

**MICHIGAN ZONING ENABLING ACT (EXCERPT)**  
**Act 110 of 2006**

\*\*\*\*\* 125.3301.new THIS NEW SECTION IS EFFECTIVE JULY 1, 2006 \*\*\*\*\*

**125.3301.new 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. A zoning board in existence on the effective date of this act may continue as a zoning commission subject to a transfer of power under subsection (2) or until 5 years from the effective date of this act, whichever is earlier. A planning commission exercising the authority of a zoning board before the effective date of this act may continue to exercise that authority subject to this act.

(2) Except as otherwise provided under this subsection, if the legislative body has transferred the powers of the zoning commission to the planning commission as provided by law, the zoning commission shall be the planning commission of the local unit of government. The legislative body shall have 5 years from the effective date of this act to transfer the powers of the zoning commission to the planning commission. Except as provided under this subsection, 5 years after the effective date of this act, the zoning commission shall not have any authority under this act or an ordinance adopted under this act.

(3) If a zoning commission is created after the effective date of this act, 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 less than 2 of the members of a county zoning commission shall be recommended for membership by the legislative bodies of townships that are, or shall be, subject to the county zoning ordinance. This requirement may be met as vacancies occur on a county zoning commission that existed on the effective date of this act.

(4) The members of the 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 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 like 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 shall be filled in the same manner as is provided under this section for the remainder of the unexpired term.

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

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

(10) The zoning commission shall elect from its members a chairperson, a secretary, and other officers or 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.