

CITY OF BIG RAPIDS

Planning Commission

Regular Meeting
January 18, 2023
6:30 PM



MEETING AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. November 16, 2022
5. Public Comment on Non-Agenda Items

Addressing the Planning Commission: Each person wishing to address the Commission shall be afforded an opportunity to do so. If you wish to comment, please raise a hand to indicate that you wish to speak. When recognized, give your name and address.
Please address all comments to the Chair.
6. Public Hearing
 - a. Recommendation to adopt the City of Big Rapids Economic Development Strategy
7. General Business
 - a. Continued discussion of manufactured housing in single-family neighborhoods
 - b. Five year review of the Master Plan
8. Unscheduled Business
9. Adjourn

The City of Big Rapids will provide necessary reasonable auxiliary aids and services to individuals with disabilities at a meeting or hearing upon one-week notice to the City. Individuals with disabilities requiring auxiliary aids or should contact the City by writing or calling the ADA Coordinator, Melissa Hauger, 226 N. Michigan Avenue, Big Rapids, MI 49307 (231-592-4007). TRS users may dial 711 for service.

The City of Big Rapids is an Equal Opportunity Provider and Employer.

Agenda item 4a.

CITY OF BIG RAPIDS
Planning Commission Minutes
November 16, 2022
Unapproved

Acting Chair Jane called the November 16, 2022 regular meeting of the Planning Commission, to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Chris Jane, Rory Ruddick, Kate McLeod, Kasey Thompson, Jacob Buse, and Sarah Montgomery

EXCUSED Megan Eppley

ABSENT None

ALSO PRESENT Paula Priebe, Community Development Director
Emily Szymanski, Planning & Zoning Technician

There were 9 people in attendance.

APPROVAL OF MINUTES

Motion was made by Sarah Montgomery seconded by Rory Ruddick, to approve the minutes of the October 19, 2022 meeting of the Planning Commission as presented.

Motion was passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

Roberta Cline of 602 Escott Street noted that while tonight's study session on manufactured homes will be presented by staff with no public hearing, she asked if the Planning Commission could allow questions from the public after City staff and the Commission discussed the topic.

GENERAL BUSINESS

Study Session: Economic Development Strategy

Jessie Black, Community Economic Development Association of Michigan (CEDAM) Fellow, summarized the Staff Report, stating that tonight's discussion is to simply update the Commission on the progress made thus far and ask for any feedback on the Economic Development Strategy Draft. Black had then opened up the discussion and

asked Commissioners if they had any questions or thoughts after reviewing the Strategy. Those comments are as follows:

- Jane asked if any of the data stood out to Black while drafting the Strategy. Black stated that the labor force numbers in the recent battery plant announcement and that they will be bringing in over 2,300 jobs. The local economy currently employs a little over 5,000 people. Putting that into consideration, another 50% will be added to the local workforce.
- Ruddick asked if Black were to remove the University from the data used, what would the impact be? Black stated that Ferris State University staff and students make up a lot of the local economy. If the University wasn't in the City of Big Rapids, the economy would immensely struggle (i.e. students working at local restaurants, retail, and services).
- Jane had asked about what the public input looked like for this Strategy. Black had stated that City staff held two input sessions (one at City Hall and the other at Toppings/The Backroom Coffee). To increase public participation, Black and Szymanski attended the Annual Chili Cookoff to meet people where they are at. The intent of the input sessions was to create a S.W.O.T. (strengths, weaknesses, opportunities, and threats) Analysis to better understand public perceptions.
- Thompson had recommended to one of the City Commissioners that the Economic Development Strategy should also include a process to follow up with businesses that have left the City in order to understand why they left.

Commissioners thanked Black for all of the hard work on the Economic Development Strategy and throughout their time at the City of Big Rapids. The Commission had no further comments or questions regarding the Strategy.

Study Session: Manufactured Homes in Single-Family Neighborhoods

Szymanski summarized the Staff Report, stating that this discussion stems from concerns of a few community members as well as from the interest indicated by the Planning Commission. Szymanski first presented information from the U.S. Department of Housing and Urban Development (HUD) regarding the differences between manufactured (previously known as 'mobile') and modular homes. Next, Michigan's Mobile Home Commission Act, Act 96 of 1987 was introduced as this Act outlines what local municipalities can regulate. This Act, along with Michigan Supreme Court Cases, state that local municipalities cannot exclude manufactured homes from a particular residential Districts, nor can Ordinance regulations only apply to manufactured housing. Szymanski stated that the City's current Ordinance language already includes standards that apply to all dwellings in the City of Big Rapids. For example, minimum width of dwellings, permanent foundation, does not have exposed wheels or chassis, is alethically compatible with other dwellings, etc). Lastly, Szymanski introduced the term

“exclusionary zoning” to the Commission, as any proposed amendments cannot exclude or have the intent to exclude.

The conversation ensued over the following:

- Bused asked that while it appears that the City cannot exclude manufactured housing from particular residential districts, the perception is that manufactured homes do not last as long as stick-built homes. If manufactured homes start to deteriorate, what would the process be for the City? Szymanski stated that the City currently has Ordinance language pertaining to blight and the Code Enforcement Officer, Andrew Hartung, oversees the enforcement process for blight cases. Buse stated that he can only imagine that Hartung is overwhelmed being the only staff member to handle these cases. Could the City hire an additional Code Enforcement Officer to assist Hartung? Szymanski stated that additional staffing is approved by the City Commission, but she will bring this suggestion up to the City Manager, Mark Gifford.

The Planning Commission opened up the discussion for any questions from the public in attendance.

- Roberta Cline of 602 Escott Street asked the following questions:
 - Clarification on the current Ordinance regulation that states, “it has a minimum width across any section of twenty-four (24) feet...” Cline asked where the Ordinance prohibits singlewide manufactured homes. Szymanski stated that singlewide homes are usually 14-18 feet in width and the Ordinance requires at least 24 feet, prohibiting singlewide homes due to width.
 - If singlewides are prohibited, why are there a few around the city? Szymanski stated that the Ordinance may have been different at the time. However, all singlewides that exist within the city limits today, except for those allowed in mobile home parks, are considered nonconforming and can continue unless damaged/destroyed.
 - Can the City require an age of singlewide homes? This would help mitigate blight. Szymanski is concerned that this might be exclusionary. City staff will discuss this item with the City Attorney.
- Dan Spedowske of 830 Lilac Avenue asked Szymanski if she has “ever gone and looked at a manufactured home?” Szymanski has. Spedowske also stated that “they say manufactured homes but they shot out in a heartbeat. The carpet is not the same, the soffit is not the same, the paneling is not the same, the cabinets are not the same. After fifteen years, they can’t get the same materials because everything changes. Where are you going to get the parts? Where are you going to get them? Who is going to get them? Who is going to fix them?” In order to better understand the question, Szymanski asked Spedowske if there was a specific question that could be answered. Spedowske said, “My question

for the city is why do “you people” want to bring manufactured housing into the City for it to deteriorate?” Jane stated, “Why would you assume that “us people” want that?” Spedoske replied with “Whoever started this whole thing – which I heard was Mark Gifford – who can never show up to a meeting, which is sad. Where is all of this coming from, changing our R-1 District? What’s next, a teepee? What I’m hearing is “you guys” want to bring in all of this low-income “stuff?”

