

Appendix B

Township Planning Act

TOWNSHIP PLANNING

Act 168 of 1959, as amended, (including 2001 amendments, 2006 amendments)

AN ACT to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies.

History: 1959, Act 168, Eff. Mar. 19, 1960 ;--Am. 1998, Act 194, Eff. Mar. 23, 1999; Am. 2001, Act 263, Eff. Jan. 9, 2002. .

The People of the State of Michigan enact:

125.321 Township planning commission; definitions. [M.S.A. 5.2963(101)]

Sec. 1. As used in this act:

(a) "Basic plan" or "plan" means a master plan, general development plan, guide plan, or the plan referred to in 1943 PA 184, MCL 125.271 to 125.3 10, being the basis on which the zoning plan is developed.

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

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

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

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

(A) The elected county board of commissioners.

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

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

(d) "Planning commission" means township planning commission.

History: 1959, Act 168, Eff. Mar. 19, 1960 --Am. 2001, Act 263, Eff. Jan. 9, 2002..

125.322 Township planning commission; purpose of plans. [M.S.A. 5.2963(102)]

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

History: 1959, Act 168, Eff. Mar. 19, 1960 .

125.323 Township planning commission; creation; referendum; resolution, copies to secretary of state and county or regional planning commission. [M.S.A. 5.2963(103)]

Sec. 3.

(1) The township board of any township may create, by resolution, a township planning commission with power to make, adopt, extend, add to or otherwise amend, and to carry out plans for the unincorporated portions of the township as provided in this act.

(2) The resolution creating a planning commission shall become effective 60 days after publication in a newspaper having general circulation in a township. Within 60 days following the publication of the resolution by the township board, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of the township equal to not less than 8% of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, may be filed with the township clerk praying therein for the submission of the resolution to the electors residing in the unincorporated portion of the township for their approval or rejection. Upon the filing of the petition, the resolution shall not take effect until approved by a majority of the electors voting thereon at the next regular or special election which allows reasonable time for proper notices and printing of ballots or at any special election called for that purpose. The township board shall provide the manner of submitting such resolution to the electors for their approval or rejection, and determining the results thereof

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

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

History: 1959, Act 168, Eff. Mar. 19, 1960 ;--Am. 1962, Act 78, Eff. Mar. 28, 1963 .

125.323a Violation of §§ 168.1 to 168.992 applicable to petitions; penalties.

Sec. 3a. A petition under section 3, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 194, Eff. Mar. 23, 1999 .

125.324 Township planning commission; members, qualification, appointment, term, vacancies, compensation, budget; gifts; expenditures. [M.S.A. 5.2963(104)]

Sec. 4.

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

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

(3) The term of each member shall be for 3 years, except that of the members first appointed, 1/3 shall serve for 1 year, 1/3 for 2 years and 1/3 for 3 years. A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

(4) Members of the planning commission may be compensated for their services as provided by the township board. The planning commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the township planning commission, including attendance at conferences and meetings. The planning commission shall prepare a detailed budget and submit same to the township board for approval or disapproval. The township board annually may appropriate and make available funds for carrying out the purposes and functions permitted under this act, and may match township funds with federal, state, county or other local government or private grants. The township board may accept and use gifts and grants for planning commission purposes. Money so accepted shall be deposited with the township treasurer in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The township treasurer shall draw warrants against the special nonreverting fund only upon vouchers signed by the chairman and secretary of the planning commission and upon orders drawn by the township clerk. The expenditures of the planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the township board.

History: 1959, Act 168, Eff. Mar. 19, 1960 .

125.325 Township planning commission; election of officers; creation of offices and committees; term of officer; appointment of advisory committees; meetings; conducting business at public meeting; notice of meeting; powers of township board; rules; public record; annual report; availability of certain writings to public. [M.S.A. 5.2963(105)]

Sec. 5.

(1) The planning commission shall elect a chairperson, vice-chairperson, and secretary from its members and shall create and fill other offices or committees as it considers advisable. The term of each officer shall be 1 year. The planning commission may appoint advisory committees outside of its membership.

