

**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).

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
7 of a county.

8 (c) "County board of commissioners", subject to section 5,
9 means the elected county board of commissioners, except that, as

1 used in sections 39 and 41, county board of commissioners means 1
2 of the following:

3 (i) A committee of the county board of commissioners, if the
4 county board of commissioners delegates its powers and duties under
5 this act to the committee.

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

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

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

18 (f) "Local unit of government" or "local unit" means a county
19 or municipality.

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

21 (i) As provided in section 81(1), any plan adopted or amended
22 before ~~the effective date of this act~~ **SEPTEMBER 1, 2008** under a
23 planning act repealed under section 85.

24 (ii) Any plan adopted or amended under this act. This includes,
25 but is not limited to, a plan prepared by a planning commission
26 authorized by this act and used to satisfy the requirement of
27 section 203(1) of the Michigan zoning enabling act, 2006 PA 110,

1 MCL 125.3203, regardless of whether it is entitled a master plan,
2 basic plan, county plan, development plan, guide plan, land use
3 plan, municipal plan, township plan, plan, or any other term.

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

6 (i) "Planning commission" means either of the following, as
7 applicable:

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

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

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

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

23 (l) **"PUBLIC TRANSPORTATION AGENCY" MEANS A GOVERNMENTAL ENTITY**
24 **THAT OPERATES OR IS AUTHORIZED TO OPERATE INTERCITY OR LOCAL**
25 **COMMUTER PASSENGER RAIL SERVICE IN THIS STATE OR A PUBLIC TRANSIT**
26 **AUTHORITY CREATED UNDER 1 OF THE FOLLOWING ACTS:**

27 (i) **THE METROPOLITAN TRANSPORTATION AUTHORITIES ACT OF 1967,**

1 1967 PA 204, MCL 124.401 TO 124.426.

2 (ii) THE PUBLIC TRANSPORTATION AUTHORITY ACT, 1986 PA 196, MCL
3 124.451 TO 124.479.

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

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

6 (v) THE REVENUE BOND ACT OF 1933, 1933 PA 94, MCL 141.101 TO
7 141.140.

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

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

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

14 (N) ~~(H)~~ "Street" means a street, avenue, boulevard, highway,
15 road, lane, alley, viaduct, or other way intended for use by
16 automobiles.

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

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

25 (b) For a township that on ~~the effective date of this act~~
26 **SEPTEMBER 1, 2008** had a planning commission created under former
27 1931 PA 285, or for a city or village, the planning jurisdiction

1 may include any areas outside of the municipal boundaries that, in
2 the planning commission's judgment, are related to the planning of
3 the municipality.

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

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

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

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

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

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

25 Sec. 33. (1) A master plan shall address land use and
26 infrastructure issues and may project 20 years or more into the
27 future. A master plan shall include maps, plats, charts, and

1 descriptive, explanatory, and other related matter and shall show
2 the planning commission's recommendations for the physical
3 development of the planning jurisdiction.

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

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

17 (b) The general location, character, and extent of streets,
18 railroads, airports, **PUBLIC TRANSPORTATION FACILITIES AND ROUTES**,
19 bicycle paths, pedestrian ways, bridges, waterways, and waterfront
20 developments; sanitary sewers and water supply systems; facilities
21 for flood prevention, drainage, pollution prevention, and
22 maintenance of water levels; and public utilities and structures.

23 (c) Recommendations as to the general character, extent, and
24 layout of redevelopment or rehabilitation of blighted areas; and
25 the removal, relocation, widening, narrowing, vacating,
26 abandonment, change of use, or extension of streets, grounds, open
27 spaces, buildings, utilities, or other facilities.

1 (d) For a local unit of government that has adopted a zoning
2 ordinance, a zoning plan for various zoning districts controlling
3 the height, area, bulk, location, and use of buildings and
4 premises. The zoning plan shall include an explanation of how the
5 land use categories on the future land use map relate to the
6 districts on the zoning map.

7 (e) Recommendations for implementing any of the master plan's
8 proposals.

9 (3) If a master plan is or includes a master street plan, the
10 means for implementing the master street plan in cooperation with
11 the county road commission and the state transportation department
12 shall be specified in the master street plan in a manner consistent
13 with the respective powers and duties of and any written agreements
14 between these entities and the municipality.

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

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

20 Sec. 39. (1) A master plan shall be adopted under the
21 procedures set forth in this section and sections 41 and 43. A
22 master plan may be adopted as a whole or by successive parts
23 corresponding with major geographical areas of the planning
24 jurisdiction or with functional subject matter areas of the master
25 plan.

26 (2) Before preparing a master plan, a planning commission
27 shall send to all of the following, by first-class mail or personal

1 delivery, a notice explaining that the planning commission intends
2 to prepare a master plan and requesting the recipient's cooperation
3 and comment:

4 (a) For any local unit of government undertaking a master
5 plan, the planning commission, or if there is no planning
6 commission, the legislative body, of each municipality located
7 within or contiguous to the local unit of government.

8 (b) For a county undertaking a master plan, the regional
9 planning commission for the region in which the county is located,
10 if any.

