

HOUSE BILL No. 6025

December 2, 2014, Introduced by Rep. VerHeulen and referred to the Committee on Local Government.

A bill to amend 2008 PA 33, entitled "Michigan planning enabling act," by amending sections 13, 43, and 71 (MCL 125.3813, 125.3843, and 125.3871).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) Subject to subsection (2), a township ordinance
2 creating a planning commission under this act ~~shall take~~ **TAKES**
3 effect 63 days after **THE FOLLOWING:**

4 **(A) IF THE ORDINANCE IS ADOPTED BEFORE JANUARY 1, 2015,** the
5 ordinance is published by the township board in a newspaper having
6 general circulation in the township.

7 **(B) IF THE ORDINANCE IS ADOPTED AFTER DECEMBER 31, 2014, THE**
8 **TOWNSHIP GIVES TIER B PUBLIC NOTICE OF THE ORDINANCE UNDER THE**

1 LOCAL GOVERNMENT PUBLIC NOTICE ACT.

2 (2) ~~Subject to subsection (3), before~~ **BEFORE** a township
3 ordinance creating a planning commission takes effect, a petition
4 may be filed with the township clerk requesting the submission of
5 the ordinance to the electors residing in the unincorporated
6 portion of the township for their approval or rejection. The
7 petition shall be signed by a number of qualified and registered
8 electors residing in the unincorporated portion of the township
9 equal to not less than 8% of the total vote cast for all candidates
10 for governor, at the last preceding general election at which a
11 governor was elected. If such a petition is filed, the ordinance
12 ~~shall~~ **DOES** not take effect until approved by a majority of the
13 electors residing in the unincorporated portion of the township
14 voting thereon at the next regular or special election that allows
15 reasonable time for proper notices and printing of ballots or at
16 any special election called for that purpose, as determined by the
17 township board. The township board shall specify the language of
18 the ballot question.

19 ~~—— (3) Subsection (2) does not apply if the planning commission~~
20 ~~created by the ordinance is the successor to an existing zoning~~
21 ~~commission or zoning board as provided for under section 301 of the~~
22 ~~Michigan zoning enabling act, 2006 PA 110, MCL 125.3301.~~

23 (3) ~~(4)~~ If a township board does not on its own initiative
24 adopt an ordinance under this act creating a planning commission, a
25 petition may be filed with the township clerk requesting the
26 township board to adopt such an ordinance. The petition shall be
27 signed by a number of qualified and registered electors as provided

1 in subsection (2). If such a petition is filed, the township board,
2 at its first meeting following the filing, shall submit the
3 question to the electors of the township in the same manner as
4 provided under subsection (2).

5 (4) ~~(5)~~—A petition under this section, including the
6 circulation and signing of the petition, is subject to section 488
7 of the Michigan election law, 1954 PA 116, MCL 168.488. A person
8 who violates a provision of the Michigan election law, 1954 PA 116,
9 MCL 168.1 to 168.992, applicable to a petition described in this
10 section is subject to the penalties prescribed for that violation
11 in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

12 Sec. 43. (1) Before approving a proposed master plan, a
13 planning commission shall hold not less than 1 public hearing on
14 the proposed master plan. The hearing shall be held after the
15 expiration of the deadline for comment under section 41(3). ~~The~~**IF**
16 **THE HEARING IS HELD BEFORE JANUARY 1, 2015, THE** planning commission
17 shall give notice of the time and place of the ~~public~~ hearing not
18 less than 15 days before the hearing by publication in a newspaper
19 of general circulation within the local unit of government. **IF THE**
20 **HEARING IS HELD AFTER DECEMBER 31, 2014, THE PLANNING COMMISSION**
21 **SHALL GIVE TIER B PUBLIC NOTICE OF THE TIME AND PLACE OF THE PUBLIC**
22 **HEARING UNDER THE LOCAL GOVERNMENT PUBLIC NOTICE ACT. IF WEBSITE**
23 **POSTING IS REQUIRED, THE POSTING PERIOD SHALL INCLUDE THE 14 DAYS**
24 **IMMEDIATELY BEFORE THE HEARING.** The planning commission shall also
25 submit notice of the public hearing in the manner provided in
26 section 39(3) to each entity described in section 39(2). This
27 notice may accompany the proposed master plan submitted under

1 section 41.

