

FOIA REQUEST

5 HOURS TO PREPARE

87 SHEETS NOT INCLUDING  
PRINTING TEXT SCREEN SHOTS

THANK,  
GREG

## Greg Carnes

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**From:** Terri Medor  
**Sent:** Thursday, January 9, 2025 12:07 PM  
**To:** Greg Carnes  
**Cc:** Pam Moughler  
**Subject:** FOIA Request 010825  
**Attachments:** FOIA 010825.pdf

Greg, Dean, and Chris,

We received the following FOIA yesterday, January 8, 2025. I respectfully request to receive these documents by noon on January 15, 2025 please.

**FOIA request from the following, Greg Carnes, Dean Hasse, and Chris Ropeta. Regarding any and all communications to include but not limited to email and email attachments, phone messages and text , letters or written communications they sent or received between themselves and other board members, from the date of December 1, 2024 and January 1, 2025.**

**RE:**  
**The Planning Commission**  
**ZBA**  
**Board of Review**  
**Township Employees**

Per legal counsel (Laura and Anne from Foster Swift) in the conference call Greg participated in, if you have deleted any documents you must make a statement certifying you deleted that document(s). Again, this was the advice from legal counsel.

Because Mr. Haase and Mr. Ropeta have refused any communication from the township office other than a hand-delivered letter, Supervisor Carnes has agreed to personally hand deliver requests to Dean Haase and Chris Ropeta; the FOIA request from Mr. Cunningham is attached.



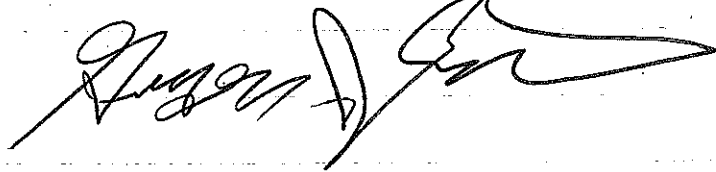
**Terri Medor**  
*Deputy Clerk*  
Tyrone Township  
Livingston County  
8420 Runyan Lake Rd.  
Fenton, MI 48430  
Phone: (810)629-8631  
[www.tyronetownship.us](http://www.tyronetownship.us)

1-15-2025

I GREG CARNE'S DELETED THE  
LETTER TO THE PLANNING  
COMMISSION WHEN I TOLD THEM  
IT WAS NULL AND VOID —

SIGNED,

GREG CARNE'S

A handwritten signature in black ink, appearing to read "Greg Carnes", with a long horizontal flourish extending to the right.

ALSO: I CANNOT DELIVER ANY  
DOCUMENTS TO MR. HAASE  
OR MR. ROETA

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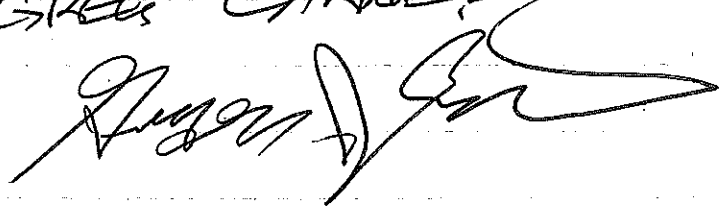
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ALSO: I CANNOT DELIVER ANY  
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OR MR. ROPETA

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**RE: Dec 3 Board Meeting Agenda amendments**

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From Chris Ropeta <chris@gridroads.net>  
Date Mon 12/2/2024 3:52 PM  
To GREG Carnes <carnesgj@hotmail.com>

 1 attachment (190 KB)  
PLANNING-COMMISSION-BYLAWS-2018.pdf;

Thanks Greg,

**Item #7:** We can send directives to the PC. They need to know that we are sending back the Master Plan and Solar ordinance for additional work and then specify what work we are asking them for. This is how the PC gets it's marching orders according to the Planning Commission By-Laws. Please refer to section 1.00 A-H for specifics. Let me know if this helps on item #7

**Item #9:** we spoke about. I will remove from my list if we can get an electronic copy of the line-item report.

Blessings and Best Regards,

Chris

Chris Ropeta  
+1 (810) 689-6646

**From:** GREG Carnes <carnesgj@hotmail.com>  
**Sent:** Monday, December 2, 2024 3:31 PM  
**To:** Chris Ropeta <chris@gridroads.net>  
**Subject:** Re: Dec 3 Board Meeting Agenda amendments

Hello Chris,  
I reviewed your list below and have the following recommendations:

- 1) I will be addressing a few items prior to calling the meeting to order.  
However, a welcome to the new Trustees is good.  
I am the moderator of the meeting and will address a possible format change at that time.
- 7) Not sure the Board can issue DIRECTIVES to the Planning Commission. We can recommend they focus on certain areas or items.  
Maybe prioritize things they are working on and stress " A Sense of Urgency" on some areas. YOU as a member will have more say then any of us.
- 8) I am all in here.

9) I recommend you wait until January 2025 when the new budget comes out for approval. Each Trustee will get a full report (All 400+ Lines) for your reading pleasure.

A discussion with Casey Zaski (our auditing accountant) can be arranged also. I have already met with him.

10) Future Board workshops and a possible schedule for them is a good thing to discuss

Cheers,  
Greg

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**From:** Chris Ropeta <[chris@gridroads.net](mailto:chris@gridroads.net)>  
**Sent:** Sunday, December 1, 2024 9:29 PM  
**To:** GREG <[carnesgj@hotmail.com](mailto:carnesgj@hotmail.com)>  
**Subject:** Dec 3 Board Meeting Agenda amendments

Hi Greg,

I have put together the following amendments to the meeting agenda for Tuesday's board meeting. Can you please review and let me know what additions or changes you would like to make? I am sending this to you, Herm, Sara, and Dean.

## Dec 3 Board Meeting Agenda amendments

Sunday, December 1, 2024

9:15 PM

Posted Agenda with Additions:

- 1. Supervisor welcome to the newly elected board members and new board meeting format.**
2. Request for Supervisor and Trustees to attend the MTA New Officials workshop.
3. Resignation of Steve Krause from Planning Commission
4. Appointment of Chris Ropeta to the Planning Commission.
5. Notice to the public for Planning Commissioner applications.
6. Meeting room carpet cleaning.
- 7. Planning Commission directives from the board.**
8. Discuss opening up township relationships with other legal and engineering firms.
9. Call for a line-item-level review of the budget.
- 10. Board workshop date needed to discuss additional items.**



Details for additional agenda items needed to be added to Dec 3 meeting:

### Township Board Items to discuss

#### **1. Welcome to the newly elected board members and new board meeting format**

1. New expectations at board meetings regarding public comment time:
2. There will be 2 public comments sections (one at the beginning and one at the end before adjournment) where any topics can be brought forth by the public. (see next bullet for comments/questions after each agenda item but before any voting)
  1. Township board will track any requests or questions and either answer them during the meeting or follow-up before or at the next meeting
3. For each of the agenda items and before the Board votes, the public will have an opportunity to provide comments/questions regarding that agenda item. This will allow the Board to have necessary input from the residents before voting or vote to delay any voting based on what was raised. While this will take time initially, it is critical regarding the transparency of the Township overall. This should also be considered by the Planning Commission, Board of Review, Zoning Board of Appeals, and workshops.
4. Discuss adding a Planning Commission update during every Board Meeting to communicate progress of planning commission work, workshops, and subcommittees
5. Discuss adding an item to get reports from any Board workshops or subcommittees
6. Discuss development of a resolution that defines a code of conduct for Township Elected, Appointed, Staff and Contract positions
7. Discuss changes to resolution #220501 Code of Conduct for Public Township Meetings
  1. Rework is needed to reflect a less restrictive code of conduct that meets the objectives of the code.

#### **7. Planning Commission directives from the board**

1. Send authorization to the Planning Commission (PC) to review Solar Ordinance to address the following:
  1. Re-do the parts of the ordinance that allow commercial/industrial Solar installations below the PA 233 minimum. Like Wind and Battery ordinances, we need to also prohibit Solar commercial/industrial below the PA 233 minimum. Then, we need to discuss and develop a "residential" ordinance section that addresses all the items we would like to include if Township residents wish to install personal use solar panels on their property.
2. Send authorization to the PC to add a section to the current Master Plan related to renewable energy (RE) that directly talks about what the township would like to see over time that supports the law and the ordinances. Reference how Eagle Township stopped the MMIC Mega-site
  1. [How Eagle Township stopped the MMIC megasite](#)
3. Since there has been no activity regarding revising the Medical Marijuana ordinance for the township, we need to send authorization to the PC to work on the Medical Marijuana Ordinance which we are currently being sued over and a status on the lawsuit - no progress shown to-date after lawsuit was filed.
  1. While complying with Michigan State laws, we need to tighten those areas that protect our residents (including families and especially children) that allow complying with the law but add further restrictions to the existing ordinance such as restricting such

facilities from being initiative within a certain distance from school zones and bus stops, parks or community areas, and other areas needed.

8. **Discuss opening up township relationships with other legal and engineering firms**
9. **Call for a line-item-level review of the budget.**
10. **Board workshop date needed to discuss additional items not covered in or those needing further discussion beyond this Board meeting including**
  1. Issues & Questions tracking and communications (like on the website)
  2. Website Improvements
  3. Audio/Visual support - during meetings: There have been issues with Zoom for lawyers coming in, fuzzing big-screen's, training for finding document references during the meeting and displayed on the monitors and audio issues with the microphones.
  4. IT support (Wi-Fi boosting in meeting rooms, etc.)
  5. PEG Funding (for Fenton Area Cable Television Consortium) - we need to know what this is, what are the benefits for the Tyrone Twp residents, etc. We would like to have a representative from this consortium present to the workshop attendees and answer questions.
  6. Community Broadband Internet availability for Tyrone Twp Residents
  7. Strategic planner for the township - discussion
  8. Assessors department review
  9. Planning and Zoning departments review
  10. Budgeted projects and initiatives calendar (when will the project funded by the approved budget be started and completed (like road repaving, etc.) we need a full accounting and transparency with tracking and updates throughout the year
  11. Education for township employees/residents



Outlook

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**Fwd: Non-Feasance Letter**

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**From** Dean Haase <deanhaase@hotmail.com>

**Date** Thu 12/5/2024 9:25 PM

**To** GREG Carnes <carnesgj@hotmail.com>

 3 attachments (382 KB)

mcl-Act-33-of-2008.pdf; mcl-Act-110-of-2006.pdf; PLANNING-COMMISSION-BYLAWS-2018.pdf;

To <NAME>

Tyrone Township Planning Commission

Due to your attendance during calendar year 2024, you have attended less than 80% of held meetings and as a result, we are bringing you up on charges of non-feasance. We will hold a public hearing where you will be able to defend yourself for possible removal from your appointment. If you do not show up for this meeting (date to be determined), then the Tyrone Township Board will notify you of our decision regarding your appointment after the meeting is held.

Greg Carnes

Tyrone Township Supervisor Sent from my iPad

Begin forwarded message:

**From:** Chris Ropeta <chris@gridroads.net>

**Date:** December 5, 2024 at 8:03:22 PM EST

**To:** Dean Haase <deanhaase@hotmail.com>

**Subject: Non-Feasance Letter**

Hi Dean, here is the letter we spoke about. I am also including copies of the 2 Michigan laws that govern the planning commission for your reference if you desire, but this is the primary section that speaks about removal of a member.

Page 4 of the attached Michigan Planning Enabling Act. Act 33 of 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

Section 15, subsection (9) on page 5 states:

(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

## Non-Feasance Letter

Thursday, December 5, 2024

5:59 PM

To <NAME>

Tyrone Township Planning Commission

Due to your attendance during calendar year 2024, you have attended less than 80% of held meetings and as a result, we are bringing you up on charges of non-feasance. We will hold a public hearing where you will be able to defend yourself for possible removal from your appointment. If you do not show up for this meeting (date to be determined), then the Tyrone Township Board will notify you of our decision regarding your appointment after the meeting is held.

Greg Carnes

Tyrone Township Supervisor

Created with OneNote.

**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:

- (j) 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 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE. See 125.3807.amended \*\*\*\*\*

#### **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.

\*\*\*\*\* 125.3807.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE \*\*\*\*\*

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

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(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.

(ix) A range of housing types, costs, affordability, attainability, ages, and other characteristics, including single- and multiple-family dwellings, to serve the housing demands of a diverse population.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2024, Act 153, Eff. (sine die).

## 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

Rendered Tuesday, November 19, 2024

Page 3

Michigan Compiled Laws Complete Through PA 156 of 2024

Courtesy of [www.legislature.mi.gov](http://www.legislature.mi.gov)

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 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE. See 125.3815.amended \*\*\*\*\*

**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.

\*\*\*\*\* 125.3815.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE \*\*\*\*\*

**125.3815.amended 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 must be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until a successor is appointed.

(3) The membership of a planning commission must 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 of the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, housing, and

commerce. The membership must also be representative of the entire territory of the local unit of government to the extent practicable.

(4) Members of a planning commission must be qualified electors of the local unit of government. However, 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 a local unit of government not 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 must be appointed to the planning commission as an ex officio member. In a city, village, or county, the chief administrative official or an individual 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 is as follows:

(a) The term of a chief elected official must correspond to the individual's term as chief elected official.

(b) The term of a chief administrative official expires with the term of the chief elected official that appointed the chief administrative official.

(c) The term of a member of the legislative body expires with the member's 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 located, in whole or in part, within the county's boundaries. This subsection applies each time 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 part 2 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to 125.4230, if the boundaries of the downtown district are the same as the boundaries of the city or village.

(c) The board of a tax increment finance authority under part 3 of the recodified tax increment financing act, 2018 PA 57, MCL 125.4301 to 125.4329, 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 on 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;—Am. 2024, Act 153, Eff. (sine die).

#### **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 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 125.3833.amended \*\*\*\*\*

#### **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:

Rendered Tuesday, November 19, 2024

Page 8

Michigan Compiled Laws Complete Through PA 156 of 2024

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(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.

\*\*\*\*\* 125.3833.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE \*\*\*\*\*

**125.3833.amended 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 must address land use and infrastructure issues and may project 20 years or more into the future. A master plan must include maps, plats, charts, and descriptive, explanatory, and other related matter and must show the planning commission's recommendations for the physical development of the planning jurisdiction.

(2) A master plan must 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 must include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.

(e) An assessment of the community's existing and forecasted housing demands, with strategies and policies for addressing those demands.

(f) 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 must 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 after March 17, 2011.

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;—Am. 2024, Act 153, Eff. (sine die).

#### **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.

Rendered Tuesday, November 19, 2024

Page 10

Michigan Compiled Laws Complete Through PA 156 of 2024

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(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 mailing address for this purpose with the planning commission.



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.**

Rendered Tuesday, November 19, 2024

Page 12

Michigan Compiled Laws Complete Through PA 156 of 2024

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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.**

Rendered Tuesday, November 19, 2024

Page 14

Michigan Compiled Laws Complete Through PA 156 of 2024

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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 or 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.

