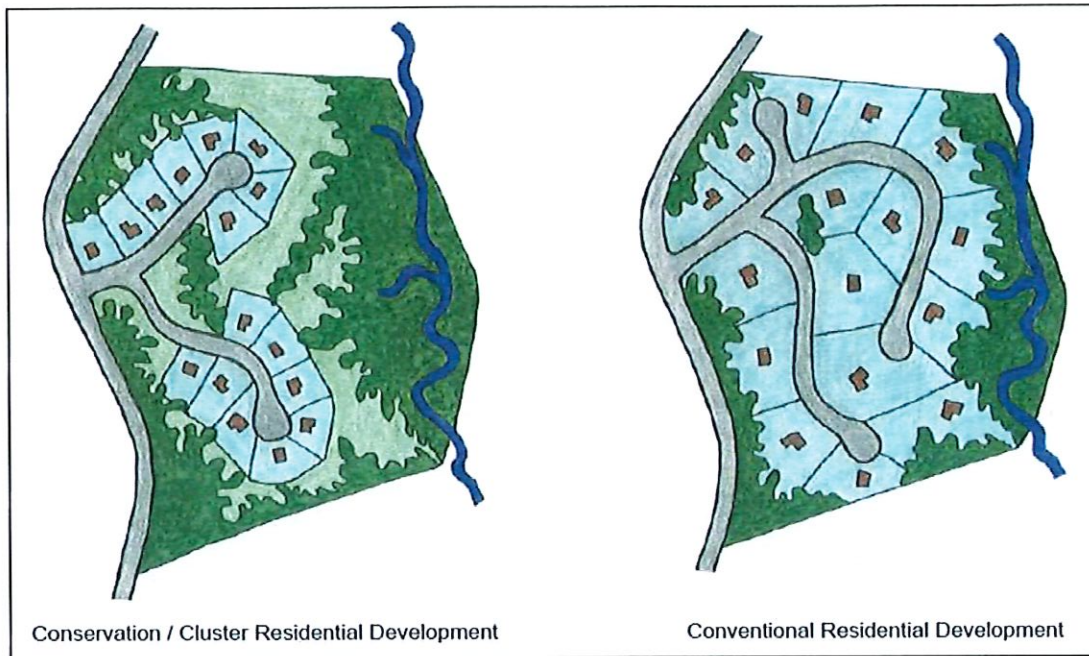
An open space preservation development is defined as a residential development where the protection of substantial open space is the primary site development consideration,



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and the clustering or grouping of dwelling units and/or sites upon a small portion of the property is a fundamental feature.

An open space preservation development shall be permitted within the "RC", "AG", "LR", "SR1" and "MR" zoning districts, subject to the following requirements and standards.



### *(c) General Development Requirements*

- 1) An open space preservation development shall be limited to single- and two-family dwellings, if same is allowed by the underlying zoning district, and provided that the total number of dwelling units does not exceed the density for the open space preservation development allowed by subsection 2).
- 2) The total number of residential dwelling units allowable within an open space preservation development shall not exceed the density allowed by the applicable requirements of the underlying zoning district.
- 3) The number of residential lots allowable within an open space preservation development shall be determined in the following manner:
  - a. A parallel design for the project consistent with the State and Township requirements and design criteria for a tentative preliminary plat shall be presented to the Planning Commission for review.

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- b. The design shall be reviewed to determine the number of lots that could be feasibly constructed following the adopted plat requirements.
  - c. The number of lots determined by the Planning Commission in this review shall be the maximum number of residential sites allowable for the open space preservation development.
- 4) Minimum lot area, lot width, and lot coverage requirements shall not apply within an open space preservation development. All other zoning ordinance dimensional requirements for the underlying zoning district shall apply, unless specifically modified by the Planning Commission as authorized below.

The Planning Commission is authorized to approve specific modifications from the building setback and building separation requirements set forth in this Ordinance. Any such modification shall be approved through a finding by the Planning Commission that the modification meets the purpose of the open space preservation development set forth in section (a). Such a modification is not subject to variance approval or further relief by the Zoning Board of Appeals.

- 5) Residential sites shall be confined to cluster areas established within the open space preservation development.
- 6) Cluster area design standards:
- a. A range of approximately five (5) to 10 sites per cluster area, arranged in a small, cohesive neighborhood, shall be considered a desirable design feature, as opposed to a linear arrangement.
  - b. Cluster areas should provide access to accommodate vehicles, utilities, and commonly owned facilities, as well as a linkage to the project open space system.
  - c. Cluster areas should be visually and physically separated from one another and off-site roadways by open space buffers.
  - d. Cluster areas should be integrated into the site without causing significant impacts on neighboring properties.
  - e. Cluster areas should be designed to be compatible with the surrounding community character.
  - f. The use of single-loaded streets (houses on only one side), especially alongside "open space", around community common areas, and to create foreground

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meadows along the public road that serves the development should be incorporated into cluster area designs to avoid a traditional suburban subdivision appearance.

- 7) Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.
- 8) The proposed open space preservation development shall be under common ownership or control while being constructed, such that there is a single ~~person or~~ entity having proprietary responsibility for the full completion of the project. Sufficient documentation of ownership or control, that indicates the proposed development will be completed in its entirety, shall be submitted with the application for approval.

### *(d) Open Space Requirements*

- 1) A minimum of 50 percent of the gross contiguous land area of the open space preservation development shall be designated as "open space".
- 2) All significant/sensitive environmental resources (steep slopes, wetlands, woodlands, prime agricultural soils, scenic features, etc.) within the open space preservation development should be included within the designated "open space".
- 3) The following land areas within the open space preservation development shall not be included as designated "open space":
  - a. Land devoted to a residential lot or unit, accessory use, vehicle access, parking, and/or approved land improvement (other than those land improvements specifically referenced in the definition of "undeveloped state" in subsection 4) below);
  - b. Public or private road rights-of-way or easements.
  - c. **Land devoted to a community water supply and/or septic system.**
- 4) Designated "open space" shall remain perpetually in an undeveloped state. "Undeveloped state" shall be defined as a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course

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but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

- 5) Designated "open space" shall, except for open space used for agriculture, consist of contiguous land area and be easily accessible to all residents of the open space preservation development through open space segments between clusters, visual and pedestrian linkages and proximity to such open spaces. Open space design should consider adjacent properties for the purpose of linking open spaces and creating connected open space and wildlife corridors.
- 6) Division (using the Land Division Act, Condominium Act, or otherwise) of the designated "open space" is prohibited.
- 7) Designated "open space" shall be under common ownership or control, such that there is a single ~~person or~~ entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
- 8) Designated "open space" shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
  - a. Recorded deed restrictions;
  - b. Covenants that run perpetually with the land;
  - c. Conservation easements; and/or
  - d. Land trusts.
- 9) Such conveyance shall assure that the designated "open space" will be protected from all forms of development, except as shown on the approved site plan, and shall never be changed to another use. Such conveyance shall also:
  - a. Indicate the approved use(s) of the designated "open space";
  - b. Require that the designated "open space" be maintained by parties who have an ownership interest in the "open space"; and
  - c. Provide standards for maintenance of the "open space".
- 10) Failure of the party(ies) having an ownership interest in the designated "open space" to maintain said "open space" in accordance with the standards set forth in the terms of conveyance described in subsection 9) shall constitute a violation of this Ordinance and subject the violator(s) to all sanctions, including injunctive relief, provided for under this Ordinance.



(e) *Design Standards*

1) Interior Street System

The open space preservation development shall be serviced by an interior street system; dwelling units shall not front on or gain direct access from an off-site road network. Interior streets may be public and/or private subject to Township approval.

a. Public streets shall be constructed to the standards of and dedicated to the Washtenaw County Road Commission.

b. Private roads shall be subject to the following standards:

i. A private road shall be located upon a 66-foot right-of-way/easement. The Township shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement.

ii. A private road shall be constructed to Washtenaw County Road Commission standards, except a private road shall have a driving surface with a minimum width of 20 feet, exclusive of parking area.

