

Chapter 12

Planning*

- Art. I. In General, g§ 12-1-12-25**
Art. II. Planning Commission, §§ 12-26-12-37

Article I. In General

Secs. 12-1-12-25. Reserved.

Article II. Planning Commission

Sec. 12-26. Created; members.

There is hereby created the village planning commission which shall consist of nine (9) members. The members shall represent, as far as is possible, different professions or occupations. The commission shall consist of the village president, one (1) of the administrative officials of the village selected by the president, one (1) member of the council selected by it as members ex officio and six (6) persons who shall be appointed by the president, subject to the approval of a majority vote of the members of the council. All members of the commission shall serve without compensation and the six (6) appointed members shall hold no other municipal office except that one (1) of such members may be a member of the zoning board of appeals. The terms of ex officio members shall correspond to their respective official terms, except that the term of the administrative official selected by the president shall terminate with the term of the president selecting him. The term of each of the six (6) appointed members shall be three (3) years or until his successor takes office, except that the respective terms of two (2) of the members first appointed shall be one (1) year and of three (3) of the members two (2) years. Terms of the six (6) appointed members shall expire on June 30. Members may, after a public hearing be removed by the council for inefficiency, neglect of duty or malfeasance in office.

(Ord. No. 20, § 2, 12-2-57)

State law reference-Municipal planning commission generally, MCL 125.32, MSA 5.2992.

Sec. 12.27. Organization, meetings, rules, records.

The planning commission shall elect its chairman from among its members and create and fill such other of its offices as it may determine. The term of chairman shall be one (1) year, with eligibility for reelection. The commission shall hold at least one (1) regular

* **Cross references**-Administration, Ch. 2; buildings and building regulations, Ch. 4; mobile homes and recreational vehicles, Ch. 8; streets, sidewalks and other public places, Ch. 14; water and sewers, Ch. 17; zoning, Ch. 18.

State law references-Authority to regulate land use, MCL 125.581 et seq., MSA 5.2931 et. seq.; municipal planning, MCL 125.31 et seq., MSA 5.2991 et seq.

meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(Ord. No. 20, § 3, 12-2-57)

Sec. 12-28. Employees, contracts for special services, source and limit on expenditures.

The planning commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the village. The commission may also contract with city planners, engineers, architects and other consultants for such service as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the village council, which shall provide the funds, equipment and accommodations necessary for the commission's work.

(Ord. No. 20, § 4, 12-2-57)

Sec. 12-29. Master plan-Preparation, adoption; contents, publication, alteration.

It shall be the function and duty of the planning commission to make and adopt a master plan for the physical development of the village, including any areas outside its boundaries which, in the commission's judgment, bear relation to the planning of the village. Such plan, with the accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the territory, including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, floodplains, boulevards, parkways, playgrounds and open spaces; the general location of public buildings and other public property; and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated for water, light, sanitation, transportation, communication, power and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, ground, open spaces, buildings, property, utilities or terminals; the general location, character, layout and extent of the replanning and redevelopment of blighted districts and slum areas; as well as a zoning plan for the control of the height, area, bulk, location and use of buildings and premises. As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part or parts thereof, any such part to cover one (1) or more major sections or subdivisions of the village or one (1) or more of the aforesaid or other functional matters to be included in the plan. The commission may from time to time amend, extend or add to the plan.

(Ord. No. 20, § 5, 12-2-57)

Sec. 12.30. Same-Surveys for basis; purpose.

In the preparation of the master plan the planning commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the village

and with due regard to its relation to the neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the village and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.
(Ord. No. 20, § 6, 12-2-57)

Sec. 12-31. Same-Adoption of whole or parts by resolution; hearing, notice; certificates to council and register of deeds.

The planning commission may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, such parts corresponding with major geographical sections or divisions of the village or with functional subdivisions of the subject matter of the plan and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any extension, part, amendment or addition the commission shall hold at least one (1) public hearing thereon, notice of the time and place of which shall be given not less than fifteen (15) days prior to such hearing, by one (1) publication in a newspaper of general circulation in the village, and by certified United States mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the geographical sections or divisions of the village affected. The adoption of the plan or any part or amendment or extension or addition shall be by resolution of the commission carried by the affirmative votes of not less than six (6) members of the commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman and/or secretary of the commission. An attested copy of the plan or part thereof shall be certified to the council and to the county register of deeds.
(Ord. No. 20, § 7, 12-2-57)

Sec. 12-32. Public works; approval by commission and council.