## **TYRONE TOWNSHIP PLANNING COMMISSION BYLAWS**

The following rules of procedure are hereby adopted by the Planning Commission of Tyrone Township, Livingston County, MI, to facilitate the performance of its duties as outlined in the Michigan Planning Act, PA 33 of 2008, as amended, and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

### **SECTION 0.00 – MEMBERS OF THE PLANNING COMMISSION**

The Planning Commission shall consist of seven (7) members. Six (6) of those members shall be appointed by the Tyrone Township Supervisor and approved by the Tyrone Township Board. One (1) member shall be appointed by the Township Board to serve as the Board's representative (ex-officio) on the Planning Commission. The terms of these appointments shall be determined by the Township Board. The Planning Commission may utilize a Planning Commission representative to perform daily duties as required at the township hall. This position shall be an employee of the Township Clerk.

### **SECTION 1.00 – DUTIES OF THE PLANNING COMMISSION**

The Planning Commission shall perform the following duties:

- A. Prepare, review, and update a master plan as a guide for development within the township's planning jurisdiction.
- B. Take such action on petitions, staff proposals and Township Board requests for amendments to the zoning ordinance as required.
- C. Take such action on petitions, staff proposals and Township Board requests for amendments to the future land use plan as required.
- D. Prepare an annual written report to the Township Board of the Planning Commission's operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.
- E. Take such actions as authorized or required by the Michigan Planning Act.
- F. Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G. Review subdivision proposals and recommend appropriate actions to the Township Board.
- H. Perform other duties and responsibilities or respond as requested by any Township board or commission.

### **SECTION 2.00 – OFFICERS**

- 2.01 Selection.** At the regular meeting in November of each year, the Planning Commission shall select from its membership a Chairperson, Vice-Chairperson, and Secretary. The ex-officio member shall not be Chairperson.
- 2.02 Tenure.** The Chairperson, Vice-Chairperson, and Secretary shall take office immediately following their selection and shall hold office for a term of one (1) year or until their successors are selected and assume office. All officers are eligible for re-election to consecutive terms.

### **SECTION 3.00 - DUTIES OF THE OFFICERS**

- 3.01 Duties of the Chairperson.** The Chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Planning Commission.
- 3.02 Duties of the Vice-Chairperson.** The Vice-Chairperson shall act as chairperson in the absence of the chair. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Planning Commission shall select a successor to the office of Vice-Chairperson for the remainder of the unexpired term.

- 3.03 Duties of the Secretary.** The Secretary shall execute documents in the name of the Planning Commission, perform the duties hereafter listed, and shall perform such other duties as the Planning Commission may determine. All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the Secretary or the Secretary's designated representative. The Secretary may appoint an assistant or utilize the Planning Commission representative to aid in the accomplishment of these duties.
- A. Minutes.** The Secretary shall be responsible for the minutes of each meeting and shall provide approved minutes to the township clerk for permanent record retention. Minutes shall contain a record of each member attending, a synopsis of the items discussed, findings of fact, a statement of any motion, a record of the vote, and any conditions associated with the motion.
  - B. Communications, Petitions, Reports.** All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the Secretary. All normal and formal written correspondence and notices directed by the Planning Commission shall be prepared by the Secretary.
  - C. Agenda Applications.** The Planning Commission Secretary shall review all agenda applications. No application may be accepted for consideration by the Planning Commission unless all application requirements of the Tyrone Township Zoning Ordinance have been met.

#### **SECTION 4.00 – MEETINGS**

The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Planning Commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- 4.01 Regular Meetings.** Meetings of the Planning Commission shall be held the second Tuesday of the month at 7:00 p. m. in the township hall. Other meetings may be scheduled by the membership as required. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate date within the same month. The Planning Commission shall hold not less than four (4) regular meetings per year.
- 4.02 Subcommittee Meetings.** At their discretion, the Planning Commission may form Subcommittees for the purpose of reviewing and generating recommendations regarding applications and items of interest to the Planning Commission. Each Subcommittee shall consist of not less than one (1) and not more than three (3) Planning Commission members, but may include additional members of the public. Meetings of these Subcommittees shall be scheduled by the particular Subcommittee and minutes shall be taken (see Section 3.03.A). If the Secretary is not in attendance, another Subcommittee member shall be assigned the responsibility to take minutes, and provide a copy of those minutes to the Secretary or his/her designee.
- 4.03 Workshop Meetings.** Meetings of the Planning Commission shall optionally be held the third Wednesday of the month at a time determined by the Planning Commission not less than 48 hours prior to the meeting, but generally starting between 6:00 and 7:00 p. m., in the township hall. Other meetings may be scheduled by the membership as required. During Workshop meetings, attendance by Planning Commission members is optional. No formal decisions or recommendations shall be made during Workshop meetings, unless both the Planning Commission Chairperson and Township Supervisor agree there is an urgent need to address a specific matter. If so determined and agreed, and a quorum can be established, the applicant must submit all required materials not less than seven (7) business days prior to the meeting. If the request has a public hearing requirement, all materials must be submitted not less than twenty-one (21) days prior to the meeting to comply with public noticing requirements (reference Section 5.02).
- 4.04 Special Meetings.** Special meetings shall be called at the request of the Chairperson, or at the written request to the Secretary by any two (2) members of the Planning Commission. Notice of the special meeting shall be posted at the township hall in accordance with the Open Meetings Act, and shall be given by the Secretary to the members of the Planning Commission at least 48 hours prior to such a meeting and shall state the purpose, location, and time of the meeting. The Chairperson may designate special meetings as required to discuss any business that may lawfully come before the Planning Commission.

- 4.05 Posting of Meeting Notices for the Public.** Meeting notices shall be posted as set forth by the Open Meetings Act. It shall be the policy of the Planning Commission to post all meeting notices on the Township's website and on the entrance doors not less than 5 days prior to the meeting date, whenever possible.
- 4.06 Public Meetings and Records.** All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- 4.07 Quorum.** A majority of the total number of members shall constitute a quorum for the transaction of business and the taking of official action.
- 4.08 Motions.** Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of the motion shall be recorded.
- 4.09 Voting.** Voting shall be by voice and shall be recorded by ayes and nays. Roll call votes will be recorded only upon request by a member of the Planning Commission. Except in the case of a conflict of interest, all Planning Commission members present, including the Chairperson and ex officio member, shall vote on all matters.
- 4.10 Affirmative Vote.** Official action may be taken by a majority of the quorum present and voting during the meeting. Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting or may hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless, or until, ratified and confirmed at a subsequent meeting at which a quorum is present.

An affirmative vote of a majority of the total number of Planning Commission members shall be necessary for adoption of a comprehensive plan or any part of a master plan. (MCL 125.3843)

- 4.11 Conflict of Interest.** Planning Commission members shall declare a conflict of interest and abstain from participating in any hearing, deliberations, discussion, or vote on a request when:
- A. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
  - B. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
  - C. The Planning Commission member owns or has a financial interest in neighboring property. For the purposes of this section, a neighboring property shall include all property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance or state statute;
  - D. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict;
  - E. The majority of the members of the Planning Commission present vote in the affirmative that they believe a member has a conflict of interest in the matter before them.

Failure of a member to disclose a potential conflict of interest as required by these Bylaws shall constitute malfeasance in office.

For **4.09.D** above, the Planning Commission member declaring a conflict of interest shall state the nature of the conflict, and whether he or she believes he or she could impartially consider the request before the commission. He or she shall individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may ask the other Planning Commission members to decide if he or she should abstain. The member declaring a conflict may remove himself/herself from the table or the room in which the discussion takes place. The member declaring a conflict shall not make any presentations to the Planning Commission as a representative of the proposal.



**4.12 Absences, Removals, Resignations and Vacancies**

- A. To be excused, members of the Planning Commission shall notify the Planning Commission Chairperson or other Planning Commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the Planning Commission by sending a letter of resignation to the Township Board.
- D. Vacancies shall be filled by the Township Supervisor, with the approval of the Township Board. Successors shall serve out the unexpired term of the member being replaced.

**4.13 Order of Business: Agenda.** The Chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the Commission. The order of business therein shall be as follows:

- Call to Order
- Pledge of Allegiance
- Call to the Public
- Approval of Agenda (Additions/Deletions)
- Approval of Minutes
- Correspondence
- Subcommittee Report
- Old Business
- New Business
- Other Business from Members
- Zoning Administrator's Report
- ZBA Report
- Township Board Report
- Adjournment

**4.14 Commission Action.** Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

**4.15 Notice of Decision.** A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request for the Planning Commission to study a special problem.

**4.16 Parliamentary procedure.** Parliamentary procedure during Planning Commission meetings shall be governed by Robert's Rules of Order, except when state statute or local ordinances direct otherwise.

**SECTION 5.00 - HEARINGS**

**5.01 Master Plan Hearings.** Before the adoption or amendment of any part of the Township Master Plan, the Planning Commission shall hold a public hearing on the matter. Consistent with the requirements of Section 43 of the Michigan Planning Act, PA 33 of 2008, as amended, notice of the time and place of the hearing shall be published once in a newspaper of general circulation not less than 15 days before the date of the hearing. The Planning Commission shall also submit notice of the public hearing to the planning commission of each municipality located within or contiguous to the Township, the Livingston County Planning Commission, each public utility company, each public transportation agency, and each railroad company owning or operating a public utility, railroad or public transportation system within the Township and any government entity that registers its name and mailing address for this purpose with the Planning Commission

**5.02 Zoning Ordinance Hearings.** Notice of public hearings for the purposes of presenting proposed amendments to the Zoning Ordinance or Zoning Map; obtaining public opinion on a variance, special approval use, planned unit development, private road, shared driveway, subdivision plat, or other development request requiring a public hearing; or discussion of a particular problem with interested parties as required under provisions of the Zoning Ordinance shall require notification not more than sixty (60) days nor less than that consistent with the requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Notice of the time and location of the hearing shall be given not more than sixty (60) days nor less than fifteen (15) days prior to the meeting. Notice shall be published in a paper of general circulation and mailed to the person(s) filing the request. If the application is based on a particular location, the notice shall be mailed to all property owners within 300 feet of the site, and notice shall also be mailed to all occupants of all properties within 300 feet of the site. If the name of the occupant(s) is not known, the mailing may be addressed to "Occupant". The notice shall describe the nature of the request, indicate the location of the request (by street address unless unavailable), and when and where written comments will be received. The requirement to provide the location of the request shall not be required for rezoning applications involving 11 or more parcels.

### **SECTION 6.00 - AMENDMENTS**

**6.01 Amendment of the Bylaws.** These bylaws may be amended at any regular or special meeting of the Planning Commission by a two-thirds vote of the Planning Commission membership.

### **SECTION 7.00 – REVISION LOG**

24 March 1998 - Amendment: 2.03.C  
24 March 1998 - Amendment: 3.01  
11 September 2001 - Amendment: 3.06  
24 October 2006 – Amendment 3.07  
09 October 2007 – Amendment: 3.01 (start time)  
14 April 2010 - Amendment: 3.01 (meeting frequency and week)  
14 June 2011 - Amendment: General amendment throughout, MI Planning Act, new Section 0.00  
13 February 2018 – Amendment: Add 4.02 (Subcommittees) and 4.03 (Workshop Meetings)

### **Definitions:**

*Malfeasance* is the act of doing something which one should not do or which one is prohibited from doing by a legal or moral obligation, with an intention to do wrong.

*Misfeasance* is the unintended, accidental errors, mistakes taken place while managing the business, office or other responsibilities entrusted on a person, causing loss or damage or unfortunate situations out of such mistakes. A misfeasance becomes a malfeasance when the act was performed with an intention to cause loss.

*Nonfeasance* is failure or refusal to perform a task that ought to be performed. It is different from "misfeasance" meaning improper performance or "malfeasance" meaning illegal or misconduct of performance.

**MICHIGAN ZONING ENABLING ACT**  
**Act 110 of 2006**

AN ACT to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

**History:** 2006, Act 110, Eff. July 1, 2006.

*The People of the State of Michigan enact:*

ARTICLE I  
GENERAL PROVISIONS

**125.3101 Short title.**

Sec. 101. This act shall be known and may be cited as the "Michigan zoning enabling act".

**History:** 2006, Act 110, Eff. July 1, 2006.

**125.3102 Definitions.**

Sec. 102. As used in this act:

(a) "Agricultural land" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

(b) "Airport" means an airport licensed under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

(c) "Airport approach plan" and "airport layout plan" mean a plan, or an amendment to a plan, filed with the zoning commission under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(d) "Airport manager" means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

(e) "Airport zoning regulations" means airport zoning regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

(f) "Conservation easement" means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

(g) "Coordinating zoning committee" means a coordinating zoning committee as described under section 307.

(h) "Development rights" means the rights to develop land to the maximum intensity of development authorized by law.

(i) "Development rights ordinance" means an ordinance, which may comprise part of a zoning ordinance, adopted under section 507.

(j) "Family child care home" and "group child care home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group child care home.

(k) "Greenway" means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

(l) "Improvements" means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

(m) "Intensity of development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.

(n) "Legislative body" means the county board of commissioners of a county, the board of trustees of a township, or the council or other similar elected governing body of a city or village.

- (o) "Local unit of government" means a county, township, city, or village.
- (p) "Other eligible land" means land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.
- (q) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
- (r) "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 later.
- (s) "Qualified residential treatment program" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.
- (t) "Site plan" includes the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.
- (u) "State licensed residential facility" means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.
- (v) "Undeveloped state" means a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
- (w) "Zoning commission" means a zoning commission as described under section 301.
- (x) "Zoning jurisdiction" means the area encompassed by the legal boundaries of a city or village or the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to a township zoning ordinance.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2007, Act 219, Imd. Eff. Dec. 28, 2007;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008;—Am. 2022, Act 206, Imd. Eff. Oct. 7, 2022.

**125.3103 Notice; publication; mail or personal delivery; requirements.**

Sec. 103. (1) Except as otherwise provided under this act, if a local unit of government conducts a public hearing required under this act, the local unit of government shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing.

(2) Notice required under this act shall be given as provided under subsection (3) to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (3) to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

(3) The notice under subsection (2) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

(4) A notice under this section shall do all of the following:

- (a) Describe the nature of the request.
- (b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- (c) State when and where the request will be considered.
- (d) Indicate when and where written comments will be received concerning the request.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

ARTICLE II  
ZONING AUTHORIZATION AND INITIATION

**125.3201 Regulation of land development and establishment of districts; provisions; uniformity of regulations; designations; limitations.**

Sec. 201. (1) A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.

(2) Except as otherwise provided under this act, the regulations shall be uniform for each class of land or buildings, dwellings, and structures within a district.

(3) A local unit of government may provide under the zoning ordinance for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion.

(4) A local unit of government may adopt land development regulations under the zoning ordinance designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.

History: 2006, Act 110, Eff. July 1, 2006.

**125.3202 Zoning ordinance; determination by local legislative body; amendments or supplements; notice of proposed rezoning.**

Sec. 202. (1) The legislative body of a local unit of government may provide by ordinance for the manner in which the regulations and boundaries of districts or zones shall be determined and enforced or amended or supplemented. Amendments or supplements to the zoning ordinance shall be adopted in the same manner as provided under this act for the adoption of the original ordinance.

(2) Except as provided in subsection (3), the zoning commission shall give a notice of a proposed rezoning in the same manner as required under section 103.