The Planning Commission may modify road construction standards upon a finding that the modification will continue to protect public health, safety and general welfare and upon review and approval by the Township Engineer and Township Fire Department.

iii. Construction of a private road shall be certified in writing by a licensed civil engineer or surveyor and such certificate shall accompany the maintenance agreement and be submitted to the Township Clerk and approved by the Township Zoning Administrator prior to the creation of any dependent lots.

iv. A private road shall be maintained by parties who have an ownership interest in the private road. Maintenance responsibilities shall be specified in a deed restriction. The private road shall be maintained to the minimum standards of the State Fire Code. **The Planning Commission may also require that a special assessment district be established under Michigan Public Act 188 of 1954 to assure maintenance of the private road.**

c. Street systems should be designed so that their curvature or alignment produces "terminal vistas" of open space elements, such as water features, meadows, or

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playing fields. This may commonly occur at the terminus of street intersections or through the use of single-loaded streets.

- d. Street systems shall be designed to accommodate required emergency vehicle access and circulation.

### 2) Access

Access to the open space preservation development shall be designed consistent with the rural, natural character of the area.

### 3) Utilities

- a. Public water and/or sanitary sewer services shall be required where reasonably available.
- b. Where such public services are not reasonably available, private on-site and/or community water supply and septic systems may be permitted subject to the review and regulation of the Michigan Department of Environmental, Great Lakes and Energy (EGLE) and/or the Washtenaw County Health Department and the approval of the Township.
- c. Appropriate provision for the ownership, operation, maintenance and replacement of a community system shall be irrevocably committed and documented through agreements, contracts, covenants, and/or deed restrictions. Sufficient documentation of the conveyance shall be provided and shall be subject to the approval of the Township. **The Planning Commission may also require that a special assessment district be established under Michigan Public Act of 188 of 1954 to assure operation, maintenance and replacement of a community system.**
- d. All utility lines and installations capable of being placed underground, including telephone, electric and cable television, shall be placed underground.

### 4) Storm Water Management

Storm water management systems and drainage facilities shall be designed so as to:

- a. Protect the natural environment, including wetlands, water bodies, watercourses, flood plains, groundwater and soils;

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- b. Retain the natural retention and storage capacity of any wetland, water body, or watercourse, and not increase flooding or the possibility of polluting surface water or groundwater, on-site or off-site; and
- c. Incorporate and/or use natural drainage systems existing on the site.

5) Street Lighting

Street lighting shall be designed and arranged so as to avoid light spillover onto adjacent premises and so that any light source is shielded or directed so that the light intensity or brightness will not be reasonably objectionable to surrounding areas.

6) Natural Features

The open space preservation development shall be designed to promote the preservation of natural features.

(f) *Review Criteria*

In considering an application for approval of an open space preservation development, the Planning Commission shall make its determination on the basis of the site plan review criteria set forth in section 30-78 (c) and the following criteria:

- 1) The overall design and land uses proposed in connection with an open space preservation development shall be consistent with the intent of the open space preservation development concept and the specific open space/general development/design standards set forth herein.
- 2) The proposed open space preservation development shall be serviced by the necessary public and/or private facilities to assure the public health, safety, and welfare of project residents and users.
- 3) The proposed open space preservation development shall be designed to minimize the impact of traffic generated by the development on the surrounding land use and road network.
- 4) The proposed open space preservation development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
- 5) The proposed open space preservation development shall be designed and constructed so as to preserve the integrity of existing on-site and off-site sensitive

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and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.

- 6) The designated "open space" shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- 7) The proposed open space preservation development shall comply with all applicable federal, state and local regulations.

### *(g) Approval Process*

#### 1) Conceptual Development Plan

- a. The applicant shall present the following information on the proposed open space preservation development for a conceptual review by the Planning Commission:
  - i. An accurate legal description of the development site;
  - ii. The names and addresses of all current owners of the development site;
  - iii. A parallel plan for determining the maximum allowable density. This plan shall meet the requirements for a plat based upon PA 288 of 1967, as amended, and the Township Subdivision Control Ordinance. The plan shall be based upon the minimum lot area and the required dimensions for the underlying zoning district;
  - iv. A concept plan of the proposed open space preservation development;
  - v. The total acreage of the development site;
  - vi. The location and dimension of known natural features.
  - vii. The number of acres ineligible for density computation or open space;
  - viii. The number of acres to be designated as "open space";
  - ix. The number of acres to be developed by use;
  - x. The number and type of proposed dwelling units;
  - xi. The pedestrian and vehicular circulation system
- b. Conceptual Development Plan approval shall not constitute an approval of a detailed final development plan but shall be deemed a tentative approval of the development concept and layout as a guide to the preparation of the final development plan. A request for modification of the conceptual development plan shall be submitted to the Planning Commission for review in the same manner as the original conceptual development plan.



2) Final Development Plan

- a. Following conceptual development plan review, an open space preservation development shall undergo a final development plan review by the Planning Commission. The final development plan review shall conform to the approved conceptual development plan and incorporate any revisions required by the Planning Commission at the conceptual development plan review. If a final development plan is not submitted for review within six (6) months of conceptual development plan approval, the Planning Commission may require a resubmission of the conceptual development plan for further review and possible revision. Final development plan review shall be subject to all appropriate sections of this Ordinance.
- b. The following information shall be provided as part of the final development plan:
  - i. The names, address, and telephone number of:
    - all persons with an ownership interest in the land on which the open space preservation development will be located, including a description of the nature of each entity's interest
    - all engineers, attorneys, architects or registered land surveyors associated with the open space preservation development
    - the developer or proprietor of the open space preservation development
    - any person(s) authorized to represent the owner in the review process
  - ii. Boundaries of the open space preservation development, including an accurate legal description with appropriate tax identification numbers;
  - iii. Existing zoning designations, uses, and ownerships of the open space preservation development and all land within one quarter (1/4) mile of the boundaries of the open space preservation development;
  - iv. The topography of the site and its relationship to adjoining land;
  - v. A general description of existing soil conditions per the Washtenaw County Soil Survey Map and locations and dimensions of wetland areas and other significant natural features such as: woodland areas, slopes in excess of eight (8) %, lakes, ponds, streams and water drainage areas;
  - vi. A parallel plan for determining the maximum allowable density. This plan shall meet the requirements for a plat based upon Michigan Public

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Act 288 of 1967, as amended, and the Township Subdivision Control Ordinance. The plan shall be based upon the minimum lot area and the required dimensions for the underlying zoning district;

- vii. Delineation of proposed residential cluster areas indicating for each such area its size and number of buildings, dwelling unit density, building envelopes, and orientation of units;
- viii. The interior open space system and park/recreation areas;
- ix. The location of existing roads adjacent to the open space preservation development with an indication of how they will connect with the proposed circulation system for the proposed development;
- x. The pedestrian and vehicular circulation system proposed within the open space preservation development;
- xi. The proposed sewage treatment method and water systems;
- xii. The overall storm water drainage system;
- xiii. Proposed landscaping, including greenbelts, berms, and/or screening;
- xiv. A colored rendering of the development plan for presentation purposes;
- xv. Sealed engineering plans presented in sufficient detail to indicate compliance with the engineering standards adopted by the Township, including the cross sections of proposed streets, drive aisles, paved areas, and on-site drainage, including retention and/or detention areas.
- xvi. A specific time schedule for the intended development and construction details, including proposed phasing or timing of all improvements;
- xvii. The following analysis and documentation:
  - A narrative describing how the open space preservation development is consistent with the Township's Master Plan, the capacity and availability of necessary public facilities to the development, and the impact the development will have on adjoining properties;

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- An analysis of the significant natural, cultural, and geographic features of and near the site;
- An analysis of vehicular traffic impact of the proposed open space preservation development on the existing road network;
- Easements, deed restrictions, and other documents pertaining to the ownership and maintenance of the open space system, park/recreation areas and private road system;
- If condominium ownership is proposed, all documentation required by any condominium regulations of the Township; and
- Written reviews/approvals from all applicable regulatory agencies.

