

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5212

A bill to amend 2008 PA 33, entitled
"Michigan planning enabling act,"
by amending sections 3, 31, 33, 39, and 41 (MCL 125.3803, 125.3831,
125.3833, 125.3839, and 125.3841), sections 3 and 33 as amended by
2010 PA 134.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Chief administrative official" means the manager or other
3 highest nonelected administrative official of a city or village.

4 (b) "Chief elected official" means the mayor of a city, the
5 president of a village, the supervisor of a township, or, subject
6 to section 5, the chairperson of the county board of commissioners

1 of a county.

2 (c) "County board of commissioners", subject to section 5,
3 means the elected county board of commissioners, except that, as
4 used in sections 39 and 41, county board of commissioners means 1
5 of the following:

6 (i) A committee of the county board of commissioners, if the
7 county board of commissioners delegates its powers and duties under
8 this act to the committee.

9 (ii) The regional planning commission for the region in which
10 the county is located, if the county board of commissioners
11 delegates its powers and duties under this act to the regional
12 planning commission.

13 (d) "Ex officio member", in reference to a planning
14 commission, means a member, with full voting rights unless
15 otherwise provided by charter, who serves on the planning
16 commission by virtue of holding another office, for the term of
17 that other office.

18 (e) "Legislative body" means the county board of commissioners
19 of a county, the board of trustees of a township, or the council or
20 other elected governing body of a city or village.

21 (f) "Local unit of government" or "local unit" means a county
22 or municipality.

23 (g) "Master plan" means either of the following:

24 (i) As provided in section 81(1), any plan adopted or amended
25 before September 1, 2008 under a planning act repealed under
26 section 85.

27 (ii) Any plan adopted or amended under this act. This includes,

1 but is not limited to, a plan prepared by a planning commission
2 authorized by this act and used to satisfy the requirement of
3 section 203(1) of the Michigan zoning enabling act, 2006 PA 110,
4 MCL 125.3203, regardless of whether it is entitled a master plan,
5 basic plan, county plan, development plan, guide plan, land use
6 plan, municipal plan, township plan, plan, or any other term.

7 (h) "Municipality" or "municipal" means or refers to a city,
8 village, or township.

9 (i) "Planning commission" means either of the following, as
10 applicable:

11 (i) A planning commission created pursuant to section 11(1).

12 (ii) A planning commission retained pursuant to section 81(2)
13 or (3), subject to the limitations on the application of this act
14 provided in section 81(2) and (3).

15 (j) "Planning jurisdiction" for a county, city, or village
16 refers to the areas encompassed by the legal boundaries of that
17 county, city, or village, subject to section 31(1). Planning
18 jurisdiction for a township refers to the areas encompassed by the
19 legal boundaries of that township outside of the areas of
20 incorporated villages and cities, subject to section 31(1).

21 (k) "Population" means the population according to the most
22 recent federal decennial census or according to a special census
23 conducted under section 7 of the Glenn Steil state revenue sharing
24 act of 1971, 1971 PA 140, MCL 141.907, whichever is the more
25 recent.

26 (l) "PUBLIC TRANSPORTATION AGENCY" MEANS A GOVERNMENTAL ENTITY
27 THAT OPERATES OR IS AUTHORIZED TO OPERATE INTERCITY OR LOCAL

1 COMMUTER PASSENGER RAIL SERVICE IN THIS STATE OR A PUBLIC TRANSIT
2 AUTHORITY CREATED UNDER 1 OF THE FOLLOWING ACTS:

3 (i) THE METROPOLITAN TRANSPORTATION AUTHORITIES ACT OF 1967,
4 1967 PA 204, MCL 124.401 TO 124.426.

5 (ii) THE PUBLIC TRANSPORTATION AUTHORITY ACT, 1986 PA 196, MCL
6 124.451 TO 124.479.

7 (iii) 1963 PA 55, MCL 124.351 TO 124.359.

8 (iv) THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.1 TO 117.38.