(3) For any group of adjacent properties numbering 11 or more that is proposed for rezoning, the requirements of section 103(2) and the requirement of section 103(4)(b) that street addresses be listed do not apply to that group of adjacent properties.

(4) An amendment to a zoning ordinance by a city or village is subject to a protest petition under section 403.

(5) An amendment to conform a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the legislative body and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this act.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

**125.3203 Zoning ordinance; plan; incorporation of airport layout plan or airport approach plan; zoning ordinance adopted before or after March 28, 2001; applicability of public transportation facilities.**

Sec. 203. (1) A zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation including, subject to subsection (5), public transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and

properties. A zoning ordinance shall be made with reasonable consideration of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

(2) If a local unit of government adopts or revises a plan required under subsection (1) after an airport layout plan or airport approach plan has been filed with the local unit of government, the local unit of government shall incorporate the airport layout plan or airport approach plan into the plan adopted under subsection (1).

(3) In addition to the requirements of subsection (1), a zoning ordinance adopted after March 28, 2001 shall be adopted after reasonable consideration of both of the following:

(a) The environs of any airport within a district.

(b) Comments received at or before a public hearing under section 306 from the airport manager of any airport.

(4) If a zoning ordinance was adopted before March 28, 2001, the zoning ordinance is not required to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. A zoning ordinance amendment adopted or variance granted after March 28, 2001 shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan. This section does not limit the right to petition for submission of a zoning ordinance amendment to the electors under section 402 or the right to file a protest petition under section 403.

(5) The reference to public transportation facilities in subsection (1) only applies to a plan that is adopted or substantively amended more than 90 days after the effective date of the amendatory act that added this subsection.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2010, Act 305, Imd. Eff. Dec. 17, 2010.

#### **125.3204 Single-family residence; instruction in craft or fine art as home occupation.**

Sec. 204. A zoning ordinance adopted under this act shall provide for the use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence. This section does not prohibit the regulation of noise, advertising, traffic, hours of operation, or other conditions that may accompany the use of a residence under this section.

History: 2006, Act 110, Eff. July 1, 2006.

#### **125.3205 Zoning ordinance subject to certain acts; regulation or control of oil or gas wells; prohibition; extraction of valuable natural resource; challenge to zoning decision; serious consequences resulting from extraction; factors; regulations not limited.**

Sec. 205. (1) A zoning ordinance is subject to all of the following:

(a) The electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575.

(b) The regional transit authority act, 2012 PA 387, MCL 124.541 to 124.558.

(c) The small wireless communications facilities deployment act, 2018 PA 365, MCL 460.1301 to 460.1339.

(d) Part 8 of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1221 to 460.1232.

(2) A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and does not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.

(3) An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

(4) A person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.

(5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

(a) The relationship of extraction and associated activities with existing land uses.

(b) The impact on existing land uses in the vicinity of the property.

(c) The impact on property values in the vicinity of the property and along the proposed hauling route

serving the property, based on credible evidence.

(d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

(e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.

(f) The overall public interest in the extraction of the specific natural resources on the property.

(6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

(7) A renewable energy project that received special land use approval under section 502 on or after January 1, 2021 is considered to be a prior nonconforming use and the special land use approval shall not be revoked or modified if substantial construction has occurred or if an expenditure equal to 10% of the project construction costs or \$10,000.00, whichever is less, has been made.

(8) This act does not limit state regulatory authority under other statutes or rules.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2011, Act 113, Imd. Eff. July 20, 2011;—Am. 2012, Act 389, Eff. Mar. 28, 2013;—Am. 2018, Act 366, Eff. Mar. 12, 2019;—Am. 2023, Act 234, Eff. Feb. 13, 2024.

### **125.3205a Amateur radio service station antenna structures.**

Sec. 205a. (1) 47 CFR 97.15 provides that owners of certain amateur radio service station antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the federal aviation administration and register with the federal communications commission as required by 47 CFR part 17.

(2) An amateur radio service station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur radio service communications. Regulation of an amateur radio service station antenna structure by a local unit of government must not preclude amateur radio service communications. Rather, it must reasonably accommodate those communications and must constitute the minimum practicable regulation to accomplish the local unit of government's legitimate purpose.

(3) To obtain information about the regulation of amateur radio service station antenna structures, a person may contact any advisory board that is jointly established by the Michigan section of the American radio relay league and 1 or more state organizations representing local units of government.

**History:** Add. 2014, Act 556, Imd. Eff. Jan. 15, 2014.

### **125.3205d Zoning ordinance; prohibition or regulation of commemorative signs.**

Sec. 205d. (1) A zoning ordinance shall not regulate or prohibit a sign that is located on or within a building and that commemorates any of the following:

(a) Any of the following who die in the line of duty:

(i) Police officers.

(ii) Firefighters.

(iii) Medical first responders.

(iv) Members of the United States Armed Forces.

(v) Corrections officers.

(b) Veterans of the United States Armed Forces.

(2) As used in this section, "medical first responder" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

**History:** Add. 2018, Act 506, Eff. Mar. 28, 2019.

### **125.3206 Residential use of property; adult foster care facilities; family, group child care homes, or qualified residential treatment programs.**

Sec. 206. (1) Except as provided in subsection (2), each of the following is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone:

(a) A state licensed residential facility.

(b) A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(c) A qualified residential treatment program that provides services for 10 or fewer individuals.

(2) Subsection (1) does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

(3) For a county or township, a family child care home is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.

(4) For a county or township, a group child care home shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the following standards:

(a) Is located not closer than 1,500 feet to any of the following:

(i) Another licensed group child care home.

(ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(iii) A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

(iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

(b) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.

(c) Maintains the property consistent with the visible characteristics of the neighborhood.

(d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.

(e) Meets regulations, if any, governing signs used by a group child care home to identify itself.

(f) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

(5) For a city or village, a group child care home may be issued a special use permit, conditional use permit, or other similar permit.

(6) A licensed or registered family or group child care home that operated before March 30, 1989 is not required to comply with this section.

(7) This section does not prohibit a local unit of government from inspecting a family or group child care home for the home's compliance with and enforcing the local unit of government's zoning ordinance. For a county or township, an ordinance shall not be more restrictive for a family or group child care home than 1973 PA 116, MCL 722.111 to 722.128.

(8) The establishment of any of the facilities listed under subsection (4)(a) after issuance of a special use permit, conditional use permit, or other similar permit pertaining to the group child care home does not affect renewal of that permit.

(9) This section does not prohibit a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed group child care home that does not meet the standards listed under subsection (4).

(10) The distances required under subsection (4)(a) shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2007, Act 219, Imd. Eff. Dec. 28, 2007;—Am. 2018, Act 513, Eff. Mar. 28, 2019;—Am. 2022, Act 206, Imd. Eff. Oct. 7, 2022.

### **125.3207 Zoning ordinance or decision; effect as prohibiting establishment of land use.**

Sec. 207. A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful.

**History:** 2006, Act 110, Eff. July 1, 2006.

### **125.3208 Nonconforming uses or structures.**

Sec. 208. (1) If the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment. This subsection is intended to codify the law as it existed before July 1, 2006 in section 16(1) of the former county zoning act, 1943 PA 183, section 16(1) of the former township zoning act, 1943 PA 184, and section 3a(1) of the former city and village zoning act, 1921 PA 207, as they applied to counties, townships, and cities and villages, respectively, and shall be construed as a continuation of those laws and not as a new enactment.

(2) The legislative body may provide in a zoning ordinance for the completion, resumption, restoration,



reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class.

(3) The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government. Property acquired under this subsection by a city or village shall not be used for public housing.

(4) The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008;—Am. 2010, Act 330, Imd. Eff. Dec. 21, 2010.

#### **125.3209 Township zoning ordinance not subject to county ordinance, rule, or regulation.**

Sec. 209. Except as otherwise provided under this act, a township that has enacted a zoning ordinance under this act is not subject to an ordinance, rule, or regulation adopted by a county under this act.

**History:** 2006, Act 110, Eff. July 1, 2006.

#### **125.3210 Ordinance as controlling.**

Sec. 210. Except as otherwise provided under this act, an ordinance adopted under this act shall be controlling in the case of any inconsistencies between the ordinance and an ordinance adopted under any other law.

**History:** 2006, Act 110, Eff. July 1, 2006.

#### **125.3211 Appointment of zoning commission by legislative body; purposes; petition; initiation of action to formulate zoning commission and zoning ordinance.**

Sec. 211. (1) The legislative body may proceed with the adoption of a zoning ordinance containing land development regulations and establishing zoning districts under this act upon appointment of a zoning commission as provided in section 301.

(2) The legislative body may appoint a zoning commission for purposes of formulating a zoning ordinance on its own initiative or upon receipt of a petition requesting that action as provided under subsection (3).

(3) Upon receipt of a petition signed by a number of qualified and registered voters residing in the zoning jurisdiction equal to not less than 8% of the total votes cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, filed with the clerk of the local unit of government requesting the legislative body to appoint a zoning commission for purposes of formulating a zoning ordinance, the legislative body, at the next regular meeting, may initiate action to formulate a zoning commission and zoning ordinance under this act.

**History:** 2006, Act 110, Eff. July 1, 2006.

### ARTICLE III ZONING COMMISSION

#### **125.3301 Zoning commission; creation; transfer of powers to planning commission; resolution; membership; terms; successors; vacancy; limitation; removal of member; officers.**

Sec. 301. (1) Each local unit of government in which the legislative body exercises authority under this act shall create a zoning commission unless 1 of the following applies:

(a) A county zoning commission created under former 1943 PA 183, a township zoning board created under former 1943 PA 184, or a city or village zoning commission created under former 1921 PA 207 was in existence in the local unit of government as of June 30, 2006. Unless abolished by the legislative body, that existing board or commission shall continue as and exercise the powers and perform the duties of a zoning commission under this act, subject to a transfer of power under subsection (2).

(b) A planning commission was, as of June 30, 2006, in existence in the local unit of government and pursuant to the applicable planning enabling act exercising the powers and performing the duties of a county

zoning commission created under former 1943 PA 185, of a township zoning board created under former 1943 PA 184, or of a city or village zoning commission created under former 1921 PA 207. Unless abolished by the legislative body, that existing planning commission shall continue and exercise the powers and perform the duties of a zoning commission under this act.

(c) The local unit of government has created a planning commission on or after July 1, 2006 and transferred the powers and duties of a zoning commission to the planning commission pursuant to the applicable planning enabling act.

(2) Except as otherwise provided under this subsection, if the powers and duties of the zoning commission have been transferred to the planning commission as provided by law, the planning commission shall function as the zoning commission of the local unit of government. By July 1, 2011, the legislative body shall transfer the powers and duties of the zoning commission to the planning commission. Except as provided under this subsection, beginning July 1, 2011, a zoning commission's powers or duties under this act or an ordinance adopted under this act shall only be exercised or performed by a planning commission.

(3) If a zoning commission is created on or after July 1, 2006, the zoning commission shall be created by resolution and be composed of not fewer than 5 or more than 11 members appointed by the legislative body. Not fewer than 2 of the members of a county zoning commission shall be recommended for membership by the legislative bodies of townships that are, or will be, subject to the county zoning ordinance. This requirement may be met as vacancies occur on a county zoning commission that existed on June 30, 2006.

(4) The members of a zoning commission shall be selected upon the basis of the members' qualifications and fitness to serve as members of a zoning commission.

(5) The first zoning commission appointed under subsection (3) shall be divided as nearly as possible into 3 equal groups, with terms of each group as follows:

(a) One group for 1 year.

(b) One group for 2 years.

(c) One group for 3 years.

(6) Upon the expiration of the terms of the members first appointed, successors shall be appointed in the same manner for terms of 3 years each. A member of the zoning commission shall serve until a successor is appointed and has been qualified.

(7) A vacancy on a zoning commission shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(8) An elected officer of a local unit of government shall not serve simultaneously as a member or an employee of the zoning commission of that local unit of government, except that 1 member of the legislative body may be a member of the zoning commission.

(9) The legislative body shall provide for the removal of a member of a zoning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.

(10) A zoning commission shall elect from its members a chairperson, a secretary, and other officers and establish such committees it considers necessary and may engage any employees, including for technical assistance, it requires. The election of officers shall be held not less than once in every 2-year period.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

#### **125.3302 Expenses; compensation.**

Sec. 302. Members of the zoning commission may be reimbursed for reasonable expenses actually incurred in the discharge of their duties and may receive compensation as fixed by the legislative body.

**History:** 2006, Act 110, Eff. July 1, 2006.

#### **125.3303 Planning expert; compensation.**

Sec. 303. (1) With the approval of the legislative body, the zoning commission may engage the services of a planning expert. Compensation for the planning expert shall be paid by the legislative body.

(2) The zoning commission shall consider any information and recommendations furnished by appropriate public officials, departments, or agencies.

**History:** 2006, Act 110, Eff. July 1, 2006.

#### **125.3304 Regular meetings; notice; zoning commission subject to open meetings act.**

Sec. 304. The zoning commission shall hold a minimum of 2 regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in the zoning jurisdiction. Notice shall be given not less than 15 days before the meeting. The zoning commission is subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

**History:** 2006, Act 110, Eff. July 1, 2006.

**125.3305 Recommendations of zoning commission; adoption and filing.**

Sec. 305. The zoning commission shall adopt and file with the legislative body the following recommendations:

- (a) A zoning plan for the areas subject to zoning of the local unit of government.
- (b) The establishment of zoning districts, including the boundaries of those districts.
- (c) The text of a zoning ordinance with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole.
- (d) The manner of administering and enforcing the zoning ordinance.

History: 2006, Act 110, Eff. July 1, 2006.

**125.3306 Recommendations of zoning commission; submission to legislative body; public hearing; notice; examination of proposed text and maps.**

Sec. 306. (1) Before submitting its recommendations for a proposed zoning ordinance to the legislative body, the zoning commission shall hold at least 1 public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under section 103(1) for the initial adoption of a zoning ordinance or section 202 for any other subsequent zoning text or map amendments.

(2) Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

(3) The notices required under this section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.

History: 2006, Act 110, Eff. July 1, 2006.

**125.3307 Review and recommendations after hearing; submission to township; submission to coordinating zoning committee; waiver of right to review.**

Sec. 307. (1) Following the hearing required in section 306, a township shall submit for review and recommendation the proposed zoning ordinance, including any zoning maps, to the zoning commission of the county in which the township is situated if a county zoning commission has been appointed as provided under this act.

(2) If there is not a county zoning commission or county planning commission, the proposed zoning ordinance shall be submitted to the coordinating zoning committee. The coordinating zoning committee shall be composed of either 3 or 5 members appointed by the legislative body of the county for the purpose of coordinating the zoning ordinances proposed for adoption under this act with the zoning ordinances of a township, city, or village having a common boundary with the township.

(3) The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county zoning commission, planning commission, or coordinating zoning committee has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

(4) The legislative body of a county by resolution may waive its right to review township ordinances and amendments under this section.

History: 2006, Act 110, Eff. July 1, 2006.

**125.3308 Summary of public hearing comments; transmission to legislative body by zoning commission; report.**

Sec. 308. (1) Following the required public hearing under section 306, the zoning commission shall transmit a summary of comments received at the hearing and its proposed zoning ordinance, including any zoning maps and recommendations, to the legislative body of the local unit of government.

