

HOUSE BILL No. 6152

May 6, 2010, Introduced by Reps. Byrnes, Switalski, Leland, Liss, Bledsoe, Wayne Schmidt, Donigan, Lisa Brown, Tlaib, Gonzales, Young, Robert Jones and Roberts and referred to the Committee on Transportation.

A bill to amend 2008 PA 33, entitled "Michigan planning enabling act," by amending sections 3, 33, and 81 (MCL 125.3803, 125.3833, and 125.3881).

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) "COMPLETE STREETS POLICY" MEANS THAT TERM AS DEFINED IN
9 SECTION 10P OF 1951 PA 51, MCL 247.660P.

10 (d) ~~(e)~~ "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 (E) ~~(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 (F) ~~(e)~~—"Legislative body" means the county board of
17 commissioners of a county, the board of trustees of a township, or
18 the council or other elected governing body of a city or village.

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

21 (H) ~~(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24 planning act repealed under section 85.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 (I) ~~(h)~~—"Municipality" or "municipal" means or refers to a
6 city, village, or township.

7 (J) ~~(i)~~—"Planning commission" means either of the following,
8 as 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 (K) ~~(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 (L) ~~(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 (M) ~~(l)~~—"Street" means a street, avenue, boulevard, highway,
25 road, lane, alley, viaduct, or other way intended for use by
26 automobiles.

27 Sec. 33. (1) A master plan shall address land use and

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

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

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

18 (b) The general location, character, and extent of ~~streets,~~
 19 ~~railroads, airports, bicycle paths, pedestrian ways, bridges,~~
 20 ~~waterways,~~ **ALL OF THE FOLLOWING:**

21 (i) **AN INTERCONNECTED TRANSPORTATION SYSTEM CONSISTING OF**
 22 **STREETS AND BRIDGES, PUBLIC TRANSIT, BICYCLE LANES AND PATHS,**
 23 **PEDESTRIAN WAYS, FREIGHT FACILITIES AND ROUTES, PORT FACILITIES,**
 24 **RAILROAD FACILITIES, AND AIRPORTS, SUBJECT TO SUBSECTION (3).**

25 (ii) **WATERWAYS** and waterfront developments. ~~sanitary~~

26 (iii) **SANITARY** sewers and water supply systems. ~~facilities~~

27 (iv) **FACILITIES** for flood prevention, drainage, pollution

1 prevention, and maintenance of water levels. ~~and public~~

2 (v) PUBLIC utilities and structures.

3 (c) Recommendations as to the general character, extent, and
4 layout of redevelopment or rehabilitation of blighted areas; and
5 the removal, relocation, widening, narrowing, vacating,
6 abandonment, change of use, or extension of streets, grounds, open
7 spaces, buildings, utilities, or other facilities.

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

14 (e) Recommendations for implementing any of the master plan's
15 proposals.

16 (3) BEGINNING JANUARY 1, 2016, THE TRANSPORTATION SYSTEM
17 ELEMENT OF A MASTER PLAN SHALL AT A MINIMUM ADDRESS THE FOLLOWING:

18 (A) THE LEVEL OF SERVICE OF ALL STREETS IN THE LOCAL UNIT OF
19 GOVERNMENT CLASSIFIED BY TYPE AND FUNCTION AND RECOMMENDATIONS FOR
20 ANY FUTURE CHANGES TO THE STREET SYSTEM AND LEVEL OF SERVICE.

21 (B) THE MECHANISM FOR ASSESSING, PREVENTING, AND MITIGATING
22 THE TRAFFIC AND OTHER IMPACTS OF LARGE, TRAFFIC-GENERATING LAND
23 USES THAT MAY BE DEVELOPED ALONG EXISTING OR PROPOSED MAJOR STREET
24 CORRIDORS.

25 (C) MAJOR STREET CORRIDOR ACCESS MANAGEMENT ISSUES, PROPOSED
26 SOLUTIONS TO PREVENT TRAFFIC CRASHES AND PRESERVE STREET CAPACITY,
27 AND PROPOSED POLICIES TO PREVENT FUTURE TRAFFIC SAFETY PROBLEMS AND

1 REMEDIATE EXISTING PROBLEMS.

2 (D) TRAFFIC NOISE ALONG MAJOR STREET CORRIDORS, INCLUDING
3 PROPOSED SOLUTIONS AND POLICIES TO LIMIT NOISE.

4 (E) PEDESTRIAN AND BICYCLE ACCESS AND SERVICE ISSUES ALONG ALL
5 STREETS, THE POTENTIAL FOR NEW OR EXPANDED PEDESTRIAN FACILITIES
6 AND BICYCLE LANES AND PATHWAYS, AND APPROPRIATE RECOMMENDATIONS
7 CONCERNING ALL OF THE FOLLOWING:

8 (i) A COMPLETE STREETS POLICY.