(2) The planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. A special meeting may be called by 2 members upon written request to the secretary or by the chairperson. The business which the planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976 and the secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

(3) The township board, upon recommendation of the planning commission, may employ a planning director or other planning personnel, contract for the services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

(4) The planning commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. It shall make an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development. A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1959, Act 168, Eff. Mar. 19, 1960 ;--Am. 1965, Act 97, Imd. Eff. June 28, 1965 ;--Am. 1977, Act 168, Imd. Eff. Nov. 17, 1977 .

125.326 Basic plan as guide for development of unincorporated portions of township; adoption; basis; consultations; expert advice and information; technical assistance; adoption of plan for certain geographic area; site plan; authority of planning commission clarified. [M.S.A. 5.2963(106)]

Sec. 6.

(1) The township planning commission shall make and approve a basic plan as a guide for the development of unincorporated portions of the township. As a basis for the plan, the township planning commission may do any of the following:

(a) Make inquiries, investigations, and surveys of all the resources of the township.

(b) Assemble and analyze data and formulate plans for the proper conservation and uses of all resources, including a determination of the extent of probable future need for the most advantageous designation of lands having various use potentials and for services, facilities, and utilities required to equip those lands.

(c) Meet with other governmental planning commissions to deliberate.

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

(3) In addition to the basic plan provided in subsection (1), by a majority vote of the members, the township planning commission may adopt a plan for a geographic area less than the entire unincorporated area of the township if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 2. Before adoption of a plan under this subsection, the township planning commission shall hold at least 1 public hearing on the plan after giving notice as provided in section 8(1).

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

(5) The purpose of the 1987 amendments to this section was to clarify the authority of a planning commission, which was implied from the language of this act, but was not specifically set forth in this act.

History: 1959, Act 168, Eff. Mar. 19, 1960 ;--Am. 1987, Act 73, Imd. Eff. June 29, 1987; Am. 2001, Act 263, Eff. Jan. 9, 2002 .

125.327 Basic plan; contents. [M.S.A. 5.2963(107)]

Sec. 7. The basic plan shall address land use issues and may project 20 years or more into the future. The plan shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the planning commission's recommendations for the physical development of the unincorporated area of the township. The basic plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the township:

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

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

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

(d) Recommendations for implementing any of its proposals.

History: 1959, Act 168, Eff. Mar. 19, 1960 --Am. 2001, Act 263, Eff. Jan. 9, 2002.

125.327a Coordinated Planning Notices. [M.S.A. 5.2963(107a)]

Sec. 7a.

(1) A basic plan shall be adopted under the procedures set forth in this section and sections 7b and 8.

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

(a) The planning commission, or if there is no planning commission, the legislative body, of each township, city, or village located within or contiguous to the township.

(b) The regional planning commission for the region in which the township is located, if there is no county planning commission for the county where the township is located. If there is a county planning commission for the county where the township is located, the township planning commission may consult with the regional planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the township is located.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the township, and any government entity, that registers its name and mailing address for this purpose with the township planning commission.

(3) The notice to an entity under subsection (2) may request permission for the township or county, as applicable, to submit electronically any information required to be submitted to that entity under section 7b or 8. If the entity to which the notice is sent grants this permission, information submitted to or by that entity under section 7b or 8 may be submitted electronically. Otherwise, such information shall be submitted in writing by first-class mail or personal delivery.

History: Add 2001, Act 263, Eff. Jan. 9, 2002.

125.327b Plan Adoption, Coordinated Planning Procedure. [M.S.A. 5.2963(107b)]

Sec. 7b.

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

(2) After preparing a proposed plan, the township planning commission shall submit the proposed plan to the township board for review and comment.

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

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, or township located within or contiguous to the township.

(b) The regional planning commission, if any, for the region in which the township is located, if there is no county planning commission for the county in which the township is located. If there is a county planning commission for the county in which the township is located, the secretary of the township planning commission may submit a copy of the proposed plan to the regional planning commission but is not required to do so.

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

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the township, and any government entity, that registers its name and address for this purpose with the secretary of the township planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed plan, or of a plan as provided in section 8(5), shall reimburse the township for any copying and postage costs thereby incurred by the township.

(4) An entity described in subsection (3) may submit comments on the proposed plan to the township planning commission within 63 days after the proposed plan was submitted to that entity under subsection (3). If the county planning commission or the county board of commissioners that receives a copy of the plan under subsection (3)(c) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners considers the proposed plan to be inconsistent with the plan of any city, village, township, or region described in subsection (3)(a) or (b).

