

Legislative Analysis



INCLUDE PUBLIC TRANSPORTATION IN LAND USE PLANNING AND SITE PLAN REVIEW

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House Bills 5211 and 5212

Sponsor: Rep. Marie Donigan

Committee: Intergovernmental and Regional Affairs

Complete to 9-1-09

A SUMMARY OF HOUSE BILLS 5211 AND 5212 AS INTRODUCED 7-16-09

The bills would amend two acts in order to include **public transportation agencies and systems** in the local land use planning process. A detailed description of each bill follows.

House Bill 5211 would amend the Michigan Zoning Enabling Act (MCL 125.3203 & 125.3501) to expand the site plan review process in certain instances, in order to include public transportation. The bill specifies that if a local unit of government is located in a metropolitan statistical area (as defined by the U. S. Department of Commerce or a successor agency), then a zoning ordinance of that local unit of government would be required to consider, as part of its site plan review, consideration of the proximity of adequate public transportation to the proposed land use or activity.

Currently, the law requires that a zoning ordinance be based on a plan designed to, among other things, lessen congestion on the public roads and streets, and to facilitate adequate provision for a system of transportation. While retaining these provisions, House Bill 5211 would add "facilitate adequate provision for a system of transportation *including public transportation.*"

House Bill 5212 would amend the Michigan Planning Enabling Act (MCL 125.3803 et al.) to require that public land use planning groups and their land use plans include public transportation officials and their services during the planning process.

Currently the law requires that in the preparation of a master plan, a planning commission make careful and comprehensive surveys and studies of present conditions and future growth, consult with neighboring jurisdictions so that conflicts in master plans and zoning can be avoided, and also cooperate with all departments of the state and federal governments, as well as other public agencies. House Bill 5212 would retain these requirements, and require that a planning commission also cooperate with public transportation agencies.

A master land use plan now must include subjects that reasonably can be considered pertinent to the future development of the area, including a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife

refuges, and other uses and purposes. House Bill 5212 would retain these classifications and add "public transportation facilities."

The master land use plan must also include the general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and waterfront developments. House Bill 5212 would retain these components and add "public transportation facilities."

Under the law, a planning commission must send, by first class mail or personal delivery, a notice to many groups, explaining that the planning commission intends to prepare a master plan and requesting the recipients' cooperation and comment. House Bill 5212 would require that notice also be sent to public transportation agencies, and public transportation systems, and that a copy of a local unit of government's proposed master plan be sent to public transportation agencies and systems in order to solicit review and comment.

Note: House Bill 5212 would define "public transportation agency" to mean a governmental entity that operates or is authorized to operate intercity or local commuter passenger rail service in this state or a public transit authority created under one of the following acts: the Metropolitan Transportation Authorities Act of 1967, the Public Transportation Authority Act of 1986, Public Act 55 of 1963 (dealing with mass transportation authorities), the Home Rule City Act of 1909, the Revenue Bond Act of 1933, the Charter Township Act of 1947, and the Urban Cooperation Act of 1967.

FISCAL IMPACT:

House Bill 5211 would have no fiscal impact on the State of Michigan. The bill requires that a zoning ordinance of a local unit of government located in a metropolitan statistical area must consider the proximity of public transportation as part of a site plan review. Because of this provision, House Bill 5211 would have an indeterminate fiscal impact on local units of government. Any fiscal impact would be related to possible increased administrative costs associated with a public transportation review. House Bill 5212 potentially adds administrative costs in the preparation of a local unit's master plan.

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