

HOUSE BILL No. 5267

October 17, 2001, Introduced by Reps. Birkholz and Ruth Johnson 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 6, 7, and 8 (MCL 125.36, 125.37, and 125.38), section 8 as amended by 1999 PA 14, and by adding sections 7a and 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) The PLANNING commission shall make and adopt a
2 master plan for the physical development of the municipality,
3 including any areas outside of its boundaries which, in the
4 commission's judgment, bear relation to the planning of the
5 municipality.

6 (2) The MASTER plan, with the accompanying maps, plats,
7 charts, and descriptive matter shall show the commission's

1 recommendations for the development of the territory, including,
2 ~~among other things, the~~ BUT NOT LIMITED TO, ALL OF THE
3 FOLLOWING:

4 (A) THE general location, character, and extent of streets,
5 viaducts, subways, bridges, waterways, flood plains, water
6 fronts, boulevards, parkways, playgrounds, and open spaces. ~~—~~
7 the

8 (B) THE general location of public buildings and other
9 public property. ~~—, and the~~

10 (C) THE general location and extent of public utilities and
11 terminals, whether publicly or privately owned or operated, for
12 water, light, sanitation, transportation, communication, power,
13 and other purposes. ~~—; also the~~

14 (D) THE removal, relocation, widening, narrowing, vacating,
15 abandonment, change of use, or extension of any of the
16 ~~foregoing~~ ways, grounds, open spaces, buildings, property,
17 utilities, or terminals ~~—; the~~ DESCRIBED IN SUBDIVISION (A),
18 (B), OR (C).

19 (E) THE general location, character, layout, and extent of
20 community centers and neighborhood units. ~~—; and the~~

21 (F) THE general character, extent, and layout of the replan-
22 ning and redevelopment of blighted districts and slum areas. ~~—~~
23 ~~as well as a~~

24 (G) A zoning plan for the control of the height, area, bulk,
25 location, and use of buildings and premises. ~~—As the work of~~
26 ~~making the whole master plan progresses, the commission from time~~
27 ~~to time may adopt and publish parts thereof, any such part to~~

1 ~~cover 1 or more major sections or divisions of the municipality~~
 2 ~~or 1 or more of the aforesaid or other functional matters to be~~
 3 ~~included in the plan. The commission from time to time may~~
 4 ~~amend, extend, or add to the plan.~~

5 Sec. 7. (1) In the preparation of ~~such~~ THE MASTER plan,
 6 the PLANNING commission shall make careful and comprehensive sur-
 7 veys and studies of present conditions and future growth of the
 8 municipality, ~~and~~ with due regard to its relation to the neigh-
 9 boring territory. The MASTER plan shall be made with the general
 10 purpose of guiding and accomplishing a coordinated, adjusted, and
 11 harmonious development of the municipality and its environs
 12 ~~which will, in accordance with~~ THAT, CONSIDERING present and
 13 future needs, WILL best promote health, safety, morals, order,
 14 convenience, prosperity, and general welfare, as well as effi-
 15 ciency and economy in the process of development. ~~including,~~
 16 ~~among other things, adequate~~ THE MASTER PLAN SHALL INCLUDE, BUT
 17 NEED NOT BE LIMITED TO, ALL OF THE FOLLOWING:

18 (A) ADEQUATE provision for traffic. ~~the~~

19 (B) THE promotion of safety from fire and other dangers. ~~adequate~~
 20 ~~adequate~~

21 (C) ADEQUATE provision for light and air. ~~the~~

22 (D) THE promotion of the healthful and convenient distribu-
 23 tion of population. ~~the~~

24 (E) THE promotion of good civic design and arrangement. ~~wise~~
 25 ~~wise~~

26 (F) WISE and efficient expenditure of public funds. ~~and~~
 27 ~~the adequate~~

1 (G) ADEQUATE provision of public utilities and other public
2 requirements.

3 (2) THE MUNICIPAL PLANNING COMMISSION SHALL CONSULT, IN
4 RESPECT TO ITS PLANNING, WITH THE PLANNING COMMISSION, OR IF
5 THERE IS NO PLANNING COMMISSION, THE LEGISLATIVE BODY, OF EACH
6 CITY, VILLAGE, TOWNSHIP, OR COUNTY LOCATED WITHIN OR CONTIGUOUS
7 TO THE COUNTY OF THE CONSULTING MUNICIPAL PLANNING COMMISSION.
8 THE MUNICIPAL PLANNING COMMISSION MAY CONSULT, IN RESPECT TO ITS
9 PLANNING, WITH THE REGIONAL PLANNING COMMISSION FOR THE REGION IN
10 WHICH THE MUNICIPALITY IS LOCATED.

11 SEC. 7A. (1) A MASTER PLAN FOR A MUNICIPALITY SHALL BE
12 ADOPTED UNDER THE PROCEDURES SET FORTH IN THIS SECTION AND SEC-
13 TION 8. THE MASTER PLAN MAY BE ADOPTED AS A WHOLE OR BY SUCCES-
14 SIVE PARTS CORRESPONDING WITH MAJOR GEOGRAPHICAL AREAS OF THE
15 MUNICIPALITY OR WITH FUNCTIONAL SUBJECT MATTER AREAS OF THE
16 MASTER PLAN.

17 (2) AFTER PREPARING A PROPOSED MASTER PLAN, THE MUNICIPAL
18 PLANNING COMMISSION SHALL SUBMIT THE PROPOSED PLAN TO THE LEGIS-
19 LATIVE BODY OF THE MUNICIPALITY FOR REVIEW AND COMMENT.