### 3) Public Hearings and Noticing

The Planning Commission shall hold a public hearing on an application for conceptual development plan review and final development plan review for an open space preservation development. Notice of a public hearing for an open space preservation development shall be given as required by section 103 of Michigan Public Act 110 of 2006, as amended.

### 4) Effect of Approval

After a final development plan has been approved and construction of any part thereof commenced, no other type of development is permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.

### 5) Conformity to Approved Plan

Property which is the subject of approval for an open space preservation development must be developed in strict compliance with the approved final development plan and any amendments thereto which have received Planning Commission approval. If construction and development does not conform to same, the approvals thereof shall be forthwith revoked. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.

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### 6) Amendment to Approved Plan

A proposed amendment or modification to a previously approved final development plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.

### 7) Project Phasing

When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of users of the open space preservation development and the residents of the surrounding area.

Each phase of the project shall be commenced within 12 months of the schedule set forth on the approved final development plan. If construction of any phase is not commenced within the approved time period, approval of the plan for the unconstructed phases shall become null and void.

### 8) Performance Guarantee

The Planning Commission may require that a performance guarantee, in accordance with section 30-85, be deposited with the Township to ensure completion of the site in accordance with the approved final development plan. **The Planning Commission may also require a development agreement to ensure completion of the site in accordance with the approved final development plan.**

### 9) Recording of Action

No building permit shall be issued for an open space preservation development and no construction activity commenced within the open space preservation development until an affidavit containing the full legal description of the open space preservation development, specifying the date of final Planning Commission approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation final development plan, is recorded with the Register of Deeds for Washtenaw County.

In addition, all required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be duly filed with the Township and have been recorded with the Register of Deeds for Washtenaw County.



Patrick Zieske  
18799 Bush Road  
Chelsea, MI 48118  
June 22, 2022

Sylvan Township Planning Commission  
18027 Old US 12  
Chelsea, MI 48118

Members of the Planning Commission:

Although the recent draft of the Open Space ordinance moves in the right direction in many ways, there are serious issues with it which will severely impede its effectiveness, and possibly its legal enforceability, if those issues are not adequately rectified.

I don't have a copy of any further draft revision which may have been produced in the month of June. My comments are in reference to the May 2022 draft. It is possible that some of the issues have been subsequently addressed, unbeknownst to me.

1. Yard Sizes and Road Right-of-Way. Together, the front yard size and right-of-way combine for a 166-foot-wide gulf between homes on opposite sides of a road. This is starkly contrary to the clustering goal of an Open Space ordinance. It happens because of the way "yard" is defined in the Code of Ordinances, and because yard sizes and road rights-of-way are not relaxed in the draft OSPDO.

Sec. 30-5 Definitions: "Yard, front, means an open, unoccupied space extending the full width of the lot and situated between the exterior face of the front line of a structure and the nearest public road, driveway, or street right-of-way line, exclusive easement, or the front lot line, whichever is the shorter distance."

*This comment is referring to the front setback requirement, specifically Subsection (c)4) . which requires the application of the front setback requirement of the underlying zoning district. Though this provision does not 'relax' the setback standard in the OSPD, it does allow for the PC to modify the standard based on overall design, which provides greater design flexibility and a streamlined review process.*

- a. If you keep these provisions in the OSPDO, it means you intend to enforce them. If you don't intend to enforce it, then naturally you would fix it.
- b. It is a step backwards from the currently adopted OSPDO which *does* relax yard sizes.  
*Subsection (c)4) not only provides PC flexibility on building setbacks, but it totally removes (relaxes) lot dimensional requirements within an OSPD . . which can serve as the greater detriment to open space design.*
- c. It makes clustering virtually impossible in some cases.
- d. It inhibits a potential applicant from seeking an OSP development.
- e. The conceptual illustrations of good recommended OSP design practice, depicted within the draft ordinance document itself, would be impossible to implement.  
*Statements c., d., and e. do not seem to take into consideration the application of*

*Subsection (c)4).*

- f. In Sylvan Township, newly constructed residential units at St. Louis Center are much closer to each other across their interior drives – perhaps as close as 70 feet. Why would you allow this in the St. Louis Center but prohibit it in an OSP development?

*This project was approved as either a multiple-family development or an 'assisted-living'/residential facility-type land use . . which have inherently different design standards than a standard single-family development.*

- 2. Shared Water and Wastewater Systems. Community/shared systems should be allowed, but are not allowed if the applicant pursues a Site Condo development, which is the most common form today. From the site condo ordinance:

Section 30-802, excerpted: "The well, septic tank, and drain field serving a *condominium* lot shall be located within that lot."

- a. The County and State are the regulators of well and septic, not the Township. Hence, this doesn't make sense from a Township perspective.
- b. It is nearly impossible to achieve the clustering needs of an OSP development if community systems are banned.
- c. The OSPDO as drafted will push a landowner/developer toward a platted subdivision and/or discourages the OSP development option altogether.
- d. The concerns about the "Township accepting responsibility" are completely overblown. The Township may opt to refuse acceptance of responsibility. End of story.
- e. St. Louis Center has a large, sophisticated water and wastewater system. Nobody seems to be concerned about them. Why would you keep the ban in an OSP development?

*Addressed in Draft #2 revisions – Subsection (e)3)*

- 3. Design Standards. Standards are listed under "General Development Requirements" and then another set of standards under "Review Criteria". Some of these standards are highly subjective and could easily be used to raise spurious objections to almost any plan. Some of the standards are contradictory. But they are all good as suggestions or ideas. Please specifically delineate design ideas from requirements.

*The 'standards' and/or 'requirements' are set forth by category in Subsections (c),(d),and (e). The 'Review Criteria' set forth in Subsection (f) are subjective criteria to be applied during the plan review process, much like the 'site plan review criteria' . . and are not intended to be the same as 'requirements/standards'.*

- a. Single-loaded streets tend toward a linear layout, and make it more difficult to achieve a "small, cohesive neighborhood". – *single-loaded streets are encouraged to be used in limited circumstances . . not throughout the project*
- b. A large number of small clusters is a good aesthetic in some ways but it does tend to eat into the open space area more than a single, concentrated cluster would. – *the size of the cluster is a guideline . . but the goal is to not have 'a single cluster'*
- c. "Compatible with the surrounding community character" could theoretically be used to deny any plan, as a cluster is markedly different than the surrounding area of 1- or



2-acre lots.- *'compatibility' does not mean 'consistent in density';*

- d. Legally you must fulfill the requirements of the Zoning Enabling Act, P.A. 100 of 2006, Section 506. You do not have the discretion to reject an application simply because you don't like the layout of the cluster(s). Excerpted, with emphasis mine:

"Subject to subsection (4) and section 402, a qualified local unit of government *shall* provide in its zoning ordinance that land zoned for residential development may be developed, *at the option of the landowner*, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance, but not more than 50% for a county or township or 80% for a city or village, that could otherwise be developed, as determined by the local unit of government under existing ordinances, laws, and rules on the entire land area, if all of the following apply:..."

*The Act requires that the Township Zoning Ordinance offer an open-space development option in districts with a density standard of 2 dwelling units/acre or less . it does not require that the Township 'approve' an open space development proposal that does not meet its standards/criteria.*

- e. A maze of requirements, whether clearly or ambiguously stated, inhibits creativity and deters an applicant from exercising the OSP option..

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  - d. The need for right-of-way for utilities is much less in an interior subdivision road, compared to a County connector road.
  - e. Which "Washtenaw County Road Commission standards" are you mandating? Have you read the County's standards documents? Which ones are meant to apply to private roads versus public roads? Most seem to be directed at public roads. Do you know, for example, that the County mentions concrete curbs?
  - f. If you only want to mandate those road construction standards which pertain to construction quality, such as those needed to support occasional heavy traffic such as fire trucks, then please state that explicitly.