9 (v) THE REVENUE BOND ACT OF 1933, 1933 PA 94, MCL 141.101 TO
10 141.140.

11 (vi) THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO 42.34.

12 (vii) THE URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7,
13 MCL 124.501 TO 124.512.

14 (M) "PUBLIC TRANSPORTATION FACILITY" MEANS THAT TERM AS
15 DEFINED IN SECTION 2 OF THE METROPOLITAN TRANSPORTATION AUTHORITIES
16 ACT OF 1967, 1967 PA 204, MCL 124.402.

17 (N) ~~(I)~~—"Street" means a street, avenue, boulevard, highway,
18 road, lane, alley, viaduct, or other public way intended for use by
19 motor vehicles, bicycles, pedestrians, and other legal users.

20 Sec. 31. (1) A planning commission shall make and approve a
21 master plan as a guide for development within the planning
22 jurisdiction subject to section 81 and the following:

23 (a) For a county, the master plan may include planning in
24 cooperation with the constituted authorities for incorporated areas
25 in whole or to the extent to which, in the planning commission's
26 judgment, they are related to the planning of the unincorporated
27 ~~territory~~ **AREA** or of the county as a whole.

1 (b) For a township that on ~~the effective date of this act~~
2 **SEPTEMBER 1, 2008** had a planning commission created under former
3 1931 PA 285, or for a city or village, the planning jurisdiction
4 may include any areas outside of the municipal boundaries that, in
5 the planning commission's judgment, are related to the planning of
6 the municipality.

7 (2) In the preparation of a master plan, a planning commission
8 shall do all of the following, as applicable:

9 (a) Make careful and comprehensive surveys and studies of
10 present conditions and future growth within the planning
11 jurisdiction with due regard to its relation to neighboring
12 jurisdictions.

13 (b) Consult with representatives of adjacent local units of
14 government in respect to their planning so that conflicts in master
15 plans and zoning may be avoided.

16 (c) Cooperate with all departments of the state and federal
17 governments, **PUBLIC TRANSPORTATION AGENCIES**, and other public
18 agencies concerned with programs for economic, social, and physical
19 development within the planning jurisdiction and seek the maximum
20 coordination of the local unit of government's programs with these
21 agencies.

22 (3) In the preparation of the master plan, the planning
23 commission may meet with other governmental planning commissions or
24 agency staff to deliberate.

25 (4) In general, a planning commission has such lawful powers
26 as may be necessary to enable it to promote local planning and
27 otherwise carry out the purposes of this act.

1 Sec. 33. (1) A master plan shall address land use and
2 infrastructure issues and may project 20 years or more into the
3 future. A master plan shall include maps, plats, charts, and
4 descriptive, explanatory, and other related matter and shall show
5 the planning commission's recommendations for the physical
6 development of the planning jurisdiction.

7 (2) A master plan shall also include those of the following
8 subjects that reasonably can be considered as pertinent to the
9 future development of the planning jurisdiction:

10 (a) A land use plan that consists in part of a classification
11 and allocation of land for agriculture, residences, commerce,
12 industry, recreation, ways and grounds, **SUBJECT TO SUBSECTION (5),**
13 **PUBLIC TRANSPORTATION FACILITIES,** public buildings, schools, soil
14 conservation, forests, woodlots, open space, wildlife refuges, and
15 other uses and purposes. If a county has not adopted a zoning
16 ordinance under former 1943 PA 183 or the Michigan zoning enabling
17 act, 2006 PA 110, MCL 125.3101 to 125.3702, a land use plan and
18 program for the county may be a general plan with a generalized
19 future land use map.

20 (b) The general location, character, and extent of all of the
21 following:

22 (i) All components of a transportation system and their
23 interconnectivity including streets and bridges, public transit
24 **INCLUDING PUBLIC TRANSPORTATION FACILITIES AND ROUTES,** bicycle
25 facilities, pedestrian ways, freight facilities and routes, port
26 facilities, railroad facilities, and airports, to provide for the
27 safe and efficient movement of people and goods in a manner that is

1 appropriate to the context of the community and, as applicable,
2 considers all legal users of the public right-of-way.

