

CHAPTER IX

CITY PLANNING COMMISSION

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CREATION: PLANNING COMMISSION

AN ORDINANCE TO PROVIDE FOR CITY PLANNING; THE CREATION, ORGANIZATION, POWERS AND DUTIES OF A PLANNING COMMISSION; THE REGULATION AND SUB-DIVISION OF LAND; AND TO PROVIDE PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

THE PEOPLE OF THE (CITY) / (VILLAGE) OF PINCONNING ORDAIN:

SECTION 1. Definition of Terms:

For the purpose of this act certain terms are defined as provided in this section. Wherever appropriate the singular includes the plural and the plural includes the singular. "Municipality" or "municipal" includes or relates to cities, villages and other incorporated political subdivisions. "Mayor" means the chief executive of the municipality, whether the official designation of his office be mayor, city manager or otherwise. "Council" means the chief legislative body of the municipality. "Board of county auditors" or "county commissioners" means the chief administrative or legislative body or board of the county. The term "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways.

SECTION 2. Municipal Planning Commission; creation:

The Commission shall consist of nine members who shall be appointed by the City Council, one person being a member of the Zoning Board of Appeals, one person being a member of the City Council. All members of the Commission shall serve as such without compensation and hold no other municipal office except as aforesaid. The terms of the aforesaid members shall correspond to their tenure as a member of the Zoning Board of Appeals and the City Council respectively. The terms of the remaining seven members shall be

FORMAL COUNCIL MEETING JANUARY 17, 2001

Meeting called to order at 6:00 P.M. by Mayor Pawelski.

ROLL CALL: Present: D. Byrne, L. Byrne, Flynn, Gromaski, Tunk, Mayor Pawelski. Absent: Pomaville. Quorum: Present.

L. Byrne/D. Byrne: Move to excuse Councilmember Pomaville. Carried.

The Opening Ceremony was led by Mayor Pro-Tem D. Byrne.

REQUESTS:

At the request of Mayor Pawelski, the following was offered.

D. Byrne/L. Byrne: Based upon the recommendation of Mayor Pawelski, the following be appointed to City Boards and Commissions: Planning Commission - Term expiring 12/2003 - Frank Bandyk, Zoning Board of Appeals terms expiring 12/2002 - Sue Root, Ronald Saha, Board of Review - term expiring 12/2003 - Harry Sawyers, Compensation Commission - term expiring 12/2005 - Michael Duranczyk. Carried.

It was noted that Mayor Pawelski has recommended that the City reduce members on the Planning Commission from nine to seven. This is allowed under State of Michigan Public Act. No. 18, section 125.33 amended in 1997. Council concurred with this recommendation. Mayor Pawelski also advised that one more appointment is needed to the Planning Commission and a candidate is considering accepting the appointment.

The Bay County Board of Commissioners have requested that the City take action approving the "Plan Update" to the County Solid Waste Management Plan. This item was referred to City Services Committee for review prior to Council taking action.

Councilmember D. Byrne advised that the Finance & Personnel Committee had discussed a recommendation from City Manager Bury to open a "Liquid Asset Checking Account". Mr. Byrne stated that due to possible budget constraints in the General Fund, especially in May and June, Mr. Bury recommended that this type of account be opened using \$100,000 from a CD that will be maturing within the week. If needed, funds for operating expenses would be available by having the monies in this type of account rather than locked into a CD.

three years from July 1, 19 , or until his successor takes office except that the respective terms of three of the members first appointed shall be for three years, three for two years, and one for one year. Members may, after public hearing, be removed by the Council for inefficiency, neglect of duty, or malfeasance in office. Vacancies occurring otherwise than through the expiration of terms, shall be filled for the unexpired term by the Council.

SECTION 3. Same: Chairman, Meetings, Rules, Records:

The commission shall elect its chairman from amongst the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be one year, with eligibility for re-election. The commission shall hold at least one regular 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.

SECTION 4. Same: Employees, Contracts for Special Services, Source and Limit on Expenditures:

The 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 municipality. The commission may also contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by council, which shall provide the funds, equipment and accommodations

necessary for the commission's work.

