

HOUSE BILL NO. 5557

March 12, 2024, Introduced by Reps. Grant, McFall, McKinney, Glanville, Price, Fitzgerald, Haadsma, Paiz, Andrews, Neeley, O'Neal, Brenda Carter, Rheingans, Arbit, Young, Snyder and Tsernoglou and referred to the Committee on Economic Development and Small Business.

A bill to amend 2008 PA 33, entitled
"Michigan planning enabling act,"
by amending sections 7, 15, and 33 (MCL 125.3807, 125.3815, and
125.3833), section 7 as amended by 2010 PA 134, section 15 as
amended by 2010 PA 105, and section 33 as amended by 2010 PA 306.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 7. (1) A local unit of government may adopt, amend, and
2 implement a master plan as provided in this act.
3 (2) The general purpose of a master plan is to guide and

1 accomplish, in the planning jurisdiction and its environs,
2 development that satisfies all of the following criteria:

3 (a) Is coordinated, adjusted, harmonious, efficient, and
4 economical.

5 (b) Considers the character of the planning jurisdiction and
6 its suitability for particular uses, judged in terms of such
7 factors as trends in land and population development.

8 (c) Will, in accordance with present and future needs, best
9 promote public health, safety, morals, order, convenience,
10 prosperity, and general welfare.

11 (d) Includes, among other things, promotion of or adequate
12 provision for 1 or more of the following:

13 (i) A system of transportation to lessen congestion on streets
14 and provide for safe and efficient movement of people and goods by
15 motor vehicles, bicycles, pedestrians, and other legal users.

16 (ii) Safety from fire and other dangers.

17 (iii) Light and air.

18 (iv) Healthful and convenient distribution of population.

19 (v) Good civic design and arrangement and wise and efficient
20 expenditure of public funds.

21 (vi) Public utilities such as sewage disposal and water supply
22 and other public improvements.

23 (vii) Recreation.

24 (viii) The use of resources in accordance with their character
25 and adaptability.

26 (ix) **A range of housing types, costs, affordability,**
27 **attainability, ages, and other characteristics, including single-**
28 **and multiple-family dwellings, to serve the housing demands of a**
29 **diverse population.**

1 Sec. 15. (1) In a municipality, the chief elected official
2 shall appoint members of the planning commission, subject to
3 approval by a majority vote of the members of the legislative body
4 elected and serving. In a county, the county board of commissioners
5 shall determine the method of appointment of members of the
6 planning commission by resolution of a majority of the full
7 membership of the county board.

8 (2) A city, village, or township planning commission shall
9 consist of 5, 7, or 9 members. A county planning commission shall
10 consist of 5, 7, 9, or 11 members. Members of a planning commission
11 other than ex officio members under subsection (5) shall be
12 appointed for 3-year terms. However, of the members of the planning
13 commission, other than ex officio members, first appointed, a
14 number shall be appointed to 1-year or 2-year terms such that, as
15 nearly as possible, the terms of 1/3 of all the planning commission
16 members will expire each year. If a vacancy occurs on a planning
17 commission, the vacancy ~~shall~~**must** be filled for the unexpired term
18 in the same manner as provided for an original appointment. A
19 member shall hold office until ~~his or her~~**a** successor is appointed.

20 (3) The membership of a planning commission ~~shall~~**must** be
21 representative of important segments of the community, such as the
22 economic, governmental, educational, and social development of the
23 local unit of government, in accordance with the major interests ~~as~~
24 ~~they exist in~~**of** the local unit of government, such as agriculture,
25 natural resources, recreation, education, public health,
26 government, transportation, industry, **housing**, and commerce. The
27 membership ~~shall~~**must** also be representative of the entire
28 territory of the local unit of government to the extent
29 practicable.

1 (4) Members of a planning commission ~~shall~~**must** be qualified
2 electors of the local unit of government. ~~except that~~**However**,
3 the following number of planning commission members may be
4 individuals who are not qualified electors of the local unit of
5 government but are qualified electors of another local unit of
6 government:

7 (a) 3, in a city that on September 1, 2008 had a population of
8 more than 2,700 but less than 2,800.

9 (b) 2, in a city or village that has, or on September 1, 2008
10 had, a population of less than 5,000, except as provided in
11 subdivision (a).

12 (c) 1, in **a** local ~~units~~**unit** of government ~~other than those~~
13 **not** described in subdivision (a) or (b).

14 (5) In a township that on September 1, 2008 had a planning
15 commission created under former 1931 PA 285, 1 member of the
16 legislative body or the chief elected official, or both, may be
17 appointed to the planning commission ~~as~~ ex officio members. In
18 any other township, 1 member of the legislative body ~~shall~~**must** be
19 appointed to the planning commission ~~as~~ an ex officio member. In
20 a city, village, or county, the chief administrative official or ~~a~~
21 ~~person~~**an individual** designated by the chief administrative
22 official, if any, the chief elected official, 1 or more members of
23 the legislative body, or any combination thereof, may be appointed
24 to the planning commission ~~as~~ ex officio members, unless
25 prohibited by charter. However, in a city, village, or county, not
26 more than 1/3 of the members of the planning commission may be ex
27 officio members. Except as provided in this subsection, an elected
28 officer or employee of the local unit of government is not eligible
29 to be a member of the planning commission. The term of an ex

1 officio member of a planning commission ~~shall be~~ **is** as follows:

2 (a) The term of a chief elected official ~~shall must~~ correspond
3 to ~~his or her~~ **the individual's** term as chief elected official.

