

## PLANNING COMMISSION

Meetings on first Thursday of each month at 7:00 p.m. in City Commission Chambers, City Hall.  
As set forth in the Code of Ordinances of the City of Kalamazoo, Sections 2-58 to 2-67.

**Sec. 2-58. Created.** There is hereby created and established a city planning commission. (Adm. Code, § A218)

Charter reference -Authority of commission to appoint a plan board, § 57.

State law references Authority of city to create a planning commission, MSA § 5.2992; MCL § 125.32.

**Sec. 2-59. Composition; appointment of members.** The planning commission shall consist of nine (9) members. The members shall be appointed by the city commission, and no member shall hold any salaried position in the municipal service or be a member of the city commission. (Adm. Code, § A218.2)

State law reference -Composition of planning commission, MSA § 5.2993; MCL § 125.33.

**Sec. 2-60. Terms of members.** The terms of the members of the planning commission shall be for three (3) years or until their successors take office; provided that, the terms of the initial appointees shall be staggered so that three (3) members may be replaced each year. Terms shall expire January 18th of each year. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term of the person creating the vacancy. (Adm. Code, § A218.3)

State law reference -Similar provisions, MSA § 5.2993; MCL § 125.33.

**Sec. 2-61. Removal of members.** Any member of the planning commission may, after a public hearing, be removed from office by the city commission for inefficiency, neglect of duty or malfeasance in office. (Adm. Code, § A218.4)

State law reference -Similar provisions, MSA § 5.2993; MCL § 125.33.

**Sec. 2-62. Election and term of chairman.** The planning commission shall elect a chairman from its members. The term of the chairman shall be one year, with eligibility for reelection as such chairman. (Adm. Code, § A218.5)

State law reference -Similar provisions, MSA § 5.2994; MCL § 125.34

**Sec. 2-63. Meetings; adoption of rules; records to be kept.** The planning commission shall hold at least one regular meeting each month. It shall adopt such rules and regulations for the transaction of its business as it deems necessary, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Adm. Code, § A218.5)

State law reference -Similar provisions, MSA § 5.2994; MCL § 125.34.

**Sec. 2-64. Employees; contracts; expenditures.** Employees necessary for the work of the planning commission shall be subject to the same regulations as govern other civil employees of the city. Contracts may be made with city planners, engineers, architects and other consultants for such services as may be required and authorized by the city commission. Expenditures shall be within the amounts appropriated for such purposes by the city commission. (Adm. Code, § A218.6)

State law reference -Similar provisions, MSA § 5.2995; MCL § 125.35.

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### **Sec. 2-65. Duties with respect to master plan.**

- (a) It shall be the function and duty of the planning commission, subject to the approval of the city commission, to make, adopt and keep up-to-date a master plan for the physical development of the municipality, the area within the city's jurisdiction for the regulation of subdivision plats, as provided for in section 143 of the Charter and the subdivision control act of 1867 [MSA § 26.430(101) et seq.; MCL § 560.-101 et seq.], and any additional areas which, in the planning commission's judgment, bear relation to the planning of the city. Such plan, with accompanying maps, plats, charts and descriptive matter, shall show the planning commission's recommendations for the development of such territory.
- (b) The planning commission may, from time to time, amend, extend or add to the plans as changing conditions require, subject to the approval of the city commission. (Adm. Code, § A218.7)

State law reference -Similar provisions, MSA § 5.996; MCL § 125.36.

**Sec. 2-66. Cooperative planning.** The planning commission shall encourage, coordinate and unify planning of the urban, metropolitan and trading areas centering on the city. For these purposes, it may engage in cooperative and joint planning programs and staffs with the planning agencies, officials and representatives of other governmental units and with private agencies and organizations. (Adm. Code, § A218.8)

### **Sec. 2-67. Exercise of powers granted by state law; appeals; action subject to city commission approval.**

- (a) The planning commission shall exercise the powers granted in Act No. 285 of 1931 [MSA § 5.2992 et seq.; MCL § 125.31 et seq.], as amended, subject to review by or appeal to the city commission in all cases. Any person desiring to appeal must do so by letter to the city clerk within twenty (20) days following planning commission action.
- (b) Any master plan, any amendment, extension or addition thereto, any parts thereof, any subdivision regulations, or other official acts of the planning commission shall become effective only after the approval of the city commission. (Adm. Code, § A218.7)

## PLANNING COMMISSION

### Rules of Procedure Kalamazoo City Planning Commission Adopted in Accordance with Section 4, PA 1931, No. 285, as amended, and Section 2-58 through 2-67 of the Kalamazoo Code

#### Article I - Officers and Membership

**Section 1.0 Officers:** The officers of the Kalamazoo City Planning Commission shall consist of a Chairperson and a Vice Chairperson, elected by the Commission at its annual meeting. Officers shall serve for a period of one year and may be re-elected.

