

HOUSE BILL No. 6335

November 10, 2004, Introduced by Rep. Kolb and referred to the Committee on Land Use and Environment.

A bill to amend 1931 PA 285, entitled

"An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act,"

by amending sections 1 and 6 (MCL 125.31 and 125.36), as amended by 2001 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Council" or "legislative body" means the legislative
3 body of the municipality.

4 (b) "County board of commissioners" means 1 of the following,
5 as applicable:

6 (i) The county executive in a county organized under 1966
7 PA 293, MCL 45.501 to 45.521.

8 (ii) In all other counties, 1 of the following:

9 (A) The elected county board of commissioners.

1 (B) A subcommittee of the county board of commissioners if
2 the county board of commissioners delegates its powers and duties
3 under this act to such a subcommittee.

4 (C) The regional planning commission for the region in which
5 the county is located if the county board of commissioners
6 delegates its powers and duties under this act to the regional
7 planning commission.

8 (c) "Master plan", "municipal plan", or "plan" means a master
9 plan as described in section 6(3) or (4), as applicable.

10 (d) "Mayor" means the chief executive of the municipality,
11 whether the official designation of his or her office is mayor,
12 city manager, or otherwise.

13 (e) "Municipality" or "municipal" means or relates to cities,
14 villages, townships, and other incorporated political
15 subdivisions.

16 (f) "Municipal planning commission" or "planning commission"
17 means a planning commission as provided for under section 2.

18 (g) "Population" means the population according to the most
19 recent federal decennial census or according to a special census
20 conducted under section 7 of the Glenn Steil state revenue
21 sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the
22 more recent.

23 (h) "Prime farmland", subject to subdivision (i), means land
24 that, as determined by the department of agriculture, has the
25 best combination of physical and chemical characteristics for
26 producing food, feed, forage, fiber, and oilseed crops and that
27 is available for these uses. Prime farmland meets all of the

1 following requirements:

2 (i) Has the combination of soil properties, growing season,
3 and moisture supply needed to produce sustained high yields of
4 crops in an economic manner if it is treated and managed
5 according to acceptable farming methods.

6 (ii) In general, has an adequate and dependable water supply
7 from precipitation or irrigation, a favorable temperature and
8 growing season, an acceptable level of acidity or alkalinity, an
9 acceptable content of salt or sodium, soils that are permeable to
10 water and air, and few or no rocks.

11 (iii) Is not excessively eroded or saturated with water for
12 long periods of time.

13 (iv) Either does not flood frequently during the growing
14 season or is protected from flooding.

15 (i) "Prime farmland" does not include land already in or
16 committed to urban development or water storage.

17 (j) ~~(h)~~ "Streets" means streets, avenues, boulevards,
18 highways, roads, lanes, alleys, viaducts, and other ways.

19 Sec. 6. (1) The planning commission shall make and approve
20 a master plan for the physical development of the municipality,
21 including any areas outside of its boundaries which, in the
22 commission's judgment, bear relation to the planning of the
23 municipality. The planning commission may meet with other
24 governmental planning commissions to deliberate.

25 (2) A municipal plan shall comply with subsection (3) or (4)
26 if the process of adopting the plan began under this act before
27 ~~the effective date of the 2001 amendatory act that added this~~

1 ~~subsection~~ **January 9, 2002** or if the plan is a revised plan and
2 the process of revision began under this act before ~~the~~
3 ~~effective date of the 2001 amendatory act that added this~~
4 ~~subsection~~ **January 9, 2002**. Otherwise, a municipal plan shall
5 comply with subsection (4). If a plan is amended, but not
6 revised, before 1 year after ~~the effective date of the 2001~~
7 ~~amendatory act that added this subsection~~ **January 9, 2002**, the
8 amendment shall comply with relevant provisions of subsection (3)
9 or (4). Otherwise, the amendment shall comply with relevant
10 provisions of subsection (4).

11 (3) The municipal plan, with the accompanying maps, plats,
12 charts, and descriptive matter shall show the planning
13 commission's recommendations for the development of the
14 territory, including, but not limited to, all of the following:

15 (a) The general location, character, and extent of streets,
16 viaducts, subways, bridges, waterways, floodplains, water fronts,
17 boulevards, parkways, playgrounds, and open spaces.

18 (b) The general location of public buildings and other
19 public property.

20 (c) The general location and extent of public utilities and
21 terminals, whether publicly or privately owned or operated, for
22 water, light, sanitation, transportation, communication, power,
23 and other purposes.

24 (d) The removal, relocation, widening, narrowing, vacating,
25 abandonment, change of use, or extension of any of the ways,
26 grounds, open spaces, buildings, property, utilities, or
27 terminals described in subdivision (a), (b), or (c).

1 (e) The general location, character, layout, and extent of
2 community centers and neighborhood units.

3 (f) The general character, extent, and layout of the
4 replanning and redevelopment of blighted areas.

5 (g) A zoning plan for the control of the height, area, bulk,
6 location, and use of buildings and premises.

7 (4) The municipal plan shall address land use issues and may
8 project 20 years or more into the future. The plan shall include
9 maps, plats, charts, and descriptive, explanatory, and other
10 related matter and shall show the planning commission's
11 recommendations for the physical development of the
12 municipality. The plan shall also include those of the following
13 subjects which reasonably can be considered as pertinent to the
14 future development of the municipality:

15 (a) A land use plan and program, in part consisting of a
16 classification and allocation of land for agriculture,
17 residences, commerce, industry, recreation, ways and grounds,
18 public buildings, schools, soil conservation, forests, woodlots,
19 open space, wildlife refuges, and other uses and purposes. **The**
20 **plan shall classify and allocate prime farmland for agricultural**
21 **use unless, as specifically documented in the plan, a substantial**
22 **state interest or a compelling local interest requires a**
23 **different classification and allocation for prime farmland in a**
24 **certain area of the municipality.**

25 (b) The general location, character, and extent of streets,
26 railroads, airports, bicycle paths, pedestrian ways, bridges,
27 waterways, and water front developments; flood prevention works,

1 drainage, sanitary sewers and water supply systems, works for
2 preventing pollution, and works for maintaining water levels; and
3 public utilities and structures.

4 (c) Recommendations as to the general character, extent, and
5 layout for the redevelopment or rehabilitation of blighted areas;
6 and the removal, relocation, widening, narrowing, vacating,
7 abandonment, ~~or changes or~~ **change of** use, or extension of ways,
8 grounds, open spaces, buildings, utilities, or other facilities.

9 (d) A zoning plan for the control of the height, area, bulk,
10 location, and use of buildings and premises.

11 (e) Recommendations for implementing any of its proposals.