20 (3) AFTER THE LEGISLATIVE BODY REVIEWS AND COMMENTS ON THE
21 PROPOSED MASTER PLAN UNDER SUBSECTION (2), THE MUNICIPAL PLANNING
22 COMMISSION SHALL MAIL A COPY OF THE PROPOSED MASTER PLAN BY
23 FIRST-CLASS MAIL, FOR REVIEW AND COMMENT, TO THE PLANNING COMMIS-
24 SION, OR IF THERE IS NO PLANNING COMMISSION, THE LEGISLATIVE
25 BODY, OF EACH CITY, VILLAGE, TOWNSHIP, OR COUNTY LOCATED WITHIN
26 OR CONTIGUOUS TO THE MUNICIPALITY. THE MUNICIPAL PLANNING
27 COMMISSION MAY MAIL A COPY OF THE PROPOSED PLAN BY FIRST-CLASS

1 MAIL, FOR REVIEW AND COMMENT, TO THE REGIONAL PLANNING
2 COMMISSION, IF ANY, FOR THE REGION IN WHICH THE MUNICIPALITY IS
3 LOCATED.

4 (4) A PLANNING COMMISSION OR LEGISLATIVE BODY DESCRIBED IN
5 SUBSECTION (3) MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED MASTER
6 PLAN TO THE MUNICIPAL PLANNING COMMISSION WITHIN 40 DAYS AFTER
7 THE PROPOSED MASTER PLAN WAS MAILED UNDER SUBSECTION (3). THE
8 COMMENTS OF A PLANNING COMMISSION DESCRIBED IN SUBSECTION (3)
9 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, A STATEMENT WHETHER
10 THAT PLANNING COMMISSION CONSIDERS THE PROPOSED MASTER PLAN TO BE
11 INCONSISTENT WITH THE PLAN, IF ANY, OF THE CITY, VILLAGE, TOWN-
12 SHIP, COUNTY, OR REGION SERVED BY THAT PLANNING COMMISSION.

13 Sec. 8. ~~(1) The commission may adopt the plan as a whole~~
14 ~~by a single resolution. The commission may by successive resolu-~~
15 ~~tions adopt successive parts of the plan corresponding with major~~
16 ~~geographical sections or divisions of the municipality or with~~
17 ~~functional subdivisions of the subject matter of the plan. The~~
18 ~~commission may adopt any amendment or extension of the plan or~~
19 ~~addition to the plan.~~

20 (1) ~~(2)~~ Before the adoption of ~~the~~ A MASTER plan, ~~or~~
21 ~~any part, amendment, extension, or addition to the plan,~~ the
22 MUNICIPAL PLANNING commission shall hold not less than 1 public
23 hearing. ~~Notice~~ THE PLANNING COMMISSION SHALL GIVE NOTICE of
24 the time and place of the public hearing ~~shall be given~~ not
25 less than 15 days ~~prior to~~ BEFORE the hearing by 1 publication
26 in a newspaper of general circulation in the municipality and in
27 the official gazette, if any, of the municipality. ~~, and~~ THE

1 PLANNING COMMISSION SHALL ALSO GIVE NOTICE by registered United
2 States mail to each public utility company and to each railroad
3 company owning or operating any public utility or railroad within
4 the geographical sections or divisions of the municipality
5 affected.

6 (2) ~~(3)~~ The adoption of the MASTER plan ~~or any part,~~
7 ~~amendment, extension, or addition to the plan~~ shall be by reso-
8 lution of the PLANNING commission carried by the affirmative
9 votes of not less than 2/3 of the members of the PLANNING
10 commission. The resolution shall refer expressly to the maps and
11 descriptive and other matter intended by the PLANNING commission
12 to form the whole or part of the MASTER plan, and the action
13 taken shall be recorded on the map and plan and descriptive
14 matter ~~by the identifying signature of~~ AND SIGNED BY the chair-
15 person or the secretary of the PLANNING commission.

16 ~~(4) An attested copy of the plan or part of the plan shall~~
17 ~~be certified to the council and to the county register of deeds.~~

18 (3) FOLLOWING ADOPTION OF THE MASTER PLAN BY THE MUNICIPAL
19 PLANNING COMMISSION, THE MUNICIPAL PLANNING COMMISSION SHALL
20 PROMPTLY MAIL COPIES OF THE MASTER PLAN BY FIRST-CLASS MAIL TO
21 EACH PLANNING COMMISSION OR LEGISLATIVE BODY THAT WAS ENTITLED TO
22 RECEIVE OR DID RECEIVE A COPY OF THE PROPOSED PLAN UNDER SECTION
23 7A(3).

24 (4) FOLLOWING THE ADOPTION OF THE MASTER PLAN BY THE MUNICI-
25 PAL PLANNING COMMISSION, THE MUNICIPAL PLANNING COMMISSION SHALL
26 ALSO TRANSMIT A NOTICE OF ADOPTION OF THE MASTER PLAN AND A COPY
27 OF THE MASTER PLAN TO THE LEGISLATIVE BODY OF THE MUNICIPALITY.

1 SEC. 8A. AN EXTENSION, ADDITION, OR OTHER AMENDMENT TO A
2 MASTER PLAN SHALL BE ADOPTED UNDER THE SAME PROCEDURE AS A MASTER
3 PLAN OR A SUCCESSIVE PART OF A MASTER PLAN UNDER SECTIONS 7A AND
4 8.