2 (2) The approval of the proposed master plan shall be by
3 resolution of the planning commission carried by the affirmative
4 votes of not less than 2/3 of the members of a city or village
5 planning commission or not less than a majority of the members of a
6 township or county planning commission. The resolution shall refer
7 expressly to the maps and descriptive and other matter intended by
8 the planning commission to form the master plan. A statement
9 recording the planning commission's approval of the master plan,
10 signed by the chairperson or secretary of the planning commission,
11 shall be included on the inside of the front or back cover of the
12 master plan and, if the future land use map is a separate document
13 from the text of the master plan, on the future land use map.
14 Following approval of the proposed master plan by the planning
15 commission, the secretary of the planning commission shall submit a
16 copy of the master plan to the legislative body.

17 (3) Approval of the proposed master plan by the planning
18 commission under subsection (2) is the final step for adoption of
19 the master plan, unless the legislative body by resolution has
20 asserted the right to approve or reject the master plan. In that
21 case, after approval of the proposed master plan by the planning
22 commission, the legislative body shall approve or reject the
23 proposed master plan. A statement recording the legislative body's
24 approval of the master plan, signed by the clerk of the legislative
25 body, shall be included on the inside of the front or back cover of
26 the master plan and, if the future land use map is a separate
27 document from the text of the master plan, on the future land use

1 map.

2 (4) If the legislative body rejects the proposed master plan,
3 the legislative body shall submit to the planning commission a
4 statement of its objections to the proposed master plan. The
5 planning commission shall consider the legislative body's
6 objections and revise the proposed master plan so as to address
7 those objections. The procedures provided in subsections (1) to (3)
8 and this subsection shall be repeated until the legislative body
9 approves the proposed master plan.

10 (5) Upon final adoption of the master plan, the secretary of
11 the planning commission shall submit, in the manner provided in
12 section 39(3), copies of the adopted master plan to the same
13 entities to which copies of the proposed master plan were required
14 to be submitted under section 41(2).

15 Sec. 71. (1) A planning commission may recommend to the
16 legislative body provisions of an ordinance or rules governing the
17 subdivision of land authorized under section 105 of the land
18 division act, 1967 PA 288, MCL 560.105. If a township is subject to
19 county zoning consistent with section 209 of the Michigan zoning
20 enabling act, 2006 PA 110, MCL 125.3209, or a city or village is
21 subject to county zoning pursuant to the Michigan zoning enabling
22 act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under
23 the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501
24 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, the
25 county planning commission may recommend to the legislative body of
26 the municipality provisions of an ordinance or rules governing the
27 subdivision of land authorized under section 105 of the land

1 division act, 1967 PA 288, MCL 560.105. A planning commission may
2 proceed under this subsection on its own initiative or upon request
3 of the appropriate legislative body.

4 (2) Recommendations for a subdivision ordinance or rule may
5 address plat design, including the proper arrangement of streets in
6 relation to other existing or planned streets and to the master
7 plan; adequate and convenient open spaces for traffic, utilities,
8 access of firefighting apparatus, recreation, light, and air; and
9 the avoidance of congestion of population, including minimum width
10 and area of lots. The recommendations may also address the extent
11 to which streets shall be graded and improved and to which water
12 and sewer and other utility mains, piping, or other facilities
13 shall be installed as a condition precedent to the approval of a
14 plat.

15 (3) Before recommending an ordinance or rule described in
16 subsection (1), the planning commission shall hold a public hearing
17 on the proposed ordinance or rule. The planning commission shall
18 give notice of the time and place of the public hearing not less
19 than 15 days before the hearing **AS FOLLOWS:**

20 (A) **IF THE HEARING IS HELD BEFORE JANUARY 1, 2015,** by
21 publication in a newspaper of general circulation within the local
22 unit of government.