4 (b) The term of a chief administrative official ~~shall expire~~
5 **expires** with the term of the chief elected official that appointed
6 ~~him or her as the~~ chief administrative official.

7 (c) The term of a member of the legislative body ~~shall expire~~
8 **expires** with ~~his or her~~ **the member's** term on the legislative body.

9 (6) For a county planning commission, the county shall make
10 every reasonable effort to ensure that the membership of the county
11 planning commission includes a member of a public school board or
12 an administrative employee of a school district ~~included,~~ **located,**
13 in whole or in part, within the county's boundaries. ~~The~~
14 ~~requirements of this~~ **This** subsection ~~apply whenever~~ **applies each**
15 **time** an appointment is to be made to the planning commission,
16 unless an incumbent is being reappointed or an ex officio member is
17 being appointed under subsection (5).

18 (7) Subject to subsection (8), a city or village that has a
19 population of less than 5,000, and that has not created a planning
20 commission by charter, may by an ordinance adopted under section
21 11(1) provide that 1 of the following boards serve as its planning
22 commission:

23 (a) The board of directors of the economic development
24 corporation of the city or village created under the economic
25 development corporations act, 1974 PA 338, MCL 125.1601 to
26 125.1636.

27 (b) The board of a downtown development authority created
28 under ~~1975 PA 197, MCL 125.1651 to 125.1681,~~ **part 2 of the**
29 **recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to**

1 **125.4230**, if the boundaries of the downtown district are the same
2 as the boundaries of the city or village.

3 (c) ~~A~~~~The board created under the~~~~of a~~ tax increment finance
4 authority act, ~~1980 PA 450, MCL 125.1801 to 125.1830,~~ **under part 3**
5 **of the recodified tax increment financing act, 2018 PA 57, MCL**
6 **125.4301 to 125.4329**, if the boundaries of the authority district
7 are the same as the boundaries of the city or village.

8 (8) Subsections (1) to (5) do not apply to a planning
9 commission established under subsection (7). All other provisions
10 of this act apply to a planning commission established under
11 subsection (7).

12 (9) The legislative body may remove a member of the planning
13 commission for misfeasance, malfeasance, or nonfeasance in office
14 ~~upon~~~~on~~ written charges and after a public hearing. Before casting
15 a vote on a matter on which a member may reasonably be considered
16 to have a conflict of interest, the member shall disclose the
17 potential conflict of interest to the planning commission. The
18 member is disqualified from voting on the matter if so provided by
19 the bylaws or by a majority vote of the remaining members of the
20 planning commission. Failure of a member to disclose a potential
21 conflict of interest as required by this subsection constitutes
22 malfeasance in office. Unless the legislative body, by ordinance,
23 defines conflict of interest for the purposes of this subsection,
24 the planning commission shall do so in its bylaws.

25 (10) An ordinance creating a planning commission may impose
26 additional requirements relevant to the subject matter of, but not
27 inconsistent with, this section.

28 Sec. 33. (1) A master plan ~~shall~~~~must~~ address land use and
29 infrastructure issues and may project 20 years or more into the

1 future. A master plan ~~shall~~**must** include maps, plats, charts, and
2 descriptive, explanatory, and other related matter and ~~shall~~**must**
3 show the planning commission's recommendations for the physical
4 development of the planning jurisdiction.

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

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

18 (b) The general location, character, and extent of all of the
19 following:

20 (i) All components of a transportation system and their
21 interconnectivity, including streets and bridges, public transit
22 including public transportation facilities and routes, bicycle
23 facilities, pedestrian ways, freight facilities and routes, port
24 facilities, railroad facilities, and airports, to provide for the
25 safe and efficient movement of people and goods in a manner that is
26 appropriate to the context of the community and, as applicable,
27 considers all legal users of the public right-of-way.

28 (ii) Waterways and waterfront developments.

29 (iii) Sanitary sewers and water supply systems.

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

3 (v) Public utilities and structures.

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

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

15 **(e) An assessment of the community's existing and forecasted**
16 **housing demands, with strategies and policies for addressing those**
17 **demands.**

18 **(f)** ~~(e)~~ Recommendations for implementing any of the master
19 plan's proposals.

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

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

28 (5) The reference to public transportation facilities in
29 subsection (2) (a) only applies to a master plan that is adopted or

1 substantively amended ~~more than 90 days after the effective date of~~
2 ~~the amendatory act that added this subsection.~~**March 17, 2011.**