The City Planner shall serve as, the Secretary of the Commission, but shall not have a vote in Commission matters. In the event the Secretary shall be absent from any meeting, the officer presiding shall designate an Acting Secretary to serve for the meeting in question.

**Section 1.1 Duties of Officers:** The duties and powers of the officers of the Kalamazoo City Planning Commission shall be as follows:

(a) Chairperson

- (1) To preside at all meetings of the commission;
- (2) To call special meetings of the Commission in accordance with these Rules of Procedure;
- (3) To see that all actions of the Commission are properly taken;
- (4) To appoint Sub-Committees of the Commission which, in his opinion, may be required from time to time to assist the commission in carrying out its responsibilities;
- (5) To sign all documents and letters of the Commission directed to the City Commission;
- (6) To prepare the proposed agenda for the regular meeting with the Secretary;
- (7) To see that an annual report is prepared and submitted to the City Commission by December 1 of each year;

(b) Vice Chairperson

- (1) During the absence, disability, or disqualification of the Chairperson, the Vice Chairperson shall perform the duties and assume the responsibilities of the Chairperson.

(c) Secretary

- (1) To take and keep and make available the proposed and final minutes of all meetings of the Commission;
- (2) To give or serve all notices required by law of these Rules of Procedure, and such other notices as may be directed by the Commission;
- (3) To distribute the proposed agenda for all meetings of the Commission;
- (4) To be custodian of the Commission's records, which shall be available for public inspection;
- (5) To inform the Commission of correspondence relating to business of the Commission and, at the direction of the Commission, to respond thereto;
- (6) To account for funds allocated to the Commission in accordance with its directives, the law, and city regulations;
- (7) To conduct the election of officers at the Commission's annual meeting;
- (8) To conduct a special election for the appointment of an Acting Chairperson to serve in the absence of both the Chairperson and Vice Chairperson;
- (9) To sign documents and letters as directed by the Commission;
- (10) To prepare an annual report for the City Manager and the Planning Commission.

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**Section 1.2 Membership:** The City Planning Commission shall consist of nine (9) members. The members shall be appointed by the City Commission, and no voting member shall hold any salaried position in the municipal service, or be a member of the City Commission. The terms of the Planning Commission members shall be for three (3) years, or until their successors respectively take office, and the terms of the members shall be staggered so that three (3) members may be replaced each year. Terms shall expire January 18 of each year.

**Section 1.3 Vacancies:** Should any vacancy occur among the members of the Planning Commission by reason of death, resignation, disability, or otherwise than through the expiration of terms, immediate notice thereof shall be given to the City Clerk by the Secretary. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with the provisions of these Rules of Procedure, such officer to serve the unexpired term of the office in which such a vacancy shall occur.

### Article II - Meetings

**Section 2.0 Annual Meeting:** The annual meeting of the Planning Commission shall be the first regular meeting in the month of February each year. Such meetings shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Commission.

**Section 2.1 Regular Meetings:** Regular meetings of the Planning Commission shall be held in the City Hall at 7:00 p.m., on the first Thursday of each month. Sufficient public notice thereof as required by law of the regular meetings of the Planning Commission shall be made. At such meeting, the Commission shall consider all matters properly brought before it. A regular meeting may be canceled or rescheduled by the Commission with sufficient public notice according to the law of said change.

**Section 2.2 Special Meetings:** Special meetings of the Planning Commission shall be held at a time and place designated by the officer calling the same and shall be called by the Chairperson or Vice Chairperson with the permission of a majority of the Planning Commission. Notice thereof shall be given to all members not less than twenty-four (24) hours in advance thereof. Sufficient public notice thereof as required by law shall be made of all special meetings.

**Section 2.3 Quorum:** At any meeting of the Planning Commission, a quorum shall consist of five (5) members of the Commission. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.

**Section 2.4 Voting:** At all meetings of the Planning Commission, each member attending shall be entitled to cast one vote. Voting involving a text amendment or a map amendment to the Zoning Ordinance, the adoption of a Master Plan element or special use shall be by voice vote except where a majority of Commissioners present prefer roll call vote. Where Planning Commissioners are not present at a public hearing, the vote on the matter at subsequent meetings shall depend upon a public statement from them attesting to their familiarity to the subject from listening to the recorded tape of the hearing and from review of appropriate written materials.

