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Guideline Number

MPEA, 285 of 1931, Sec. 7b(2)8(3)(4)8a(1)  
TPEA, 168 of 1959, Sec. 7b(2)8(3)(4)9(1)  
COPEA, 282 of 1945, Sec. 4c(2)5(2)(3)(4)(6)

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**WHAT BODY APPROVES THE PLAN**

**Background information**

The Issue: The planning enabling act amendments change the way a plan (master plan, comprehensive plan, basic plan, future land use plan) is approved or amended by a county, city, village, or township. First, the planning commission is requested to submit the proposed plan to the governing body for review and comment, and approval of the plan for distribution to adjacent local governments and others. The process of plan adoption does not proceed unless the governing body first approves the draft plan for distribution.

Second, the amendments authorize the governing body of the community and county, by resolution, to assert the right to approve or reject a plan recommended by the planning commission. It is at this point in the plan approval process, that the options can vary.

If the planning commission approves the plan and the governing body does not exercise its right to approve or reject the plan, the planning commission has final approval of the plan. Although the community still has an approved plan, there is no buy-in by the governing body with this option.

If the governing body, chooses the right to either approve or reject the proposed plan, there are two options:

- Planning commission approves, governing body approves (by resolution) — An approval by the planning commission and governing body means there is a consensus on the local plan for the community. This consensus will help establish a stronger consistent relationship between the plan and implementation of zoning regulations and capital improvements.
- Planning commission approves, governing body rejects — If the governing body rejects the plan, it must submit to the planning commission a statement of its objections to the proposed plan. The planning commission needs to consider the objections of the governing body, work out differences, and resubmit the plan to the governing body for approval. The cycle is repeated until there is a consensus on the plan. At some point the planning commission must yield to the governing body, as it is the elected body and without an approved plan, the relationship between the plan and zoning is weakened.



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**Statutory Citation:** The two above requirements are contained in the 2001 amendments to the planning enabling acts. Refer to Sections 7b(2)8(3)(4) and 8a(1) of the Municipal Planning Act; Sections 7b(2)8(3)(4), and 9(1) of the Township Planning Act; and Sections 4c(2)5(2)(3)(4)(6) of the County Planning Act.

**History of the Requirement:** Prior to these amendments, Section 6 of the Municipal Planning Act and the Township Planning Act, and Section 4 of the County Planning Act stated that the planning commission shall make and adopt a plan. There is no mention of a role for the governing body to approve or adopt a plan prepared by the planning commission or to develop such a plan on its own. In fact, an Attorney General opinion, in 1979, concluded that a City of Novi ordinance may not provide that the master plan be adopted by the city council. The language of the Municipal Planning Act clearly vested the planning commission with the sole power to adopt the master plan.

Another change is in the use of the terms “adoption” versus “approval.” The old statute uses the term “adoption” of a plan. Whereas, the 2001 amendments use the term “approval” of a plan. **Webster’s New Universal Unabridged Dictionary** defines “adopt” as a vote to accept and “approve”, to sanction officially or to ratify.

The Coordinated Planning Act proposed by the Michigan Society of Planning, which was introduced by Representative Patricia Birkholz in 2001 as House Bill 4571, provided for governing body approval of the plan as a final step in the plan adoption process. It proposed beginning with planning commission approval or rejection the plan with or without any changes by a majority vote of its members. If the planning commission approved the plan, it would be submitted to the governing body for approval. If the governing body determined that the plan should be changed, the governing body would submit a clear statement of each proposed change and the rationale for the proposed change to the planning commission. The planning commission, in turn, would be required to submit to the governing body its comments on the changes proposed by the governing body. At that point the governing body would be required to either approve or reject the plan. The legislature rejected this approach in favor of the approach described above.

The **Growing Smart Legislative Guidebook**, Section 7-403 suggests that the local comprehensive plan be adopted by the legislative body of the local government with a recommendation from the planning commission. It recommends adoption by ordinance or resolution by the affirmative votes of not less than a majority of the entire membership of the legislative body.

### **Recommended Best Practice**

#### **Governing Body Approval for Distribution of a Draft Plan**

The planning enabling acts now require cities, villages, townships, and counties to obtain governing body approval of the draft plan for distribution. If it does not approve the draft plan for distribution, the governing body should return the draft plan to the planning commission with its



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objections in writing. The planning commission should consider the governing body's objections, make appropriate changes, and resubmit the draft plan to the governing body for approval for distribution.

#### Governing Body Approval of Final Plan

This MiSP guideline encourages cities, villages, townships, and counties to seek governing body approval of a final plan. This option helps to obtain a buy-in by the governing body so that the local plan is recognized as the official policy of the community. The governing body is responsible for administering regulations like zoning and subdivision regulations, locating, financing and sequencing public capital improvements, and guiding redevelopment efforts. Governing body approval will help ensure that the goals and policies of the local plan guide these actions.

Another important point is that the governing body's resolution to assert the right to approve or reject a plan can take place at any time in the plan development process. It is recommended that the governing body decide early in the process whether to assert the right to approve or reject the plan. This early decision by the governing body will make clear the process for the eventual review and approval of the plan and will make it easier for the planning commission to involve the governing body early in the plan preparation process.

#### **Legal Considerations**

There is no penalty in the statute if the governing body does not exercise the right to approve or reject the draft plan or later rejects the plan recommended by the planning commission.

#### **Case Example**

There are no case examples yet. However, the City of Monroe and Wexford County are developing plans using the provisions contained in the MiSP's coordinated planning act proposal and the 2001 amendments.

#### **References**



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- Land **Use Series**, Checklist #M1: For adoption of city and village plans in Michigan, #T1: For adoption of a township plan in Michigan, and #C1: For adoption of a county plan in Michigan, Michigan State University Extension, February 1, 2002. <http://www.msu.edu/~schindl9/khsLUpamphlets.htm#pamphlets>
- American Planning Association, **Growing Smart Legislative Handbook**, 2002 Edition.
- New Zoning and Planning Amendments: Open Space Zoning Mandated & Coordination Requirements Added to Planning Enabling **Acts, Planning & Zoning News**, February 2002.

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