Whenever the planning commission shall have adopted the master plan of the village or of one (1) or more major functions or districts thereof no street, square, park or other public way, ground or open space or public building or structure shall be constructed or authorized in the village or in such planned section and district until the location, character and extent thereof has been submitted to and approved by the commission. In case of disapproval the commission shall communicate its reasons to the village council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. If the public way, ground, space, building, structure or utility is one the authorization or financing of which does not under law or

charter provisions governing same fall within the province of the village council, the submission to the planning commission shall be by the board, commission or body having such jurisdiction, and the planning commission's disapproval may be overruled by the board, commission or body by a vote of not less than two-thirds of its membership. The failure of the commission to act within sixty (60) days from and after the date of official submission to the commission shall be deemed approval. For the purpose of furthering the desirable future development of the village, under the master plan the planning commission, after the commission has adopted a master plan, shall prepare coordinated and comprehensive programs of public structures and improvements. The commission shall annually prepare such a program for the ensuing six (6) years, which program shall show those public structures and improvements, in the general order of their priority, which in the commission's judgment will be needed or desirable and can be undertaken within the six-year period. The above comprehensive coordinated programs shall be based upon the requirements of the community for all types of public improvements, and, to that end, each agency or department of such municipality concerned with such improvements shall upon request furnish the commission with lists, plans and estimates of time and cost of public structures and improvements within the purview of such department.
(Ord. No. 20, § 8, 12-2-57)

Sec. 12-33. Same-Rescission of action by legislative body; procedure.

Whenever the village council has ordered the opening, widening or extension of any street, avenue or boulevard, or whenever the council has ordered that proceedings be instituted for the acquisition or enlargement of any park, playground, playfield or other public open space, such resolution shall not be rescinded until after the matter has been referred back to the planning commission for a report and until after a public hearing has been held. The council shall have power to overrule the recommendation of the planning commission by a vote of not less than two-thirds of its entire membership.
(Ord. No. 20, § 9, 12-2-57)

Sec. 12.34. Publication of plan, educational materials; attendance of conferences, meetings; authority to fulfill duties.

The planning commission shall have the power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the commission, when duly authorized by the commission, may attend city planning conferences or meetings of the city planning institutes, or hearings upon pending city planning legislation, and the commission may by resolution agree to pay the reasonable traveling expenses incident to such attendance. The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of the duties of the commission to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with the citizens with relation to the protecting or carrying out the

plan. The commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to the commission within a reasonable length of time, such available information as it may require for its work. The commission, its members, officers and employees in the performance of their functions may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such power as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes of this chapter.

(Ord. No. 20, § 10, 12-2-57)

Sec. 12.35. Approval of plats within territory under jurisdiction after adoption of plan.

Whenever the planning commission has adopted that sort of a master plan relating to the major street system of the territory within its subdivision jurisdiction or part thereof, and has filed a certified copy of such plan in the office of the county register of deeds of the county in which such territory or part is located, then no plat of a subdivision of land within such territory or part shall be filed or recorded until it has been approved by the planning commission and such approval entered in writing on the plat by the chairman or secretary of the planning commission.

(Ord. No. 20, § 11, 12.2-57)

Sec. 12.36. Adoption of subdivision regulations; acceptance of surety bonds.

(a) Before exercising the powers referred to in section 12-35, the planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation, but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the commission may accept a bond with surety to secure to the village the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The village shall have power to enforce such bond by all appropriate legal and equitable remedies.

(b) All such regulations shall be published as provided by law for the publication of ordinances, and before adoption a public hearing shall be held thereon. A copy thereof shall be certified by the commission to the register of deeds of the county.

(Ord. No. 20, § 12, 12-2-57)

Sec. 12-37. Approval or disapproval of plats; procedure, effect.

The planning commission shall approve, modify or disapprove a plat within sixty (60) days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent, and no plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the address by certified mail of the time and place of such hearing not less than five (5) days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the county treasurer's office and their addresses appear in the directory of the village or on the tax records of the village or county. Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the village plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The planning commission may, from time to time, recommend to the council amendments of the zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approval subdivisions. The commission shall have the power to agree with the applicant upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the village. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning chapter or map of the village.
(Ord. No. 20, § 13, 12-2-57)