**Section 2.5 Disclosure:** In the event that -any member of the Planning Commission shall have a personal interest of any kind in a matter then before the Commission, he or she shall disclose his or her interest and be disqualified from voting upon the matter and the Secretary shall so record in the minutes that no vote was cast by such member.

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**Section 2.6 Commission Action:** The affirmative vote of a majority of the Commissioners present at any official meeting of the Planning Commission shall be necessary for the adoption of any resolution or other voting matter, except that the affirmative vote of six (6) commissioners shall be required to adopt the Comprehensive Development Plan or any amendment thereto.

The reasons for Planning Commission action shall be specified in writing.

**Section 2.7 Conduct of Meetings:** All meeting shall be open to the public, and citizens shall be permitted to address the meeting in accordance with law and pursuant to these Rules of Procedure. Citizens' comments shall be limited to four (4) minutes, unless extended by the Chairperson. The order of business at the meeting shall be as follows:

- (a) Call to Order
- (b) Roll Call
- (c) Adoption of Agenda
- (d) Approval of Minutes
- (e) Public Announcements and Communications
- (f) Public Hearings
- (g) Comments regarding Non-Agenda Items
- (h) Business (Citizens' comments are welcome before each item is voted upon by the commission)
- (i) New Business (Citizens' comments are welcome before each item is voted upon by the commission)
- (j) Citizens' Comments
- (k) Miscellaneous Comments by Planning Commissioners
- (l) Adjournment

**Section 2.8 Adjourned Meetings:** The Planning Commission may adjourn a regular or special meeting if all business cannot be disposed of on the day set, and public notices in accordance with law shall be made for such a meeting.

**Section 2.9 Robert's Rules of Order:** All meetings of the Planning Commission shall be conducted in accordance with Robert's Rules of Order.

### Article III - Committees

**Section 3.0** There shall be temporary committees established as the commission deems appropriate and necessary.

### Article IV - Amendments

**Section 4.0 Amending Rules of Procedure:** These rules may be amended at any meeting of the Planning Commission provided that said proposed amendment is given to each member in writing at least five (5) days prior to said meeting.

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### Article V - Amendments to the Comprehensive Plan

#### Section 5.0 Procedure for Amending the Comprehensive Plan, Future Land Use Map, or Portions Thereof:

- (1) An amendment to the Comprehensive Plan or the Future Land Use Map may be initiated by a member of the public after submitting the required application fee as set forth by resolution of the City Commission to the Economic Development & Planning Division; amendments may also be initiated by city staff, the Planning Commission, or the City Commission.
- (2) The Planning Commission may, at its discretion, hold in abeyance the consideration of requests (e.g., rezonings, special use permits, PUD approvals, subdivision approvals, street vacations, etc.) within the area affected by the proposed amendment until such time as a public hearing has been held on the amendment and a decision on the amendment is reached, but not longer than 120 days. This does not apply to site plan review approval.
- (3) A public hearing on the amendment to the Comprehensive Plan shall be held by the Planning Commission in accordance with P.A. 285 of 1931, as amended, MCL 125.38, et seq.
- (4) The Planning Commission shall continue the public hearing on the proposed amendment for at least one month until its next regularly scheduled meeting.
- (5) The Planning Commission may request that city staff facilitate neighborhood meetings or conduct additional studies if needed. Documents and reports from city staff will be forwarded to the Planning Commission.
- (6) A resolution and a vote of six (6) Planning Commissioners in the affirmative shall be required to approve any amendment.
- (7) A copy of the approved amendment shall be signed by the Chairperson and/or Secretary of the Planning Commission and shall be certified to City Commission and to the County Register of Deeds.

ADOPTED BY THE KALAMAZOO CITY PLANNING COMMISSION ON MAY 4, 1972

Amended: November 2, 1972

Amended: February 1, 1973

Amended: October 10, 1975

Amended: April 7, 1977

Amended: October 6, 1983

Amended: March 7, 1985

Amended: May 7, 1987

Amended: May 6, 1999

Amended: December 7, 2000

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### Act 285 of 1931

AN ACT to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1952, Act 25, Eff. Sept. 18, 1952.

*The People of the State of Michigan enact:*

#### 125.31 Definitions.

Sec. 1. As used in this act:

(a) “Council” or “legislative body” means the legislative body of the municipality.

(b) “County board of commissioners” means 1 of the following, as applicable:

(i) The county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521.

(ii) In all other counties, 1 of the following:

(A) The elected county board of commissioners.