*The ability to modify road construction standards based on specific engineered plans is addressed in Draft #2 revisions – Subsection (e)1)b.ii.*

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  - a. These matters are already addressed adequately in other Township ordinances.
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*There is no proposed completion requirement . . however, when dealing w/ phased developments, it is customary to either approve phases individually . . or to approve the applicant's proposed phase schedule . . within the confines of a specific time frame (1 year is standard). This ensures the application of current standards to abandoned or delayed projects.*

#### *Recommendations*

In many ways this ordinance draft is very good. Certainly the spirit of it is supportive.

Although I have argued at length about why the problems need to be addressed, fortunately the solutions are relatively simple. They can all be easily written into the OSPDO without changing any other ordinances.

- A. Remove most of the residential cluster design standards or reclassify them as suggestions.- *the cluster design standards are already phrased as 'shoulds' . . however, they are key to good open-space design and exist to provide a framework within which to design and review an open-space project*
- B. Relax or eliminate the yard sizes.
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- D. For an interior road, allow the road right-of-way and the front yard to occupy the same space, rather than making them additive as they are now.
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- I. Explicitly state that the Township places no additional regulations of well and septic in an OSP development above the County/State regulation.

Consultant Rebeca Harvey has articulated a goal of removing "roadblocks" to making effective use of the Open Space ordinance. I hope we can all agree, at the very minimum, that no provision of the new ordinance should take a step backward from the current adopted ordinance. Nor should the ordinance inhibit the very same design goals that it purports to enable. Obvious, isn't it?

Thank you.

Sincerely,

Patrick Zieske

Patrick Zieske  
18799 Bush Road  
Chelsea, MI 48118  
June 22, 2022

Sylvan Township Planning Commission  
18027 Old US 12  
Chelsea, MI 48118

Members of the Planning Commission:

Although the recent draft of the Open Space ordinance moves in the right direction in many ways, there are serious issues with it which will severely impede its effectiveness, and possibly its legal enforceability, if those issues are not adequately rectified.

I don't have a copy of any further draft revision which may have been produced in the month of June. My comments are in reference to the May 2022 draft. It is possible that some of the issues have been subsequently addressed, unbeknownst to me.

1. Yard Sizes and Road Right-of-Way. Together, the front yard size and right-of-way combine for a 166-foot-wide gulf between homes on opposite sides of a road. This is starkly contrary to the clustering goal of an Open Space ordinance. It happens because of the way "yard" is defined in the Code of Ordinances, and because yard sizes and road rights-of-way are not relaxed in the draft OSPDO.

Sec. 30-5 Definitions: "Yard, front, means an open, unoccupied space extending the full width of the lot and situated between the exterior face of the front line of a structure and the nearest public road, driveway, or street right-of-way line, exclusive easement, or the front lot line, whichever is the shorter distance."

*This comment is referring to the front setback requirement, specifically Subsection (c)4) . which requires the application of the front setback requirement of the underlying zoning district. Though this provision does not 'relax' the setback standard in the OSPD, it does allow for the PC to modify the standard based on overall design, which provides greater design flexibility and a streamlined review process.*

- a. If you keep these provisions in the OSPDO, it means you intend to enforce them. If you don't intend to enforce it, then naturally you would fix it.
- b. It is a step backwards from the currently adopted OSPDO which *does* relax yard sizes.  
*Subsection (c)4) not only provides PC flexibility on building setbacks, but it totally removes (relaxes) lot dimensional requirements within an OSPD . . which can serve as the greater detriment to open space design.*
- c. It makes clustering virtually impossible in some cases.
- d. It inhibits a potential applicant from seeking an OSP development.
- e. The conceptual illustrations of good recommended OSP design practice, depicted within the draft ordinance document itself, would be impossible to implement.  
*Statements c., d., and e. do not seem to take into consideration the application of*

*Subsection (c)4).*

- f. In Sylvan Township, newly constructed residential units at St. Louis Center are much closer to each other across their interior drives – perhaps as close as 70 feet. Why would you allow this in the St. Louis Center but prohibit it in an OSP development?

*This project was approved as either a multiple-family development or an 'assisted-living'/residential facility-type land use . . which have inherently different design standards than a standard single-family development.*

- 2. Shared Water and Wastewater Systems. Community/shared systems should be allowed, but are not allowed if the applicant pursues a Site Condo development, which is the most common form today. From the site condo ordinance:

Section 30-802, excerpted: "The well, septic tank, and drain field serving a *condominium* lot shall be located within that lot."

- a. The County and State are the regulators of well and septic, not the Township. Hence, this doesn't make sense from a Township perspective.
- b. It is nearly impossible to achieve the clustering needs of an OSP development if community systems are banned.
- c. The OSPDO as drafted will push a landowner/developer toward a platted subdivision and/or discourages the OSP development option altogether.
- d. The concerns about the "Township accepting responsibility" are completely overblown. The Township may opt to refuse acceptance of responsibility. End of story.
- e. St. Louis Center has a large, sophisticated water and wastewater system. Nobody seems to be concerned about them. Why would you keep the ban in an OSP development?

*Addressed in Draft #2 revisions – Subsection (e)3)*

- 3. Design Standards. Standards are listed under "General Development Requirements" and then another set of standards under "Review Criteria". Some of these standards are highly subjective and could easily be used to raise spurious objections to almost any plan. Some of the standards are contradictory. But they are all good as suggestions or ideas. Please specifically delineate design ideas from requirements.

*The 'standards' and/or 'requirements' are set forth by category in Subsections (c),(d),and (e). The 'Review Criteria' set forth in Subsection (f) are subjective criteria to be applied during the plan review process, much like the 'site plan review criteria' . . and are not intended to be the same as 'requirements/standards'.*

- a. Single-loaded streets tend toward a linear layout, and make it more difficult to achieve a "small, cohesive neighborhood". – *single-loaded streets are encouraged to be used in limited circumstances . . not throughout the project*
- b. A large number of small clusters is a good aesthetic in some ways but it does tend to eat into the open space area more than a single, concentrated cluster would. – *the size of the cluster is a guideline . . but the goal is to not have 'a single cluster'*
- c. "Compatible with the surrounding community character" could theoretically be used to deny any plan, as a cluster is markedly different than the surrounding area of 1- or



2-acre lots.- *'compatibility' does not mean 'consistent in density';*

- d. Legally you must fulfill the requirements of the Zoning Enabling Act, P.A. 100 of 2006, Section 506. You do not have the discretion to reject an application simply because you don't like the layout of the cluster(s). Excerpted, with emphasis mine:

"Subject to subsection (4) and section 402, a qualified local unit of government *shall* provide in its zoning ordinance that land zoned for residential development may be developed, *at the option of the landowner*, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance, but not more than 50% for a county or township or 80% for a city or village, that could otherwise be developed, as determined by the local unit of government under existing ordinances, laws, and rules on the entire land area, if all of the following apply:.."

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# MASTER PLAN



## **Sylvan Township Timeline for Master Plan Update**

### Table of Contents

- I. Consider this timeline
- II. Send proper notice to local government entities
- III. Planning Commission updates master plan
- IV. Planning Commission submits plan to Township Board
- V. Planning Commission sends proposed plan to local government entities
- VI. Public hearings on the proposed plan
- VII. Final approval
- VIII. After approval

I. Consider this timeline

Review this timeline and the notices it requires. Determine what aspects of the Master Plan need to be updated, if any.

II. Send proper notice to local government entities

Under MCL 125.3839(2), before preparing a master plan, the planning commission must 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. This notice may also include a disclaimer under MCL 125.3839(3) that all future required submittals will be made by electronic mail unless the entity receiving this notice objects to the use of electronic mail.