(2) Following the enactment of the zoning ordinance, the zoning commission shall at least once per year prepare for the legislative body a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance.

History: 2006, Act 110, Eff. July 1, 2006.

ARTICLE IV  
ZONING ADOPTION AND ENFORCEMENT

**125.3401 Public hearing to be held by legislative body; conditions; notice; approval of zoning ordinance and amendments by legislative body; filing; notice of ordinance**

**adoption; notice mailed to airport manager; information to be included in notice; other statutory requirements superseded.**

Sec. 401. (1) After receiving a zoning ordinance under section 308(1) or an amendment under sections 202 and 308(1), the legislative body may hold a public hearing if it considers it necessary or if otherwise required.

(2) Notice of a public hearing to be held by the legislative body shall be given in the same manner as required under section 103(1) for the initial adoption of a zoning ordinance or section 202 for any zoning text or map amendments.

(3) The legislative body may refer any proposed amendments to the zoning commission for consideration and comment within a time specified by the legislative body.

(4) The legislative body shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the clerk of the legislative body. A hearing under this subsection is not subject to the requirements of section 103, except that notice of the hearing shall be given to the interested property owner in the manner required in section 103(3) and (4).

(5) After any proceedings under subsections (1) to (4), the legislative body shall consider and vote upon the adoption of a zoning ordinance, with or without amendments. A zoning ordinance and any amendments shall be approved by a majority vote of the members of the legislative body.

(6) Except as otherwise provided under section 402, a zoning ordinance shall take effect upon the expiration of 7 days after publication as required by subsection (7) or at such later date after publication as may be specified by the legislative body or charter.

(7) Following adoption of a zoning ordinance or any subsequent amendments by the legislative body, the zoning ordinance or subsequent amendments shall be filed with the clerk of the legislative body, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the local unit of government within 15 days after adoption.

(8) A copy of the notice required under subsection (7) shall be mailed to the airport manager of an airport entitled to notice under section 306.

(9) The notice required under this section shall include all of the following information:

(a) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the [county, township, city, or village] of \_\_\_\_\_."

(b) In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

(c) The effective date of the ordinance or amendment.

(d) The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

(10) The filing and publication requirements under this section supersede any other statutory or charter requirements relating to the filing and publication of county, township, city, or village ordinances.

**History:** 2006, Act 110, Iff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

**125.3402 Notice of intent to file petition.**

Sec. 402. (1) Within 7 days after publication of a zoning ordinance under section 401, a registered elector residing in the zoning jurisdiction of a county or township may file with the clerk of the legislative body a notice of intent to file a petition under this section.

(2) If a notice of intent is filed under subsection (1), the petitioner shall have 30 days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction not less than 15% of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, with the clerk of the legislative body requesting the submission of a zoning ordinance or part of a zoning ordinance to the electors residing in the zoning jurisdiction for their approval.

(3) Upon the filing of a notice of intent under subsection (1), the zoning ordinance or part of the zoning ordinance adopted by the legislative body shall not take effect until 1 of the following occurs:

(a) The expiration of 30 days after publication of the ordinance, if a petition is not filed within that time.

(b) If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is inadequate.

(c) If a petition is filed within 30 days after publication of the ordinance, the clerk of the legislative body determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the zoning jurisdiction voting on the petition at the next regular election or at any special election called for that purpose. The legislative body shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval or rejection and determining the result of the election.

(4) A petition and an election under this section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: 2006, Act 110, Eff. July 1, 2006.

#### **125.3403 Amendment to zoning ordinance; filing of protest petition; vote.**

Sec. 403. (1) An amendment to a zoning ordinance by a city or village is subject to a protest petition as required by this subsection. If a protest petition is filed, approval of the amendment to the zoning ordinance shall require a 2/3 vote of the legislative body, unless a larger vote, not to exceed a 3/4 vote, is required by ordinance or charter. The protest petition shall be presented to the legislative body of the city or village before final legislative action on the amendment and shall be signed by 1 or more of the following:

(a) The owners of at least 20% of the area of land included in the proposed change.

(b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

(2) Publicly owned land shall be excluded in calculating the 20% land area requirement under subsection (1).

History: 2006, Act 110, Eff. July 1, 2006.

#### **125.3404 Interim zoning ordinance.**

Sec. 404. (1) To protect the public health, safety, and general welfare of the inhabitants and the lands and resources of a local unit of government during the period required for the preparation and enactment of an initial zoning ordinance under this act, the legislative body of a local unit of government may direct the zoning commission to submit, within a specified period of time, recommendations as to the provisions of an interim zoning ordinance.

(2) Before presenting its recommendations to the legislative body, the zoning commission of a township shall submit the interim zoning ordinance, or an amendment to the ordinance, to the county zoning commission or the coordinating zoning committee, for the purpose of coordinating the zoning ordinance with the zoning ordinances of a township, city, or village having a common boundary with the township. The ordinance shall be considered approved 15 days from the date the zoning ordinance is submitted to the legislative body.

(3) After approval, the legislative body, by majority vote of its members, may give the interim ordinance or amendments to the interim ordinance immediate effect. An interim ordinance and subsequent amendments shall be filed and published as required under section 401.

(4) The interim ordinance, including any amendments, shall be limited to 1 year from the effective date and to not more than 2 years of renewal thereafter by resolution of the local unit of government.

History: 2006, Act 110, Eff. July 1, 2006.

#### **125.3405 Use and development of land as condition to rezoning.**

Sec. 405. (1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

History: 2006, Act 110, Eff. July 1, 2006.

#### **125.3406 Zoning permits; fees; effect of delinquent payment of fine, costs, or assessment.**

Sec. 406. (1) The legislative body may charge reasonable fees for zoning permits as a condition of granting authority to use, erect, alter, or locate dwellings, buildings, and structures, including tents and recreational vehicles, within a zoning district established under this act.

(2) A zoning ordinance adopted by a city may provide that a person is not eligible to apply for a rezoning,

site plan approval, special land use approval, planned unit development approval, variance, or other zoning authorization if the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established in that city pursuant to section 4q of the home rule city act, 1909 PA 279, MCL 117.4q.

(3) A zoning ordinance provision adopted under subsection (2) does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure and is 1 of the following:

(a) A government-sponsored enterprise. As used in this subdivision, "government-sponsored enterprise" means that term as defined in 2 USC 622(8), or the Michigan state housing development authority created under the state housing development authority act of 1966, 1966 PA 346, MCL 125.1401 to 125.1499c.

(b) A financial institution. As used in this subdivision, "financial institution" means that term as defined in section 4(c) of the Michigan strategic fund act, 1984 PA 270, MCL 125.2004.

(c) A mortgage servicer, as that term is defined in section 1a of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651a, that is subject to the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.

(d) A credit union service organization that is organized under the laws of this state or the United States.

(4) Subsection (2) does not apply to a zoning authorization if the authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment referred to in subsection (2).

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2013, Act 189, Eff. Mar. 14, 2014.

### **125.3407 Certain violations as nuisance per se.**

Sec. 407. Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under this act is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se. The legislative body shall in the zoning ordinance enacted under this act designate the proper official or officials who shall administer and enforce the zoning ordinance and do 1 of the following for each violation of the zoning ordinance:

(a) Impose a penalty for the violation.

(b) Designate the violation as a municipal civil infraction and impose a civil fine for the violation.

(c) Designate the violation as a blight violation and impose a civil fine or other sanction authorized by law. This subdivision applies only to a city that establishes an administrative hearings bureau pursuant to section 4q of the home rule city act, 1909 PA 279, MCL 117.4q.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

## ARTICLE V SPECIAL ZONING PROVISIONS

### **125.3501 Submission and approval of site plan; procedures and requirements.**

Sec. 501. (1) The local unit of government may require the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance. The zoning ordinance shall specify the body or official responsible for reviewing site plans and granting approval.

(2) If a zoning ordinance requires site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance is agreed to by the landowner and the body or official that initially approved the site plan.

(3) The procedures and requirements for the submission and approval of site plans shall be specified in the zoning ordinance. Site plan submission, review, and approval shall be required for special land uses and planned unit developments.

(4) A decision rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.

(5) A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

**125.3502 Special land uses; review and approval; application; notice of request; public hearing; incorporation of decision in statement of findings and conclusions.**

Sec. 502. (1) The legislative body may provide in a zoning ordinance for special land uses in a zoning district. A special land use shall be subject to the review and approval of the zoning commission, the planning commission, an official charged with administering the zoning ordinance, or the legislative body as required by the zoning ordinance. The zoning ordinance shall specify all of the following:

(a) The special land uses and activities eligible for approval and the body or official responsible for reviewing and granting approval.

(b) The requirements and standards for approving a request for a special land use.

(c) The procedures and supporting materials required for the application, review, and approval of a special land use.

(2) Upon receipt of an application for a special land use which requires a discretionary decision, the local unit of government shall provide notice of the request as required under section 103. The notice shall indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the zoning jurisdiction.

(3) At the initiative of the body or official responsible for approving the special land use or upon the request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a public hearing shall be held before a discretionary decision is made on the special land use request.

(4) The body or official designated to review and approve special land uses may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

History: 2006, Act 110, IFF, July 1, 2006.

**125.3503 Planned unit development.**

Sec. 503. (1) As used in this section, "planned unit development" includes such terms as cluster zoning, planned development, community unit plan, and planned residential development and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

(2) The legislative body may establish planned unit development requirements in a zoning ordinance that permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of this state. The review and approval of planned unit developments shall be by the zoning commission, an individual charged with administration of the zoning ordinance, or the legislative body, as specified in the zoning ordinance.

(3) Within a land development project designated as a planned unit development, regulations relating to the use of land, including, but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density, shall be determined in accordance with the planned unit development regulations specified in the zoning ordinance. The planned unit development regulations need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions are followed in making regulatory decisions. Unless explicitly prohibited by the planned unit development regulations, if requested by the landowner, a local unit of government may approve a planned unit development with open space that is not contiguous with the rest of the planned unit development.

(4) The planned unit development regulations established by the local unit of government shall specify all of the following:

(a) The body or official responsible for the review and approval of planned unit development requests.

(b) The conditions that create planned unit development eligibility, the participants in the review process, and the requirements and standards upon which applicants will be reviewed and approval granted.

(c) The procedures required for application, review, and approval.

(5) Following receipt of a request to approve a planned unit development, the body or official responsible for the review and approval shall hold at least 1 public hearing on the request. A zoning ordinance may

provide for preapplication conferences before submission of a planned unit development request and the submission of preliminary site plans before the public hearing. Notification of the public hearing shall be given in the same manner as required under section 103.

(6) Within a reasonable time following the public hearing, the body or official responsible for approving planned unit developments shall meet for final consideration of the request and deny, approve, or approve with conditions the request. The body or official shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

(7) If amendment of a zoning ordinance is required by the planned unit development regulations of a zoning ordinance, the requirements of this act for amendment of a zoning ordinance shall be followed, except that the hearing and notice required by this section shall fulfill the public hearing and notice requirements of section 306.

(8) If the planned unit development regulations of a zoning ordinance do not require amendment of the zoning ordinance to authorize a planned unit development, the body or official responsible for review and approval shall approve, approve with conditions, or deny a request.

(9) Final approval may be granted on each phase of a multiphased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

(10) In establishing planned unit development requirements, a local unit of government may incorporate by reference other ordinances or statutes which regulate land development. The planned unit development regulations contained in zoning ordinances shall encourage complementary relationships between zoning regulations and other regulations affecting the development of land.

History: 2006, Act 110, Eff. July 1, 2006.

#### **125.3504 Special land uses; regulations and standards; compliance; conditions; record of conditions.**

Sec. 504. (1) If the zoning ordinance authorizes the consideration and approval of special land uses or planned unit developments under section 502 or 503 or otherwise provides for discretionary decisions, the regulations and standards upon which those decisions are made shall be specified in the zoning ordinance.

(2) The standards shall be consistent with and promote the intent and purpose of the zoning ordinance and shall insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The standards shall also insure that the land use or activity is consistent with the public health, safety, and welfare of the local unit of government.

(3) A request for approval of a land use or activity shall be approved if the request is in compliance with the standards stated in the zoning ordinance, the conditions imposed under the zoning ordinance, other applicable ordinances, and state and federal statutes.

(4) Reasonable conditions may be required with the approval of a special land use, planned unit development, or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(a) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(c) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(5) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

History: 2006, Act 110, Eff. July 1, 2006.

#### **125.3505 Performance guarantee.**



Sec. 505. (1) To ensure compliance with a zoning ordinance and any conditions imposed under a zoning ordinance, a local unit of government may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the local unit of government covering the estimated cost of improvements be deposited with the clerk of the legislative body to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The local unit of government may not require the deposit of the performance guarantee until it is prepared to issue the permit. The local unit of government shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.

(2) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the land division act, 1967 PA 288, MCL 560.101 to 560.293.

History: 2006, Act 110, Eff. July 1, 2006.

### **125.3506 Open space preservation.**

Sec. 506. (1) Subject to subsection (4) and section 402, a qualified local unit of government shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance, but not more than 50% for a county or township or 80% for a city or village, that could otherwise be developed, as determined by the local unit of government under existing ordinances, laws, and rules on the entire land area, if all of the following apply:

(a) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.

(b) A percentage of the land area specified in the zoning ordinance, but not less than 50% for a county or township or 20% for a city or village, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance.

(c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon the extension.

(d) The option provided under this subsection has not previously been exercised with respect to that land.

(2) After a landowner exercises the option provided under subsection (1), the land may be rezoned accordingly.

(3) The development of land under subsection (1) is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

(4) Subsection (1) does not apply to a qualified local unit of government if both of the following apply:

(a) On or before October 1, 2001, the local unit of government had in effect a zoning ordinance provision providing for both of the following:

(i) Land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land that, as determined by the local unit of government, could otherwise be developed under existing ordinances, laws, and rules on the entire land area.

(ii) If the landowner exercises the option provided by subparagraph (i), the portion of the land not developed will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

(b) On or before December 15, 2001, a landowner exercised the option provided under the zoning ordinance provision referred to in subdivision (a) with at least 50% of the land area for a county or township or 20% of the land area for a city or village, remaining perpetually in an undeveloped state.

(5) The zoning ordinance provisions required by subsection (1) shall be cited as the "open space preservation" provisions of the zoning ordinance.

(6) As used in this section, "qualified local unit of government" means a county, township, city, or village that meets all of the following requirements:

(a) Has adopted a zoning ordinance.

(b) Has a population of 1,800 or more.

(c) Has land that is not developed and that is zoned for residential development at a density described in subsection (1)(a).

History: 2006, Act 110, Eff. July 1, 2006.

**125.3507 Purchase of development rights program; adoption of ordinance; limitations; agreements with other local governments.**

Sec. 507. (1) As used in this section and sections 508 and 509, "PDR program" means a purchase of development rights program.

(2) The legislative body may adopt a development rights ordinance limited to the establishment, financing, and administration of a PDR program, as provided under this section and sections 508 and 509. The PDR program may be used only to protect agricultural land and other eligible land. This section and sections 508 and 509 do not expand the condemnation authority of a local unit of government as otherwise provided for in this act.