- Pam Borstler of 819 Marion Avenue asked two questions:
 - “If manufactured homes have to be newer than five years of age, why are the Lattimore manufactured homes allowed in the city? There is blight laying around all of them. I’m sorry, but Andrew gives them 30 days for blight and then he gives them another warning with additional time. The city is not following through with this”. Priebe clarified that the City does not currently have an age provision within the Zoning Ordinance. That was brought up as an example from another municipality.
 - Is it mandated that the city have a certain percentage of the Department of Housing and Urban Development (HUD) housing? Is that the way you’re going? Szymanski stated that there is not a mandate for the City of Big Rapids. However, it is the job of planners to help improve communities so that they welcome everyone. Going forward, the lives of younger generations will look very different from those of older generations (i.e. getting out of college then getting a job then buying a house). Younger generations cannot afford to purchase traditional homes. The median income for this area is \$28,000.
- Jana Lee Farrier of 729 N State Street stated that a modular home on Finley Avenue was required to have a garage and a basement. However, the new manufactured home on Marion/Bellevue was given a waiver and did not have to have a garage or a basement because “it was too expensive” there should be set rules that are followed because “what is good for the goose should be good for the gander”. Priebe stated that the Finley Avenue home was constructed by the Housing Commission when the previous home burned down. They were directed to put a new home on that lot and used grant funds from the State of Michigan hoping to add more modular homes at a certain price point. It was the Housing Commission’s choice to add both a garage and a basement. That is not a requirement of the local regulations”.
- Greg Denny of 323 W Pere Marquette Street asked how many manufactured homes are currently in the city? Of those, how many are rentals? How many look blighted because they don’t have a basement, garage, or attic?”.
- Rosemary Jennings asked if there are currently singlewide homes outside of mobile home parks in the city? Szymanski stated that yes, there are a few but they are nonconforming and could not be replaced with a singlewide if destroyed.

Thompson stated while she can sympathize and empathize with comments made, she also speaks with so many young people on a daily basis and has to be transparent. Thompson stated that there is a push where Millennial's and Generation-Z are being encouraged not to buy houses. As much as the community is having this discussion of rentals versus home ownership, these are the types of issues that City Officials and staff will have to address. There is a housing crisis across the Country and major corporations are buying up entire neighborhoods as we speak. As much as there is resistant, the ship is already coming. It is time to figure out what the community, City Officials, and City staff, would like in our community. How the issue is addressed is up to us. Change is inevitable because the socio-economic shift is already happening.

The Planning Commission requested that City Staff discuss this matter with the City Attorney.

Staff will discuss the topic of manufactured housing with the City Attorney and bring back more information during a future Planning Commission meeting,

UNSCHEDULED BUSINESS

The resignation of Community Development Director, Paula Priebe

Priebe informed Commissioners that tonight's meeting has been Priebe's last meeting of the Big Rapids Planning Commission. Priebe thanked the Commission for their dedication to public service and stated that it has been a joy to work with Commissioners.

There being no further business, Acting Chair Jane adjourned the meeting at 7:37 PM with all in favor.

Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician and Planning Commission Secretary

Agenda item 6a.

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Emily Szymanski, Planning & Zoning Technician
SUBJECT: City of Big Rapids Economic Development Strategy
DATE: January 18, 2023

Introduction

Most communities have a general idea of how they intend to encourage economic development. High performing Redevelopment Ready Communities® (RRCs) distinguish themselves from others by having a clear strategy that describes how they intend to attract investment, build tax base, and create jobs. Their strategies are rooted in relevant community planning documents, and they execute deliberate initiatives that encourage investment while eliminating development and redevelopment obstacles. A community's economic development strategy is among the most important elements of the RRC process as it focuses squarely on retaining and attracting jobs and investment—primary goals of the RRC program.

Economic Development Strategy Thus Far

Jessie Black, former Community Economic Development Association of Michigan (CEDAM) fellow, organized a steering committee comprised of the following members: City Manager Mark Gifford, MCDC Executive Director Kelly Wawsczyk, DBA Director Josh Pyles, and Toppings/The Backroom Owner Shawna Conley. The steering committee met for its kickoff meeting on October 5, 2022. At the meeting Jessie laid out the proposed timeline along with the Redevelopment Ready Communities Economic Development Strategy Guide that will guide the framework and timeline of this initiative.

During the October 19, 2022 Planning Commission meeting, Jessie Black introduced the Economic Development Strategy to Commissioners.

During the November 16, 2022 Planning Commission meeting, a Study Session was held to review the first draft of the Strategy with Planning Commissioners. After receiving feedback, Jessie made a few changes to the Strategy.

During the December 5, 2022 City Commission meeting, Jessie presented the updated draft. No additional suggestions were made by the Commission.

Jessie worked diligently on the final version of the Economic Development Strategy (included in the packet) before their last day with the City on December 20, 2022. The Strategy is now ready for the next step of the timeline: Planning Commission Public Hearing and recommendation to adopt the City of Big Rapids Economic Development Strategy.

Timeline

2022

- October 19: Introduction of the Economic Development Strategy to the Planning Commission.
- October 26 – 25: Community input sessions.
- November 1: Background information and data formulated. Committee received update on report for the community input session.
- November 7 – 9: Second Committee meeting to finalize vision/strategy and first ready of draft.
- November 12: First draft of Strategy sent to Committee members.
- November 16: Planning Commission Study Session regarding Economic Development Strategy draft.
- November 29 – 30: Third Committee meeting for final read of Strategy with edits included from Planning Commission.
- December 5: City Commission Study Session on Economic Development Strategy

2023

- January 18: Planning Commission Public Hearing to recommend that the City Commission adopt the Economic Development Strategy.
- February 6: City Commission to vote on the adoption of the Economic Development Strategy.

Recommendation

Staff is in favor of the Planning Commission recommending that the City Commission adopt the Economic Development Strategy.

Two options lay before the Planning Commission regarding the Economic Development Strategy: Recommendation to Adopt or Recommendation to Not Adopt. The City Commission has the final determination to adopt an Economic Development Strategy, but the recommendation must come from the Planning Commission.

Sample motions are included below.

Recommendation to Adopt

“I move to recommend that the City Commission adopt the Economic Development Strategy as presented.”

Recommendation to Not Adopt

“I move to recommend that the City Commission not adopt the Economic Development Strategy as presente”.

Michigan Economic Development Best Practices for an Economic Development Strategy:
The economic development strategy identifies the economic opportunities and challenges of the community.

1. *The economic development strategy defines specific goals, actions, timelines, and responsible parties for implementation.*
2. *The economic development strategy coordinates with a regional economic development strategy.*
3. *The economic development strategy defines specific goals, actions, timelines, and responsible parties for implementation.*
4. *The economic development strategy coordinates with a regional economic development strategy.*
5. *The economic development strategy is accessible online.*
6. *Progress on the economic development strategy is reported annually to the governing body.*

Agenda item 7a.

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Emily Szymanski, Planning & Zoning Technician
Bradley Fowler, City Attorney
SUBJECT: Continued discussion of manufactured housing – Update from City Attorney, Mr. Bradley Fowler.
DATE: January 18, 2023

Introduction

Manufactured housing has been a reoccurring topic of discussion during recent Planning Commission meetings. Both community members and Planning Commissioners have asked for clarification on several items pertaining to this topic and have expressed interest in having a larger discussion overall. To help guide discussion, the City Attorney, Mr. Bradley Fowler, has reviewed the staff report from the November meeting and has provided City staff with his legal opinion regarding manufactured housing and what *can* be regulated. Mr. Fowler has also sent City staff a letter discussing this in further detail. This letter will be provided to Commissioners to review.

Discussion thus far

During the November 16, 2022 Planning Commission meeting, Emily Szymanski, Planning & Zoning Technician, introduced background information on the topic and presented the following information:

- Current Big Rapids Ordinance language pertaining to single-family dwelling standards.
- An introduction to the Michigan Mobile Home Commission Act, Act 96 of 1987 in relation to what local municipalities *can* regulate.
- An introduction to exclusionary zoning and its impacts.

