

Act No. 265
Public Acts of 2001
Approved by the Governor
January 9, 2002
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January 9, 2002
EFFECTIVE DATE: January 9, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Reps. Birkholz and Ruth Johnson

ENROLLED HOUSE BILL No. 5267

AN ACT to amend 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act," by amending sections 1, 6, and 8 (MCL 125.31, 125.36, and 125.38), section 1 as amended by 1997 PA 18 and section 8 as amended by 1999 PA 14, and by adding sections 7a, 7b, 8a, and 8b.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

(a) "Council" or "legislative body" means the legislative body of the municipality.

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

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

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

(A) The elected county board of commissioners.

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

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

(c) "Master plan", "municipal plan", or "plan" means a master plan as described in section 6(3) or (4), as applicable.

(d) "Mayor" means the chief executive of the municipality, whether the official designation of his or her office is mayor, city manager, or otherwise.

(e) "Municipality" or "municipal" means or relates to cities, villages, townships, and other incorporated political subdivisions.

(f) "Municipal planning commission" or "planning commission" means a planning commission as provided for under section 2.

(g) "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.

(h) "Streets" means streets, avenues, boulevards, highways, roads, lanes, alleys, viaducts, and other ways.

Sec. 6. (1) The planning commission shall make and approve a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the

planning of the municipality. The planning commission may meet with other governmental planning commissions to deliberate.

(2) A municipal plan shall comply with subsection (3) or (4) if the process of adopting the plan began under this act before the effective date of the 2001 amendatory act that added this subsection or if the plan is a revised plan and the process of revision began under this act before the effective date of the 2001 amendatory act that added this subsection. Otherwise, a municipal plan shall comply with subsection (4). If a plan is amended, but not revised, before 1 year after the effective date of the 2001 amendatory act that added this subsection, the amendment shall comply with relevant provisions of subsection (3) or (4). Otherwise, the amendment shall comply with relevant provisions of subsection (4).

(3) The municipal plan, with the accompanying maps, plats, charts, and descriptive matter shall show the planning commission's recommendations for the development of the territory, including, but not limited to, all of the following:

(a) The general location, character, and extent of streets, viaducts, subways, bridges, waterways, floodplains, water fronts, boulevards, parkways, playgrounds, and open spaces.

(b) The general location of public buildings and other public property.

(c) The general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes.

(d) The removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the ways, grounds, open spaces, buildings, property, utilities, or terminals described in subdivision (a), (b), or (c).

(e) The general location, character, layout, and extent of community centers and neighborhood units.

(f) The general character, extent, and layout of the replanning and redevelopment of blighted areas.

(g) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

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

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

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

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

(d) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

(e) Recommendations for implementing any of its proposals.

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

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

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

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

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

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

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

Sec. 7b. (1) A municipal plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the municipality or with functional subject matter areas of the plan.

(2) After preparing a proposed plan, the municipal planning commission shall submit the proposed plan to the legislative body of the municipality for review and comment. The process of adopting a plan shall not proceed further unless the legislative body of the municipality approves the distribution of the proposed plan.

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

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

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

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

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

(4) An entity described in subsection (3)(a), (b), or (d) may submit comments on the proposed plan to the municipal planning commission within 65 days after the proposed plan was submitted to that entity under subsection (3). A planning commission or legislative body described in subsection (3)(a) or (b) shall concurrently submit a copy of the comments to the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the municipality proposing the plan is located.

(5) Not less than 75 days or more than 95 days after the date the proposed plan was submitted to the county planning commission or the county board of commissioners under subsection (3), the county planning commission or the county board of commissioners, respectively, shall submit to the municipal planning commission its comments on the proposed plan. 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, after considering any comments received under subsection (4), considers the proposed plan to be inconsistent with the plan of any city, village, township, or region described in subsection (3)(a) or (b).

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

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

Sec. 8. (1) Before approving a proposed municipal plan, the municipal planning commission shall hold not less than 1 public hearing on the proposed plan. The hearing shall be held after the expiration of the deadline for comment under section 7b(5). The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by 1 publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality. The planning commission shall also submit notice to each entity described in section 7a(2).

(2) The approval of the plan shall be by resolution of the planning commission carried by the affirmative votes of not less than 2/3 of the members of the planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter and signed by the chairperson or the secretary of the planning commission. Following approval of the proposed plan by the municipal planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the legislative body of the municipality.

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

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

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

Sec. 8a. (1) An extension, addition, revision, or other amendment to a municipal plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 7a, 7b, and 8. However, for an amendment other than a revision of the plan, both of the following apply:

(a) The 65-day period otherwise provided for in section 7b(4) shall be 40 days.

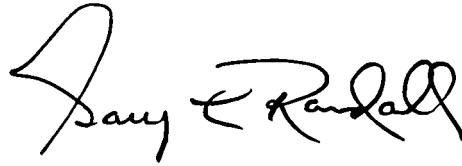
(b) The 75- to 95-day period otherwise provided for in section 7b(5) shall be 55 to 75 days.

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

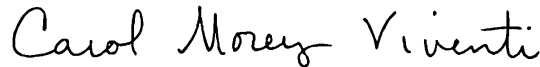
(3) Until 1 year after the effective date of the 2001 amendments that added this subsection, a municipality may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act immediately before the effective date of the 2001 amendments that added this subsection.

Sec. 8b. This act does not alter the authority of a planning department established by charter to submit a proposed plan, or a proposed extension, addition, revision, or other amendment to a plan, to a planning commission, whether directly or indirectly as provided by charter. This section notwithstanding, a planning commission must comply with the requirements of this act.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.