SECTION 5. Master Plan for Physical Development of Municipality:

Adoption, Contents, Publication, Alteration.

It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of said territory, including, among other things, the general location, character, and extent of streets, viaducts, subways, bridges, waterways, water fronts, 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; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; as well as a zoning plan for the control of the heights, 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 or more major sections or divisions of the municipality or one 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. ✓

SECTION 6. Same: Surveys for Basis, Purpose:

In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality 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 municipality 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.

SECTION 7. Same: Adoption of Whole or Parts by Resolution of Planning Commission, Hearing, Certificate to Council and Register of Deeds:

The commission may adopt the plan as a whole by single resolution or may be successive resolutions adopt successive parts of the plan said parts corresponding with major geographical sections or divisions of the municipality 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 such part, amendment, extension, or addition the

commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality. The adoption of the plan or of any such part or amendment or extension or addition shall be by resolution of the commission carried by the affirmative votes of not less than six 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 council and to the county register of deeds.

SECTION 8. Public Works: Approval by Commission and Council:

Whenever the commission shall have adopted the master plan of the municipality or of one 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 municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the commission; Provided, that in case of disapproval the commission shall communicate its reasons to council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds or its entire membership; Provided, however, that if the public way, ground, space, building, structure or utility be one the authorization or financing of which does not under the law or charter

provisions governing same, fall within the province of the municipal council, then 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 said 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 days from and after the date of official submission to the commission shall be deemed approval.

SECTION 9. Same: Recession of Action by Legislative Body, Procedure.

Whenever the council shall have ordered the opening, widening or extension of any street, avenue or boulevard, or whenever the council shall have 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 city planning commission for a report and until after a public hearing shall have been held. The council shall have power to overrule the recommendation of the city planning commission by a vote of not less than two-thirds of its entire membership.

SECTION 10. Municipal Planning Commission: Publicity and Education, Recommendation, Gifts, Co-operation from Public Officials.

The commission shall have the power to promote public interest in and understanding of the 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 spread upon its minutes 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 its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations and with citizens with relation to the protecting or carrying out the law. 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 powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes of this act.

SECTION 11. Same: Necessity for Approval of Plats: Street System:

Whenever the planning commission shall have adopted that sort of a master plan relating to the major street systems of the territory within its subdivision jurisdiction or part thereof, and shall have 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 shall have been approved by the planning commission and such approval entered in writing on the plat by the chairman or secretary of the commission.

SECTION 12. Same: Regulations Governing Subdivisions of Land: Bond to Secure Improvements: Publication of Regulations.

Before exercising the powers referred to in Section 11, 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 fire fighting 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 utility mains, piping, or other facilities shall be installed as a condition precedent to the 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 municipality 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 commissions. The municipality is hereby granted the power to enforce such bond by all appropriate legal and equit-

able remedies.

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 recorders of the counties in which the municipality and territory are located.

SECTION 13: Approval or Disapproval of Plats, Procedure, Effect.

The planning commission shall approve, modify or disapprove a plat within sixty days after the submission thereof to it; otherwise such plat shall be deemed to have made 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 said address by registered mail of the time and place of such hearing not less than five 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 auditor's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county. Every plat approved by the commission shall, by virtue

of such approval, deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or affect 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 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 with the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. 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 part of the zoning ordinance or map of the municipality.

SECTION 14. Same: Succession to Zoning Commission.

The Commission shall have all powers heretofore granted by law to the zoning commission of the municipality, and, from and after the creation of a planning commission in such municipality, all powers and records of the zoning commission shall be transferred to the planning commission: Provided, however, that in the event that the existing zoning commission shall be nearing the completion of its zoning plan, council, may, by resolution postpone the said transfer of the zoning commission's powers until the

completion of such zoning plan; but such postponement shall not exceed a period of one year.

SECTION 15. Severing Clause.

Sections of this act shall be deemed to be severable and should any section or provision of this act be declared by the court to be unconstitutionally invalid, the same not affect the validity of this act as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 16. This ordinance shall take effect on October 23, 1961.

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Mayor: F.H. LETCHFIELD

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Clerk: RONALD SAHA