

HOUSE BILL No. 6252

June 21, 2006, Introduced by Reps. Kolb, Plakas, Condino, Lipsey, Alma Smith, Gleason and Clemente and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

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. Subject to section 9, the legislative bodies of 2 or
2 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.

1 (c) Conditions and procedures for removal from office of
2 members of the joint planning commission and for filling vacancies
3 in the joint planning commission.

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

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

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

11 **(G) THE TRANSITION PERIOD DURING WHICH SPECIFIED POWERS AND**
12 **DUTIES OF EACH PLANNING COMMISSION AND EACH ZONING BOARD OR ZONING**
13 **COMMISSION ARE TO BE TRANSFERRED TO A JOINT PLANNING COMMISSION.**

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

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

24 **(J) —(i)—** Any additional provision concerning the powers or
25 duties of a zoning board or zoning commission that the zoning act
26 specified pursuant to subdivision ~~(h)~~ **(I)** authorizes to be set
27 forth in a zoning ordinance and that is agreed to by the

1 participating municipalities.

2 Sec. 7. (1) All the powers and duties of a planning commission
3 under each planning act are, with respect to the jurisdictional
4 area of the joint planning commission, transferred to the joint
5 planning commission. In exercising such powers or performing such
6 duties, the joint planning commission shall follow the procedure
7 provided under the planning act specified pursuant to section ~~5(g)~~
8 **5(H)**.

9 (2) All the powers and duties of a zoning board or zoning
10 commission under each zoning act are, with respect to the
11 jurisdictional area of the joint planning commission, transferred
12 to the joint planning commission. In exercising such powers or
13 performing such duties, the joint planning commission shall follow
14 the procedure provided under the zoning act specified pursuant to
15 section ~~5(h)~~ **5(I)**.

16 (3) If only part of the territory of a participating
17 municipality is in the jurisdictional area of a joint planning
18 commission, the participating municipality, with the joint planning
19 commission acting as the zoning board or zoning commission, may
20 adopt a zoning ordinance that affects only that portion of its
21 territory in the jurisdictional area of the joint planning
22 commission.

23 **(4) PURSUANT TO SECTION 5(G), THE TRANSFER OF SPECIFIED POWERS**
24 **AND DUTIES UNDER THIS SECTION MAY TAKE PLACE OVER A PERIOD OF TIME**
25 **PRESCRIBED IN THE ORDINANCES ADOPTED UNDER SECTION 5.**