(3) A PDR program shall not acquire development rights by condemnation. This section and sections 508 and 509 do not limit any authority that may otherwise be provided by law for a local unit of government to protect natural resources, preserve open space, provide for historic preservation, or accomplish similar purposes.

(4) A legislative body shall not establish, finance, or administer a PDR program unless the legislative body adopts a development rights ordinance. If the local unit of government has a zoning ordinance, the development rights ordinance may be adopted as part of the zoning ordinance under the procedures for a zoning ordinance under this act. A local unit of government may adopt a development rights ordinance in the same manner as required for a zoning ordinance.

(5) A legislative body may promote and enter into agreements with other local units of government for the purchase of development rights, including cross-jurisdictional purchases, subject to applicable development rights ordinances.

History: 2006, Act 110, Eff. July 1, 2006.

**125.3508 PDR program; purchase of development rights by local unit of government; conveyance; notice; requirements for certain purchases.**

Sec. 508. (1) A development rights ordinance shall provide for a PDR program. Under a PDR program, the local unit of government purchases development rights, but only from a willing landowner. A development rights ordinance providing for a PDR program shall specify all of the following:

(a) The public benefits that the local unit of government may seek through the purchase of development rights.

(b) The procedure by which the local unit of government or a landowner may by application initiate purchase of development rights.

(c) The development rights authorized to be purchased subject to a determination under standards and procedures required by subdivision (d).

(d) The standards and procedures to be followed by the legislative body for approving, modifying, or rejecting an application to purchase development rights, including the determination of all the following:

(i) Whether to purchase development rights.

(ii) Which development rights to purchase.

(iii) The intensity of development permitted after the purchase on the land from which the development rights are purchased.

(iv) The price at which development rights will be purchased and the method of payment.

(v) The procedure for ensuring that the purchase or sale of development rights is legally fixed so as to run with the land.

(e) The circumstances under which an owner of land from which development rights have been purchased under a PDR program may repurchase those development rights and how the proceeds of the purchase are to be used by the local unit of government.

(2) If the local unit of government has a zoning ordinance, the purchase of development rights shall be consistent with the plan referred to in section 203 upon which the zoning ordinance is based.

(3) Development rights acquired under a PDR program may be conveyed only as provided under subsection (1)(e).

(4) A county shall notify each township, city, or village, and a township shall notify each village, in which is located land from which development rights are proposed to be purchased of the receipt of an application for the purchase of development rights and shall notify each township, city, or village of the disposition of that application.

(5) A county shall not purchase development rights under a development rights ordinance from land subject to a township, city, or village zoning ordinance unless all of the following requirements are met:

(a) The development rights ordinance provisions for the PDR program are consistent with the plan upon

which the township, city, or village zoning is based.

(b) The legislative body of the township, city, or village adopts a resolution authorizing the PDR program to apply in the township, city, or village.

(c) As part of the application procedure for the specific proposed purchase of development rights, the township, city, or village provides the county with written approval of the purchase.

History: 2006, Act 110, Eff. July 1, 2006.

### **125.3509 PDR program; financing sources; bonds or notes; special assessments.**

Sec. 509. (1) A PDR program may be financed through 1 or more of the following sources:

- (a) General appropriations by the local unit of government.
- (b) Proceeds from the sale of development rights by the local unit of government subject to section 508(3).
- (c) Grants.
- (d) Donations.
- (e) Bonds or notes issued under subsections (2) to (5).
- (f) General fund revenue.
- (g) Special assessments under subsection (6).
- (h) Other sources approved by the legislative body and permitted by law.

(2) The legislative body may borrow money and issue bonds or notes under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, subject to the general debt limit applicable to the local unit of government. The bonds or notes may be revenue bonds or notes, general obligation limited tax bonds or notes, or, subject to section 6 of article IX of the state constitution of 1963, general obligation unlimited tax bonds or notes.

(3) The legislative body may secure bonds or notes issued under this section by mortgage, assignment, or pledge of property, including, but not limited to, anticipated tax collections, revenue sharing payments, or special assessment revenues. A pledge made by the legislative body is valid and binding from the time the pledge is made. The pledge immediately shall be subject to the lien of the pledge without a filing or further act. The lien of the pledge shall be valid and binding as against parties having claims in tort, contract, or otherwise against the local unit of government, irrespective of whether the parties have notice of the lien. Filing of the resolution, the trust agreement, or another instrument by which a pledge is created is not required.

(4) Bonds or notes issued under this section are exempt from all taxation in this state except inheritance and transfer taxes, and the interest on the bonds or notes is exempt from all taxation in this state.

(5) The bonds and notes issued under this section may be invested in by the state treasurer and all other public officers, state agencies, and political subdivisions, insurance companies, financial institutions, investment companies, and fiduciaries and trustees and may be deposited with and received by the state treasurer and all other public officers and the agencies and political subdivisions of this state for all purposes for which the deposit of bonds or notes is authorized. The authority granted by this section is in addition to all other authority granted by law.

(6) A development rights ordinance may authorize the legislative body to finance a PDR program by special assessments. In addition to meeting the requirements of section 508, the development rights ordinance shall include in the procedure to approve and establish a special assessment district both of the following:

(a) The requirement that there be filed with the legislative body a petition containing all of the following:

(i) A description of the development rights to be purchased, including a legal description of the land from which the purchase is to be made.

(ii) A description of the proposed special assessment district.

(iii) The signatures of the owners of at least 66% of the land area in the proposed special assessment district.

(iv) The amount and duration of the proposed special assessments.

(b) The requirement that the legislative body specify how the proposed purchase of development rights will specially benefit the land in the proposed special assessment district.

History: 2006, Act 110, Eff. July 1, 2006.

### **125.3513 Biofuel production facility as permitted use of property; requirements; special land use approval; application; hearing; conditions; applicability of subsections (2) to (5); authority of local unit of government; definitions.**

Sec. 513. (1) A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property and is not subject to special land use approval if all of the following requirements are met:

- (a) The biofuel production facility is located on a farm.
- (b) The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the zoning ordinance.
- (c) On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
- (2) Subject to subsections (6) and (7), each of the following is a permitted use of property if it receives special land use approval under subsections (3) to (5):
- (a) A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b) but that does not meet the requirements of subsection (1)(c).
- (b) A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b).
- (3) An application for special land use approval for a biofuel production facility described in subsection (2) shall include all of the following:
- (a) A site plan as required under section 501, including a map of the property and existing and proposed buildings and other facilities.
- (b) A description of the process to be used to produce biofuel.
- (c) The number of gallons of biofuel anticipated to be produced annually.
- (d) An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
- (e) For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
- (f) Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (2) and (5).
- (g) Any additional information requested by the body or official responsible for granting special land use approval and relevant to compliance with a zoning ordinance provision described in section 502(1) or 504.
- (4) A local unit of government shall hold a hearing on an application for special land use approval under subsection (2) not more than 60 days after the application is filed. For the purposes of this section, the notice required under section 502(2) shall provide notice of the hearing, rather than notice of a right to request a hearing.
- (5) Special land use approval of a biofuel production facility described in subsection (2) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
- (a) Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
- (b) The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
- (i) Air pollution emissions.
- (ii) Transportation of biofuel or additional products resulting from biofuel production.
- (iii) Use or reuse of additional products resulting from biofuel production.
- (iv) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- (c) The biofuel production facility includes sufficient storage for both of the following:
- (i) Raw materials and fuel.
- (ii) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.
- (6) Subsections (2) to (5) do not apply to a biofuel production facility if the zoning ordinance provides different criteria for special land use approval of a biofuel production facility located on a farm. An amendment to a zoning ordinance adopted only to provide such criteria is not subject to a protest petition under section 403.
- (7) A local unit of government may authorize a biofuel production facility described in subsection (2) as a permitted use of property not subject to a special land use approval.
- (8) This section does not affect the authority of a local unit of government to prohibit or authorize biofuel

production facilities that are not located on farms.

(9) As used in this section:

(a) "Biofuel" means any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

(b) "Ethanol" means a substance that meets the ASTM international standard in effect on the effective date of this section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

(c) "Farm" means that term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

(d) "Proof gallon" means that term as defined in 27 CFR 19.907.

History: Add. 2011, Act 97, Imd. Eff. July 19, 2011.

**125.3514 Wireless communications equipment as permitted use of property; application for special land use approval; approval or denial; authorization by local unit of government; definitions; applicability to small cell wireless communications facilities.**

Sec. 514. (1) Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this act if all of the following requirements are met:

(a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.

(b) The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.

(c) The proposed collocation will not do any of the following:

(i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.

(ii) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

(iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.

(d) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.

(2) Wireless communications equipment that meets the requirements of subsection (1)(a) and (b) but does not meet the requirements of subsection (1)(c) or (d) is a permitted use of property if it receives special land use approval under subsections (3) to (6).

(3) An application for special land use approval of wireless communications equipment described in subsection (2) shall include all of the following:

(a) A site plan as required under section 501, including a map of the property and existing and proposed buildings and other facilities.

(b) Any additional relevant information that is specifically required by a zoning ordinance provision described in section 502(1) or 504.

(4) After an application for a special land use approval is filed with the body or official responsible for approving special land uses, the body or official shall determine whether the application is administratively complete. Unless the body or official proceeds as provided under subsection (5), the application shall be considered to be administratively complete when the body or official makes that determination or 14 business days after the body or official receives the application, whichever is first.

(5) If, before the expiration of the 14-day period under subsection (4), the body or official responsible for approving special land uses notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (4) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the local unit of government's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

(6) The body or official responsible for approving special land uses shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the body or official fails to timely approve or deny the application, the application shall be considered approved and the body or official shall be considered to have made any determination required for approval.

(7) Special land use approval of wireless communications equipment described in subsection (2) may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.

(8) If a local unit of government requires special land use approval for wireless communications equipment that does not meet the requirements of subsection (1)(a) or for a wireless communications support structure, subsections (4) to (6) apply to the special land use approval process, except that the period for approval or denial under subsection (6) is 90 days.

(9) A local unit of government may authorize wireless communications equipment as a permitted use of property not subject to a special land use approval.

(10) This section does not apply to an activity or use that is regulated by the small cell wireless communications facilities deployment act.

(11) As used in this section:

(a) "Colocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

(b) "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

(c) "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

(d) "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

History: Add. 2012, Act 143, Imd. Eff. May 24, 2012;—Am. 2018, Act 366, Eff. Mar. 12, 2019.

## ARTICLE VI ZONING BOARD OF APPEALS

### **125.3601 Zoning board of appeals; appointment; procedural rules; membership; composition; alternate member; per diem; expenses; removal; terms of office; vacancies; conduct of meetings; conflict of interest.**

Sec. 601. (1) A zoning ordinance shall create a zoning board of appeals. A zoning board of appeals in existence on June 30, 2006 may continue to act as the zoning board of appeals subject to this act. Subject to subsection (2), members of a zoning board of appeals shall be appointed by majority vote of the members of the legislative body serving.

(2) The legislative body of a city or village may act as a zoning board of appeals and may establish rules to govern its procedure as a zoning board of appeals.

(3) A zoning board of appeals shall be composed of not fewer than 5 members if the local unit of government has a population of 5,000 or more or not fewer than 3 members if the local unit of government has a population of less than 5,000. The number of members of the zoning board of appeals shall be specified in the zoning ordinance.

(4) In a county or township, 1 of the regular members of the zoning board of appeals shall be a member of the zoning commission, or of the planning commission if the planning commission is functioning as the zoning commission. In a city or village, 1 of the regular members of the zoning board of appeals may be a member of the zoning commission, or of the planning commission if the planning commission is functioning as the zoning commission, unless the legislative body acts as the zoning board of appeals under subsection (2). A decision made by a city or village zoning board of appeals before February 29, 2008 is not invalidated by the failure of the zoning board of appeals to include a member of the city or village zoning commission or planning commission, as was required by this subsection before that date.

(5) The remaining regular members of a zoning board of appeals, and any alternate members under subsection (7), shall be selected from the electors of the local unit of government residing within the zoning jurisdiction of that local unit of government or, in the case of a county, residing within the county but outside of any city or village. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government.

(6) Subject to subsection (2), 1 regular or alternate member of a zoning board of appeals may be a member of the legislative body. Such a member shall not serve as chairperson of the zoning board of appeals. An

employee or contractor of the legislative body may not serve as a member of the zoning board of appeals.

(7) The legislative body may appoint to the zoning board of appeals not more than 2 alternate members for the same term as regular members. An alternate member may be called as specified in the zoning ordinance to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member.

(8) A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.

(9) A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(10) The terms of office for an appointed member of the zoning board of appeals shall be 3 years, except for a member serving because of his or her membership on the zoning commission or legislative body, whose term shall be limited to the time he or she is a member of that body. When members are first appointed, appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired.

(11) A vacancy on the zoning board of appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(12) A zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present.

(13) A member of the zoning board of appeals who is also a member of the zoning commission, the planning commission, or the legislative body shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the zoning commission, the planning commission, or the legislative body. However, the member may consider and vote on other unrelated matters involving the same property.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008;—Am. 2010, Act 330, Imd. Eff. Dec. 21, 2010.

#### **125.3602 Meetings; call of the chairperson; oaths; attendance of witnesses; record of proceedings.**

Sec. 602. (1) Meetings of the zoning board of appeals shall be held at the call of the chairperson and at other times as the zoning board of appeals in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

(2) The zoning board of appeals shall maintain a record of its proceedings which shall be filed in the office of the clerk of the legislative body.

History: 2006, Act 110, Eff. July 1, 2006.

#### **125.3603 Zoning board of appeals; powers; concurring vote of majority of members.**

Sec. 603. (1) The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The zoning board of appeals shall also hear and decide on matters referred to the zoning board of appeals or upon which the zoning board of appeals is required to pass under a zoning ordinance adopted under this act. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act. For special land use and planned unit development decisions, an appeal may be taken to the zoning board of appeals only if provided for in the zoning ordinance.

(2) The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.

History: 2006, Act 110, Eff. July 1, 2006.

#### **125.3604 Zoning board of appeals; procedures.**

Sec. 604. (1) An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the local unit of government. In addition, a variance in the zoning ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under this act. The zoning board of appeals shall state the grounds of any determination made by the board.

(2) An appeal under this section shall be taken within such time as prescribed by the zoning board of appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the zoning board of appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.

(3) An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the zoning board of appeals or a circuit court.

(4) Following receipt of a written request for a variance, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as provided in section 103.

(5) If the zoning board of appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the zoning board of appeals shall conduct a public hearing on the request. Notice shall be given as required under section 103. However, if the request does not involve a specific parcel of property, notice need only be published as provided in section 103(1) and given to the person making the request as provided in section 103(3).

(6) At a hearing under subsection (5), a party may appear personally or by agent or attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

(7) If there are practical difficulties for nonuse variances as provided in subsection (8) or unnecessary hardship for use variances as provided in subsection (9) in the way of carrying out the strict letter of the zoning ordinance, the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. The ordinance shall establish procedures for the review and standards for approval of all types of variances. The zoning board of appeals may impose conditions as otherwise allowed under this act.

(8) The zoning board of appeals of all local units of government shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance.

(9) The authority to grant variances from uses of land is limited to the following:

(a) Cities and villages.