City Attorney Summary

The following information is a summary of the legal opinion of Mr. Fowler:

- As discussed at the November 16, 2022 Planning Commission meeting, the Mobile Home Commission Act, Public Act 96 of 1987, prohibits local governments from enacting ordinances which are designed to, or have the effect of excluding manufactured homes. This includes both manufactured homes located both in and outside of manufactured home parks.
- The Michigan Court of Appeals has held that manufactured homes cannot be excluded from residentially zoned areas unless they fail to meet reasonable standards (i.e. aesthetically compatible in design and appearance).
- Regulations that can be included into Ordinance language include items such as requiring a crawlspace or a basement for all dwellings and requiring a minimum number of rooms for all dwellings. Any new regulations or standards would be applied to all dwelling types – both site-built and prefabricated homes.

Action

This discussion is solely for educational purposes at this time.

Way Forward

The way forward will be discussed and decided by the Planning Commission and supported by City staff.

Agenda item 7b.

STAFF REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Emily Szymanski, Planning & Zoning Technician
SUBJECT: Five Year Review of the Master Plan
DATE: January 18, 2023

Introduction

The City's current Master Plan was initially adopted in 2009 with an addendum adopted in 2018. One provision of the Michigan Planning Enabling Act (MEPA) requires the Planning Commission to review its current plan at least every five years. This review ensures that the plan is meeting the current need of the community. Tonight's discussion of the Master Plan will determine whether the Master Plan is relevant and is representative of the community or if the Plan needs an update.

Master Plan Review

In order to best review the City's current Master Plan, please refer to the Table included on page 2 of this Staff Report (also included in the meeting packet). This Table outlines several criteria for determining if the Plan needs an overhaul, a refresh, or to add/replace sections of the Plan (i.e. adding new chapters, updating the future land use map, etc).

Recommendation

Emily Szymanski, Planning & Zoning Technician, recommends a complete overhaul of the City's Master Plan. It is Emily's professional opinion that the Plan in its current state does not reflect the needs of the community and does not include important topics such as:

- Diversity and equity inclusion
- Planning best practices: complete streets, sustainability, missing middle housing, local food, placemaking, arts and culture).

A few examples of other recommended changes include:

- Maps, images, and other visual aids in the City's current Master Plan are lacking.
- The future land use map in the current Plan is heavily spot zoned and is not very useful because of this.
- Economic development needs to be a separate chapter. Jessie Black, Community Economic Development of Michigan (CEDAM) Fellow, worked diligently on an Economic Development Strategy and that updated information needs to be included in the updated Master Plan.

Annual	5-year	CRITERIA	Yes	No	COMMENTS/DOCUMENTATION/LINKS
✓	✓	Have development patterns changed significantly since the plan was written and adopted?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Does the adopted zoning ordinance align with the goals of the plan?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Have there been any major changes, such as utility lines, major road improvements, large development approvals, etc?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Have there been instances when the planning commission or elected body has departed from the plan?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Are the goals and priorities of the plan in sync with the goals and priorities of appointed and elected officials?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Does the plan address the location and types of land uses frequently requested?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Have there been other studies completed that change the relevancy of the plan?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Have community goals or vision changed since the plan was written?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Are recent best practices integrated? (i.e. Complete Streets, Placemaking, Sustainability, Missing Middle Housing, Local Food)	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is the background data relevant and reference the most recent decennial census data and up-to-date local data?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is it user-friendly with clear organization and graphics?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Does it reference goals and objectives for a downtown area?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is there an implementation plan including a CIP plan?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Are a zoning plan and zoning objectives included?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is a redevelopment strategy provided?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Are priority sites for redevelopment and a strategy for implementation included?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Have there been changes along the community borders?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is there upcoming major (re)development (corridor, transportation, university/hospital, utility, vacated sites, or industrial)?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Do policy and recommendations support a safe, efficient multi-modal transportation system?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Do permitted uses support the job market and reflect the local talent pool?	<input type="checkbox"/>	<input type="checkbox"/>	

Way Forward

If the Commission determines that the Master Plan needs to be updated either with a refresh or as a complete overhaul, Emily will prepare more information to bring back to the Commission at a future meeting.

Packet Materials:

6. Public Hearing

- a. Recommendation to adopt the City of Big Rapids Economic Development Strategy



CITY OF BIG RAPIDS

ECONOMIC DEVELOPMENT STRATEGY

TRAILTOWN
of PURE MICHIGAN[®]

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I. Overview

Summary of key information

The City of Big Rapids is the county seat of Mecosta County and the only city within the county's boundaries. Though located within Big Rapids Township, it is politically independent. Originally called Leonard, the town grew and prospered, profiting from the vast forest of pine which was chopped and floated down the Muskegon River to the metropolises where the wood was used. At first people avoided the name of Leonard saying, "I'll meet you by the big rapids," and thus the town took on the name of Big Rapids when it got its first post office. The area was already a major logging center at the time but the industry, however, soon began to wane. So, residents turned to making equipment related to logging, such as saws, blades, and sharpening tools. Several of those firms remain today. Since 1884, Big Rapids has been home to a four-year, public, Division II athletics, Division I hockey university, the Ferris State Bulldogs.

Present day, Big Rapids is located along the US 131 Interstate and is in close proximity to bigger cities like Grand Rapids and Traverse City while still being able to enjoy living in a rural setting. Recreation in Big Rapids offers a variety of year-round opportunities for all outdoor enthusiasts. Here in Mother Nature's playground there are endless trails across the region for hiking, biking, snowmobiling, or snowshoeing. In the city there are nine public parks, two city-operated trails, and falls at the midpoint of the linear 91-mile Fred Meijer White Pine Trail. The White Pine Trail is located along the old Grand Rapids & Indiana Railroad that dates back over 150 years. In the 1990's, the railroad line was converted to a "Rail-to-Trail," with the 13 miles from Big Rapids to Reed City being the first section paved. According to the National Rails to Trails Conservancy, the White Pine Trail is designated as one of the Top 100 Rails to Trails in the nation.

Population

The City of Big Rapids has an estimated population size of 8,976 and a median age of 22. The population size decreased between the 2010 and 2020 Census, and the City is exploring whether or not a census recount may be worthwhile due to the impacts a population decrease has on economic development efforts. By having a medium-sized public university like Ferris State right in the center of the city, the population of full-time residents somewhat fluctuates due to the movement of college students. The large presence of college-aged people skews the median age to the younger side.

Labor Force

The economy in Big Rapids employs 5.3k people. The largest industries are education, retail trade, and health care & social assistance. Though those are the largest industries present in the community the most common job groups are sales & related occupations, office & administrative support occupations, and food preparation & serving related occupations. Compared to other places, Big Rapids has an unusually high number of residents working as health technologists & technicians, food preparation & serving related occupations, and personal care & service occupations. The highest paid jobs held by residents in the community are health technologists & technicians, healthcare practitioners & technical operations, and health diagnosing & treating practitioners & other technical occupations (usadata.io, 2020). Some of the largest employers in the area include Ferris State University, Spectrum Health, Original Footwear, Big Rapids Products, Federal Screw Works, and Haworth.

Household Income

The City of Big Rapids has a poverty rate at 37.7% with a median household income of \$28,628 (datausa.io, 2020).