(B) A subcommittee of the county board of commissioners if the county board of commissioners delegates its powers and duties under this act to such a subcommittee.

(C) The regional planning commission for the region in which the county is located if the county board of commissioners delegates its powers and duties under this act to the regional planning commission.

(c) “Master plan”, “municipal plan”, or “plan” means a master plan as described in section 6(3) or (4), as applicable.

(d) “Mayor” means the chief executive of the municipality, whether the official designation of his or her office is mayor, city manager, or otherwise.

(e) “Municipality” or “municipal” means or relates to cities, villages, townships, and other incorporated political subdivisions.

(f) “Municipal planning commission” or “planning commission” means a planning commission as provided for under section 2.

(g) “Population” means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

(h) “Streets” means streets, avenues, boulevards, highways, roads, lanes, alleys, viaducts, and other ways.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.31;—Am. 1952, Act 25, Eff. Sept. 18, 1952;—Am. 1997, Act 18, Imd. Eff. June 11, 1997;—Am. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

#### **125.32 Planning commission; creation; designation; extension of powers and duties; applicability of §§ 125.33, 125.34, and 125.35; planning commission under charter not affected; boards serving as planning commission in certain cities or villages.**

Sec. 2. (1) Any municipality is authorized and empowered to make, adopt, amend, extend, add to, or carry out a municipal plan as provided in this act and create by ordinance a planning commission with the powers and duties provided in this act. The planning commission of a city shall be designated city planning or city plan commission; of a village, village planning or village plan commission and of any other municipality, such designation as its council may specify. The legislative body of any city or village now or hereafter having a plan commission created by charter may by ordinance extend the powers and duties of the commission in accordance with the terms of this act. Sections 3, 4, and 5 shall not apply to such cities or villages or to cities or villages having a board which is serving as the planning commission pursuant to subsection (2). This act shall not affect the powers and duties or organization of such planning commission under a charter except as they may be added to or enlarged by the terms of this act.

(2) A city or village that has a population of less than 5,000, and that has not established a planning commission by charter, may by ordinance have 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, Act No. 338 of the Public Acts of 1974, being sections 125.1601 to

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125.1636 of the Michigan Compiled Laws.

(b) The board of a downtown development authority created under Act No. 197 of the Public Acts of 1975, being sections 125.1651 to 125.1680 of the Michigan Compiled Laws, if the border of the downtown development authority is the same as the border of the city or village.

(c) A board created under the tax increment finance authority act, Act No. 450 of the Public Acts of 1980, being sections 125.1801 to 125.1829 of the Michigan Compiled Laws, if the border of the tax increment finance authority is the same as the border of the city or village.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1943, Act 163, Eff. July 30, 1943;—CL 1948, 125.32 ;—Am. 1987, Act 65, Imd. Eff. June 25, 1987.

### **125.33 Planning commission; appointment, qualifications, and terms of members; compensation; holding other office; removal; vacancy.**

Sec. 3. (1) Except as provided in subsections (2), (3), and (4), the planning commission shall consist of 9 members who shall represent insofar as is possible different professions or occupations, and who shall be appointed by the mayor, if the mayor is an elective officer, otherwise by the officer as the legislative body may in the ordinance creating the commission designate as the appointing officer. However, an appointment shall always be subject to the approval by a majority vote of the members elect of the legislative body of the municipality. All members of the planning commission may be compensated at a rate to be determined by the appointing or legislative body and shall hold no other municipal office, except that 1 of the members may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The term of each member shall be 3 years, except that 3 members of the first planning commission to be so appointed shall serve for the term of 1 year, 3 for a term of 2 years, and 3 for a term of 3 years. A member shall hold office until his or her successor is appointed. A member may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office.

(2) If considered desirable by the legislative body, the planning commission may consist of the mayor, 1 administrative official of the municipality selected by the mayor, and 1 member of the legislative body to be selected by the legislative body as members ex officio, and 6 other persons who shall be appointed by the mayor as provided in this section. An appointed member of the planning commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office except that 1 appointed member may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor. The term of each appointed member, if 6 members are appointed, shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(3) If considered desirable by the legislative body, the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office, except that 1 appointed member may be a member of the zoning board of adjustment or appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. The term of each appointed member shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(4) If considered desirable by the legislative body of a municipality that has a population of less than 5,000, the planning commission shall consist of 5, 7, or 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and the remainder of whom shall be

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appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office, except that 1 appointed member may be a member of the zoning board of adjustment or appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. Except as provided in subsection (5), the term of each appointed member shall be 3 years or until his or her successor takes office except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(5) For a planning commission described in subsection (4) that consists of 5 members, the respective terms of 1 of the members first appointed shall be for 1 year and 2 for 2 years. For a planning commission described in subsection (4) that consists of 7 members, the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years.