Entities who must receive notice:

1. The planning commission or legislative body of each municipality (city, village, or township) located within or contiguous to Sylvan Township.
2. The regional planning commission for the region in which Sylvan is located.
3. The Washtenaw County Board of Commissioners
  - a. Washtenaw County Board of Commissioners Communications  
c/o Edwin Peart  
Washtenaw County Clerk / Register of Deeds  
200 N Main  
P.O. Box 8645  
Ann Arbor, MI 48107-8645
4. Each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within Sylvan Township. And/or any government entity that registers its name and mailing address for this purpose with the planning commission.
5. If the master plan will include a master street plan, notice must also be sent to the Washtenaw County Road Commission and state transportation department.

### III. Planning Commission prepares the proposed Master Plan

Once proper notice is given, the planning commission may then begin preparing the proposed master plan.

In developing the plan, the planning commission should do all of the following things, as applicable: (MCL 125.3831(2))

1. Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction, with due regard to its neighboring jurisdictions.
2. 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.
3. Cooperate with all departments of state and federal governments, public transportation agencies, 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.

The commission may meet with other government planning commissions or agency staff to deliberate on the master plan.

### IV. Planning Commission submits plan to Township Board

Once the PC has prepared a proposed Master Plan, under MCL 125.3841, it shall submit that plan to the Township Board for review, comment, and approval. The master plan update **cannot** move forward until the Township Board approves the distribution of the proposal.

This is generally the last opportunity for the Township Board to submit its input on the plan. However, the Township may by resolution assert the right to final approval of the plan, in which case they will vote again to accept or reject it at the final step listed below.

V. Planning Commission sends proposed plan to local government entities

If the Board approves the proposed plan, it shall notify the secretary of the planning commission, who will then send a copy of the proposed plan to all of the following, either by first class mail or personal delivery, or by electronic mail if proper notice was given. This mailing may (and probably should) also include notice of the public hearing described in the next section.

1. The planning commission or legislative body of each municipality located within or contiguous to Sylvan Township.
2. The regional planning commission for the region in which Sylvan is located.
3. The Washtenaw County Board of Commissioners
  - a. The notice to Washtenaw County must also include a statement that the requirements of MCL 125.3841(a) and (d) have been met, meaning that the Township has submitted the proposed master plan to the groups indicated in numbers (1) and (2) above. The statement must be signed by the planning commission secretary, and include the name and address of each planning commission or legislative body to which a copy of the plan was submitted and the date of submittal.
4. Each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within Sylvan Township. And/or any government entity that registers its name and mailing address for this purpose with the planning commission.
  - a. For this copy of the proposed plan and the copy of the final plan sent later, the entities listed here must reimburse the Township for any copying and postage costs incurred.
5. If the master plan will include a master street plan, notice must also be sent to the Washtenaw County Road Commission and state transportation department.

These entities then have 42 days (MCL 125.3845(1)(b)) from when the proposed plan was submitted to review and submit comments on the proposed plan. These comments, including those from the county, are advisory only.

VI. Public Hearings Held

After the 42 days for review and comment has expired, the planning commission must then hold not less than one (1) public hearing on the proposed Master Plan under MCL 125.3843. This meeting must be noticed not less than 15 days before the hearing by publication in a newspaper of general circulation. Notice must also be sent to all those who received notice at the very beginning under the heading "Before preparing proposed Master Plan." This notice can be given with the copy of the proposed master plan sent in the section above.

#### VII. Final Approval

The planning commission must then approve the proposed plan by a majority vote on a resolution. MCL 125.3843(2). That resolution must expressly refer to maps and other matter intended to form the master plan. A statement recording the approval must be signed by the chairperson or secretary of the commission and included with the final master plan. A copy must then be submitted to the Township Board.

This is the final step and the plan is now adopted, unless the Township Board by resolution reserved the right of final approval. In that case, after planning commission approval, the plan will then be sent to the Township Board. If the Board rejects the plan, it must submit to the planning commission a statement of its objections and the planning commission must then revise the master plan to address those concerns. The planning commission must then hold another public hearing, with proper notice, and vote again to approve the plan.

Upon final approval by the planning commission or Township Board, the master plan is considered adopted. The secretary of the planning commission should then submit, either by first class mail, personal delivery, or electronic mail if properly noticed, a copy of the adopted plan to the same entities listed in section "Planning commission sends proposal to relevant entities."

#### VIII. Post-approval

After approval, the planning commission *shall* consult with and advise public officials, agencies, utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the master plan. MCL 125.3851(2)

To promote public interest and understanding of the master plan, the planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education. MCL 125.3851(1).

# Procedures to Adopt or Amend a Master Plan

- Overview of Michigan Planning Enabling Act Requirements
- Compliance Flow Chart
- Sample "Notice of Intent" Letter
- Sample Cover Letter Requesting Comments on Draft Plan
- Sample Compliance Statement to County
- Sample Resolution Asserting Township Board Right to Approve Master Plan
- Sample Township Board Resolution to Adopt/Amend Master Plan
- Sample Planning Commission Resolution to Adopt/Amend Master Plan

*Updated February 2009*



Michigan Townships Association  
P.O. Box 80078, Lansing, MI 48909-0078  
(517) 321-6467  
[www.michigantownships.org](http://www.michigantownships.org)



*Michigan Townships Association staff prepared this publication for informational and educational purposes to assist township officials in township governance, statutory compliance and day-to-day township administration. The information provided is not intended as legal advice, and townships are urged to consult with their local legal counsel on questions of law.*

*Certainly, no sample language should be used unless, after careful review, it is the professional judgment of your legal counsel that using the sample documents and guidelines attached will accomplish the particular objectives and intentions of your township.*

*Although this material is the result of much thought and effort, neither the authors nor the Michigan Townships Association assume any responsibility for the results of using these guidelines word-for-word in individual cases.*



## Overview of Michigan Planning Enabling Act Procedures to Adopt or Amend a Master Plan

### Notice of Intent to Plan: The law specifies who must receive a notice.

Before preparing a master plan, a township planning commission must 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 (MCL 125.3839):

- The planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the township (township, city or village).
- If there is no county planning commission, then the regional planning commission for the region in which the township is located. If there is a county planning commission, the township planning commission may consult with the regional planning commission, but is not required to do so.
- 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.
- Each public utility company and railroad company owning or operating a public utility or railroad within the township. (*The public utility companies and railroad companies are required to reimburse the township for any copying and postage costs incurred in transmitting the proposed master plan or final master plan.* MCL 125.3841)
- Any government entity that registers its name and mailing address for this purpose with the planning commission. Other governmental entities that can register to become a part of the planning process include downtown development authorities (DDAs), tax increment finance authorities (TIFAs), school boards, road commissions and other local governmental units. (*The registered entities are required to reimburse the township for any copying and postage costs incurred in transmitting the proposed master plan or final master plan.* MCL 125.3841)
- If the master plan will include a master street plan, the county road commission and the Michigan Department of Transportation (MDOT).

The required notice 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, 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.

There is no time limit for noticing the other local units of your township's intent to plan. MTA recommends developing your own township standards. See page 7 for a sample letter of intent to plan.

### Distribution of the Proposed Plan for Review and Comments

The planning commission's proposed draft plan must be submitted to the township board for review and comment. The process of adopting a master plan cannot proceed unless the township board approves distribution of the proposed draft. This ensures that both the planning commission and the township board generally support the proposed plan. (MCL 125.3841)

Once approved for distribution, the proposed master plan is sent to the "notice list"—the same list that originally received the notice of intent to plan. See the sample cover letter on page 8. The public utility companies, railroad companies and registered governmental entities are required to reimburse the township for any copying and postage costs incurred in transmitting the proposed master plan or final master plan. (MCL 125.3841)

The secretary of the planning commission shall, at the same time, submit to the county planning commission (or the county board of commissioners if there is no county planning commission) a statement signed by the secretary of the planning commission that the requirements of MCL 125.3841 have been met and must provide a list of names, with addresses and date of submittal, of everyone receiving the plan. See the sample compliance statement on page 9. The notice of the public hearing to be held following the comment period may also be included with the plan. (MCL 125.3841)

#### **Comment Period**

Each of the entities receiving the proposed original master plan may submit comments within 63 days after the proposed master plan was sent to that entity. If the plan is an amendment to the original master plan, the review procedure is shortened a little with all entities receiving a copy to submit comments within 42 days. The comments are advisory only.