Housing

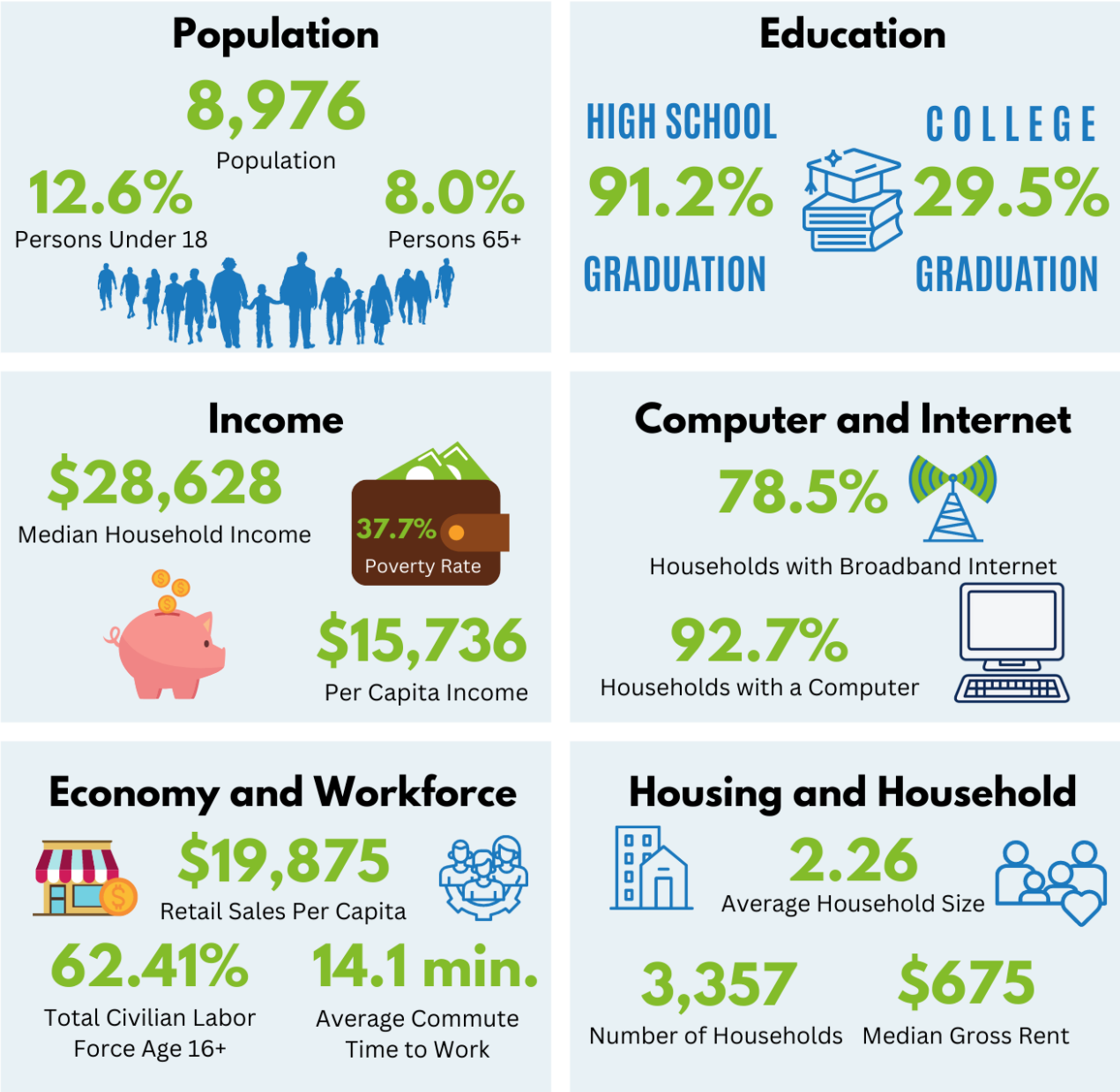
Big Rapids is a community where more residents rent their home than own their home. There are a total of 3,357 households reported to the US Census from 2016-2020. Between 2019 and 2020 the median property value increased from \$93,900 to \$100,100, a 6.6% increase. The home ownership rate in Big Rapids is 40.6%, which is lower than the national average of 64.4%. People living in the city have an average commute of 14.1 minutes, and they report driving to work alone. Car ownership in Big Rapids is an average of 2 cars per household, same as the national average.

While the City is not a developer and does not build housing, the City does have several roles to play in ensuring that residents of Big Rapids have the safe and attainable housing they wish to have. In 2020, the City commissioned a study of the local housing market. The final Report includes a narrative summary of the findings, two market potential analyses based on an aggressive and a conservative approach, a breakdown of the lifestyle clusters of Big Rapids residents, profiles of the target market for Big Rapids homeowners and renters, movership rates, a real estate analysis, market parameters, residential building typology information, and a summary of Missing Middle Housing in Michigan. The findings of this report are being used by City staff, the Planning Commission, and the City Commission to analyze and amend City Ordinance and policies around housing, with the goal that Big Rapids has housing to meet the needs of current and future residents.

Education

The high school graduation rate is high in persons 25 years of age or older at 91.2%. Those 25 years of age or older that hold a Bachelor's degree or higher reflects 29.5% of the population.

Table 1: Key Statistics



II. Economic Development Process

As part of the planning process for this strategy, City Staff hosted two community input sessions and attended the City's annual Chili Cook Off event to engage with a variety of stakeholders and residents and gather their visions for future development. The input sessions were structured to complete a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis. The SWOT analysis was followed up by a breakout for participants to place their commercial development wishes on maps of the four commercial districts present. In addition, an Economic Development Strategy Committee was established to ensure stakeholders were invited into the planning process.

Below is a summary of the strengths, weaknesses, opportunities, threats, and suggestions that were provided by residents. A detailed compilation of the strengths, weaknesses, opportunities, threats, and suggestions provided by residents can be found in Appendix A.

Strengths

The strengths that residents identified highlighted many of the great amenities Big Rapids has to offer such as sidewalks/bike lands, Katke Golf Course, the local parks/trails system, and annual local events. Many observed strengths based on the geographic location of Big Rapids and its proximity to Interstate 131 and M-20; in addition to having a municipal owned airport and the economic opportunities that provides. Services such as Corewell Heath and strong local public schools were also identified as strengths for the community.

Weaknesses

The weaknesses that residents identified showcased what they feel that Big Rapids is lacking in. Residents expressed that they are frustrated with the minimal diverse dining options, evening and weekend hours of local businesses, and availability of open businesses on Mondays. Increased access to childcare services and missing middle residential housing was a common theme to support the retention and growth of the community. Across the board there was an outcry for improved communications, rapport, and trust between residents and the City.

Opportunities

The opportunities that residents identified showcased the pride and hope they have for the community to continue to be a great place to live, work, learn, and play. Some examples include Scooter's Coffee coming to town, activating being the tubing capitol of Michigan again, Depot Park Development, and the airport runway extension.

Threats

The threats that residents identified highlighted the complexities of businesses and people migrating outward of the city because the opportunities to expand, cost of doing business, and big box store dilemma are crippling their opportunities. As a college town, a threat that was identified was the students not feeling welcome, which impacts the competitiveness of recruiting for the University.

Suggestions

The suggestions include residents' creative feedback for what commercial businesses or models they wish would come to Big Rapids. This was a fun and creative way for residents to provide City Staff their commercial development wish list that can be taken into consideration for individuals looking to invest in businesses ventures in Big Rapids.

III. Local, County, & Regional Economic Development Goals

The Economic Development Strategy follows the recommendations and best practices of the Redevelopment Ready Communities (RRC) program best practices by connecting individual objectives to local, county, and regional economic goals. This section outlines the local, county, and regional economic goals.

Local Economic Goals

The City of Big Rapids aims to achieve the following goals for its local economic development efforts:

1. The City of Big Rapids is an attractive, livable community.
2. The City of Big Rapids is a top choice for area professionals and others to live, having a variety of housing types and strong neighborhoods.
3. The City of Big Rapids maintains and expands vital infrastructure with detailed plans and sustainable funding sources.
4. The City of Big Rapids continues to improve local government services through coordination with other governments and organizations in addition to opportunities for professional development.

