

SUBSTITUTE FOR  
SENATE BILL NO. 115

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for joint land use planning and ~~the joint~~  
3 ~~exercise of certain zoning powers and duties~~ **ZONING** by local units  
4 of government; and to provide for the establishment, powers, and  
5 duties of joint planning commissions and zoning boards of appeals.

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

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

3 (b) The qualifications, the selection by election or  
4 appointment, and the terms of office of members of the joint  
5 planning commission.

6 (c) Conditions and procedures for removal from office of  
7 members of the joint planning commission and for filling vacancies  
8 in the joint planning commission.

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

11 (e) The jurisdictional area of the joint planning commission,  
12 which may consist of all or part of the combined territory of the  
13 participating municipalities.

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

16 (g) The planning act whose procedure will be followed by the  
17 joint planning commission in adopting a plan or exercising any  
18 other power or performing any other duty of a planning commission.  
19 The planning act shall be a planning act that would otherwise be  
20 applicable to at least 1 participating municipality.

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

26 **(H) FOR SITUATIONS IN WHICH THE PROCEDURES UNDER THE MICHIGAN**  
27 **ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 TO 125.3702,**

1 APPLICABLE TO A PLANNING COMMISSION DEPEND ON WHETHER THE RELEVANT  
2 MUNICIPALITY IS A TOWNSHIP OR IS A CITY OR VILLAGE, A DESIGNATION  
3 EITHER THAT THE PROCEDURES APPLICABLE TO A TOWNSHIP WILL BE  
4 FOLLOWED BY THE JOINT PLANNING COMMISSION OR THAT THE PROCEDURES  
5 APPLICABLE TO A CITY OR VILLAGE WILL BE FOLLOWED BY THE JOINT  
6 PLANNING COMMISSION. PROCEDURES APPLICABLE TO A TOWNSHIP SHALL NOT  
7 BE DESIGNATED UNLESS AT LEAST 1 OF THE PARTICIPATING MUNICIPALITIES  
8 IS A TOWNSHIP. PROCEDURES APPLICABLE TO A CITY OR VILLAGE SHALL NOT  
9 BE DESIGNATED UNLESS AT LEAST 1 OF THE PARTICIPATING MUNICIPALITIES  
10 IS A CITY OR VILLAGE.

11 (i) Any additional provision concerning the powers or duties  
12 of a zoning board or zoning commission that the ~~zoning act~~  
13 ~~specified pursuant to subdivision (h)~~ **MICHIGAN ZONING ENABLING ACT,**  
14 **2006 PA 110, MCL 125.3101 TO 125.3702,** authorizes to be set forth  
15 in a zoning ordinance and that is agreed to by the participating  
16 municipalities.

17 (J) THE EFFECTIVE DATE OF THE AGREEMENT.

18 (2) THE AGREEMENT MAY PROVIDE FOR THE PHASED TRANSFER TO THE  
19 JOINT PLANNING COMMISSION OF THE POWERS AND DUTIES OF EXISTING  
20 PLANNING COMMISSIONS OR ZONING BOARDS OR ZONING COMMISSIONS UNDER  
21 SECTION 7.

22 Sec. 7. (1) ~~All~~ **SUBJECT TO SECTION 5(2),** ALL the powers and  
23 duties of a planning commission under each planning act are, with  
24 respect to the jurisdictional area of the joint planning  
25 commission, transferred to the joint planning commission. In  
26 exercising such powers or performing such duties, the joint  
27 planning commission shall follow the procedure provided under the

1 planning act specified pursuant to section 5(g).

2 (2) ~~All~~ **SUBJECT TO SECTION 5(2), ALL** the powers and duties of  
3 a zoning board or zoning commission under ~~each zoning act~~ **THE**  
4 **MICHIGAN ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 TO**  
5 **125.3702,** are, with respect to the jurisdictional area of the joint  
6 planning commission, transferred to the joint planning commission.  
7 In exercising such powers or performing such duties, the joint  
8 planning commission shall follow the procedure ~~provided under the~~  
9 ~~zoning act~~ specified pursuant to section 5(h), **WHEN RELEVANT.**

10 (3) If only part of the territory of a participating  
11 municipality is in the jurisdictional area of a joint planning  
12 commission, the participating municipality, with the joint planning  
13 commission acting as the zoning board or zoning commission, may  
14 adopt a zoning ordinance that affects only that portion of its  
15 territory in the jurisdictional area of the joint planning  
16 commission.

17 (4) **THE PARTICIPATING MUNICIPALITIES, WITH THE JOINT PLANNING**  
18 **COMMISSION ACTING AS THE ZONING COMMISSION, MAY EACH ADOPT A JOINT**  
19 **ZONING ORDINANCE THAT AFFECTS THE JURISDICTIONAL AREA OF THE JOINT**  
20 **PLANNING COMMISSION AND PROVIDES FOR THE JOINT ADMINISTRATION OF**  
21 **THE JOINT ZONING ORDINANCE, INCLUDING, BUT NOT LIMITED TO, A JOINT**  
22 **ZONING BOARD OF APPEALS.**