

DRAFTER'S NOTE: In subsections (a)(3), (b)(1), and (e)(1) of this section, the former references to "or extension of or addition" and "extension, or addition", respectively are deleted as included within the reference to "amendment".

3.08. Legal status of plan; adoption.

(A) [Whenever] SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF [the] A local legislative body [shall have] HAS adopted [the] A WHOLE plan [as a whole] or A PLAN for one or more geographic sections or divisions of the LOCAL jurisdiction, [no] A PUBLICLY OR PRIVATELY OWNED street, square, park or other public way, ground, or open space, or public building or structure, or public utility[, whether public or privately owned, shall] MAY NOT be constructed or authorized in the LOCAL jurisdiction or THE major geographic section [thereof] OF THE LOCAL JURISDICTION until the location, character, and extent of [such] THE development [shall have] HAS been submitted to and approved by the PLANNING commission as consistent with the [plan provided, that the] PLAN.

(B) (1) THE PLANNING commission shall communicate its decision and THE reasons FOR ITS DECISION to the local legislative body [which shall have the power to] OR TO THE BODY THAT HAS JURISDICTION OVER THE FINANCING OF THE PUBLIC WAY, GROUND, SPACE, BUILDING, STRUCTURE, OR UTILITY.

(2) THE LOCAL LEGISLATIVE BODY OR OTHER BODY HAVING JURISDICTION MAY overrule [such] THE [action] DECISION by a recorded vote of not less than 2/3 of its entire membership[; provided, however, that if the public way, ground, space, building, structure or utility be one the authorization of financing of which does not, under the law or charter provisions governing same, fall within the province of the local legislative body, then the submission to the planning commission shall be by the board, commission or body having such jurisdiction, and the planning commission's action may be overruled by said board, commission or body by a vote of not less than 2/3 of its membership].

(C) (1) [Failure of the planning commission] IF A PLANNING COMMISSION FAILS to act ON A SUBMISSION within 60 days [from and] after the date of official submission to:the planning [commission shall be deemed approval] COMMISSION, THE SUBMISSION SHALL BE CONSIDERED APPROVED.

(2) (I) [Failure of the] IF A local legislative body OR OTHER BODY HAVING JURISDICTION FAILS to act within 60 days [from and] after the date of submission of the recommendation of the planning [commission] COMMISSION, THE LOCAL LEGISLATIVE BODY OR OTHER BODY WITH JURISDICTION shall be [deemed concurrence] CONSIDERED TO HAVE CONCURRED with the recommendation of the planning commission.

(II) The local legislative body shall adopt the plan as a whole or for one or more major geographic sections or divisions of the jurisdiction, and further shall adopt any amendment or extension thereof or addition thereto.