County Economic Goals

The Mecosta County Development Corporation aims to achieve the following efforts in support of local and regional economic development efforts:

1. Representing Mecosta County on the Regional Childcare Coalition from January '23-January '24
2. Touring college towns across Michigan to get a better understanding of their partnerships and functioning processes

Regional Economic Goals

The City of Big Rapids is in the west central lower peninsula of Michigan within West Michigan region 4. The Right Place, Inc. (RPI) is the primary economic development partner in West Michigan. Since its founding in 1985, RPI has developed and implemented plans to guide the organization and drive long-term economic growth in the Greater Grand Rapids Region. According to their 2020-2022 Strategic Plan, RPI is steering the boat to achieve the following economic development goals:

1. Strengthen our position as the leading resource for growing companies in the Greater Grand Rapids Region.
2. Increase our focus on inclusive growth initiatives to provide economic opportunities for all in the Greater Grand Rapids Region.
3. Ensure long-term economic growth by supporting the region's foundational economic assets, such as infrastructure and quality of life.
4. Provide comprehensive strategies for economic prosperity in the region by engaging business and community leaders.
5. Drive economic growth throughout the Greater Grand Rapids Region with strategic partnerships and collaboration.
6. Educate and inform the region on strategic emerging and long-term business trends impacting the Greater Grand Rapids Region's economy.
7. Engage in regional talent development, retention, and attraction efforts to address the Greater Grand Rapids Region's most challenging economic growth issue.

These goals are tailored to address the following strategic growth areas:

1. Advanced manufacturing
2. Information technology
3. Health sciences
4. Food processing & agribusiness

IV. Economic Development Strategy

The Economic Development Strategy is outlined from feedback received during the community input sessions and Economic Development Strategy committee meetings. In addition, on January 24, 2022, the Mayor, City Commissioners, City Manager, City Clerk, City Attorney, and Department Heads met to review the Vision for 2024 that was developed in 2019 and the four goals established in that previous process. The team identified key objectives for each goal area and one-year tasks to be accomplished in 2022-2023. Through this process, the goals and tasks laid out within the 2022-2023 Strategic Plan have informed the overall goals and vision of this Economic Development Strategy.

Strategic Objectives

Branding & Marketing-

This objective aims to enhance the public relations, communications, and marketing efforts towards residents, visitors, businesses, and investors. As the new Communications Officer transitions into their role, they should implement the goals and actions outlined in the Big Rapids Marketing Strategy. The plan should be evaluated and updated on an annual basis.

Retention in the Big Rapids Industrial Park-

With Big Rapids Township surrounding the boundaries of the City of Big Rapids, the industrial park in the City does not have much, if any room, to expand. The primary objective for the Big Rapids Industrial Park is to work with the existing companies within to retain their business. In collaboration with the City, Mecosta County Development Corporation, Ferris State University, and other economic stakeholders, it will be an objective to work together to provide a reliable and skilled workforce.

Housing Options-

The final Housing Study demonstrated a need for additional housing in Big Rapids and can be utilized to direct actions and new policies. Big Rapids must address the need for higher density options, single family residential rentals, and the missing middle. Providing an adequate stock of housing allows for a robust workforce and bountiful local economy.

Increase in Dining & Retail-

There are gaps in the available dining and retail options across the four commercial districts within the City. In addition, there also appears to be a gap in the number of regional dining and retail establishments in the area. Attracting and retaining the interests of regional brands as well as expanded support for small business opportunities will create a vast variety of options for the community.

Increase in Activity-Based Entertainment-

In addition to the gaps in available dining and retail options, there is an even larger gap in the options for activity based entertainment across the four commercial districts within the City. As a college town, and aligning with the strategic goals to become a more family-oriented community, a focus on these types of retail establishments would serve the community well. Some examples include fowling, e-sports bar, escape room, and paint and pours to name a few.

Infrastructure Maintenance & Improvements-

Infrastructure maintenance and improvement is a foundational piece to all economic development. Having adequate and reliable infrastructure in place allows the wheels to move on other development, redevelopment, and improving the overall quality of life for residents. New housing developments can be jumpstarted by the City through the development of infrastructure, such as streets and water utilities, to support residential development.

Sidewalk and Bike Lane Expansion-

As a Pure Michigan Trail Town and rural community with limited resources for mass public transportation, having adequate sidewalks and bike lane access is imperative to a healthy economy. Big Rapids strives to be as walkable and bikeable as possible and has one of the highest walk scores in the state of Michigan according to walkscore.com. The municipality has been funding projects that connect key destinations to sidewalks and create bike loops that offer cycling enthusiasts a plethora of options for routes that are all interconnected to the major local trails.

Real Estate Development-

Economic vitality for Big Rapids is reliant on not only new development opportunities but also potential redevelopments. Redevelopments create the space for underutilized properties to be rejuvenated and can transform unused land into bright, purposeful spaces. There are multiple redevelopments the City is working on or plans for in the near future, key highlights from this list are shown below.

Mechanic Street Area Development: The infrastructure project will include the extension of Loudon Street, Mechanic Street and DeKraft Avenue, and the addition of two parallel streets between DeKraft Avenue and Bjoranson Street, along with installation of water and sewer lines to service the entire future housing development in this neighborhood.

Rust Avenue Extension: Rust Avenue will be extended beyond Escott Street to a small cul-de-sac, at which there will be three lots for purchase to develop housing that borders the Clay Cliffs nature area.

[*Hanchett Property*](#)

[*AMC Theater*](#)

[*JC Penney Building*](#)

Outdoor Recreation Tourism-

The City is working towards the goal of becoming an outdoor recreation destination for Michiganders and beyond. They have made great strides towards this goal as the City of Big Rapids was designated as a Pure Michigan Trail Town in April 2022. The newly named, and now City-owned, Depot Park remains largely undeveloped. Through grant opportunities the city is hoping to develop this park as its official White Pine Trail Trailhead in the next few years. In addition, the city is working to develop a skatepark on separate, but nearby, parkland to expand recreation opportunities for all. Finally, the city and other private-public partnerships are investing millions of dollars to improve Hemlock Park and add/update features such as tennis courts, basketball courts, pickle ball courts, a splash pad, a universally accessible playscape, and a universally accessible kayak launch.

Expanding Childcare Opportunities

The City is working in tandem with the Mecosta County Development Corporation to explore opportunities for expanding childcare opportunities across the community. Increasing access to childcare can help to stabilize our local businesses by reducing worker turnover since often times; scheduling employees' work hours around their childcare needs negatively affects workers' ability to fulfill job-related commitments. In addition, providing affordable childcare opportunities will provide growing minds the opportunity to increase their socialization and other primary skills before entering kindergarten.

