

HOUSE BILL No. 5038

July 12, 2001, Introduced by Reps. Ruth Johnson, Birkholz and Kolb and referred to the Committee on Land Use and Environment.

A bill to amend 1959 PA 168, entitled

"An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies,"

by amending sections 6 and 9 (MCL 125.326 and 125.329), section 6 as amended by 1987 PA 73 and section 9 as amended by 1999 PA 197, and by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) The planning commission shall make and adopt a
2 basic plan as a guide for the development of unincorporated por-
3 tions of the township. As a basis for the plan, the planning
4 commission may do any of the following:

5 (a) Make inquiries, investigations, and surveys of all the
6 resources of the township.

1 (b) Assemble and analyze data and formulate plans for the
2 proper conservation and uses of all resources, including a
3 determination of the extent of probable future need for the most
4 advantageous designation of lands having various use potentials
5 and for services, facilities, and utilities required to equip
6 those lands.

7 (2) The TOWNSHIP planning commission shall consult, in
8 respect to its planning, with ~~representatives of adjacent town-~~
9 ~~ships; with the county planning commission, if any; with any rep-~~
10 ~~resentatives of incorporated municipalities within the township;~~
11 ~~and with the regional planning commission, if any.~~ ALL OF THE
12 FOLLOWING:

13 (A) THE PLANNING COMMISSION OR, IF THERE IS NO PLANNING COM-
14 MISSION, THE BOARD OF COMMISSIONERS FOR THE COUNTY IN WHICH THE
15 TOWNSHIP IS LOCATED.

16 (B) THE PLANNING COMMISSION OR, IF THERE IS NO PLANNING COM-
17 MISSION, THE LEGISLATIVE BODY OF EACH TOWNSHIP, CITY, OR VILLAGE
18 LOCATED WITHIN OR CONTIGUOUS TO THE TOWNSHIP.

19 (C) THE REGIONAL PLANNING COMMISSION FOR THE REGION IN WHICH
20 THE TOWNSHIP IS LOCATED.

21 (3) The TOWNSHIP planning commission may make use of expert
22 advice and information which may be furnished by appropriate fed-
23 eral, state, county, and municipal officials, departments, and
24 agencies having information, maps, and data pertinent to township
25 planning. State, regional, county, and municipal officials,
26 departments, and agencies shall make available public information
27 for the use of township planning commissions and may furnish such

1 other technical assistance and advice as they may have for
2 planning purposes.

3 (4) ~~-(3)-~~ In addition to the basic plan provided in subsec-
4 tion (1), by a majority vote of the members, the planning commis-
5 sion may adopt a plan for a geographic area less than the entire
6 unincorporated area of the township if, because of the unique
7 physical characteristics of that area, more intensive planning is
8 necessary for the purposes set forth in section 2. Before adop-
9 tion of a plan under this subsection, the planning commission
10 shall hold at least 1 public hearing on the plan after giving
11 notice as provided in section 9.

12 (5) ~~-(4)-~~ After adoption of a plan under this section, a
13 site plan for a property located in the plan area that is
14 required to be submitted under section 16e of the township rural
15 zoning act, ~~Act No. 184 of the Public Acts of 1943, being sec-~~
16 ~~tion 125.286e of the Michigan Compiled Laws~~ 1943 PA 184,
17 MCL 125.286E, shall comply with the plan adopted under this
18 section.

19 (6) ~~-(5)-~~ The purpose of ~~this amendatory act is~~ THE 1987
20 AMENDMENTS TO THIS SECTION WAS to clarify the authority of a
21 planning commission, which ~~is~~ WAS implied from the language of
22 this act, but ~~which is~~ WAS not specifically set forth in this
23 act.

24 SEC. 7A. (1) THE TOWNSHIP PLANNING COMMISSION SHALL MAIL A
25 COPY OF A PROPOSED BASIC PLAN BY FIRST-CLASS MAIL, FOR COMMENT,
26 TO THE PLANNING COMMISSION OR, IF THERE IS NO PLANNING
27 COMMISSION, THE COUNTY BOARD OF COMMISSIONERS FOR THE COUNTY IN

1 WHICH THE TOWNSHIP IS LOCATED. THE SECRETARY OF THE COUNTY
2 PLANNING COMMISSION OR, IF THERE IS NO COUNTY PLANNING COMMISS-
3 SION, THE CLERK FOR THE COUNTY BOARD OF COMMISSIONERS SHALL
4 PROMPTLY MAIL A COPY OF THE PROPOSED BASIC PLAN BY FIRST-CLASS
5 MAIL TO BOTH OF THE FOLLOWING:

6 (A) THE PLANNING COMMISSION OR, IF THERE IS NO PLANNING COM-
7 MISSION, THE LEGISLATIVE BODY OF EACH CITY, VILLAGE, OR TOWNSHIP
8 LOCATED WITHIN OR CONTIGUOUS TO THE TOWNSHIP.

9 (B) THE REGIONAL PLANNING COMMISSION, IF ANY, FOR THE REGION
10 IN WHICH THE TOWNSHIP IS LOCATED.