3 (ii) Waterways and waterfront developments.

4 (iii) Sanitary sewers and water supply systems.

5 (iv) Facilities for flood prevention, drainage, pollution
6 prevention, and maintenance of water levels.

7 (v) Public utilities and structures.

8 (c) Recommendations as to the general character, extent, and
9 layout of redevelopment or rehabilitation of blighted areas; and
10 the removal, relocation, widening, narrowing, vacating,
11 abandonment, change of use, or extension of streets, grounds, open
12 spaces, buildings, utilities, or other facilities.

13 (d) For a local unit of government that has adopted a zoning
14 ordinance, a zoning plan for various zoning districts controlling
15 the height, area, bulk, location, and use of buildings and
16 premises. The zoning plan shall include an explanation of how the
17 land use categories on the future land use map relate to the
18 districts on the zoning map.

19 (e) Recommendations for implementing any of the master plan's
20 proposals.

21 (3) If a master plan is or includes a master street plan or 1
22 or more elements described in subsection (2) (b) (i), the means for
23 implementing the master street plan or elements in cooperation with
24 the county road commission and the state transportation department
25 shall be specified in the master street plan in a manner consistent
26 with the respective powers and duties of and any written agreements
27 between these entities and the municipality.

1 (4) This section is subject to section 81(1).

2 (5) THE REFERENCE TO PUBLIC TRANSPORTATION FACILITIES IN
3 SUBSECTION (2) (A) ONLY APPLIES TO A MASTER PLAN THAT IS ADOPTED OR
4 SUBSTANTIVELY AMENDED MORE THAN 90 DAYS AFTER THE EFFECTIVE DATE OF
5 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

6 Sec. 39. (1) A master plan shall be adopted under the
7 procedures set forth in this section and sections 41 and 43. A
8 master plan may be adopted as a whole or by successive parts
9 corresponding with major geographical areas of the planning
10 jurisdiction or with functional subject matter areas of the master
11 plan.

12 (2) Before preparing a master plan, a planning commission
13 shall send to all of the following, by first-class mail or personal
14 delivery, a notice explaining that the planning commission intends
15 to prepare a master plan and requesting the recipient's cooperation
16 and comment:

17 (a) For any local unit of government undertaking a master
18 plan, the planning commission, or if there is no planning
19 commission, the legislative body, of each municipality located
20 within or contiguous to the local unit of government.

21 (b) For a county undertaking a master plan, the regional
22 planning commission for the region in which the county is located,
23 if any.

24 (c) For a county undertaking a master plan, the county
25 planning commission, or if there is no county planning commission,
26 the county board of commissioners, for each county located
27 contiguous to the county.

1 (d) For a municipality undertaking a master plan, the regional
2 planning commission for the region in which the municipality is
3 located, if there is no county planning commission for the county
4 in which that municipality is located. If there is a county
5 planning commission, the municipal planning commission may consult
6 with the regional planning commission but is not required to do so.

7 (e) For a municipality undertaking a master plan, the county
8 planning commission, or if there is no county planning commission,
9 the county board of commissioners, for the county in which that
10 municipality is located.

11 (f) For any local unit of government undertaking a master
12 plan, each public utility company, ~~and~~ railroad company, **AND PUBLIC**
13 **TRANSPORTATION AGENCY** owning or operating a public utility, ~~or~~
14 railroad, **OR PUBLIC TRANSPORTATION SYSTEM** within the local unit of
15 government, and any government entity that registers its name and
16 mailing address for this purpose with the planning commission.

17 (g) If the master plan will include a master street plan, the
18 county road commission and the state transportation department.