(b) Townships and counties that as of February 15, 2006 had an ordinance that uses the phrase "use variance" or "variances from uses of land" to expressly authorize the granting of use variances by the zoning board of appeals.

(c) Townships and counties that granted a use variance before February 15, 2006.

(10) The authority granted under subsection (9) is subject to the zoning ordinance of the local unit of government otherwise being in compliance with subsection (7) and having an ordinance provision that requires a vote of 2/3 of the members of the zoning board of appeals to approve a use variance.

(11) The authority to grant use variances under subsection (9) is permissive, and this section does not require a local unit of government to adopt ordinance provisions to allow for the granting of use variances.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

### **125.3605 Decision as final; appeal to circuit court.**

Sec. 605. The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided under section 606.

**History:** 2006, Act 110, Eff. July 1, 2006.

### **125.3606 Circuit court; review; duties.**

Sec. 606. (1) Any party aggrieved by a decision of the zoning board of appeals may appeal to the circuit court for the county in which the property is located. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

(a) Complies with the constitution and laws of the state.

(b) Is based upon proper procedure.



(c) Is supported by competent, material, and substantial evidence on the record.

(d) Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.

(2) If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

(3) An appeal from a decision of a zoning board of appeals shall be filed within whichever of the following deadlines comes first:

(a) Thirty days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson.

(b) Twenty-one days after the zoning board of appeals approves the minutes of its decision.

(4) The court may affirm, reverse, or modify the decision of the zoning board of appeals. The court may make other orders as justice requires.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008;—Am. 2010, Act 330, Imd. Eff. Dec. 21, 2010.

### **125.3607 Party aggrieved by order, determination, or decision; circuit court review; proper party.**

Sec. 607. (1) Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, zoning board of appeals, or legislative body of any local unit of government made under section 208 may obtain a review in the circuit court for the county in which the property is located. The review shall be in accordance with section 606.

(2) Any person required to be given notice under section 604(4) of the appeal of any order, determination, or decision made under section 208 shall be a proper party to any action for review under this section.

**History:** 2006, Act 110, Eff. July 1, 2006.

## ARTICLE VII

### STATUTORY COMPLIANCE AND REPEALER

### **125.3701 Compliance with open meetings act; availability of writings to public.**

Sec. 701. (1) All meetings subject to this act shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) A writing prepared, owned, used, in the possession of, or retained as required by this act 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:** 2006, Act 110, Eff. July 1, 2006.

### **125.3702 Repeal of MCL 125.581 to 125.600, 125.201 to 125.240, and 125.271 to 125.310; construction of section.**

Sec. 702. (1) The following acts and parts of acts are repealed:

(a) The city and village zoning act, 1921 PA 207, MCL 125.581 to 125.600.

(b) The county zoning act, 1943 PA 183, MCL 125.201 to 125.240.

(c) The township zoning act, 1943 PA 184, MCL 125.271 to 125.310.

(2) This section does not alter, limit, void, affect, or abate any pending litigation, administrative proceeding, or appeal that existed on June 30, 2006 or any ordinance, order, permit, or decision that was based on the acts repealed under subsection (1). The zoning ordinance need not be readopted but is subject to the requirements of this act, including, but not limited to, the amendment procedures set forth in this act.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

## Greg Carnes

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**From:** Chris Ropeta <chris@gridroads.net>  
**Sent:** Thursday, December 12, 2024 4:21 PM  
**To:** Greg Carnes  
**Subject:** Fw: Solar Megasite application in Conway and Cohochta

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**From:** Chris Ropeta  
**Sent:** Saturday, December 7, 2024 9:21:50 PM  
**To:** gcarnes@tyronetownship.us <gcarnes@tyronetownship.us>  
**Subject:** Solar Megasite application in Conway and Cohochta

In my opinion, this subject needs to be front and center on next week's PC meeting. The Foster Swift lawyer should be called in. There should also be discussion of how Tyrone Township comes up to speed on this specific issue (the logistics of this on Conway and Cohochta and how it will affect us) and outreach to these townships should happen immediately on behalf of Tyrone Township to ask how we can support them and help!

Greg, we should be scheduling a workshop immediately WITH FOSTER SWIFT present (perhaps in addition to next week's PC meeting) — so we can hear directly from her our options and what we are able to work on now, and explain it to the people. We need to explain our risks to the residents and actions that we can take to further protect our township.

If our township board in Tyrone does not do this, I will be going on my own and will take other residents with me.

Both Conway and Cohochta Township's received this letter Both have shared this letter with their residents with this statement:

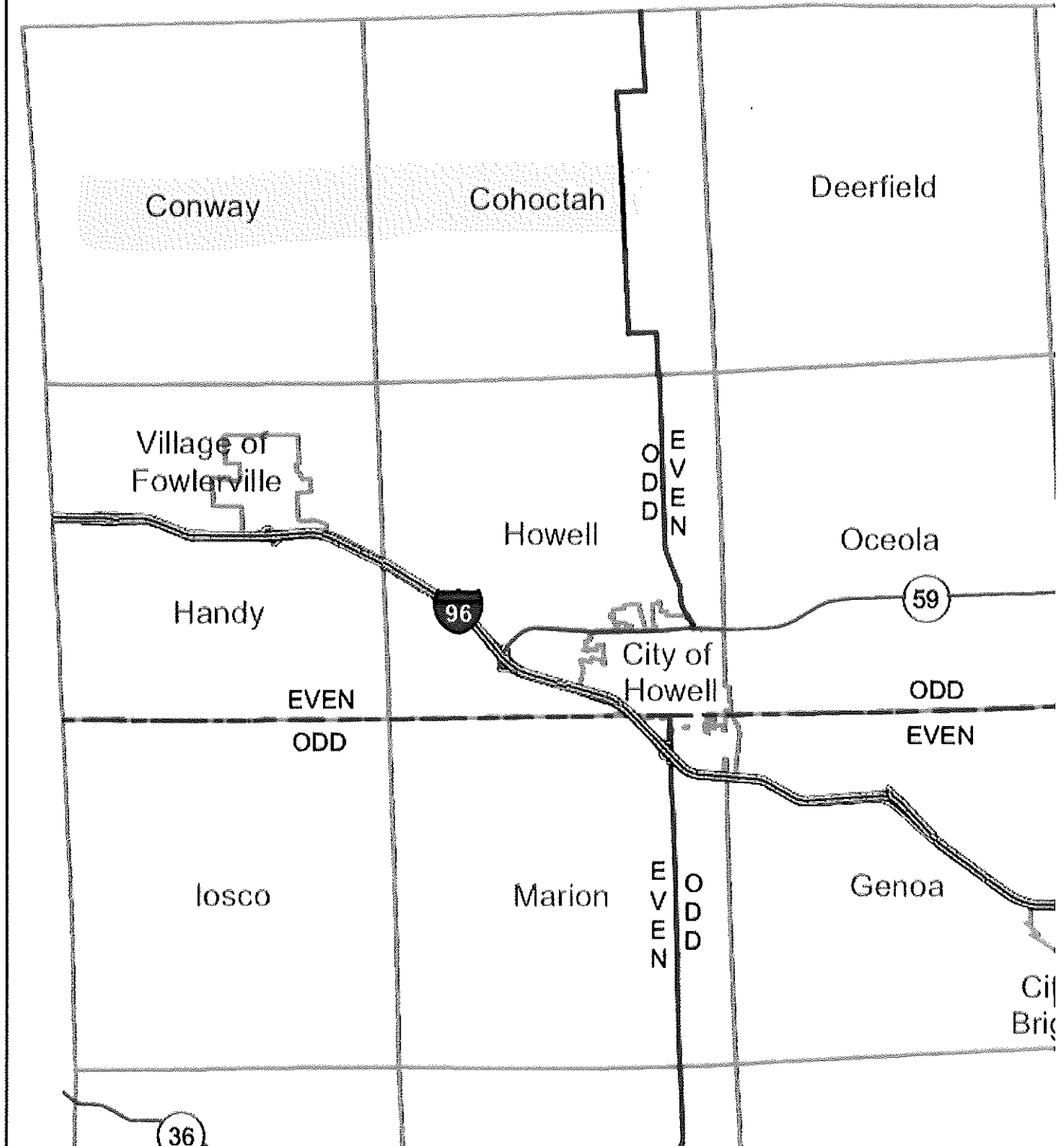
"In the interest of transparency and the township's commitment to keep residents informed on solar developments within the township, the Cohochta Township Board of Trustees is providing the following information. An email was sent to each board member late Monday night and received on Tuesday, December 3. Attached to that email was a letter indicating that Headland Solar, LLC (Ranger Power) is planning to develop, construct, own, and operate up to 220 megawatt Solar Energy Facility within the township and desires to meet to discuss the site plan for the proposed project. The township will respond to the request pursuant to the requirements of Public Act 233. A copy of the letter is attached below."

220 mw is about 2,200 acres!!

Notice that "Ranger Power" is mentioned in the letter. This is the same company that's responsible for the Lennon development and efforts to develop in Ft. Gratiot.

Conway and Cohochta Townships are shown in this map. People need to see how close this is:

# Livingston County Address Baseline and Meridian



## Greg Carnes

---

**From:** Greg Carnes  
**Sent:** Thursday, December 12, 2024 4:05 PM  
**To:** Terri Medor; Chris Ropeta; Dean Haas; Herm Ferguson ; Jennifer Eden; Pam Moughler; Sara Dollman-Jersey  
**Subject:** Line 3 UPDATE Township Board Packet, December 17, 2024  
**Attachments:** Abigail Carrigan - Tyrone Twp PC Cover Letter.pdf; Abigail Carrigan Resume (16).pdf; Z Tucker 2024.pdf; Z Tucker 2024.pdf; PC\_Steve Atkeson.pdf

TT Board,

Ted Merciez came into the office today and withdrew his application (He stated he would not be able to do the 110% time commitment).

His company offered him a nice contract package for 2025 that he did not except.

Attached are the current candidates. NEW ONE Steve.

Thanks Greg

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**To:** Terri Medor <tmedor@tyronetownship.us>; Chris Ropeta <chris.ropeta@gmail.com>; Dean Haas <deanhaase@hotmail.com>; Herm Ferguson <herm.ferguson72@gmail.com>; Jennifer Eden <jeden@tyronetownship.us>; Pam Moughler <pmoughler@tyronetownship.us>; Sara Dollman-Jersey <snydersj79@gmail.com>  
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I am requesting to strike item 4

Thanks Greg

Get Outlook for iOS

---

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**Subject:** Township Board Packet, December 17, 2024

**TYRONE TOWNSHIP  
BOARD MEETING AGENDA  
DECEMBER 17, 2024 - 7:00 P.M.  
(810) 629-8631**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE – 7:00 P.M.**

**ROLL CALL**

**APPROVAL OF AGENDA – OR CHANGES**

**APPROVAL OF CONSENT AGENDA**

- Regular Board Meeting Minutes – December 3, 2024
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**MISCELLANEOUS BUSINESS**

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**ADJOURNMENT**

\* \* \* \* \*

**Supervisor Greg Carnes      Clerk Pam Moughler**

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**Terri Medor, Deputy Clerk**



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**MISCELLANEOUS BUSINESS**

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**ADJOURNMENT**

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**Supervisor Greg Carnes      Clerk Pam Moughler**

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**Terri Medor, Deputy Clerk**



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 8420 Runyan Lake Rd.  
 Fenton, MI 48430  
 (810)629-8631  
 Monday-Thursday 9am-5pm  
***www.tyronetownship.us***

## Greg Carnes

---

**From:** Chris Ropeta <chris.ropeta@gmail.com>  
**Sent:** Sunday, December 1, 2024 7:36 AM  
**To:** Jennifer Eden; TREASURY; SUPERVISOR  
**Subject:** Follow-up on previous Board meeting question

Hi Jennifer,

Can you please provide the two numbers from last Board Meetings question I had? The question was regarding paying off the sewage bond early (what is the amount saved) verses the amount we would earn in interest on the approx \$1.4M over the 6 months before it was due.

Thank you!

Chris Ropeta  
(810) 689-6646

## Greg Carnes

---

**From:** chris.ropeta@gmail.com  
**Sent:** Thursday, December 12, 2024 3:11 PM  
**To:** Greg Carnes; Pam Moughler  
**Subject:** Candidates for the open PC spot

**Importance:** High

Hi Greg and Pam,

I have the applications for Ted Mercier, Abigale Carrigan, and Zach Tucker. I heard that there were a few others as well. Can I get their applications to review please?

Also I want to make sure that all of these candidates are at the meeting for the board to ask them questions. Is that the right process? Let me know. Thanks!

Chris Ropeta



**COHOCTAH TOWNSHIP BOARD MEETING-**  
**December 12, 2024 at 7:00 PM**  
**Township Hall | Fowlerville, Michigan**

---

*The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon 72 hour advance notice by contacting Barb Fear, Township Clerk, by email: [bfearclerk@gmail.com](mailto:bfearclerk@gmail.com), phone: (517) 546-0655, or mail: 10518 N Antcliff Rd Fowlerville MI 48836.*

---

**AGENDA**

**CALL TO ORDER**

**AGENDA APPROVAL**

**CONSENT AGENDA**

1. Minutes 11-14-2024
2. Treasurer's Report
3. Expenditures

**CALL TO THE PUBLIC**

**UNFINISHED BUSINESS**

**Road Commission**

**Howell Fire Authority**

**Hall**

4. Jones Rd Trash Service

**Cemetery**

**Parks and Recreation**

**NEW BUSINESS**

5. Public Hearing- Recreation Plan
6. LESA Summer Tax Collection Agreement
7. Board of Review Appointments
8. 2025 Poverty Exemption Guidelines
9. Cyber Security
10. Surf Internet Power Easement

**REPORTS**

**Zoning Board of Appeals**

**Planning Commission**

**Violations and Complaints**

**CALL TO THE PUBLIC**

**NEXT REGULAR MEETING DATE - JANUARY 9, 2025**

## Greg Carnes

---

**From:** chris.ropeta@gmail.com  
**Sent:** Monday, December 16, 2024 5:35 PM  
**To:** Pam Moughler  
**Cc:** Greg Carnes  
**Subject:** Request

Hi Pam,

Can you please provide me with a township email address? Once this is issued, I would also like to have Township business cards made with the new email address and my current cell phone you have on record (810) 689-6646 and my title as Trustee

Please let me know if you have any questions. Thank you!

Chris Ropeta

## Greg Carnes

---

**From:** chris.ropeta@gmail.com  
**Sent:** Tuesday, December 17, 2024 2:36 PM  
**To:** Pam Moughler  
**Cc:** Greg Carnes  
**Subject:** RE: Request

Sure

**From:** Pam Moughler <pmoughler@tyronetownship.us>  
**Sent:** Tuesday, December 17, 2024 10:14 AM  
**To:** chris.ropeta@gmail.com  
**Cc:** Greg Carnes <gcarnes@tyronetownship.us>  
**Subject:** RE: Request

Hello Chris,

We will put this on the agenda for the January 7, 2025 meeting for the board members to decide.