11 (2) IF A PLANNING COMMISSION OR LEGISLATIVE BODY DESCRIBED
12 IN SUBSECTION (1)(A) OR (B) SUBMITS WRITTEN COMMENTS ON THE PRO-
13 POSED PLAN TO THE TOWNSHIP PLANNING COMMISSION, THE PLANNING COM-
14 MISSION OR LEGISLATIVE BODY DESCRIBED IN SUBSECTION (1)(A) OR (B)
15 SHALL ALSO SUBMIT A COPY OF THE WRITTEN COMMENTS TO THE COUNTY
16 PLANNING COMMISSION OR, IF THERE IS NO COUNTY PLANNING COMMISS-
17 SION, THE COUNTY BOARD OF COMMISSIONERS FOR THE COUNTY IN WHICH
18 THE TOWNSHIP PROPOSING THE PLAN IS LOCATED.

19 (3) NOT LESS THAN 45 DAYS OR MORE THAN 75 DAYS AFTER THE
20 DATE THE PROPOSED BASIC PLAN WAS MAILED TO THE COUNTY PLANNING
21 COMMISSION OR THE COUNTY BOARD OF COMMISSIONERS UNDER SUBSECTION
22 (1), THE COUNTY PLANNING COMMISSION OR THE COUNTY BOARD OF COM-
23 MISSIONERS, RESPECTIVELY, SHALL MAIL TO THE TOWNSHIP PLANNING
24 COMMISSION BY FIRST-CLASS MAIL ITS COMMENTS ON THE PROPOSED BASIC
25 PLAN. THE COMMENTS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
26 BOTH OF THE FOLLOWING, AS APPLICABLE:

1 (A) A STATEMENT WHETHER THE COUNTY PLANNING COMMISSION OR
2 COUNTY BOARD OF COMMISSIONERS, AFTER CONSIDERING ANY COMMENTS
3 RECEIVED UNDER SUBSECTION (2), CONSIDERS THE PROPOSED BASIC PLAN
4 TO BE INCONSISTENT WITH THE PLAN OF ANY CITY, VILLAGE, OR TOWN-
5 SHIP, OR REGION DESCRIBED IN SUBSECTION (1).

6 (B) IF THE COUNTY HAS A PLAN, A STATEMENT WHETHER THE COUNTY
7 PLANNING COMMISSION CONSIDERS THE PROPOSED BASIC PLAN TO BE
8 INCONSISTENT WITH THE COUNTY PLAN.

9 Sec. 9. (1) Before the adoption of ~~the plan or any part,~~
10 ~~amendment, extension, or addition to the~~ A BASIC PLAN, A PART OF
11 THE BASIC PLAN, OR AN EXTENSION, ADDITION, OR OTHER AMENDMENT TO
12 THE BASIC plan, the planning commission shall hold ~~at least 1~~ A
13 public hearing thereon. ~~Notice of the hearing shall be given by~~
14 ~~2 publications~~ THE PLANNING COMMISSION SHALL GIVE NOTICE OF THE
15 HEARING BY PUBLISHING 2 NOTICES in a newspaper of general circu-
16 lation in the township. ~~, the first~~ THE FIRST NOTICE SHALL BE
17 PUBLISHED not more than 30 days or less than 20 days ~~and the~~
18 ~~second~~ BEFORE THE DATE OF THE HEARING. THE SECOND NOTICE SHALL
19 BE PUBLISHED not more than 8 days before the date of the
20 hearing.

21 (2) Following the adoption of the basic plan, ~~or any part~~
22 ~~thereof~~ A PART OF THE BASIC PLAN, OR AN AMENDMENT TO THE BASIC
23 PLAN by the planning commission, the planning commission shall
24 transmit copies of the BASIC plan to ~~the township board and to~~
25 ~~the county planning commission of the county of which the town-~~
26 ~~ship is a part, or, if there is no county planning commission, to~~

~~1 the regional planning commission that is exercising planning~~
~~2 jurisdiction over the township.~~ EACH OF THE FOLLOWING:

3 (A) THE TOWNSHIP BOARD.

4 (B) THE PLANNING COMMISSION OR, IF THERE IS NO PLANNING COM-
5 MISSION, THE COUNTY BOARD OF COMMISSIONERS FOR THE COUNTY IN
6 WHICH THE TOWNSHIP IS LOCATED. THE SECRETARY OF THE COUNTY PLAN-
7 NING COMMISSION OR, IF THERE IS NO COUNTY PLANNING COMMISSION,
8 THE CLERK OF THE COUNTY BOARD OF COMMISSIONERS SHALL TRANSMIT A
9 COPY OF THE BASIC PLAN TO BOTH OF THE FOLLOWING:

10 (i) THE PLANNING COMMISSION OR, IF THERE IS NO PLANNING COM-
11 MISSION, THE LEGISLATIVE BODY OF EACH CITY, VILLAGE, OR TOWNSHIP
12 LOCATED WITHIN OR CONTIGUOUS TO THE TOWNSHIP.

13 (ii) THE REGIONAL PLANNING COMMISSION, IF ANY, FOR THE
14 REGION IN WHICH THE TOWNSHIP IS LOCATED.