11 (c) For a county undertaking a master plan, the county
12 planning commission, or if there is no county planning commission,
13 the county board of commissioners, for each county located
14 contiguous to the county.

15 (d) For a municipality undertaking a master plan, the regional
16 planning commission for the region in which the municipality is
17 located, if there is no county planning commission for the county
18 in which that municipality is located. If there is a county
19 planning commission, the municipal planning commission may consult
20 with the regional planning commission but is not required to do so.

21 (e) For a municipality undertaking a master plan, the county
22 planning commission, or if there is no county planning commission,
23 the county board of commissioners, for the county in which that
24 municipality is located.

25 (f) For any local unit of government undertaking a master
26 plan, each public utility company, ~~and~~ railroad company, **AND PUBLIC**
27 **TRANSPORTATION AGENCY** owning or operating a public utility, ~~or~~

1 railroad, **OR PUBLIC TRANSPORTATION SYSTEM** within the local unit of
2 government, and any government entity that registers its name and
3 mailing address for this purpose with the planning commission.

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

6 (3) A submittal under section 41 or 43 by or to an entity
7 described in subsection (2) may be made by personal or first-class
8 mail delivery of a hard copy or by electronic mail. However, the
9 planning commission preparing the plan shall not make such
10 submittals by electronic mail unless, in the notice described in
11 subsection (2), the planning commission states that it intends to
12 make such submittals by electronic mail and the entity receiving
13 that notice does not respond by objecting to the use of electronic
14 mail. Electronic mail may contain a link to a website on which the
15 submittal is posted if the website is accessible to the public free
16 of charge.

17 Sec. 41. (1) After preparing a proposed master plan, a
18 planning commission shall submit the proposed master plan to the
19 legislative body for review and comment. The process of adopting a
20 master plan shall not proceed further unless the legislative body
21 approves the distribution of the proposed master plan.

22 (2) If the legislative body approves the distribution of the
23 proposed master plan, it shall notify the secretary of the planning
24 commission, and the secretary of the planning commission shall
25 submit, in the manner provided in section 39(3), a copy of the
26 proposed master plan, for review and comment, to all of the
27 following:

1 (a) For any local unit of government proposing a master plan,
2 the planning commission, or if there is no planning commission, the
3 legislative body, of each municipality located within or contiguous
4 to the local unit of government.

5 (b) For a county proposing a master plan, the regional
6 planning commission for the region in which the county is located,
7 if any.

8 (c) For a county proposing a master plan, the county planning
9 commission, or if there is no county planning commission, the
10 county board of commissioners, for each county located contiguous
11 to the county.

12 (d) For a municipality proposing a master plan, the regional
13 planning commission for the region in which the municipality is
14 located, if there is no county planning commission for the county
15 in which that local unit of government is located. If there is a
16 county planning commission, the secretary of the **MUNICIPAL** planning
17 commission may submit a copy of the proposed master plan to the
18 regional planning commission but is not required to do so.

19 (e) For a municipality proposing a master plan, the county
20 planning commission, or if there is no county planning commission,
21 the county board of commissioners, for the county in which that
22 municipality is located. The secretary of the **MUNICIPAL** planning
23 commission shall concurrently submit to the county planning
24 commission, in the manner provided in section 39(3), a statement
25 that the requirements of subdivision (a) have been met or, if there
26 is no county planning commission, shall submit to the county board
27 of commissioners, in the manner provided in section 39(3), a

1 statement that the requirements of subdivisions (a) and (d) have
2 been met. The statement shall be signed by the secretary and shall
3 include the name and address of each planning commission or
4 legislative body to which a copy of the proposed master plan was
5 submitted under subdivision (a) or (d), as applicable, and the date
6 of submittal.

7 (f) For any local unit of government proposing a master plan,
8 each public utility company, ~~and~~ railroad company, **AND PUBLIC**
9 **TRANSPORTATION AGENCY** owning or operating a public utility, ~~or~~
10 railroad, **OR PUBLIC TRANSPORTATION SYSTEM** within the local unit of
11 government, and any government entity that registers its name and
12 address for this purpose with the secretary of the planning
13 commission. An entity described in this subdivision that receives a
14 copy of a proposed master plan, or of a final master plan as
15 provided in section 43(5), shall reimburse the local unit of
16 government for any copying and postage costs thereby incurred.

17 (g) If the proposed master plan is or includes a proposed
18 master street plan, the county road commission and the state
19 transportation department.

20 (3) An entity described in subsection (2) may submit comments
21 on the proposed master plan to the planning commission in the
22 manner provided in section 39(3) within 63 days after the proposed
23 master plan was submitted to that entity under subsection (2). If
24 the county planning commission or the county board of commissioners
25 that receives a copy of a proposed master plan under subsection
26 (2)(e) submits comments, the comments shall include, but need not
27 be limited to, both of the following, as applicable:

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

5 (b) If the county has a county master plan, a statement
6 whether the county planning commission considers the proposed
7 master plan to be inconsistent with the county master plan.

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