

# HOUSE BILL No. 5212

July 16, 2009, Introduced by Reps. Donigan, Lisa Brown, Meadows, Haase, Barnett, Polidori, Bauer, Warren and Byrnes and referred to the Committee on Intergovernmental and Regional Affairs.

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,

1 means the elected county board of commissioners, except that, as  
2 used in sections 39 and 41, county board of commissioners means 1  
3 of the following:

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

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

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

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

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

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

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24 planning act repealed under section 85.

25 (ii) Any plan adopted or amended under this act. This includes,  
26 but is not limited to, a plan prepared by a planning commission  
27 authorized by this act and used to satisfy the requirement of

1 section 203(1) of the Michigan zoning enabling act, 2006 PA 110,  
2 MCL 125.3203, regardless of whether it is entitled a master plan,  
3 basic plan, county plan, development plan, guide plan, land use  
4 plan, municipal plan, township plan, plan, or any other term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(M) ~~(I)~~—"Street" means a street, avenue, boulevard, highway,  
road, lane, alley, viaduct, or other way intended for use by  
automobiles.

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

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

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

1 the municipality.

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

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

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

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

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

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

23 Sec. 33. (1) A master plan shall address land use and  
24 infrastructure issues and may project 20 years or more into the  
25 future. A master plan shall include maps, plats, charts, and  
26 descriptive, explanatory, and other related matter and shall show  
27 the planning commission's recommendations for the physical

1 development of the planning jurisdiction.

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

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

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

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

26 (d) For a local unit of government that has adopted a zoning  
27 ordinance, a zoning plan for various zoning districts controlling

1 the height, area, bulk, location, and use of buildings and  
2 premises. The zoning plan shall include an explanation of how the  
3 land use categories on the future land use map relate to the  
4 districts on the zoning map.

5 (e) Recommendations for implementing any of the master plan's  
6 proposals.

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

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

14 Sec. 39. (1) A master plan shall be adopted under the  
15 procedures set forth in this section and sections 41 and 43. A  
16 master plan may be adopted as a whole or by successive parts  
17 corresponding with major geographical areas of the planning  
18 jurisdiction or with functional subject matter areas of the master  
19 plan.

20 (2) Before preparing a master plan, a planning commission  
21 shall send to all of the following, by first-class mail or personal  
22 delivery, a notice explaining that the planning commission intends  
23 to prepare a master plan and requesting the recipient's cooperation  
24 and comment:

25 (a) For any local unit of government undertaking a master  
26 plan, the planning commission, or if there is no planning  
27 commission, the legislative body, of each municipality located

1 within or contiguous to the local unit of government.

2 (b) For a county undertaking a master plan, the regional  
3 planning commission for the region in which the county is located,  
4 if any.

5 (c) For a county undertaking a master plan, the county  
6 planning commission, or if there is no county planning commission,  
7 the county board of commissioners, for each county located  
8 contiguous to the county.

9 (d) For a municipality undertaking a master plan, the regional  
10 planning commission for the region in which the municipality is  
11 located, if there is no county planning commission for the county  
12 in which that municipality is located. If there is a county  
13 planning commission, the municipal planning commission may consult  
14 with the regional planning commission but is not required to do so.

15 (e) For a municipality undertaking a master plan, the county  
16 planning commission, or if there is no county planning commission,  
17 the county board of commissioners, for the county in which that  
18 municipality is located.

19 (f) For any local unit of government undertaking a master  
20 plan, each public utility company, ~~and~~ railroad company, **AND PUBLIC**  
21 **TRANSPORTATION AGENCY** owning or operating a public utility, ~~or~~  
22 railroad, **OR PUBLIC TRANSPORTATION SYSTEM** within the local unit of  
23 government, and any government entity that registers its name and  
24 mailing address for this purpose with the planning commission.

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

27 (3) A submittal under section 41 or 43 by or to an entity



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

11       Sec. 41. (1) After preparing a proposed master plan, a  
12 planning commission shall submit the proposed master plan to the  
13 legislative body for review and comment. The process of adopting a  
14 master plan shall not proceed further unless the legislative body  
15 approves the distribution of the proposed master plan.

16       (2) If the legislative body approves the distribution of the  
17 proposed master plan, it shall notify the secretary of the planning  
18 commission, and the secretary of the planning commission shall  
19 submit, in the manner provided in section 39(3), a copy of the  
20 proposed master plan, for review and comment, to all of the  
21 following:

22       (a) For any local unit of government proposing a master plan,  
23 the planning commission, or if there is no planning commission, the  
24 legislative body, of each municipality located within or contiguous  
25 to the local unit of government.

26       (b) For a county proposing a master plan, the regional  
27 planning commission for the region in which the county is located,

1 if any.

2 (c) For a county proposing a master plan, the county planning  
3 commission, or if there is no county planning commission, the  
4 county board of commissioners, for each county located contiguous  
5 to the county.

6 (d) For a municipality proposing a master plan, the regional  
7 planning commission for the region in which the municipality is  
8 located, if there is no county planning commission for the county  
9 in which that local unit of government is located. If there is a  
10 county planning commission, the secretary of the **MUNICIPAL** planning  
11 commission may submit a copy of the proposed master plan to the  
12 regional planning commission but is not required to do so.

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

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

11 (g) If the proposed master plan is or includes a proposed  
12 master street plan, the county road commission and the state  
13 transportation department.

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

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

26 (b) If the county has a county master plan, a statement  
27 whether the county planning commission considers the proposed

- 1 master plan to be inconsistent with the county master plan.
- 2 (4) The statements provided for in subsection (3)(a) and (b)
- 3 are advisory only.