

HOUSE BILL NO. 5557

March 12, 2024, Introduced by Reps. Grant, McFall, McKinney, Glanville, Price, Fitzgerald, Adamsma, Paiz, Andrews, Neeley, O'Neal, Brenda Carter, Rheingans, Arbit, Young, Snyder and Arnoglou 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:

Sec. 7. (1) A local unit of government may adopt, amend, and implement a master plan as provided in this act.

(2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:

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

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

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

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

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

(ii) Safety from fire and other dangers.

(iii) Light and air.

(iv) Healthful and convenient distribution of population.

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

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

(vii) Recreation.

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

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

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

(2) A city, village, or township planning commission shall consist of 5, 7, or 9 members. A county planning commission shall consist of 5, 7, 9, or 11 members. Members of a planning commission other than ex officio members under subsection (5) shall be appointed for 3-year terms. However, of the members of

the planning commission, other than ex officio members, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all the planning commission members will expire each year. If a vacancy occurs on a planning commission, the vacancy ~~shall must~~ be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until ~~his or her~~ **a** successor is appointed.

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

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

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

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

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

(5) In a township that on September 1, 2008 had a planning commission created under former 1931 PA 285, 1 member of the legislative body or the chief elected official, or both, may be appointed to the planning commission ~~, as~~ ex officio members. In any other township, 1 member of the legislative body ~~shall must~~ be appointed to the planning commission ~~, as~~ an ex officio member. In a city, village, or county, the chief administrative official or ~~a~~

~~person~~ **an individual** designated by the chief administrative official, if any, the chief elected official, 1 or more members of the legislative body, or any combination thereof, may be appointed to the planning commission ~~, as ex officio members, unless~~ prohibited by charter. However, in a city, village, or county, not more than 1/3 of the members of the planning commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the planning commission. The term of an ex officio member of a planning commission ~~shall be~~ **is** as follows:

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

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

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

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

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

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

(b) The board of a downtown development authority created under ~~1975 PA 197, MCL 125.1651 to 125.1681,~~ **part 2 of the**

recodified tax increment financing act, 2018 PA 57, MCL 125.4201 to 125.4230, if the boundaries of the downtown district are the same as the boundaries of the city or village.

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

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

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

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

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

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

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

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

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

(ii) Waterways and waterfront developments.

(iii) Sanitary sewers and water supply systems.

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

(v) Public utilities and structures.

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

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

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

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

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

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

(5) The reference to public transportation facilities in subsection (2) (a) only applies to a master plan that is adopted or substantively amended ~~more than 90 days after the effective date of the amendatory act that added this subsection.~~**March 17, 2011.**