V. Implementation Matrix

The implementation Matrix below details the status, timeline, and partners involved with the previously discussed strategic objectives. The matrix will assist the City of Big Rapids with keeping track of economic development priorities. Seen as a working document, the matrix outlines anticipated goals and timelines which may change as opportunities arise. *Many Partners Involved are displayed with their acronym of the organization, for the full list of Implementation Partners and their contact information, please see Appendix B on page 18.*

Strategic Objective/Project	Status	Project Timeline	Partners Involved	Description
Branding & marketing	Ongoing	Start in January 2023	DBA, Band of Locals, MCVB, FSU, MCDC/RPI, Chamber of Commerce	In connection to the City of Big Rapids Marketing Strategy, increased PR/communications/marketing and overall branding is a priority.
Retention in the Big Rapids Industrial Park	Not Started	Ongoing	MCDC/RPI, Chamber of Commerce, Leadership Mecosta, MI Works! West Central	Supporting existing businesses in the Industrial Park through partnerships with the MCDC and FSU to provide a reliable and skilled workforce
Housing options	Ongoing	Started, Ongoing	MCDC/RPI, Housing Commission	Need to create diverse housing stock to support a growing community.
Increase in dining & retail	Not Started	Ongoing	MCDC/RPI, DBA, DDA Chamber of Commerce	Attracting and retaining the interests of regional brands as well as expanded support for small business opportunities
Increase in activity-based entertainment	Not Started	Ongoing	MCDC/RPI, DBA, DDA Chamber of Commerce	Attracting and retaining the interests of activity based entertainment businesses that can serve all demographics of the community.
Infrastructure maintenance & improvements	Ongoing	Ongoing	MCDC/RPI, MDOT, Consumers Energy	City will continue to invest in projects that create adequate and reliable infrastructure so development, redevelopment, and quality of life can improve.
Sidewalk/bike lane expansion	Ongoing	Ongoing	MCDC/RPI, MDOT	City will continue to invest in bike lane and sidewalk extension projects that support the vision of being a walkable and bikeable community
Real Estate Redevelopment	Ongoing	Ongoing	MCDC/RPI, MEDC, Housing Commission, DDA (for those within downtown district)	Redevelopment is vital to infill the City and repurpose property, which is being underutilized.
Outdoor Recreation Tourism	Ongoing	Ongoing	MCDC/RPI, MDNR, Muskegon River Watershed Association, Friends of the White Pine, MCVB	To support the City's designation as a Pure Michigan Trail Town and vision to become an outdoor recreation destination; continue investing in park development/improvement projects
Expanding Childcare Opportunities	Not Started	Ongoing	MCDC/RPI, Community Development Department, City Manager's Office, Big Rapids Township	Expanding affordable childcare opportunities can help to stabilize our local businesses by providing parents a safe and reliable place that can care for their children while they attend work. It also provides growing minds educational and socialization opportunities before entering kindergarten.

IMMEDIATE NEXT STEPS:

- In partnership, City of Big Rapids and MCDC will create baseline metrics and evaluation timeline for the implementation matrix
- Implement Big Rapids Marketing Strategy as new Communications Officer position is filled
- Conduct entrance and exit interviews with business owners to better understand their decision-making process, barriers to success, and create a tracking system for this process.

APPENDIX

TRAILTOWN
of PURE MICHIGAN[®]

Appendix A: SWOT Analysis & Suggestions from Community Input

Strengths

- Ferris State University
- Municipal owned airport
- Pure Michigan Trail Town
- Katke Golf Course
- Proximity to urban centers and tourist destinations
- Community festivals and activities
- Big Rapids Trails and Parks
- Sidewalks/bike lanes
- Overall walkability and bike access
- Big Rapids industrial park
- Big Rapids Public Schools and Crossroads Charter Academy
- Corewell Health (rebranded Spectrum Health)
- Farmer's Market
- Pure Michigan Trail Town designation
- Muskegon River
- City Staff
- MCDC/The Right Place, Inc.
- White Pine Trail
- Hanchett property
- Located along 131 Interstate and M-20
- Band of Locals + their weekly radio show
- Currie's sign outside their business
- Virtual accessibility of city meetings
- Huntley's Clubhouse Childcare
- Marihuana tax revenue
- Local people and new folks to the area rehabbing rundown rental properties
- Investors rehabbing and/or building new structures
- Kindness
- Parades
- Marihuana shops and their tax revenue
- Pocket Park Concerts
- Kind vendors/merchants
- Artworks
- Festival of the Arts
- BR Pride Event
- Downtown landscaping efforts

Weaknesses

- Municipality has a lack of control over development opportunities.
- Downtown Urban Renewal initiatives have, in a way, handicapped the character of buildings in that commercial district.
- Lack of “destination feel” in the downtown district.
- Manufacturing companies having challenges with skilled employee hiring/retention
- Missing middle for residential housing
- Surrounded by townships (creates challenges for development)
- Capacity of the DDA
- ‘Services’ heavy in the downtown district.
- Encouraging new models of coordination/collaboration
- Availability of diverse commercial dining businesses (vegan, vegetarian, world cuisine, etc.)
- A formal downtown square doesn’t exist currently
- Rapport between FSU institution, students, faculty, ‘The City’
- Closed attitude of new ideas, people, and businesses
- Communication and rapport between city and residents
- Quality of local paper
- Businesses not open 5-6 days a week, most closed on Mondays
- Many businesses don’t have extended and/or nighttime/weekend hours
- Options and availability of childcare
- Rhetoric is “it’s easy to do marihuana business here” → how do we create a culture to make it easy for all business types
- Maintenance of rentals within city limits, particularly rentals on State St.
- Outdated manufactured homes
- FSU adjunct and overall faculty living locally
- Strength/productivity of Town & Gown
- Big Rapids is an island community in the sense that it’s isolated on its own island with no room to build out and not much else around it.
- Not enough for families to do in town.
- Not enough activities for college students
- No central location for information about local events

Opportunities

- Creating and nurturing an economic environment for multiple options of the same business to thrive (ex: coffee shops).
- Being more strategic about economic development/marketing and the ways in which we pull people of the highway and main roads, out of their car, and into shops.
- Having a food co-op established
- Battery plant coming into the township
- Scooter's Coffee
- Restaurant/retail expansion in downtown district
- Social district
- Developing a downtown farmers market pavilion
- Conducting an analysis of what businesses come into downtown, when/if they leave, and learning more about what factors play into making those decisions.
- Activate being tubing capitol of Michigan again
- Depot restoration and Depot Park development
- The Dragon (our proximity to the trail bolsters economic opportunities)
- Big Rapids becoming a destination city
- Improvements in the main entrances of town to enhance the overall aesthetic
- Mini golf course development
- Movie theater restoration
- A department store (like JC Penney's) coming into town
- Investing in an incubator space for upcoming entrepreneurs
- Airport runway extension
- Putting information in the water bill to improve city/resident communications
- Enhanced awareness of the Band of Locals Radio Show
- Availability in water/sewer system to offer to entrepreneurs looking to invest/build
- Having more community events to bring people together
- 'Electrification' to prepare for electric vehicle car influx
- The White Pine Trail development on the southbound portion of the trail

Threats

- Retail/medical/commercial businesses moving outside city limits
- Need for more skilled trade professionals
- Need diversified types of housing to anticipate the needs of the future influx in residents. Without it, the city is majorly threatened by outside municipalities absorbing the housing development opportunities and residency growth.
- High rent for retail spaces makes investment difficult for upcoming entrepreneurs
- Big box store dilemma/dark storefronts
- Competitiveness of farmers market vs. other municipalities
- Students not feeling welcome impacts our present and future competitiveness as a college town
- COVID-19
- Inflation/overall economy on local and national scale
- Shipping delays/supply chain issues
- FSU faculty using their student commuter coach bus to commute from Grand Rapids
- Hospital moving out to the township
- Public schools moving outside the city
- People having no choice but to drive 1+ hours to access amenities
- Closed mindedness about new businesses

Suggestions

South Third Avenue District

- Eating establishment to service the White Pine Trail users
- Mini golf
- Playground near the hiking trail
- Any fast food on the East Side
- Glass museum/shop
- Five Guys Burgers & Fries
- Craig's Cruisers Family Fun Center
- Taco restaurant
- Sonic Drive Thru
- Music center (noted it could be anywhere although posted on this board)
- Chick Fil-A
- Glass blowing school
- Chuck E. Cheese

Perry Avenue District

- Olive Garden
- Gellyball
- Veterinary office
- Beauty supply store for African Americans
- Costco/Sam's Club
- Indoor swimming pool

North State Street District

- Improve facades of buildings in this district
- Toy store
- Drive-in movie theater
- A fishing shop (like Cabela's)
- An indoor activity place for kids—bounce house, something similar to the model of Catch Air in Grand Rapids
- Taco stands
- Rest area closer to factories
- YMCA
- Tube/kayak rental