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

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

History: Add 2001, Act 263, Eff. Jan. 9, 2002; Amended 2006, Eff. December 20, 2006.

125.328 Basic plan; adoption procedure, approval by county planning commission. [M.S.A. 5.2963(108)]

Sec. 8.

(1) Before approving a proposed basic plan, the township planning commission shall hold a public hearing on the proposed plan. The hearing shall be held after the expiration of the deadline for comment under section 7b(4). The township planning commission shall publish notice of the hearing twice in a newspaper of general circulation in the township. The first publication shall be not more than 30 days or less than 20 days before the date of the hearing. The second publication shall be not more than 8 days before the date of the hearing.

(2) At or after the hearing under subsection (1), the township planning commission may approve the proposed plan by majority vote of its membership. Following approval of the proposed plan by the township planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the township board.

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

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

(5) The plan is effective upon final adoption. Upon final adoption of the plan, copies of the adopted plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 7b(3).

History: 1959, Act 168, Eff. Mar. 19, 1960 --Am. 2001, Act 263, Eff. Jan. 9, 2002; Amended 2006, Eff. December 20, 2006.

125.329 Basic plan; hearing; publication of notice; transmission of copies following adoption.

Sec. 9.

(1) An extension, addition, revision, or other amendment to a basic plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 7a, 7b, and 8. However, for an amendment other than a revision of the plan, the 63-day period otherwise provided for in section 7b(4) shall be 40 days.

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

(3) Until January 9, 2003, a township may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act that were in effect on January 8, 2003.

(4) The planning commission shall promote public understanding of and interest in the plan, shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

History: 1959, Act 168, Eff. Mar. 19, 1960 ;--Am. 1999, Act 197, Imd. Eff. Dec. 20, 1999; Am. 2001, Act 263, Eff. Jan. 9, 2002; Amended 2006, Eff. December 20, 2006.

125.330 Basic plan; approval of public way, space, building or structure. [M.S.A. 5.2963(110)1

Sec. 10.

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

(2) A township may adopt a capital improvement program.

History: 1959, Act 168, Eff. Mar. 19, 1960 ;--Am. 1960, Act 10, Imd. Eff. Mar. 30, 1960; Am. 2001, Act 263, Eff. Jan. 9, 2002 .

125.331 Transfer of powers and duties for zoning boards to planning commission; postponement; filing zoning ordinances and amendments. [M.S.A. 5.2963(111)]

Sec. 11. The township board, by resolution, may transfer to the planning commission all powers and duties provided by the township rural zoning act, Act No. 184 of the Public Acts of 1943, as amended, being sections 125.271 to 125.301 of the Michigan Compiled Laws, for zoning boards created under that act. If the existing zoning board is nearing the completion of its zoning plan, the township board shall

postpone the transfer of the zoning board's powers and duties until the completion of the zoning plan, but the postponement shall not exceed I year. In a county in which a county planning commission is established, the township planning commission shall file with the county planning commission a copy of the township zoning ordinances and any amendments to the ordinances.

History: 1959, Act 168, Eff. Mar. 19, 1960 ;--Am. 1966, Act 193, Eff. Mar. 10, 1967 ;--Am. 1980, Act 228, Imd. Eff. July 20, 1980 ;--Am. 1990, Act 142, Imd. Eff. June 27, 1990.

125.332 Approval of plats. [M.S.A. 5.2963(112)]

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

History: 1959, Act 168, Eff. Mar. 19, 1960 .

125.333 Inconsistent acts. [M.S.A. 5.2963(113)

Sec. 13. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling except that this act shall not supersede Act No. 240 of the Public Acts of 1937, as amended, being sections 338.551 to 338.576 of the Compiled Laws of 1948, as to work required to be performed by registered architects, professional engineers or land surveyors. This act shall not preclude the creation or continuance of a township planning commission created pursuant to Act No. 285 of the Public Acts of 1931, as amended, being sections 125.31 to 125.45 of the Compiled Laws of 1948.

History: 1959, Act 168, Eff. Mar. 19, 1960 ;--Am. 1963, Act 91, Eff. Sept. 6, 1963 .