

HOUSE BILL No. 5885

March 16, 2006, Introduced by Reps. Stakoe, Amos and Huizenga and referred to the Committee on Local Government and Urban Policy.

A bill 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 7b, 8, and 8a (MCL 125.37b, 125.38, and 125.38a), sections 7b and 8a as added and section 8 as amended by 2001 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (2) After preparing a proposed plan, the municipal planning
5 commission shall submit the proposed plan to the legislative body
6 of the municipality for review and comment. The process of adopting

1 a plan shall not proceed further unless the legislative body of the
2 municipality approves the distribution of the proposed plan.

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

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

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

18 (c) The county planning commission, or if there is no county
19 planning commission, the county board of commissioners, for the
20 county in which the municipality is located. The secretary of the
21 municipal planning commission shall concurrently submit to the
22 county planning commission **A STATEMENT THAT THE REQUIREMENTS OF**
23 **SUBDIVISION (A) HAVE BEEN MET** or, if there is no county planning
24 commission, **SHALL SUBMIT TO** the county board of commissioners ~~—~~ a
25 statement ~~— signed by the secretary,~~ that the requirements of
26 subdivisions (a) and (b) have been met. The statement **SHALL BE**
27 **SIGNED BY THE SECRETARY AND** shall include the name and address of

1 each planning commission or legislative body to which a copy of the
 2 proposed plan was submitted under subdivision (a) or (b) and the
 3 date of submittal.

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

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

21 ~~— (5) Not less than 75 days or more than 95 days after the date~~
 22 ~~the proposed plan was submitted to the county planning commission~~
 23 ~~or the county board of commissioners under subsection (3), IF the~~
 24 ~~county planning commission or the county board of commissioners —~~
 25 ~~respectively, shall submit to the municipal planning commission its~~
 26 ~~comments on the proposed plan. The comments~~ **THAT RECEIVES A COPY**
 27 **OF THE PROPOSED PLAN UNDER SUBSECTION (3)(C) SUBMITS COMMENTS, THE**

1 **COMMENTS** shall include, but need not be limited to, both of the
2 following, as applicable:

3 (a) A statement whether the county planning commission or
4 county board of commissioners ~~—, after considering any comments~~
5 ~~received under subsection (4),~~ considers the proposed plan to be
6 inconsistent with the plan of any city, village, township, or
7 region described in subsection (3)(a) or (b).

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

11 **(5) —(6)—** The statements provided for in subsection ~~—(5)(a)~~
12 **(4)(A)** and (b) are advisory only.

13 Sec. 8. (1) Before approving a proposed municipal plan, the
14 municipal planning commission shall hold not less than 1 public
15 hearing on the proposed plan. The hearing shall be held after the
16 expiration of the deadline for comment under section ~~7b(5)~~ **7B(4)**.
17 The planning commission shall give notice of the time and place of
18 the public hearing not less than 15 days before the hearing by 1
19 publication in a newspaper of general circulation in the
20 municipality and in the official gazette, if any, of the
21 municipality. The planning commission shall also submit notice to
22 each entity described in section 7a(2).

23 (2) The approval of the plan shall be by resolution of the
24 planning commission carried by the affirmative votes of not less
25 than 2/3 of the members of the planning commission. The resolution
26 shall refer expressly to the maps and descriptive and other matter
27 intended by the planning commission to form the ~~—whole—~~ **PLAN** or

1 part of the plan, and the action taken shall be recorded on the map
2 and plan and descriptive matter and signed by the chairperson or
3 the secretary of the planning commission. Following approval of the
4 proposed plan by the municipal planning commission, the secretary
5 of the planning commission shall submit a copy of the proposed plan
6 to the legislative body of the municipality.

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

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

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

24 Sec. 8a. (1) An extension, addition, revision, or other
25 amendment to a municipal plan shall be adopted under the same
26 procedure as a plan or a successive part of a plan under sections
27 7a, 7b, and 8. However, for an amendment other than a revision of

1 the plan, ~~both of the following apply:~~

2 ~~—— (a) The~~ **THE** 65-day period otherwise provided for in section
3 7b(4) shall be 40 days.

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

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

9 (3) Until ~~1 year after the effective date of the 2001~~
10 ~~amendments that added this subsection~~ **JANUARY 9, 2003**, a
11 municipality may adopt a plan or an extension, addition, revision,
12 or other amendment to a plan under the procedures provided for by
13 this act ~~immediately before the effective date of the 2001~~
14 ~~amendments that added this subsection~~ **THAT WERE IN EFFECT ON**
15 **JANUARY 8, 2003.**