Downtown District

- Clothing store
- Movie theater
- Children's museum
- Sushi restaurant
- The Wellness Witch (tarot, massage, tea)
- EverPlay Café
- Vegan food options
- Year-round farmer's market/enclosed pavilion
- Acting club
- Kayak course on the Muskegon River (behind the middle school)

Appendix B: Implementation Partners

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Mecosta County Development Corporation
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wawsczykk@rightplace.org

Mark Gifford

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City of Big Rapids
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Michele Albright

Chamber President
Mecosta County Area Chamber of Commerce
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director@mecostacounty.com

Del Kirkby

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Michigan Department of Transportation
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Patrick Tiedt

Community Affairs Manager (Lake, Mecosta,
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Consumers Energy
(231) 383-3840
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Paul Griffith

Vice President
Friends of the White Pine Trail
(231) 250-1173
psaagriffith@gmail.com

Big Rapids Housing Commission

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admin@bigrapidshousing.org

Ferris State University

Terri S. Cook
Executive Assistant to the President
(231) 591-2504
TerriCook@ferris.edu

***Point of contact may be updated*

Leadership Mecosta

(231) 250-9975
bargersr@gmail.com

Big Rapids Downtown Development Authority

Contact Mark Gifford, Big Rapids City Manager
**Contact information provided in the left column*

Appendix C: Other Sources

Data USA. (2020). *Big Rapids, MI*. Data USA. Retrieved November 10, 2022, from <https://datausa.io/profile/geo/big-rapids-mi>

Ferris State University. (n.d.). *The Birth of a City*. Ferris State University. Retrieved November 10, 2022, from <https://www.ferris.edu/alumni/Historical/COO/birth.htm>

U.S. Census Bureau *quickfacts: United States*. (n.d.). Retrieved December 13, 2022, from <https://www.census.gov/quickfacts/fact/table/US/PST045221>

Packet Materials:

7. General Business

- a. Continued discussion of manufactured housing in single-family neighborhoods



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Also Admitted in

¹ Delaware
² Illinois
³ New York
⁴ Ohio
⁵ Wisconsin

January 12, 2023

Ms. Emily Szymanski
Planning and Zoning Technician
226 N. Michigan Ave
Big Rapids, MI 49307

Re: Mobile/Manufactured Housing Regulations

Dear Emily:

This letter is to follow up on your request seeking guidance on what the City of Big Rapids can do to regulate mobile homes outside of designated mobile home parks. I have reviewed your staff report to the Planning Commission on the subject dated November 16, 2022 as well as Section 4.1:25 of the City's zoning ordinance. As you correctly pointed out in your report, the Mobile Home Commission Act, Public Act 96 of 1987, prohibits local governments from enacting ordinances which are designed to, or have the effect of excluding mobile/manufactured homes whether they are located in or outside of mobile home parks. See MCL 125.2307. The Michigan Court of Appeals has also held that prefabricated homes (i.e. mobile or manufactured homes) cannot be per se excluded from residentially zoned areas unless they fail to satisfy "reasonable standards designed to assure favorable comparison" of such homes with site-built housing which would be permitted on the site. *Robinson Twp v Knoll*, 410 Mich 293, 310; 302 NW2d 146 (1981). In other words, local governments cannot enact regulations which would apply only to prefabricated homes, but they can enact regulations which include reasonable standards relating to mobile homes outside of mobile home parks so long as those regulations apply equally to site-built homes and are aimed at assuring that mobile/manufactured homes compare aesthetically to site-built homes.

Section 4.1:25 of the City's zoning ordinance was drafted with these limitations in mind. The City already requires all dwellings, whether site-built or pre-fabricated, to be no less than 24 feet wide, firmly attached to a permanent foundation, connected to public sewer and water, and have permanently attached steps. The zoning ordinance further prohibits any exposed wheels, towing mechanisms, under-carriages or chassis. Finally, the ordinance requires all single-family

Ms. Emily Szymanski
January 12, 2023
Page 2

dwellings to be aesthetically compatible in design and appearance with other residences in the vicinity as determined by the City Zoning Administrator and subject to appeal to the ZBA. These regulations are consistent with the standards other municipalities put in place to ensure that mobile homes do not detract from the aesthetics of a residential area. To the extent the Planning Commission would like add to these standards, it could consider such additional things as requiring a minimum number of rooms for all dwellings or requiring a crawl-space or basement for all dwellings. The key is that any new regulation or standard would need to apply to all dwellings, whether site-built or pre-fabricated.

I would also note that any existing dwellings which comply with the current standards would be grandfathered in and not required to adhere to any new standards for dwellings.

As we discussed, I will plan on attending the Planning Commission's January 18 meeting to address any questions or concerns the Planning Commission may have on this subject. In the meantime, please call if you have any questions.

Very truly yours,



Bradley A. Fowler

Sent by email and first class mail

Cc: Mark Gifford, City Manager (by email)

Packet Materials:

7. General Business

b. Five Year Review of the Master Plan

MASTER PLAN UPDATE GUIDE



A Redevelopment Ready Communities® tool
for Michigan communities looking to establish
or update a master plan



INTRODUCTION

Redevelopment Ready Communities® Best Practice 1.1 evaluates community planning and how a community's development vision is embedded in the master plan and other related plans such as the capital improvements plan, downtown plan and corridor plan. Comprehensive planning documents are a community's guiding framework for growth and investment. The RRC program, based on state legislation and best practices, requires that the master plan is up to date and reflects a community's desired direction for the future. Michigan law requires that an adopted plan be reviewed at least every five years. This guide was prepared to help communities determine whether a comprehensive plan needs to be updated based on MPEA and RRC requirements and how to review the plan for potential updates. In addition, the RRC best practices require an annual review to keep implementation moving forward. This review could include a report to the local legislative body on implementation progress and future goals and offers a chance to refresh officials and inform new members about the plan and its components.

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UPDATE GUIDE

RRC Master Plan

Redevelopment Ready Communities® (RRC) supplements Michigan legislation in this guide with recommendations on the master plan review and update to help streamline the process, create better plans, and support better implementation of plans. The Michigan Planning Enabling Act (MPEA) outlines requirements while the RRC program provides recommendations. Meeting the RRC best practice criteria is required in order for a community to become RRC certified. Contact the RRC team or your municipal attorney should there be any confusion on what is required by law and what is required to meet the RRC best practices. Beyond meeting state requirements, updating your community master plan is important for maintaining a community vision that municipal staff and officials can reference during decision-making. Taking a regular look at the master plan can keep staff, officials, and the community on-track for implementation.

ANNUAL REVIEW AND REPORT

- ☒ Annual review
- ☒ Annual report
- ☒ Report to elected body
- ☒ Joint meeting

MPEA

The Michigan Planning Enabling Act (Act 33 of 2008; MPEA) provides the legal basis for the master plan. The act outlines requirements for the preparation, content, public review, adoption and regular review of the plan. Key objectives of a plan as outlined in the act include:

- Create a plan that guides development that is coordinated, adjusted, harmonious, efficient, and economical and that best promotes public health, safety and general welfare;
- Make careful and comprehensive studies of present conditions and future growth with due regard for its relation to neighboring jurisdictions;
- Consult and cooperate with representatives of adjacent local units of government, departments of state and federal governments;
- Address land use and infrastructure issues and make recommendations for physical development;
- At least every five years, review the plan to determine whether to amend or readopt the current plan or adopt a new master plan;

The act also outlines requirements for the process of amending an adopted plan or adopting a new plan.

