

# SENATE BILL No. 115

January 30, 2007, Introduced by Senators BIRKHOLZ, HARDIMAN, BRATER and GILBERT 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.

10       (c) Conditions and procedures for removal from office of

1 members of the joint planning commission and for filling vacancies  
2 in the joint planning commission.

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

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

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

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

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

20 (H) FOR SITUATIONS IN WHICH THE PROCEDURES UNDER THE MICHIGAN  
21 ZONING ENABLING ACT, 2006 PA 110, MCL 125.3101 TO 125.3702,  
22 APPLICABLE TO A PLANNING COMMISSION DEPEND ON WHETHER THE RELEVANT  
23 MUNICIPALITY IS A TOWNSHIP OR IS A CITY OR VILLAGE, A DESIGNATION  
24 EITHER THAT THE PROCEDURES APPLICABLE TO A TOWNSHIP WILL BE  
25 FOLLOWED BY THE JOINT PLANNING COMMISSION OR THAT THE PROCEDURES  
26 APPLICABLE TO A CITY OR VILLAGE WILL BE FOLLOWED BY THE JOINT  
27 PLANNING COMMISSION. PROCEDURES APPLICABLE TO A TOWNSHIP SHALL NOT

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

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

11 (J) THE EFFECTIVE DATE OF THE AGREEMENT.

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

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

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

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

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