

Legislative Analysis



UPDATE JOINT MUNICIPAL PLANNING ACT; JOINT PLANNING COMMISSIONS

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Senate Bill 115 (Substitute H-2)

Sponsor: Sen. Patricia L. Birkholz

House Committee: Intergovernmental, Urban, and Regional Affairs

Senate Committee: Natural Resources and Environmental Affairs

Complete to 4-23-08

A SUMMARY OF SENATE BILL 115 (H-2) AS REPORTED BY HOUSE COMMITTEE:

The bill would amend the Joint Municipal Planning Act to do the following:

- Allow the phased transfer to a joint planning commission of the powers and duties of existing planning commissions or zoning boards.
- Allow participating municipalities to adopt a joint zoning ordinance, with the joint planning commission acting as the zoning commission.
- Refer to the Michigan Zoning Enabling Act, as well as procedures under that act, instead of to specified zoning acts.

The Joint Municipal Planning Act allows the legislative bodies of two or more municipalities each to adopt an ordinance approving an agreement establishing a joint planning commission. The agreement must specify the zoning act whose procedures will be followed by the joint planning commission in exercising the powers and performing the duties of a zoning board or zoning commission. The zoning act must be one that otherwise would apply to at least one participating municipality. Senate Bill 115 would delete these requirements. Instead, the ordinance approving an agreement to establish a joint planning commission would be required to designate one of the three following categories of municipalities' powers, duties, and procedures that would be applicable: those of 1) a township that on September 1, 2008 had a planning commission under former Public Act 285 of 1931, or 2) a township that did not have such a planning commission as of that date, or 3) a city or village. A category of municipality could not be designated in the ordinance, unless at least one of the participating municipalities fell within that category.

Further, for situations in which the procedures under the Michigan Zoning Enabling Act applicable to a planning commission depend on whether the municipality is a township, city, or village, the agreement would have to specify either that the powers, duties, and procedures applicable to a township would be followed by the joint planning commission, or that the powers, duties, and procedures applicable to a city or village would be followed. Powers, duties, and procedures applicable to a township could not be designated unless at least one of the participating municipalities was a township.

Likewise, the powers, duties, and procedures applicable to a city or village could not be designated unless at least one of the participating municipalities was a city or village.

The Joint Municipal Planning Act also requires the agreement to specify any additional provisions concerning the powers or duties of a zoning board or zoning commission that a specified zoning act authorizes, and that are agreed to by the participating municipalities. Instead, Senate Bill 115 refers to the Michigan Zoning Enabling Act, not to the specified zoning act.

Additionally, the bill would require the agreement to specify its effective date.

Under the bill, the agreement could provide for the phased transfer to the joint planning commission of the powers and duties of existing planning commissions or zoning boards or zoning commissions.

Currently, the Joint Municipal Planning Act provides that all the powers and duties of a planning commission under each planning act are, with respect to the jurisdictional area of the joint planning commission, transferred to the joint planning commission. Additionally, all the powers and duties of a zoning board or zoning commission under each zoning act are, with respect to the jurisdictional area of the joint planning commission, transferred to the joint planning commission. Under Senate Bill 115, these provisions would apply subject to agreements that allowed the phased transfer of powers and duties to the joint planning commission. Further, outdated references to each zoning act would be replaced by reference to the recently enacted Michigan Zoning Enabling Act.

Currently, in exercising its powers or performing its duties, a joint planning commission must follow the procedure provided under the specified zoning act. The bill instead would require the joint planning commission to follow the specified township or city or village procedure, when relevant.

Finally and under the bill, the participating municipalities, with the joint planning commission acting as the zoning commission, could each adopt a joint zoning ordinance that affected the joint planning commission's jurisdictional area and provided for the joint administration of the joint zoning ordinance, including a joint zoning board of appeals.

The bill would then delete un-related and out-dated definitions for the terms "planning act," and "zoning act."

MCL 125.133, 125.135 & 125.137

FISCAL IMPACT:

The bill would not appear to have a significant fiscal impact on the state or local units of government.

POSITIONS:

The Michigan Municipal League supports the bill. (4-23-08)

The Michigan Townships Association supports the bill. (4-23-08)

The Michigan Chapter of the American Planning Association supports the bill. (4-23-08)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.