RRC

An updated master plan is essential to articulating the types of development the community desires and the specific areas where the community will concentrate resources. RRC evaluates a plan based on the following:

- The governing body has adopted (or re-adopted) a master plan in the past five years.
- It reflects the community's desired direction for the future.
- It identifies strategies for priority redevelopment areas.
- It addresses land use and infrastructure, including complete streets elements.
- It includes a zoning plan.
- It incorporates recommendations for implementation, including goals, actions, timelines and responsible parties.
- Progress on the master plan is annually reported to the governing body.
- It is accessible online.

UPDATE GUIDE

RRC Master Plan

Annual review and report

Communities should **review** their plan annually to ensure staff and elected and appointed officials have an understanding of their planning documents. This background information can help orient new officials and lead to more consistent and supported decision-making. While the planning act requires review at least every five years, communities should annually consider discussion about the plan, conducting a review of progress made, implementation made the previous year, and priorities for the upcoming year. Also if there is an annual update to the capital improvement plan (CIP), relevant master plan recommendations should be reviewed and promoted to the CIP preparers.

The following should be reviewed by staff and the planning commission:

✓ Review goals and major recommendations.

- ☐ Accomplished
- ☐ Still relevant
- ☐ High priority of the year

Create a chart to assist in the review of goals and recommendations:

GOAL : PROGRESS : PRIORITY

✓ Review action table and progress toward completing this year's priorities.

Some actions may need to be broken down into more manageable subtasks, or next steps, with responsibilities assigned to different staff or departments.

- ☐ Accomplished
- ☐ Still relevant
- ☐ Task for upcoming year
- ☐ Task for future year

Does your plan have an action table? If not, create one using any actions provided for each goal and recommendation. Make sure to provide the department or person responsible for completing the task.

Next steps _____

Responsibility _____

✓ Review prior year's rezonings and development decisions. Discuss if there are any trends that need to be addressed.

Examples: 1. Map rezonings to see if they are located in similar areas and follow the plan's future land use; 2. Discuss any development proposals where the plan did not provide enough direction to assist in a decision or if the plan did not provide enough flexibility to welcome an opportunity.

✓ Identify any potential plan amendments to work on for the upcoming year that can be prepared and adopted then incorporated at a later date when the master plan is updated.

This could include:

Subarea plans, studies prepared that need to be incorporated in the plan, or planning topics that need to be added or refreshed such as complete streets or placemaking.

✓ Identify any zoning ordinance updates to undertake in the coming year.

✓ Review the update checklist at the end of this guide to decide whether the plan needs to be "opened up" and officially updated.

UPDATE GUIDE

RRC Master Plan

Annual review and report *continued*

This review could be documented as part of the annual report that is required by the MPEA Section 125.3819 so that once the five-year period is over, the interim years' activities can be summarized when deciding whether the plan needs to be amended. This annual report is intended to be presented to the legislative body and should include the following:

- ✓ Membership
- ✓ Number of planning commission meetings
- ✓ Master plan implementation
- ✓ Zoning ordinance map and text amendments
- ✓ Major development reviews (including a brief description, whether it was approved and date of action)
- ✓ Priorities for upcoming year

Communities have found success in having an ***annual joint meeting*** of the governing body and planning commission to summarize the year's accomplishments and set priorities for the next year. Some communities also include their DDA, ZBA, and other applicable boards and committees. Topics of discussion may include:

- ✓ Refresh officials on what a master plan is and what the adopted plan entails.
- ✓ Recap development, projects and progress made in the previous year.
- ✓ Summarize actions that were completed in the past year and the upcoming year's action priorities.
- ✓ Incorporate a presentation on a hot topic (complete streets, RRC, form-based code).

UPDATE REVIEW TABLE

RRC Master Plan

Use the table below to help consider whether your plan needs an overhaul, a refresh, or to add or replace sections of the plan. A refresh is for those that just require minor changes throughout the plan. Section additions or replacements may include new chapters, subareas, the future land use map and/or text, implementation steps, and/or RRC components. The first section of the checklist can be used as a checklist for the annual review and report as described above.

Annual	5-year	CRITERIA	Yes	No	COMMENTS/DOCUMENTATION/LINKS
✓	✓	Have development patterns changed significantly since the plan was written and adopted?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Does the adopted zoning ordinance align with the goals of the plan?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Have there been any major changes, such as utility lines, major road improvements, large development approvals, etc?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Have there been instances when the planning commission or elected body has departed from the plan?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Are the goals and priorities of the plan in sync with the goals and priorities of appointed and elected officials?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Does the plan address the location and types of land uses frequently requested?	<input type="checkbox"/>	<input type="checkbox"/>	
✓	✓	Have there been other studies completed that change the relevancy of the plan?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Have community goals or vision changed since the plan was written?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Are recent best practices integrated? (i.e. Complete Streets, Placemaking, Sustainability, Missing Middle Housing, Local Food)	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is the background data relevant and reference the most recent decennial census data and up-to-date local data?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is it user-friendly with clear organization and graphics?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Does it reference goals and objectives for a downtown area?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is there an implementation plan including a CIP plan?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Are a zoning plan and zoning objectives included?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is a redevelopment strategy provided?	<input type="checkbox"/>	<input type="checkbox"/>	

UPDATE REVIEW TABLE

RRC Master Plan

Annual	5-year	CRITERIA	Yes	No	COMMENTS/DOCUMENTATION/LINKS
	✓	Are priority sites for redevelopment and a strategy for implementation included?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Have there been changes along the community borders?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Is there upcoming major (re)development (corridor, transportation, university/hospital, utility, vacated sites, or industrial)?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Do policy and recommendations support a safe, efficient multi-modal transportation system?	<input type="checkbox"/>	<input type="checkbox"/>	
	✓	Do permitted uses support the job market and reflect the local talent pool?	<input type="checkbox"/>	<input type="checkbox"/>	

REVIEW AND UPDATE PROCESS

Five-year Master Plan

One provision of the MPEA requires the planning commission to review its current plan at least every five years. At that review, it should be determined whether any amendments are needed or whether the process for a new plan should be started. The act does not require that the entire “coordinated planning” process be followed simply for a review of the plan. No notifications need be made to conduct the review. Instead, the planning commission need only conduct the review and document that fact through the minutes of the review meeting.

Although the five-year review requirement may be considered perfunctory, a necessary “fill in the blank” action, communities should take advantage of this opportunity to thoroughly review the plan and make sure it is still relevant to today’s conditions. A table is provided below to assist in the decision of whether to proceed with an amendment or a complete overhaul. Generally, the goals, objectives and future land use plan should be carefully reviewed to contrast with current development trends as well as any major changes or diversions from the plan that have taken place in order to consider whether the plan needs to be updated.

If, after the review is conducted it is decided that changes are indeed necessary—the process outlined by the planning act must be carefully followed. It may be a good idea to have a joint meeting, public or stakeholder workshops to review the current plan and discuss the level of change needed. If the plan needs an “overhaul,” the process will require a 63-day review period. An update, or “refresh,” requires a 42-day review period. An update is appropriate if most of the plan assumptions and recommendations are still valid and only minor updates or additions are required. Once the plan is updated and adopted, it should be posted on the internet to make it accessible to all online.

CONSIDERATIONS WHEN UPDATING YOUR PLAN

- A plan is a balance between technical evaluation and public preferences; between fiscal realities and bold ideas.
- Does your plan consider and integrate the current attitudes of the residents and business interests?
- For more information on how best to include public participation as part of your plan update, see the RRC’s public participation guide.
- Keep in mind how the plan will influence the zoning ordinance and other regulations.
- Who has jurisdiction over capital improvements? RRC encourages collaboration across departments in preparing the CIP so make sure to fully engage the engineering or public works department in the planning process.
- Updating census data alone is not reason to open up your plan for an amendment. When updating your plan, think about what data will be most important in influencing planning decisions. Only include data that are applicable to understanding the planning context and recommendations.

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.