If the county planning commission or the county board of commissioners submits comments, the comments must include at least both of the following statements, as applicable:

(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 located within or contiguous to the township or the planning region in which the township is located.

(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.

These statements are advisory only. (MCL 125.3841)

#### **Public Hearing**

After the comment period for all entities ends, the planning commission must hold at least one public hearing on the proposed plan. (MCL 125.3843)

The planning commission must publish notice of the meeting at which the public hearing will be held in a newspaper of general circulation in the township at least 15 days before the date of public hearing. The planning commission must also submit the notice of the public hearing to each of the entities receiving the proposed plan for comments. (The notice may be included with the proposed master plan submitted for review.) (MCL 125.3843)

#### **Approval**

To approve the master plan or plan amendment, the township planning commission must approve a resolution adopted by the affirmative votes of not less than a majority of the members of the planning commission (one more than half of the total number of positions on the planning commission, minus any vacant positions). The resolution must refer expressly to the maps and descriptive materials intended by the planning commission to form the master plan. (MCL 125.3843)

A statement recording the planning commission's approval of the master plan, signed by the chairperson or secretary of the planning commission, must be included on the inside of the front or back cover of the master plan, and on the future land use map, if it is separate from the text of the master plan. Following the approval, the planning commission secretary must submit a copy of the master plan to the township board. (MCL 125.3843)

### **Where the Township Board has Final Approval of Master Plan**

Approval of the proposed master plan by the planning commission is the final step for adoption of the master plan, **unless** the township board by resolution has asserted the right to approve or reject the master plan. See page 10 for a sample resolution to assert the township board right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the township board must approve or reject the proposed master plan. (MCL 125.3843)

If the township board rejects the proposed master plan, the township board must submit to the planning commission a statement of its objections to the proposed master plan. The planning commission must consider the township board's objections and must revise the proposed master plan to address those objections. The procedures for holding a public hearing and planning commission approval must be repeated until the township board approves the proposed master plan. All public notice requirements apply throughout the process.

A statement recording the township board's approval of the master plan, signed by the township clerk, must 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.

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### **Effective Date**

The plan takes effect upon final adoption by the planning commission or township board, as applicable. Following adoption, the secretary of the planning commission must submit copies of the adopted master plan to the same entities to which copies of the proposed master plan were required to be submitted. (MCL 125.3843)

### **Public Information**

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.

A planning commission must 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. (MCL 125.3851)

### **Plan Amendments**

Amendments to the township master plan follow the same procedures, except the comment period for all entities is shortened to 42 days. (MCL 125.3845)

If the amendment is only a: (a) Grammatical, typographical or similar editorial change, (b) Title change, or (c) A change to conform to an adopted plat, then the amendment may be made without following the procedures in MCLs 125.3839, 125.3841 or 125.3843 (notice of intent to adopt, submission of draft to other entities for comment, or public hearing).

### **Plan Review**

At least every 5 years after adoption of a master plan, a township planning commission must review the master plan and determine whether to take any action to amend the master plan or adopt a new master plan. This review and the planning commission's findings must be recorded in the planning commission minutes. (MCL 125.3845)

# Quick Steps to Adopt or Amend a Master Plan

## Step 1: Notice to Plan

The township must send notice of the township's intent to adopt a plan. (See sample on page 7.)

### Who must be mailed the "notice of intent" to plan?

The planning commission of any township, city or village located within or contiguous to the township (if there is no local planning commission, the notice goes to the local legislative body); the county planning commission (if there is no county planning commission the notice goes to the county board of commissioners and the regional planning commission); railroads and public utilities; and any governmental entity that registered with the township, such as a downtown development authority or tax increment finance authority. If the master plan includes a master street plan, notice must also be sent to the county road commission and the Michigan Department of Transportation. (MCL 125.3841)

### Who may be mailed the "notice of intent" to plan?

If there is a county planning commission, the township may submit a copy of the proposed master plan to the regional planning commission, but is not required to do so. (MCL 125.3841)

## Step 2: Distribution of the Proposed Plan

After the plan is drafted:

1. Planning commission submits draft plan to the township board for review and comments.

2. Township board authorizes the planning commission to distribute the proposed plan to the notice list.

3. The proposed master plan is distributed to the notice list. A **statement of compliance**, signed by the planning commission secretary that lists the name, address and date of submittal of each entity receiving a copy of the proposed plan, must be sent to the county planning commission, or county board of commissioners if there is no county planning commission. (See sample on page 9.)

## Step 3: Comment Period (*Comments are advisory only*)

**For a NEW Master Plan:** Any entity submitting comments on the proposed plan must do so **within 63 days** of receiving it.

OR

**For AMENDMENTS to a Master Plan:** Any entity submitting comments on the proposed plan must do so **within 42 days** of receiving it.

## Step 4: Public Hearing at a Regular or Special Meeting (*Cannot be held before the comment ends*)

1. Notice of the meeting at which the public hearing will be held must be sent to all entities that received a copy of the proposed master plan (may be included with the proposed plan mailing).

2. Notice of the public hearing must be published in a local newspaper at least 15 days before the date of the hearing.

## Step 5: Final Approval

1. At or after the meeting at which the public hearing is held, the planning commission adopts the plan by resolution approved by a majority of the members of the planning commission. (See sample on page 12.) The planning commission secretary submits the plan to the township board.

2. Planning commission approval is final **unless** the township board has final approval of the master plan. (See samples on pages 10 and 11.) The township board may send the plan back to the planning commission to request changes.

## Step 6: Distribution of the Plan

The master plan is effective upon final adoption. Once approved, the final master plan must be submitted to all of the entities that received the proposed plan for comment.

## Sample Notice of Intent to Prepare a Master Plan

To: \_\_\_\_\_ [Township, City, Village, or other entity to be noticed]

From: \_\_\_\_\_, Secretary  
\_\_\_\_\_ Township Planning Commission

Date: \_\_\_\_\_

This notice is to inform you that the \_\_\_\_\_ Township Planning Commission is preparing a new master plan [OR *updating* OR *amending its existing master plan*].

In accordance with Section 39 of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3839, this notice is to inform our neighboring local governments, planning entities, and any public utilities and railroad companies of \_\_\_\_\_ Township's intent to prepare a master plan (or "*amend our master plan*"). The \_\_\_\_\_ Township Planning Commission welcomes your cooperation and comments on the proposed plan.

The \_\_\_\_\_ Township Planning Commission will send you a copy of the proposed master plan as soon as we have completed the draft for review.

***[The following section is optional and does not have to be offered if the noticing township does not want to provide copies of the proposed plan by electronic mail. If the township does offer provide copies of the township plan by electronic mail, digital files or electronic mail comments from the receiving entities should also be accepted:]***

If you would like to receive the draft copy of the master plan in digital format, please submit a written request via email and include an email address. This office prepares all its digital documents in \_\_\_\_\_ [Word, WordPerfect, PDF, etc.] format.

***[Optional:]*** The proposed plan will also be posted and available free of charge on the township's Web site at: www.\_\_\_\_\_.

Any comments you submit may be sent in digital format via email to: [township or planning commission email address].

Under MCL 125.3841(2)(f), 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, shall reimburse the township for any copying and postage costs incurred in receiving a hard copy of the proposed master plan or final master plan.

