



**Michigan Association of Planning
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The Michigan Planning Enabling Act (P.A. 33): What the Changes Mean to Local Officials

On March 13, 2008, Governor Jennifer Granholm signed SB 206 authorizing Public Act 33 of 2008, the Michigan Planning Enabling Act (PEA). SB 206 was introduced by Senator Patricia Birkholz (R-24) in February 15, 2007, and unifies Michigan's three planning acts (municipal, township, and county) into a single statute. A diverse group of stakeholders worked for more than a year, initially under the wise counsel of Senator Birkholz, and later with Representative Barb Byrum (D-67), when the bill reached the House to achieve consensus on the bill language. A single Michigan Planning Act is good news for local government officials and community planners.

The Association was a champion of the unification of the planning acts, and served as an expert and technical advisor to both legislators and stakeholders during the workgroup meetings that were convened to guide the unification process. Representatives of the MAP Law Committee provided initial draft bill language to the legislators, and attended many meetings as the workgroup negotiated and compromised on final bill language. Representatives from the Michigan Municipal League, Michigan Association of Townships, Michigan Association of Counties, the homebuilders and realtors, and state agency representatives hashed out the details of the bill, and collaboration was a critical element of the success of the process.

Why a single planning act is important?

Historically, each municipal type (cities/village, townships, and counties) had its own planning act, with the Municipal Planning Act adopted first in 1931, followed by counties in 1945, and townships 1959. The Municipal Planning Act served as the base for the unified Michigan Planning Enabling Act because it was the oldest statute, and was more comprehensive. Also, townships which had planned before 1959, when the Township Planning Act was enacted, already were using the Municipal Planning Act.

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A simple rule drove the unification process: No substantive changes unless all stakeholders agreed. But there were several instances where it was clear to the participants that the statute could be vastly improved if certain issues of considerable importance were addressed.

For example, it was agreed that the organization of the act could be improved. As with the Michigan Zoning Enabling Act (P.A. 110 of 2007), the language was rearranged by article, vastly improving the layout and sequencing of the act in an intuitive manner. A definitions section was added as well, clarifying commonly used terms. The reorganization makes it easier to find provisions, and is arranged in an order of progression typically followed during the planning process. While ordinances and resolutions are required to be updated, the deadline is July 1, 2011.

A summary of the major changes follows. Go to the MAP webpage www.planningmi.org/ to view a detailed chart which compares former language for each of the acts with the new P.A. 33 language.

- The title of all plans (except counties without zoning) prepared by a planning commission will be called a "master plan"; references to "comprehensive plan", "development plan", "land use plan", or other names should be replaced with "master plan."
- All bodies that prepare master plans are called planning commissions.
- The responsibilities of the planning commission on planning and zoning matters has been clarified.
- Master street plans are authorized along with sub area plans in all cities, villages, townships, and counties. If a master plan is, or includes, a master street plan, the means for implementing the master street plan in cooperation with the County Road Commission and Michigan Department of Transportation (MDOT) shall be specified.
- Charters establishing requirements in cities and villages for membership, appointment, and organization of a planning commission will continue to follow the charter for those activities; all other powers, duties and activities of the planning commission are now governed by the new planning act.
- Planning commissions must consist of 5, 7 or 9 members.
- Planning commissions must meet a minimum of 4 times a year.
- Planning commissions must make an annual written report to the legislative body, including recommendations regarding actions by the legislative body related to planning and development.
- For a unit of government with an adopted zoning ordinance, the master plan must include a zoning plan, and an explanation for how the land use categories on the future land use map relate to the districts on the zoning map.

- Electronic copies of the plan drafts to adjacent communities and others may be substituted for printed copies, unless there are objections to electronic distribution.
- Adjacent communities and the county must receive notice of the master plan public hearing.
- Planning commission and legislative body approval of the master plan must be included in the plan and on the future land use map.
- Adjacent communities have 42 days to review plans.
- Subarea plans do not need to be provided to adjacent communities or the county unless they choose to receive it.
- After adoption of the master plan, the planning commission shall annually prepare a capital improvements program. This is not mandatory in a township unless it operates a water or sewer system.
- Planning commission public hearings are required to be noticed and held for subdivisions.

MAP is cosponsoring a series of training workshops detailing changes to the Planning Enabling Act, and also to the more recent corrective amendments to the Zoning Enabling Act. Created and instructed by Michigan State University's Land Policy Institute and the Planning and Zoning Center at MSU, the workshop is offered at 29 locations across the state. For details about registration, locations, dates, and times, go to <http://pzcenter.msu.edu/registerMPEAtraining2008.php>. A link also can be found on the MAP web page.

The unification of the State's three Planning Enabling Acts into a single act will pave the way for more changes later, further improving the way we plan and zone in Michigan.