

COUNTY PLANNING (EXCERPT)
Act 282 of 1945

***** 125.105 THIS SECTION IS REPEALED BY ACT 33 OF 2008 EFFECTIVE SEPTEMBER 1, 2008

125.105 Adoption of plan by county planning commission; resolution; approval; submission to county board of commissioners; final adoption; amendment; review; adoption by municipality.

Sec. 5. (1) The county planning commission shall adopt the plan by a resolution approved by a majority of the full membership of the planning commission after a public hearing. The hearing shall be held after the expiration of the deadline for comment under section 4c(4). The resolution shall refer expressly to the maps, plats, charts, and descriptive and explanatory matter intended by the planning commission to form the whole or part of the plan, and the action taken shall be recorded on the maps, plats, charts, and descriptive and explanatory matter and signed by the chairperson of the planning commission.

(2) Following approval of the proposed plan by the county planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the county board of commissioners.

(3) Approval of the plan by the planning commission under subsection (1) is the final step for adoption of the plan, unless the board of commissioners by resolution has asserted the right to approve or reject the plan. In that case, after approval of the plan by the planning commission, the county shall approve or reject the plan.

(4) If the county board of commissioners rejects the proposed plan, the county board of commissioners shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the county board of commissioners' objections and revise the proposed plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until a proposed plan is approved by the county board of commissioners.

(5) Upon final adoption of the plan by the county board of commissioners, copies of the plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 4c(3).

(6) An extension, addition, revision, or other amendment to a county plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 4b and 4c and this section. However, for an amendment other than a revision of the plan, the 65-day period otherwise provided for in section 4c(4) shall be 40 days.

(7) At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.

(8) Until 1 year after the effective date of the 2001 amendments that added this subsection, a county may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act immediately before the effective date of the 2001 amendments that added this subsection.

(9) Following adoption of the county plan or any part of a county plan and the certification by the county planning commission to the county board of commissioners of a copy of the plan, work shall not be initiated on any project involving the expenditure of funds by a county board, department, or agency for the acquisition of land, the erection of structures, the extension, construction, or improvement of any physical facility by any county board, department, or agency unless a full description of the project, including, but not limited to, its proposed location and extent, has been submitted to the county planning commission and the report and advice of the planning commission has been received by the county board of commissioners and by the county board, department, or agency submitting the proposal. The requirement for planning commission's review is waived if within 30 days after the proposal has been filed with the planning commission, the planning commission fails to furnish in writing its report and advice upon the proposal. The planning commission shall provide copies of the report and advice to the county board, department, or agency sponsoring the proposal.

(10) A county plan describing the recommended development of an incorporated area shall not be recognized as the official plan or part of the official plan for that area unless adopted by the municipality in the manner prescribed by law or charter for the adoption of such plans by municipalities.

History: 1945, Act 282, Eff. Sept. 6, 1945;—CL 1948, 125.105;—Am. 2001, Act 264, Imd. Eff. Jan. 9, 2002.