## Sample Cover Letter Requesting Comments on Draft Master Plan

*(Include with the draft plan OR plan amendments)*

To: \_\_\_\_\_ *[Township, City, Village, or other entity to be noticed]*

From: \_\_\_\_\_ Township Planning Commission

Date: \_\_\_\_\_

Enclosed is a draft of the proposed new \_\_\_\_\_ Township master plan *[OR proposed amendments to the master plan]*.

In accordance with Section 41 of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3841, the enclosed proposed master plan is *[OR proposed amendments to the master plan are]* required to be sent to you, or you requested to receive it.

All local governments and other entities receiving a copy of a proposed new plan *[OR proposed amendments to the master plan]* have up to 63 days to review a proposed new plan *[up to 42 days to review plan amendments]*.

Any comments you submit may be sent in digital format via email to: *[township or planning commission email address]*.

Under MCL 125.3841(2)(f), 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, shall reimburse the township for any copying and postage costs incurred in receiving a hard copy of the proposed master plan or final master plan.

Thank you for your cooperation and comments.

Sincerely,

\_\_\_\_\_, Secretary

\_\_\_\_\_ Township Planning Commission

## Sample Compliance Statement to County

*(Include with the draft master plan OR plan amendments sent to the **county planning commission** or the **county board of commissioners**, if there is no county planning commission.)*

To: \_\_\_\_\_ County Planning Commission [OR *County Board of Commissioners*]

From: \_\_\_\_\_ Township Planning Commission

Date: \_\_\_\_\_

In accordance with Section 41 of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3841(e), a copy of the enclosed proposed master plan was sent to the planning commission or legislative body of each municipality located within or contiguous to \_\_\_\_\_ Township, and to \_\_\_\_\_ *[the regional planning commission for the county in which the township is located, if there is no county planning commission or if the township planning commission has chosen to submit a copy to the regional planning commission].*

A record of the name and address of each planning commission or legislative body to which a copy of the proposed master plan was submitted, with the date of submittal, is attached.

Sincerely,

\_\_\_\_\_, Secretary

\_\_\_\_\_ Township Planning Commission



TOWNSHIP OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, MICHIGAN  
Resolution No. \_\_\_\_\_  
**RESOLUTION ASSERTING TOWNSHIP BOARD  
RIGHT TO APPROVE MASTER PLAN**

WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes the Planning Commission to prepare or amend a Master Plan for the use, development and preservation of all lands in the Township; and

WHEREAS, the MPEA authorizes a township board to assert by resolution its right to approve or reject the proposed master plan or plan amendment approved by the planning commission;

NOW THEREFORE BE IT RESOLVED THAT, pursuant to MCL 125.3843(3), the \_\_\_\_\_ Township Board reserves to itself the right to approve or reject a proposed master plan or master plan amendment approved by the planning commission; and

BE IT ALSO RESOLVED THAT, after approval of a proposed master plan or master plan amendment by the planning commission, the \_\_\_\_\_ Township Board shall approve or reject the proposed master plan or master plan amendment. A statement recording the Township Board's approval of proposed master plan or master plan amendment, signed by the Township Clerk, 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.

The foregoing resolution offered by Board Member \_\_\_\_\_.  
Second offered by Board Member \_\_\_\_\_.

Upon roll call vote the following voted:

"Aye": \_\_\_\_\_  
(list names of members voting "aye")

"Nay": \_\_\_\_\_  
(list names of members voting "nay")

The Supervisor declared the resolution adopted.

\_\_\_\_\_  
(Name) , Clerk

*(Sample adapted by MTA staff from material developed by Ross A. Leisman, Attorney, Mika Meyers Beckett & Jones, PLC, and used with permission.)*

TOWNSHIP OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, MICHIGAN  
Resolution No. \_\_\_\_\_

**TOWNSHIP BOARD RESOLUTION TO ADOPT (or AMEND) MASTER PLAN**

WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes the Planning Commission to prepare a Master Plan for the use, development and preservation of all lands in the Township; and

WHEREAS, the Planning Commission prepared a proposed new (OR *updated*) Master Plan and submitted the plan to the Township Board for review and comment; and

WHEREAS, on \_\_\_\_\_, 20\_\_\_\_, the \_\_\_\_\_ Township Board received and reviewed the proposed Master Plan prepared by the Planning Commission and authorized distribution of the Master Plan to the Notice Group entities identified in the MPEA; and

WHEREAS, notice was provided to the Notice Group entities as provided in the MPEA; and

WHEREAS, the Planning Commission held a public hearing on \_\_\_\_\_ to consider public comment on the proposed new (OR *updated*) Master Plan, and to further review and comment on the proposed new (OR *updated*) Master Plan; and

WHEREAS, the Township Board finds that the proposed new (OR *updated*) Master Plan is desirable and proper and furthers the use, preservation, and development goals and strategies of the Township;

WHEREAS, the MPEA authorizes the Township Board to assert by resolution its right to approve or reject the proposed Master Plan;

THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:

1. **Adoption of 20\_\_ Master Plan.** The Township Board hereby approves and adopts the proposed 20\_\_ Master Plan, including all of the chapters, figures, maps and tables contained therein. Pursuant to MCL 125.3843 the Township Board has asserted by resolution its right to approve or reject the proposed Master Plan and therefore the approval granted herein is the final step for adoption of the plan as provided in MCL 125.3843 and therefore the plan is effective as of \_\_\_\_\_.

2. **Distribution to Notice Group.** The Township Board approves distribution of the adopted plan to the Notice Group.

3. **Findings of Fact.** The Township Board has made the foregoing determination based on a review of existing land uses in the Township, a review of the existing Master Plan provisions and maps, input received from the Planning Commission and public hearing, and with the assistance of a professional planning group, and finds that the new (OR *updated*) Master Plan will accurately reflect and implement the Township's goals and strategies for the use, preservation, and development of lands in \_\_\_\_\_ Township.

4. **Effective Date.** The Master Plan shall be effective as of the date of adoption of this resolution.

The foregoing resolution offered by Board Member \_\_\_\_\_.  
Second offered by Board Member \_\_\_\_\_.

Upon roll call vote the following voted:

"Aye": \_\_\_\_\_  
(list names of members voting "aye")

"Nay": \_\_\_\_\_  
(list names of members voting "nay")

The Supervisor declared the resolution adopted.

\_\_\_\_\_  
(Name) , Clerk

(Sample adapted by MTA staff from material developed by Ross A. Leisman, Attorney, Mika Meyers Beckett & Jones, PLC, and used with permission.)

TOWNSHIP OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, MICHIGAN  
Resolution No. \_\_\_\_\_

**PLANNING COMMISSION RESOLUTION TO ADOPT (or AMEND) MASTER PLAN**

WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes the Planning Commission to prepare a Master Plan for the use, development and preservation of all lands in the Township; and

WHEREAS, the Planning Commission prepared a proposed new (OR *updated*) Master Plan and submitted the plan to the Township Board for review and comment; and

WHEREAS, on \_\_\_\_\_, 20\_\_\_\_, the \_\_\_\_\_ Township Board received and reviewed the proposed Master Plan prepared by the Planning Commission and authorized distribution of the Master Plan to the Notice Group entities identified in the MPEA; and

WHEREAS, notice was provided to the Notice Group entities as provided in the Michigan Planning Enabling Act; and

WHEREAS, the Planning Commission held a public hearing on \_\_\_\_\_ to consider public comment on the proposed new (OR *updated*) Master Plan, and to further review and comment on the proposed new (OR *updated*) Master Plan; and

WHEREAS, the Planning Commission finds that the proposed new (OR *updated*) Master Plan is desirable and proper and furthers the use, preservation, and development goals and strategies of the Township;

THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:

1. **Adoption of 20\_\_ Master Plan.** The Planning Commission hereby approves and adopts the proposed 20\_\_ Master Plan, including all of the chapters, figures, maps and tables contained therein.

