

# SENATE BILL No. 1271

May 17, 2006, Introduced by Senators BIRKHOLZ, GOSCHKA, KUIPERS and ALLEN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 2003 PA 226, entitled  
"Joint municipal planning act,"  
by amending sections 5 and 7 (MCL 125.135 and 125.137).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5. (1) Subject to section 9, the legislative bodies of 2  
2       or more municipalities may each adopt an ordinance approving an  
3       agreement establishing a joint planning commission. The agreement  
4       shall specify at least all of the following:

5           (a) The composition of the joint planning commission,  
6       including any alternate members.

7           (b) The qualifications, the selection by election or  
8       appointment, and the terms of office of members of the joint  
9       planning commission.

1 (c) Conditions and procedures for removal from office of  
2 members of the joint planning commission and for filling vacancies  
3 in the joint planning commission.

4 (d) How the operating budget of the joint planning commission  
5 will be shared by the participating municipalities.

6 (e) The jurisdictional area of the joint planning commission,  
7 which may consist of all or part of the combined territory of the  
8 participating municipalities.

9 (f) Procedures by which a municipality may join or withdraw  
10 from the joint planning commission.

11 (g) The planning act whose procedure will be followed by the  
12 joint planning commission in adopting a plan or exercising any  
13 other power or performing any other duty of a planning commission.  
14 The planning act shall be a planning act that would otherwise be  
15 applicable to at least 1 participating municipality.

16 ~~— (h) The zoning act whose procedure will be followed by the~~  
17 ~~joint planning commission in exercising the powers and performing~~  
18 ~~the duties of a zoning board or zoning commission. The zoning act~~  
19 ~~shall be a zoning act that would otherwise be applicable to at~~  
20 ~~least 1 participating municipality.~~

21 (H) FOR SITUATIONS IN WHICH THE PROCEDURES UNDER THE MICHIGAN  
22 ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 TO 125.3702,  
23 APPLICABLE TO A PLANNING COMMISSION DEPEND ON WHETHER THE RELEVANT  
24 MUNICIPALITY IS A TOWNSHIP OR IS A CITY OR VILLAGE, A DESIGNATION  
25 EITHER THAT THE PROCEDURES APPLICABLE TO A TOWNSHIP WILL BE  
26 FOLLOWED BY THE JOINT PLANNING COMMISSION OR THAT THE PROCEDURES  
27 APPLICABLE TO A CITY OR VILLAGE WILL BE FOLLOWED BY THE JOINT

1 PLANNING COMMISSION. PROCEDURES APPLICABLE TO A TOWNSHIP SHALL NOT  
 2 BE DESIGNATED UNLESS AT LEAST 1 OF THE PARTICIPATING MUNICIPALITIES  
 3 IS A TOWNSHIP. PROCEDURES APPLICABLE TO A CITY OR VILLAGE SHALL NOT  
 4 BE DESIGNATED UNLESS AT LEAST 1 OF THE PARTICIPATING MUNICIPALITIES  
 5 IS A CITY OR VILLAGE, RESPECTIVELY.

6 (i) Any additional provision concerning the powers or duties  
 7 of a zoning board or zoning commission that the ~~zoning act~~  
 8 ~~specified pursuant to subdivision (h)~~ **MICHIGAN ZONING ENABLING**  
 9 **ACT, 2006 PA 110, MCL 125.3101 TO 125.3702**, authorizes to be set  
 10 forth in a zoning ordinance and that is agreed to by the  
 11 participating municipalities.

12 (J) THE EFFECTIVE DATE OF THE AGREEMENT.

13 (2) THE AGREEMENT MAY PROVIDE FOR THE PHASED TRANSFER TO THE  
 14 JOINT PLANNING COMMISSION OF THE POWERS AND DUTIES OF EXISTING  
 15 PLANNING COMMISSIONS OR ZONING BOARDS OR ZONING COMMISSIONS UNDER  
 16 SECTION 7.

17 Sec. 7. (1) ~~All~~ **SUBJECT TO SECTION 5(2), ALL** the powers and  
 18 duties of a planning commission under each planning act are, with  
 19 respect to the jurisdictional area of the joint planning  
 20 commission, transferred to the joint planning commission. In  
 21 exercising such powers or performing such duties, the joint  
 22 planning commission shall follow the procedure provided under the  
 23 planning act specified pursuant to section 5(g).

24 (2) ~~All~~ **SUBJECT TO SECTION 5(2), ALL** the powers and duties  
 25 of a zoning board or zoning commission under ~~each zoning act~~ **THE**  
 26 **MICHIGAN ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 TO**  
 27 **125.3702**, are, with respect to the jurisdictional area of the joint

1 planning commission, transferred to the joint planning commission.  
2 In exercising such powers or performing such duties, the joint  
3 planning commission shall follow the procedure ~~provided under the~~  
4 ~~zoning act~~ specified pursuant to section 5(h), **WHEN RELEVANT**.

5 (3) If only part of the territory of a participating  
6 municipality is in the jurisdictional area of a joint planning  
7 commission, the participating municipality, with the joint planning  
8 commission acting as the zoning board or zoning commission, may  
9 adopt a zoning ordinance that affects only that portion of its  
10 territory in the jurisdictional area of the joint planning  
11 commission.