Kind regards,

Pam Moughler  
Clerk  
Tyrone Township, Livingston County  
[pmoughler@tyronetownship.us](mailto:pmoughler@tyronetownship.us)  
810.629.8631  
810.629.0047 Fax  
Regular Office Hours Mon. – Thurs. 9am-5pm



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**Sent:** Monday, December 16, 2024 5:35 PM

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**From:** chris.ropeta@gmail.com  
**Sent:** Tuesday, December 17, 2024 2:37 PM  
**To:** Jennifer Eden  
**Cc:** Greg Carnes; Pam Moughler  
**Subject:** RE: Carlisle Wortman

Thanks Jennifer,

Looking for aggregate fees overall, but if you have the breakout by Master Plan and collectively the Renewable Energy, that would be even more helpful.

Best Regards,

Chris Ropeta

**From:** Jennifer Eden <jeden@tyronetownship.us>  
**Sent:** Tuesday, December 17, 2024 9:59 AM  
**To:** chris.ropeta@gmail.com  
**Cc:** Greg Carnes <gcarnes@tyronetownship.us>; Pam Moughler <pmoughler@tyronetownship.us>  
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Good morning,

What exactly are you looking for? What we paid them in total since they started in 2021 or what we paid for any one event/topic, like master plan?

Jennifer

**From:** [chris.ropeta@gmail.com](mailto:chris.ropeta@gmail.com) <[chris.ropeta@gmail.com](mailto:chris.ropeta@gmail.com)>  
**Sent:** Monday, December 16, 2024 5:33 PM  
**To:** Jennifer Eden <jeden@tyronetownship.us>  
**Subject:** Carlisle Wortman

Hi Jennifer,

Can you please send me a register (list) of the fees that we paid to Carlisle Wortman Associates since we contracted with them? Let me know if you have any questions. Thank you!

Chris Ropeta

## Greg Carnes

---

**From:** chris.ropeta@gmail.com  
**Sent:** Tuesday, December 17, 2024 2:43 PM  
**To:** Greg Carnes  
**Subject:** RE: Line 3 UPDATE Township Board Packet, December 17, 2024

Did you interview all of the candidates? If so, can you please provide the list of questions you asked each of them? Thanks

Chris

**From:** Greg Carnes <gcarnes@tyronetownship.us>  
**Sent:** Thursday, December 12, 2024 4:05 PM  
**To:** Terri Medor <tmedor@tyronetownship.us>; Chris Ropeta <chris.ropeta@gmail.com>; Dean Haas <deanhaase@hotmail.com>; Herm Ferguson <herm.ferguson72@gmail.com>; Jennifer Eden <jeden@tyronetownship.us>; Pam Moughler <pmoughler@tyronetownship.us>; Sara Dollman-Jersey <snydersj79@gmail.com>  
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**Sent:** Wednesday, December 18, 2024 1:57 PM  
**To:** Jennifer Eden  
**Cc:** Greg Carnes; Pam Moughler  
**Subject:** RE: Carlisle Wortman

Thank you Jennifer.

**From:** Jennifer Eden <jeden@tyronetownship.us>  
**Sent:** Wednesday, December 18, 2024 11:10 AM  
**To:** chris.ropeta@gmail.com  
**Cc:** Greg Carnes <gcarnes@tyronetownship.us>; Pam Moughler <pmoughler@tyronetownship.us>  
**Subject:** RE: Carlisle Wortman

Chris,  
Attached are the invoices and break out Casey, our account, has put together.

Thanks

*Jennifer Eden, MICPT, CPFIM  
Tyrone Township Treasurer*

*Michigan Certified Public Treasurer (MICPT)  
Certified Public Funds Investment Manager (CPFIM)  
[jeden@tyronetownship.us](mailto:jeden@tyronetownship.us)  
810-629-8631  
810-629-0047 fax  
Regular Office Hours Mon.-Thurs. 9 AM – 5 PM*

**"Life is like running.....When you find your inner strength you realize you're capable of much more than you thought"**



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Chris Ropeta

## Greg Carnes

---

**From:** chris.ropeta@gmail.com  
**Sent:** Wednesday, December 18, 2024 2:08 PM  
**To:** Ross Nicholson  
**Cc:** SUPERVISOR; CLERK  
**Subject:** RE: Renewable Energy Ordinances

Thanks

**From:** Ross Nicholson <rnicholson@tyronetownship.us>  
**Sent:** Wednesday, December 18, 2024 9:30 AM  
**To:** chris.ropeta@gmail.com  
**Cc:** SUPERVISOR <SUPERVISOR@tyronetownship.us>; CLERK <CLERK@tyronetownship.us>  
**Subject:** RE: Renewable Energy Ordinances

Hi Chris,

All meeting documents associated with the RE ordinance amendments that were discussed at both the Planning Commission and Board levels can be found through the meeting packet links on our website:  
<https://www.tyronetownship.us/meetings-minutes/>.

Best regards,

## Ross Nicholson

Director of Planning & Zoning

Tyrone Township  
8420 Runyan Lake Rd.  
Fenton, MI 48430  
(810) 629-8631



[www.tyronetownship.us](http://www.tyronetownship.us)

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**From:** [chris.ropeta@gmail.com](mailto:chris.ropeta@gmail.com) <[chris.ropeta@gmail.com](mailto:chris.ropeta@gmail.com)>  
**Sent:** Monday, December 16, 2024 5:30 PM  
**To:** Ross Nicholson <rnicholson@tyronetownship.us>  
**Subject:** Renewable Energy Ordinances

Hi Ross,

Can you please provide a PDF copy of the 3 RE ordinances? Or if they are not separate, can you please provide links to each individual section of the ordinances so I can easily find what was added? I would prefer a separate copy like that which went to the County for review but with all the final changes. Thank you and let me know if you have any questions

Chris Ropeta

## Greg Carnes

---

**From:** chris.ropeta@gmail.com  
**Sent:** Friday, December 20, 2024 11:37 AM  
**To:** Terri Medor  
**Cc:** Greg Carnes; Pam Moughler  
**Subject:** RE: FOIA Request

Hi Terry,

As soon as I receive a copy of the original FOIA request, I will work on this. I will stop by the Township Office Monday and pick it up.

As of this email, I will no longer communicate using my personal email accounts or my personal phones as previously provided during my swearing-in with the Township Clerk, Pam Moughler. I have requested the appropriate resources to conduct Township business from Pam and Greg and she will bring this up at the next Board meeting for discussion.

In the meantime, please communicate to me by United States Postal Service, or any other service such as FedEx or UPS. If you have urgent requests, please use overnight services for fastest communication.

Best Regards,

Chris Ropeta

**From:** Terri Medor <tmedor@tyronetownship.us>  
**Sent:** Thursday, December 19, 2024 3:35 PM  
**To:** Chris Ropeta <chris.ropeta@gmail.com>; Dean Haas <deanhaase@hotmail.com>; Greg Carnes <gcarnes@tyronetownship.us>; Herm Ferguson <herm.ferguson72@gmail.com>; Jennifer Eden <jeden@tyronetownship.us>; Pam Moughler <pmoughler@tyronetownship.us>; Sara Dollman-Jersey <snyersj79@gmail.com>; Bill Wood <BW0600@hotmail.com>; Garrett Ladd <gladd1989@gmail.com>; Jon Ward <jonward@gmail.com>; Kevin Ross <kmross@gmail.com>; Richard Erickson <richard.erickson1@gmail.com>; Steve Krause <krausegk02@yahoo.com>; Zach Tucker <ztucker@winegarden-law.com>  
**Subject:** FW: FOIA Request

Oops...sorry for the error. The corrected version is below.

Board members and Planning Commissioners,

We received a FOIA request for the following information:

1. Any and all written or electronic communication between Supervisor Carnes and Board Members regarding the Planning Commission and any/all planning commissioners.
2. Any and all written or electronic communication from Supervisor Carnes to the Planning Commission and any/all planning commissioners.

3. Any and all written or electronic communication from Board Members to the Planning Commission and any/all planning commissioners.

Communication includes, but not limited to, email, record of phone calls, history of phone calls, text messages, or written correspondence on township-provided equipment OR personal devices from the dates of **November 20, 2024 to December 17, 2024.**

We checked with our attorney and the information requested IS allowable from personal devices of an elected official. Obviously, other irrelevant information is not required to be submitted.

This means any email, text message, note, phone call record, and phone call history on your private phone, private computer and/or private tablet must be printed out. Alternately, you can screen-shot images.

Please submit information to me either in person or email by 5:00 p.m. on Monday, January 6, 2025. I have filed a 10-day extension on this FOIA with the requestor to allow everyone enough time to get the information.

Thank you.

**Terri Medor, Deputy Clerk**



Tyrone Township, Livingston County  
8420 Runyan Lake Rd.  
Fenton, MI 48430  
(810)629-8631  
Monday-Thursday 9am-5pm  
[www.tyronetownship.us](http://www.tyronetownship.us)

**From:** Terri Medor

**Sent:** Thursday, December 19, 2024 3:20 PM

**To:** Chris Ropeta <[chris.ropeta@gmail.com](mailto:chris.ropeta@gmail.com)>; Dean Haas <[deanhaase@hotmail.com](mailto:deanhaase@hotmail.com)>; Greg Carnes <[gcarnea@tyronetownship.us](mailto:gcarnea@tyronetownship.us)>; Herm Ferguson <[herm.ferguson72@gmail.com](mailto:herm.ferguson72@gmail.com)>; Jennifer Eden <[jeden@tyronetownship.us](mailto:jeden@tyronetownship.us)>; Pam Moughler <[pmoughler@tyronetownship.us](mailto:pmoughler@tyronetownship.us)>; Sara Dollman-Jersey <[snydersj79@gmail.com](mailto:snydersj79@gmail.com)>; Bill Wood <[BW0600@hotmail.com](mailto:BW0600@hotmail.com)>; Garrett Ladd <[gladd1989@gmail.com](mailto:gladd1989@gmail.com)>; Jon Ward <[joncward@gmail.com](mailto:joncward@gmail.com)>; Kevin Ross <[kmross@gmail.com](mailto:kmross@gmail.com)>; Richard Erickson <[richard.erickson1@gmail.com](mailto:richard.erickson1@gmail.com)>; Steve Krause <[krausegk02@yahoo.com](mailto:krausegk02@yahoo.com)>; Zach Tucker <[ztucker@winegarden-law.com](mailto:ztucker@winegarden-law.com)>

**Subject:** FOIA Request



Board members and Planning Commissioners,

We received a FOIA request for the following information:

1. Any and all written or electronic communication between Supervisor Carnes and Board Members regarding the Planning Commission and any/all planning commissioners.
3. Any and all written or electronic communication from Supervisor Carnes to the Planning Commission and any/all planning commissioners.
4. Any and all written or electronic communication from Board Members to the Planning Commission and any/all planning commissioners.

Communication includes, but not limited to, email, record of phone calls, history of phone calls, text messages, or written correspondence on township-provided equipment OR personal devices from the dates of **November 20, 2024 to December 17, 2024.**

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**Terri Medor, Deputy Clerk**



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## Greg Carnes

---

**From:** Greg Carnes  
**Sent:** Tuesday, December 17, 2024 3:02 PM  
**To:** chris.ropeta@gmail.com  
**Subject:** Re: Line 3 UPDATE Township Board Packet, December 17, 2024

I did talk to each one of them some face to face and some phone and one both.  
My questions varied depending on the conversation. Mainly why they are interested and were they aware of the responsibilities and time commitment.

[Get Outlook for iOS](#)

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**From:** chris.ropeta@gmail.com <chris.ropeta@gmail.com>  
**Sent:** Tuesday, December 17, 2024 2:42:39 PM  
**To:** Greg Carnes <gcarnes@tyronetownship.us>  
**Subject:** RE: Line 3 UPDATE Township Board Packet, December 17, 2024

Did you interview all of the candidates? If so, can you please provide the list of questions you asked each of them? Thanks

Chris

**From:** Greg Carnes <gcarnes@tyronetownship.us>  
**Sent:** Thursday, December 12, 2024 4:05 PM  
**To:** Terri Medor <tmedor@tyronetownship.us>; Chris Ropeta <chris.ropeta@gmail.com>; Dean Haas <deanhaase@hotmail.com>; Herm Ferguson <herm.ferguson72@gmail.com>; Jennifer Eden <jeden@tyronetownship.us>; Pam Moughler <pmoughler@tyronetownship.us>; Sara Dollman-Jersey <snydersj79@gmail.com>  
**Subject:** Line 3 UPDATE Township Board Packet, December 17, 2024

TT Board,  
Ted Merciez came into the office today and withdrew his application (He stated he would not be able to do the 110% time commitment).  
His company offered him a nice contract package for 2025 that he did not except.  
Attached are the current candidates. NEW ONE Steve.  
Thanks Greg

**From:** Greg Carnes <gcarnes@tyronetownship.us>  
**Sent:** Wednesday, December 11, 2024 5:56 PM  
**To:** Terri Medor <tmedor@tyronetownship.us>; Chris Ropeta <chris.ropeta@gmail.com>; Dean Haas <deanhaase@hotmail.com>; Herm Ferguson <herm.ferguson72@gmail.com>; Jennifer Eden <jeden@tyronetownship.us>; Pam Moughler <pmoughler@tyronetownship.us>; Sara Dollman-Jersey <snydersj79@gmail.com>  
**Subject:** Re: Township Board Packet, December 17, 2024

I am requesting to strike item 4

Thanks Greg

Get Outlook for iOS

---

**From:** Terri Medor <[tmedor@tyronetownship.us](mailto:tmedor@tyronetownship.us)>

**Sent:** Wednesday, December 11, 2024 4:29:39 PM

**To:** Chris Ropeta <[chris.ropeta@gmail.com](mailto:chris.ropeta@gmail.com)>; Dean Haas <[deanhaase@hotmail.com](mailto:deanhaase@hotmail.com)>; Greg Carnes <[gcarnes@tyronetownship.us](mailto:gcarnes@tyronetownship.us)>; Herm Ferguson <[herm.ferguson72@gmail.com](mailto:herm.ferguson72@gmail.com)>; Jennifer Eden <[jeden@tyronetownship.us](mailto:jeden@tyronetownship.us)>; Pam Moughler <[pmoughler@tyronetownship.us](mailto:pmoughler@tyronetownship.us)>; Sara Dollman-Jersey <[snydersj79@gmail.com](mailto:snydersj79@gmail.com)>

**Subject:** Township Board Packet, December 17, 2024

**TYRONE TOWNSHIP  
BOARD MEETING AGENDA  
DECEMBER 17, 2024 - 7:00 P.M.  
(810) 629-8631**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE – 7:00 P.M.**

**ROLL CALL**

**APPROVAL OF AGENDA – OR CHANGES**

**APPROVAL OF CONSENT AGENDA**

Regular Board Meeting Minutes – December 3, 2024

Treasurer’s Report – November 31, 2024

Clerk’s Warrants and Bills – December 11, 2024

**COMMUNICATIONS**

1. Livingston County Sheriff Report- November 31, 2024
2. Planning Commission Approved Meeting & Public Hearing Minutes- October 8, 2024
3. Planning Commission Approved Meeting Minutes- November 12, 2024
4. Planning Commission Meeting Synopsis- December 10, 2024

**PUBLIC REMARKS**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

1. Authorization to take legal action against property owners for zoning violation.
2. Discuss possible board meeting format modification.
3. Appoint new Planning Commissioner.
4. Review current Planning Commissioners.
5. Discuss the Township Board’s recommendation of direction and items of concern for the Planning Commission.
6. Discuss future board workshops (format and timing).