19 (3) A submittal under section 41 or 43 by or to an entity
20 described in subsection (2) may be made by personal or first-class
21 mail delivery of a hard copy or by electronic mail. However, the
22 planning commission preparing the plan shall not make such
23 submittals by electronic mail unless, in the notice described in
24 subsection (2), the planning commission states that it intends to
25 make such submittals by electronic mail and the entity receiving
26 that notice does not respond by objecting to the use of electronic
27 mail. Electronic mail may contain a link to a website on which the

1 submittal is posted if the website is accessible to the public free
2 of charge.

3 Sec. 41. (1) After preparing a proposed master plan, a
4 planning commission shall submit the proposed master plan to the
5 legislative body for review and comment. The process of adopting a
6 master plan shall not proceed further unless the legislative body
7 approves the distribution of the proposed master plan.

8 (2) If the legislative body approves the distribution of the
9 proposed master plan, it shall notify the secretary of the planning
10 commission, and the secretary of the planning commission shall
11 submit, in the manner provided in section 39(3), a copy of the
12 proposed master plan, for review and comment, to all of the
13 following:

14 (a) For any local unit of government proposing a master plan,
15 the planning commission, or if there is no planning commission, the
16 legislative body, of each municipality located within or contiguous
17 to the local unit of government.

18 (b) For a county proposing a master plan, the regional
19 planning commission for the region in which the county is located,
20 if any.

21 (c) For a county proposing a master plan, the county planning
22 commission, or if there is no county planning commission, the
23 county board of commissioners, for each county located contiguous
24 to the county.

25 (d) For a municipality proposing a master plan, the regional
26 planning commission for the region in which the municipality is
27 located, if there is no county planning commission for the county

1 in which that local unit of government is located. If there is a
2 county planning commission, the secretary of the **MUNICIPAL** planning
3 commission may submit a copy of the proposed master plan to the
4 regional planning commission but is not required to do so.

5 (e) For a municipality proposing a master plan, the county
6 planning commission, or if there is no county planning commission,
7 the county board of commissioners, for the county in which that
8 municipality is located. The secretary of the **MUNICIPAL** planning
9 commission shall concurrently submit to the county planning
10 commission, in the manner provided in section 39(3), a statement
11 that the requirements of subdivision (a) have been met or, if there
12 is no county planning commission, shall submit to the county board
13 of commissioners, in the manner provided in section 39(3), a
14 statement that the requirements of subdivisions (a) and (d) have
15 been met. The statement shall be signed by the secretary and shall
16 include the name and address of each planning commission or
17 legislative body to which a copy of the proposed master plan was
18 submitted under subdivision (a) or (d), as applicable, and the date
19 of submittal.

20 (f) For any local unit of government proposing a master plan,
21 each public utility company, ~~and~~ railroad company, **AND PUBLIC**
22 **TRANSPORTATION AGENCY** owning or operating a public utility, ~~or~~
23 railroad, **OR PUBLIC TRANSPORTATION SYSTEM** within the local unit of
24 government, and any government entity that registers its name and
25 address for this purpose with the secretary of the planning
26 commission. An entity described in this subdivision that receives a
27 copy of a proposed master plan, or of a final master plan as

1 provided in section 43(5), shall reimburse the local unit of
2 government for any copying and postage costs thereby incurred.

3 (g) If the proposed master plan is or includes a proposed
4 master street plan, the county road commission and the state
5 transportation department.

6 (3) An entity described in subsection (2) may submit comments
7 on the proposed master plan to the planning commission in the
8 manner provided in section 39(3) within 63 days after the proposed
9 master plan was submitted to that entity under subsection (2). If
10 the county planning commission or the county board of commissioners
11 that receives a copy of a proposed master plan under subsection
12 (2)(e) submits comments, the comments shall include, but need not
13 be limited to, both of the following, as applicable:

14 (a) A statement whether the county planning commission or
15 county board of commissioners considers the proposed master plan to
16 be inconsistent with the master plan of any municipality or region
17 described in subsection (2)(a) or (d).

18 (b) If the county has a county master plan, a statement
19 whether the county planning commission considers the proposed
20 master plan to be inconsistent with the county master plan.

21 (4) The statements provided for in subsection (3)(a) and (b)
22 are advisory only.