23 (B) **IF THE HEARING IS HELD AFTER DECEMBER 31, 2014, BY TIER B**
24 **PUBLIC NOTICE WITH A LINK UNDER THE LOCAL GOVERNMENT PUBLIC NOTICE**
25 **ACT. IF WEBSITE POSTING IS REQUIRED, THE POSTING PERIOD SHALL**
26 **INCLUDE THE 14 DAYS IMMEDIATELY BEFORE THE HEARING.**

27 (4) If a municipality has adopted a master plan or master

1 street plan, the planning commission of that municipality shall
2 review and make recommendations on plats before action thereon by
3 the legislative body under section 112 of the land division act,
4 1967 PA 288, MCL 560.112. If a township is subject to county zoning
5 consistent with section 209 of the Michigan zoning enabling act,
6 2006 PA 110, MCL 125.3209, or a city or village is subject to
7 county zoning pursuant to the Michigan zoning enabling act, 2006 PA
8 110, MCL 125.3101 to 125.3702, and a contract under the urban
9 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
10 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, and the
11 municipality has adopted a master plan or master street plan, the
12 county planning commission shall also review and make
13 recommendations on plats before action thereon by the legislative
14 body of the municipality under section 112 of the land division
15 act, 1967 PA 288, MCL 560.112.

16 (5) A planning commission shall not take action on a proposed
17 plat without ~~affording~~ **PROVIDING** an opportunity for a public
18 hearing thereon. A plat submitted to the planning commission shall
19 contain the name and address of the proprietor or other person to
20 whom notice of a hearing shall be sent. Not less than 15 days
21 before the date of the hearing, notice of the date, time, and place
22 of the hearing shall be sent **BY MAIL** to that person at that address
23 ~~by mail and shall be published in a newspaper of general~~
24 ~~circulation in the municipality. Similar notice shall be mailed~~ **AND**
25 to the owners of land immediately adjoining the proposed platted
26 land. **IN ADDITION, IF THE HEARING IS HELD BEFORE JANUARY 1, 2015,**
27 **NOTICE OF THE DATE, TIME, AND PLACE OF THE HEARING SHALL BE**

1 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
2 MUNICIPALITY. IF THE HEARING IS HELD AFTER DECEMBER 31, 2014,
3 NOTICE OF THE DATE, TIME, AND PLACE OF THE HEARING SHALL BE GIVEN
4 BY TIER B PUBLIC NOTICE WITH A LINK UNDER THE LOCAL GOVERNMENT
5 PUBLIC NOTICE ACT. IF WEBSITE POSTING IS REQUIRED, THE POSTING
6 PERIOD SHALL INCLUDE THE 14 DAYS IMMEDIATELY BEFORE THE HEARING.

7 (6) A planning commission shall recommend approval, approval
8 with conditions, or disapproval of a plat within 63 days after the
9 plat is submitted to the planning commission. If applicable
10 standards under the land division act, 1967 PA 288, MCL 560.101 to
11 560.293, and an ordinance or published rules governing the
12 subdivision of land authorized under section 105 of that act, MCL
13 560.105, are met, the planning commission shall recommend approval
14 of the plat. If the planning commission fails to act within the
15 required period, the plat shall be considered to have been
16 recommended for approval, and a certificate to that effect shall be
17 issued by the planning commission upon request of the proprietor.
18 However, the proprietor may waive this requirement and consent to
19 an extension of the 63-day period. The grounds for any
20 recommendation of disapproval of a plat shall be stated upon the
21 records of the planning commission.

22 (7) A plat approved by a municipality and recorded under
23 section 172 of the land division act, 1967 PA 288, MCL 560.172,
24 shall be considered to be an amendment to the master plan and a
25 part thereof. Approval of a plat by a municipality does not
26 constitute or effect an acceptance by the public of any street or
27 other open space shown upon the plat.

1 Enacting section 1. This amendatory act does not take effect
2 unless House Bill No. 5560 of the 97th Legislature is enacted into
3 law.