9 (ii) CONTEXT SENSITIVE DESIGN.

10 (iii) TRAFFIC CALMING TECHNIQUES.

11 (iv) WALKABILITY AND BIKEABILITY POLICIES.

12 (4) ~~(3)~~—If a master plan is or includes a master street plan,
13 the means for implementing the master street plan in cooperation
14 with the county road commission and the state transportation
15 department shall be specified in the master street plan in a manner
16 consistent with the respective powers and duties of and any written
17 agreements between these entities and the municipality.

18 (5) ~~(4)~~—This section is subject to section 81(1).

19 Sec. 81. (1) Unless rescinded by the local unit of government,
20 any plan adopted or amended under a planning act repealed under
21 section 85 need not be readopted under this act but continues in
22 effect as a master plan under this act, regardless of whether it is
23 entitled a master plan, basic plan, county plan, development plan,
24 guide plan, land use plan, municipal plan, township plan, plan, or
25 any other term. This includes, but is not limited to, a plan
26 prepared by a planning commission and adopted before ~~the effective~~
27 ~~date of this act~~ **SEPTEMBER 1, 2008** to satisfy the requirements of

1 section 1 of the former city and village zoning act, 1921 PA 207,
2 section 3 of the former township zoning act, 1943 PA 184, section 3
3 of the former county zoning act, 1943 PA 183, or section 203(1) of
4 the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203. The
5 master plan is subject to the requirements of this act, including,
6 but not limited to, the requirement for periodic review under
7 section 45(2) and the amendment procedures set forth in this act.
8 However, the master plan is not subject to the requirements of
9 section 33, **EXCEPT THE REQUIREMENTS OF SECTION 33(4)**, until it is
10 first amended under this act. **AN AMENDMENT SOLELY TO COMPLY WITH**
11 **SECTION 33(4) IS NOT CONSIDERED TO BE A FIRST AMENDMENT UNDER THIS**
12 **ACT, WHICH WOULD SUBJECT THE MASTER PLAN TO THE OTHER REQUIREMENTS**
13 **OF SECTION 33.**

14 (2) Unless repealed, a city or home rule village charter
15 provision creating a planning commission before ~~the effective date~~
16 ~~of this act~~ **SEPTEMBER 1, 2008** and any ordinance adopted before ~~the~~
17 ~~effective date of this act~~ **SEPTEMBER 1, 2008** implementing that
18 charter provision continues in effect under this act, and the
19 planning commission need not be newly created by an ordinance
20 adopted under this act. However, both of the following apply:

21 (a) The legislative body may by ordinance increase the powers
22 and duties of the planning commission to correspond with the powers
23 and duties of a planning commission created under this act.
24 Provisions of this act regarding planning commission powers and
25 duties do not otherwise apply to a planning commission created by
26 charter before ~~the effective date of this act~~ **SEPTEMBER 1, 2008** and
27 provisions of this act regarding planning commission membership,

1 appointment, and organization do not apply to such a planning
2 commission. All other provisions of this act, including, but not
3 limited to, provisions regarding planning commission selection of
4 officers, meetings, rules, records, appointment of employees,
5 contracts for services, and expenditures, do apply to such a
6 planning commission.

7 (b) The legislative body shall amend any ordinance adopted
8 before ~~the effective date of this act~~ **SEPTEMBER 1, 2008** to
9 implement the charter provision, or repeal the ordinance and adopt
10 a new ordinance, to fully conform to the requirements of this act
11 made applicable by subdivision (a), by the earlier of the following
12 dates:

13 (i) The date when an amendatory or new ordinance is first
14 adopted under this act for any purpose.

15 (ii) July 1, 2011.

16 (3) Unless repealed, an ordinance creating a planning
17 commission under former 1931 PA 285 or former 1945 PA 282 or a
18 resolution creating a planning commission under former 1959 PA 168
19 continues in effect under this act, and the planning commission
20 need not be newly created by an ordinance adopted under this act.
21 However, all of the following apply:

22 (a) ~~Beginning on the effective date of this act, the~~ **THE**
23 duties of the planning commission are subject to the requirements
24 of this act.

25 (b) The legislative body shall amend the ordinance, or repeal
26 the ordinance or resolution and adopt a new ordinance, to fully
27 conform to the requirements of this act by the earlier of the

1 following dates:

2 (i) The date when an amendatory or new ordinance is first
3 adopted under this act for any purpose.

4 (ii) July 1, 2011.

5 (c) An ordinance adopted under subdivision (b) is not subject
6 to referendum.

7 (4) Unless repealed or rescinded by the legislative body, an
8 ordinance or published rules governing the subdivision of land
9 authorized under section 105 of the land division act, 1967 PA 288,
10 MCL 560.105, need not be readopted under this act or amended to
11 comply with this act but continue in effect under this act.
12 However, if amended, the ordinance or published rules shall be
13 amended under the procedures of this act.