**MISCELLANEOUS BUSINESS**

**PUBLIC REMARKS**

**ADJOURNMENT**

\* \* \* \* \*

**Supervisor Greg Carnes      Clerk Pam Moughler**

Please note: Anyone wishing to address the Township Board may do so during Public Remarks. The Tyrone Township Board of Trustees has established a policy limiting the time a person may address the Township Board at a regular or at a special meeting during the Public Remarks section of the agenda to three minutes. The Board reserves the right to place an issue under the New Business section of the agenda if additional discussion is warranted or to respond later either verbally or in writing through an appropriately appointed Township Official. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk at (810) 629-8631 at least seven days prior to the meeting.

**Terri Medor, Deputy Clerk**



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## Greg Carnes

---

**From:** Greg Carnes  
**Sent:** Tuesday, December 3, 2024 6:44 PM  
**To:** chris@gridroads.net; deanhasse@hotmail.com; snydersj@gmail.com; herm.ferguson72@gmail.com  
**Subject:** FW: 24/25 Budget  
**Attachments:** 2024-2025 Budget Detail.pdf; Tyrone Township Finance Update 11.26.24.pdf

Trustees,  
We can schedule a time with Casey Zaski, maybe in twos?  
I think all of you trustees should meet him. See below  
We review the new budget about Jan/Feb.  
Cheers, Greg

**From:** Casey Zaski <czaski@tyronetownship.us>  
**Sent:** Tuesday, December 3, 2024 2:56 PM  
**To:** Greg Carnes <gcarnes@tyronetownship.us>; Pam Moughler <pmoughler@tyronetownship.us>; Jennifer Eden <jeden@tyronetownship.us>  
**Subject:** 24/25 Budget

Good afternoon,

As discussed, here is line by line item budget for the 2024/2025 budget adopted in March 2024. I have also provided some notes below:

- 1) This document should be provided to all trustees at the same time
- 2) This document is 10 months old and there has been approved budget amendments
- 3) Reminder our fiscal year runs April to March so we are approximately 9 months of spending into the year
- 4) There will be final budget amendments (normal budgeting process) coming in the next couple of months as we continue to spend and evaluate what departments needs to be adjusted
- 5) A similar line by line detail report will be run in early January to help assist in the upcoming 2025/2026 budget creation process

I have also included the PowerPoint presentation we went over last week and I am happy to discuss this presentation with any of the trustees if that helps at all.

Casey

Casey Zaski, CPA, CGFM  
Tyrone Township Accountant  
Monday - Thursday 9am to 5pm  
**(Closed on Fridays)**  
[czaski@tyronetownship.us](mailto:czaski@tyronetownship.us)  
(810)629-8631 - Phone  
(810)629-0047 - Fax

## Greg Carnes

---

**From:** Greg Carnes  
**Sent:** Wednesday, December 4, 2024 8:15 AM  
**To:** Zachary R. Tucker  
**Cc:** Jennifer Eden; Pam Moughler; chris@gridroads.net; snydersj@gmail.com; deanhasse@hotmail.com; Herm Ferguson  
**Subject:** RE: Planning Commission Position

**From:** Zachary R. Tucker <ztucker@winegarden-law.com>  
**Sent:** Tuesday, December 3, 2024 6:53 PM  
**To:** SUPERVISOR <SUPERVISOR@tyronetownship.us>  
**Subject:** Planning Commission Position

Greg,

Thanks for the call yesterday, great speaking with you. I'm writing to request consideration for the planning commission position we discussed. I'm interested in giving back to the Township community however I can, and my experience as a Township board member and an attorney will help me assist the Planning Commission in a unique manner. I have firsthand experience with the Township's review process, and my prior work as a board member will help guide me in my effort to reach decisions which will hopefully gain the full support of the Township board. Additionally, I can bring a unique perspective to the Planning Commission by leaning on my experience as an attorney. I have thirteen years of experience assisting businesses and individuals with all types of legal problems. My hope is that this experience can help me anticipate potential legal issues in order to avoid the problems that can often arise in the future if the legal ramifications of a decision are not properly considered during the review process.

Thanks for taking the time to consider my application. Please let me know if any other information or materials would be helpful to you.

Zach Tucker

NOTICE from Winegarden, Haley, Lindholm, Tucker & Himelhoch, PLC. : This message and its attachments are confidential and may be protected by the attorney/client privilege. If you are not the named addressee or if this message has been addressed to you in error, you are directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Please notify the sender immediately by e-mail and delete and destroy this message and its attachments.

Neither the information block, the typed name of the sender nor anything else in this message is intended to or shall be construed to constitute a signature of any kind, electronic or otherwise. Nor shall this information be construed as a signature on any document attached to this message.

## Greg Carnes

---

**From:** Greg Carnes  
**Sent:** Wednesday, December 4, 2024 8:16 AM  
**To:** Jennifer Eden; Pam Moughler; chris@gridroads.net; snydersj@gmail.com; deanhasse@hotmail.com; Herm Ferguson  
**Subject:** FW: Planning Commission Position - Resume & Cover Letter  
**Attachments:** Abigail Carrigan - Tyrone Twp PC Cover Letter.pdf; Abigail Carrigan Resume (16).pdf

**From:** abby carrigan <abbykcarrigan@gmail.com>  
**Sent:** Tuesday, December 3, 2024 8:32 PM  
**To:** SUPERVISOR <SUPERVISOR@tyronetownship.us>  
**Subject:** Planning Commission Position - Resume & Cover Letter

Hi Mr. Carnes,

My name is Abigail Carrigan, and I am excited to submit my application for a position on the Tyrone Township Planning Commission. After attending tonight's meeting, I was eager to follow up and express my interest in the position. Attached to this email, you will find my cover letter and resume for your review. I am very enthusiastic about this opportunity and would love to contribute new perspectives and insights to the Planning Commission and greater Township. I'm truly looking forward to further discussing this opportunity with you, and am delighted to see your leadership in the community! Let me know if there's anything else you need from me, and I would love to set up a time to talk!

Best Regards,

Abigail Carrigan

## Greg Carnes

---

**From:** Chris Ropeta <chris@gridroads.net>  
**Sent:** Tuesday, December 10, 2024 11:49 AM  
**To:** Greg Carnes  
**Cc:** Dean Haase  
**Subject:** Agenda items for next Board meeting

Hi Greg,

Here are the items we proposed at the last Board meeting for discussion. If you can provide the line-item-level budget from the accountant to us electronically, then you can drop item #4 as agreed.

1. **Discuss New Board meeting format**
2. **Planning Commission directives from the board.**
3. **Discuss opening up township relationships with other legal and engineering firms.**
4. **Call for a line-item-level review of the budget.**
5. **Board workshop date needed to discuss additional items.**

Details for additional agenda items needed to be added to Dec 17 meeting:

### Township Board Items in more detail to discuss

1. **Discuss New Board meeting format**
  - a. Discuss new public comment time:
    - i. There will be 2 public comments sections (one at the beginning and one at the end before adjournment) where any topics can be brought forth by the public. (see next bullet for comments/questions after each agenda item but before any voting)
    - ii. Township board will track any requests or questions and either answer them during the meeting or follow-up before or at the next meeting
    - iii. For each of the agenda items and before the Board votes, the public will have an opportunity to provide comments/questions regarding that agenda item. This will allow the Board to have necessary input from the residents before voting or vote to delay any voting based on what was raised. While this will take time initially, it is critical regarding the transparency of the Township overall. This should also be considered by the Planning Commission, Board of Review, Zoning Board of Appeals, and workshops.
    - iv. Discontinue use of the clock-timer
  - b. Discuss adding a Planning Commission update during every Board Meeting to communicate progress of planning commission work, workshops, and subcommittees
  - c. Discuss adding an item to get reports from any Board workshops or subcommittees
  - d. Discuss development of a resolution that defines a code of conduct for Township Elected, Appointed, Staff and Contract positions
  - e. Discuss changes to resolution #220501 Code of Conduct for Public Township Meetings
    - i. Rework is needed to reflect a less restrictive code of conduct that meets the objectives of the code.
2. **Discuss Planning Commission directives from the board**
  - a. Discuss Send authorization to the Planning Commission (PC) to review Solar Ordinance to address the following:



- i. Re-do the parts of the ordinance that allow commercial/industrial Solar installations below the PA 233 minimum. Like Wind and Battery ordinances, we need to also prohibit Solar commercial/industrial below the PA 233 minimum. Then, we need to discuss and develop a "residential" ordinance section that addresses all the items we would like to include if Township residents wish to install personal use solar panels on their property.
  - ii. Send authorization to the PC to add a section to the current Master Plan related to renewable energy (RE) that directly talks about what the township would like to see over time that supports the law and the ordinances. Reference how Eagle Township stopped the MMIC Mega-site
    - 1. How Eagle Township stopped the MMIC mega site
  - iii. Since there has been no activity regarding revising the Medical Marijuana ordinance for the township, we need to send authorization to the PC to work on the Medical Marijuana Ordinance which we are currently being sued over and a status on the lawsuit - no progress shown to-date after lawsuit was filed.
    - 1. While complying with Michigan State laws, we need to tighten those areas that protect our residents (including families and especially children) that allow complying with the law but add further restrictions to the existing ordinance such as restricting such facilities from being initiative within a certain distance from school zones and bus stops, parks or community areas, and other areas needed.
3. **Discuss opening up township relationships with other legal and engineering firms**
  4. **Call for a line-item-level review of the budget.**
  5. **Board workshop date needed to discuss additional items not covered in or those needing further discussion beyond this Board meeting including**
    - a. Issues & Questions tracking and communications (like on the website)
    - b. Website Improvements
    - c. Audio/Visual support - during meetings: There have been issues with Zoom for lawyers coming in, fuzzing big-screen's, training for finding document references during the meeting and displayed on the monitors and audio issues with the microphones.
    - d. IT support (Wi-Fi boosting in meeting rooms, etc.)
    - e. PEG Funding (for Fenton Area Cable Television Consortium) - we need to know what this is, what are the benefits for the Tyrone Twp residents, etc. We would like to have a representative from this consortium present to the workshop attendees and answer questions.
    - f. Community Broadband Internet availability for Tyrone Twp Residents
    - g. Strategic planner for the township - discussion
    - h. Assessors department review
    - i. Planning and Zoning departments review
    - j. Budgeted projects and initiatives calendar (when will the project funded by the approved budget be started and completed (like road repaving, etc.) we need a full accounting and transparency with tracking and updates throughout the year
    - k. Education for township employees/residents

Blessings and Best Regards,

Chris

Chris Ropeta  
+1 (810) 689-6646

## Greg Carnes

---

**From:** Greg Carnes  
**Sent:** Tuesday, December 3, 2024 6:44 PM  
**To:** chris@gridroads.net; deanhasse@hotmail.com; snydersj@gmail.com; herm.ferguson72@gmail.com  
**Subject:** FW: 24/25 Budget  
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Casey

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(810)629-8631 - Phone  
(810)629-0047 - Fax

## Greg Carnes

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**From:** Greg Carnes  
**Sent:** Wednesday, December 4, 2024 8:16 AM  
**To:** Jennifer Eden; Pam Moughler; chris@gridroads.net; snydersj@gmail.com; deanhase@hotmail.com; Herm Ferguson  
**Subject:** FW: Planning Commission Position - Resume & Cover Letter  
**Attachments:** Abigail Carrigan - Tyrone Twp PC Cover Letter.pdf; Abigail Carrigan Resume (16).pdf

**From:** abby carrigan <abbykcarrigan@gmail.com>  
**Sent:** Tuesday, December 3, 2024 8:32 PM  
**To:** SUPERVISOR <SUPERVISOR@tyronetownship.us>  
**Subject:** Planning Commission Position - Resume & Cover Letter

Hi Mr. Carnes,

My name is Abigail Carrigan, and I am excited to submit my application for a position on the Tyrone Township Planning Commission. After attending tonight's meeting, I was eager to follow up and express my interest in the position. Attached to this email, you will find my cover letter and resume for your review. I am very enthusiastic about this opportunity and would love to contribute new perspectives and insights to the Planning Commission and greater Township. I'm truly looking forward to further discussing this opportunity with you, and am delighted to see your leadership in the community! Let me know if there's anything else you need from me, and I would love to set up a time to talk!

Best Regards,

Abigail Carrigan

## Greg Carnes

---

**From:** Greg Carnes  
**Sent:** Wednesday, December 4, 2024 8:37 AM  
**To:** Jennifer Eden; Pam Moughler; chris@gridroads.net; snydersj@gmail.com; deanhasse@hotmail.com; Herm Ferguson  
**Subject:** FW: Planning Commission Position  
**Attachments:** Z Tucker 2024.pdf

Did not get attachment

**From:** Zachary R. Tucker <ztucker@winegarden-law.com>  
**Sent:** Tuesday, December 3, 2024 6:53 PM  
**To:** SUPERVISOR <SUPERVISOR@tyronetownship.us>  
**Subject:** Planning Commission Position

Greg,

Thanks for the call yesterday, great speaking with you. I'm writing to request consideration for the planning commission position we discussed. I'm interested in giving back to the Township community however I can, and my experience as a Township board member and an attorney will help me assist the Planning Commission in a unique manner. I have firsthand experience with the Township's review process, and my prior work as a board member will help guide me in my effort to reach decisions which will hopefully gain the full support of the Township board. Additionally, I can bring a unique perspective to the Planning Commission by leaning on my experience as an attorney. I have thirteen years of experience assisting businesses and individuals with all types of legal problems. My hope is that this experience can help me anticipate potential legal issues in order to avoid the problems that can often arise in the future if the legal ramifications of a decision are not properly considered during the review process.

Thanks for taking the time to consider my application. Please let me know if any other information or materials would be helpful to you.

Zach Tucker

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Neither the information block, the typed name of the sender nor anything else in this message is intended to or shall be construed to constitute a signature of any kind, electronic or otherwise. Nor shall this information be construed as a signature on any document attached to this message.

## Greg Carnes

---

**From:** Greg Carnes  
**Sent:** Wednesday, December 4, 2024 8:14 AM  
**To:** Jennifer Eden; Pam Moughler; chris@gridroads.net; snydersj@gmail.com; deanhase@hotmail.com; Herm Ferguson  
**Subject:** FW: Resume for PC  
**Attachments:** Cover\_Letter\_T\_Merciez24.docx; Resume-T\_Merciez-2024.docx

TT Board,

Attached is our first PC application.

I would like you to consider him for the first Planning Commission opening.

I will be sending emails from 2 other candidates I would also like on the board.

I am also considering for the Dec 17<sup>th</sup> making it a workshop so we can address the items discussed last night.

If we have business we can do a short Board meeting then change to the workshop.

Thanks, Greg

**From:** tedmerciez@charter.net <tedmerciez@charter.net>  
**Sent:** Monday, December 2, 2024 7:11 AM  
**To:** SUPERVISOR <SUPERVISOR@tyronetownship.us>  
**Subject:** Resume for PC

Greg; please find attached the documentation that was requested.

Thanks;  
Ted