2. **Distribution to Township Board and Notice Group.** Pursuant to MCL 125.3843 the Township Board has not asserted by resolution its right to approve or reject the proposed Master Plan and therefore the approval granted herein is the final step for adoption of the plan as provided in MCL 125.3843 and therefore the plan is effective as of \_\_\_\_\_. In addition, the Planning Commission approves distribution of the adopted amendments to the Township Board and Notice Group.

3. **Findings of Fact.** The Planning Commission has made the foregoing determination based on a review of existing land uses in the Township, a review of the existing Master Plan provisions and maps, input received from the Township Board and public hearing, and with the assistance of a professional planning group, and finds that the new (OR *updated*) Master Plan will accurately reflect and implement the Township's goals and strategies for the use, preservation, and development of lands in \_\_\_\_\_ Township.

4. **Effective Date.** The Master Plan shall be effective as of the date of adoption of this resolution.

The foregoing resolution offered by Planning Commissioner \_\_\_\_\_.  
Second offered by Planning Commissioner \_\_\_\_\_.

Upon roll call vote the following voted:

"Aye": \_\_\_\_\_  
(list names of members voting "aye")

"Nay": \_\_\_\_\_  
(list names of members voting "nay")

The Chair declared the resolution adopted.

\_\_\_\_\_  
(Name) , Secretary

*(Sample adapted by MTA staff from material developed by Ross A. Leisman, Attorney, Mika Meyers Beckett & Jones, PLC, and used with permission.)*

**MICHIGAN PLANNING ENABLING ACT**  
**Act 33 of 2008**

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

History: 2008, Act 33, Eff. Sept. 1, 2008.

*The People of the State of Michigan enact:*

**ARTICLE I.**  
**GENERAL PROVISIONS**

**125.3801 Short title.**

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

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3803 Definitions.**

Sec. 3. As used in this act:

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

(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.

(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:

(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.

(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.

(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.

(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.

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

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

(i) As provided in section 81(1), any plan adopted or amended before September 1, 2008 under a planning act repealed under section 85.

(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.

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

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

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

(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).

(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).

(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.

(l) "Public transportation agency" means a governmental entity that operates or is authorized to operate

intercity or local commuter passenger rail service in this state or a public transit authority created under 1 of the following acts:

- (i) The metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426.
- (ii) The public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479.
- (iii) 1963 PA 55, MCL 124.351 to 124.359.
- (iv) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.
- (v) The revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.
- (vi) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.
- (vii) The urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
- (m) "Public transportation facility" means that term as defined in section 2 of the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.402.
- (n) "Street" means a street, avenue, boulevard, highway, road, lane, alley, viaduct, or other public way intended for use by motor vehicles, bicycles, pedestrians, and other legal users.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

#### **125.3805 Assignment of power or duty to county officer or body.**

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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

#### **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 and provide for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians, and other legal users.
  - (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.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010.

### **ARTICLE II.**

#### **PLANNING COMMISSION CREATION AND ADMINISTRATION**

#### **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.**

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".

(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).

(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.

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

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**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.**

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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**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 territory 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 but are qualified electors of another local unit of government:

(a) 3, in a city that on September 1, 2008 had a population of more than 2,700 but less than 2,800.

(b) 2, in a city or village that has, or on September 1, 2008 had, a population of less than 5,000, except as provided in subdivision (a).

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

(5) In a township that on September 1, 2008 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:

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

(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.

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

(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).

(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:

(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.

(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.

(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.

(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).

(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.

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

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 105, Imd. Eff. June 29, 2010.

**125.3817 Chairperson, secretary, and other offices; election; terms; appointment of advisory committees.**

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.

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

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3819 Bylaws; adoption; public record requirements; annual report by planning commission.**

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.

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3821 Meetings; frequency; time; place; special meeting; notice; compliance with open meetings act; availability of writings to public.**

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.

(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.

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3823 Compensation; expenses; preparation of budget; acceptance of gifts.**

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.

(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.

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.



**125.3825 Employment of planning director and other personnel; contract for services; use of information and advice provided by public officials, departments, and agencies.**

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.

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**ARTICLE III.**

**PREPARATION AND ADOPTION OF MASTER PLAN**

**125.3831 Master plan; preparation by planning commission; meetings with other governmental planning commissions or agency staff; powers.**

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:

(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 area or of the county as a whole.

(b) For a township that on September 1, 2008 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.

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

(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.

(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.

(c) Cooperate with all departments of the state and federal governments, public transportation agencies, 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.

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

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

**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 or certain elements; specifications; section subject to MCL 125.3881(1); public transportation facilities.**

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.

(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:

(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, subject to subsection (5), public transportation facilities, 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.

(b) The general location, character, and extent of all of the following:

(i) All components of a transportation system and their interconnectivity including streets and bridges, public transit including public transportation facilities and routes, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities, and airports, to provide for the safe and efficient movement of people and goods in a manner that is appropriate to the context of the community and, as applicable, considers all legal users of the public right-of-way.

(ii) Waterways and waterfront developments.

(iii) Sanitary sewers and water supply systems.

(iv) Facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels.

(v) Public utilities and structures.

(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.

(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.

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

(3) If a master plan is or includes a master street plan or 1 or more elements described in subsection (2)(b)(i), the means for implementing the master street plan or elements 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.

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

(5) The reference to public transportation facilities in subsection (2)(a) only applies to a master plan that is adopted or substantively amended more than 90 days after the effective date of the amendatory act that added this subsection.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

#### **125.3835 Subplan; adoption.**

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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3837 Metropolitan county planning commission; designation; powers.**

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:

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

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

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

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

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.



**125.3839 Master plan; adoption; procedures; notice; submittals; use of electronic mail.**

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.

(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:

(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.

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

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

(d) For a 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.

(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.

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

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

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

**125.3841 Preparation of proposed master plan; submission to legislative body for review and comment; approval required; notice; submission of comments; statements as advisory.**

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.

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

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

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

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

(d) For a 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 municipal planning commission may submit a copy of the proposed master plan to the regional planning commission but is not required to do so.



(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 municipal 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.

(f) For any local unit of government proposing a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system 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), shall reimburse the local unit of government for any copying and postage costs thereby incurred.

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

(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:

(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).

(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.

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

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

**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.**

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.

(2) The approval of the proposed master plan shall be by resolution 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.

(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.



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

(5) Upon final adoption of the master plan, 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).

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3845 Extension, addition, revision, or other amendment to master plan; adoption; procedures; review and findings.**

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

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

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

(ii) A title change.

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

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

(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.

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3847 Part of county master plan covering incorporated area; adoption by appropriate city or village required; exception.**

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.

(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 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3849 City or village planning department; authority to submit proposed master plan, or proposed extension, addition, revision, or other amendment.**

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.

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

History: 2008, Act 33, Eff. Sept. 1, 2008.

**125.3851 Public interest and understanding; promotion.**

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.

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

#### 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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

##### **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.**

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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

##### **125.3865 Capital improvements program of public structures and improvements; preparation; basis.**

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 improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3867 Programs for public structures and improvements; recommendations.**

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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3869 Copy of zoning ordinance and amendments; request by county planning commission for submission by municipal planning commission.**

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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

#### **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 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.

(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.

(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.

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

#### 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.

(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:



- (i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.
  - (ii) July 1, 2011.
- (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:
- (a) Beginning on the effective date of this act, the duties of the planning commission are subject to the requirements of this act.
  - (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:
    - (i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.
    - (ii) July 1, 2011.
  - (c) An ordinance adopted under subdivision (b) is not subject to referendum.
- (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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3883 Transfer of powers, duties, and records.**

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 commission may continue to exercise those powers and duties without amendment of the ordinance, resolution, or charter provision that created the planning commission.

(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.

(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.

History: 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3885 Repeal of certain acts.**

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

- (a) 1931 PA 285, MCL 125.31 to 125.45.
- (b) 1945 PA 282, MCL 125.101 to 125.115.
- (c) 1959 PA 168, MCL 125.321 to 125.333.

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

History: 2008, Act 33, Eff. Sept. 1, 2008.