

HOUSE BILL NO. 6364

November 12, 2020, Introduced by Rep. Steven Johnson and referred to the Committee on Government Operations.

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, 2022, the**

1 ordinance is published by the township board in a newspaper having
2 general circulation in the township.

3 **(b) If the ordinance is adopted on or after January 1, 2022,**
4 **the township posts notice of the ordinance as provided in the local**
5 **government public notice act.**

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

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

27 **(3)** ~~(4)~~ If a township board does not on its own initiative
28 adopt an ordinance under this act creating a planning commission, a
29 petition may be filed with the township clerk requesting the

township board to adopt such an ordinance. The petition shall be signed by a number of qualified and registered electors as provided in subsection (2). If such a petition is filed, the township board, at its first meeting following the filing, shall submit the question to the electors of the township in the same manner as provided under subsection (2).

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

Sec. 43. (1) Before approving a proposed master plan, a planning commission ~~shall~~ **must** hold ~~not less than 1~~ **a** public hearing on the proposed master plan. The hearing shall be held after the expiration of the deadline for comment under section 41(3). ~~The~~ **If the hearing is held before January 1, 2022, the** planning commission shall give notice of the time and place of the ~~public~~ hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government. **If the hearing is held on or after January 1, 2022, the planning commission shall post notice of the time and place of the public hearing as provided in the local government public notice act.** The planning commission shall also submit notice of the public hearing in the manner provided in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section ~~41~~. **41(2).**

(2) The approval of the proposed master plan shall be by

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

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

27 (4) If the legislative body rejects the proposed master plan,
28 the legislative body shall submit to the planning commission a
29 statement of its objections to the proposed master plan. The

1 planning commission shall consider the legislative body's
2 objections and revise the proposed master plan so as to address
3 those objections. The procedures provided in subsections (1) to (3)
4 and this subsection shall be repeated until the legislative body
5 approves the proposed master plan.

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

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

27 (2) Recommendations for a subdivision ordinance or rule may
28 address plat design, including the proper arrangement of streets in
29 relation to other existing or planned streets and to the master

1 plan; adequate and convenient open spaces for traffic, utilities,
 2 access of firefighting apparatus, recreation, light, and air; and
 3 the avoidance of congestion of population, including minimum width
 4 and area of lots. The recommendations may also address the extent
 5 to which streets ~~shall~~**must** be graded and improved and to which
 6 water and sewer and other utility mains, piping, or other
 7 facilities ~~shall~~**must** be installed as a condition precedent to the
 8 approval of a plat.

9 (3) Before recommending an ordinance or rule described in
 10 subsection (1), the planning commission ~~shall~~**must** hold a public
 11 hearing on the proposed ordinance or rule. The planning commission
 12 shall give notice of the time and place of the public hearing not
 13 less than 15 days before the hearing **as follows:**

14 (a) **If the hearing is held before January 1, 2022,** by
 15 publication in a newspaper of general circulation within the local
 16 unit of government.

17 (b) **If the hearing is held on or after January 1, 2022, by**
 18 **posting as provided in the local government public notice act.**

19 (4) If a municipality has adopted a master plan or master
 20 street plan, the planning commission of that municipality shall
 21 review and make recommendations on plats before action thereon by
 22 the legislative body under section 112 of the land division act,
 23 1967 PA 288, MCL 560.112. If a township is subject to county zoning
 24 consistent with section 209 of the Michigan zoning enabling act,
 25 2006 PA 110, MCL 125.3209, or a city or village is subject to
 26 county zoning pursuant to the Michigan zoning enabling act, 2006 PA
 27 110, MCL 125.3101 to 125.3702, and a contract under the urban
 28 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
 29 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, and the

1 municipality has adopted a master plan or master street plan, the
2 county planning commission shall also review and make
3 recommendations on plats before action thereon by the legislative
4 body of the municipality under section 112 of the land division
5 act, 1967 PA 288, MCL 560.112.

6 (5) A planning commission ~~shall~~ **must** not take action on a
7 proposed plat without ~~affording~~ **providing** an opportunity for a
8 public hearing thereon. A plat submitted to the planning commission
9 shall contain the name and address of the proprietor or other
10 person to whom notice of a hearing shall be sent. Not less than 15
11 days before the date of the hearing, notice of the date, time, and
12 place of the hearing shall be sent **by mail** to that person at that
13 address ~~by mail and shall be published in a newspaper of general~~
14 ~~circulation in the municipality. Similar notice shall be mailed and~~
15 to the owners of land immediately adjoining the proposed platted
16 land. **In addition, notice shall be given as follows:**

17 (a) **If the hearing is held before January 1, 2022, notice of**
18 **the date, time, and place of the hearing shall be published in a**
19 **newspaper of general circulation in the municipality.**

20 (b) **If the hearing is held on or after January 1, 2022, notice**
21 **of the date, time, and place of the hearing shall be posted as**
22 **provided in the local government public notice act.**

23 (6) A planning commission shall recommend approval, approval
24 with conditions, or disapproval of a plat within 63 days after the
25 plat is submitted to the planning commission. If applicable
26 standards under the land division act, 1967 PA 288, MCL 560.101 to
27 560.293, and an ordinance or published rules governing the
28 subdivision of land authorized under section 105 of that act, MCL
29 560.105, are met, the planning commission shall recommend approval

1 of the plat. If the planning commission fails to act within the
2 required period, the plat shall be considered to have been
3 recommended for approval, and a certificate to that effect shall be
4 issued by the planning commission upon request of the proprietor.
5 However, the proprietor may waive this requirement and consent to
6 an extension of the 63-day period. The grounds for any
7 recommendation of disapproval of a plat shall be stated upon the
8 records of the planning commission.

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

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No.____ or House Bill No. 6440 (request no.
17 02449'19) of the 100th Legislature is enacted into law.