(6) A vacancy on the planning commission occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of a member selected or appointed by the mayor, by the legislative body in the case of the member appointed by the legislative body, and by the appointing officer designated by the legislative body in municipalities in which the mayor is not an elective officer.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.33;—Am. 1969, Act 45, Imd. Eff. July 17, 1969;—Am. 1982, Act 364, Eff. Mar. 30, 1983;—Am. 1986, Act 5, Imd. Eff. Feb. 21, 1986;—Am. 1997, Act 18, Imd. Eff. June 11, 1997.

### **125.34 Municipal planning commission; chairman, meetings, rules, records.**

Sec. 4. 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 1 year, with eligibility for reelection. The commission shall hold at least 1 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.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.34.

### **125.35 Municipal planning commission; employees, contracts for services, expenditures.**

Sec. 5. 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.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.35.

### **125.36 Municipal planning commission; adoption of master plan; contents; amendment; recommendations; land use issues.**

Sec. 6. (1) The planning commission shall make and approve 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 the municipality. The planning commission may meet with other governmental planning commissions to deliberate.

(2) A municipal plan shall comply with subsection (3) or (4) if the process of adopting the plan began under this act before the effective date of the 2001 amendatory act that added this subsection or if the plan is a revised plan and the process of revision began under this act before the effective date of the 2001 amendatory act that added this subsection. Otherwise, a municipal plan shall comply with subsection (4). If a plan is amended, but not revised, before 1 year after the effective date of the 2001 amendatory act that added this subsection, the amendment shall comply with relevant provisions of subsection (3) or (4). Otherwise, the amendment shall comply with relevant provisions of subsection (4).

(3) The municipal plan, with the accompanying maps, plats, charts, and descriptive matter shall show the planning commission's recommendations for the development of the territory, including, but not limited to, all of

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the following:

(a) The general location, character, and extent of streets, viaducts, subways, bridges, waterways, floodplains, water fronts, boulevards, parkways, playgrounds, and open spaces.

(b) The general location of public buildings and other public property.

(c) 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.

(d) The removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the ways, grounds, open spaces, buildings, property, utilities, or terminals described in subdivision (a), (b), or (c).

(e) The general location, character, layout, and extent of community centers and neighborhood units.

(f) The general character, extent, and layout of the replanning and redevelopment of blighted areas.

(g) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

(4) The municipal plan shall address land use issues and may project 20 years or more into the future. The plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the municipality. The plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the municipality:

(a) A land use plan and program, in part consisting of 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.

(b) The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and water front developments; flood prevention works, drainage, sanitary sewers and water supply systems, works for preventing pollution, and works for maintaining water levels; and public utilities and structures.

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

(d) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

(e) Recommendations for implementing any of its proposals.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1943, Act 163, Eff. July 30, 1943;—CL 1948, 125.36;—Am. 1962, Act 138, Eff. Mar. 28, 1963;—Am. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

### **125.37 Municipal planning commission; surveys for basis, purpose.**

Sec. 7. 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 provision 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.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.37.

### **125.37a Adoption of municipal plan; notice requirements; submission of information electronically.**

Sec. 7a. (1) A municipal plan shall be adopted under the procedures set forth in this section and sections 7b and 8.

(2) Before preparing a plan, a municipal planning commission shall mail by first-class mail a notice, explaining that the planning commission intends to prepare a plan and requesting the recipient's cooperation and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each township, city, or village located within or contiguous to the municipality.

(b) The regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county where the municipality is located. If there is a county planning commission for the county where the municipality is located, the municipal planning commission may consult with the regional

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planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the municipality is located.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the municipality, and any government entity, that registers its name and mailing address for this purpose with the municipal planning commission.

(3) The notice to an entity under subsection (2) may request permission for the municipality to submit electronically any information required to be submitted to that entity under section 7b or 8. If the entity to which the notice is sent grants this permission, information submitted to or by that entity under section 7b or 8 may be submitted electronically. Otherwise, such information shall be submitted in writing by first-class mail or personal delivery.

**History:** Add. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

### **125.37b Submission of proposed plan to municipal legislative body; approval; notice to certain entities; review and comment; advisory statements.**

Sec. 7b. (1) A municipal plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the municipality or with functional subject matter areas of the plan.

(2) After preparing a proposed plan, the municipal planning commission shall submit the proposed plan to the legislative body of the municipality for review and comment. The process of adopting a plan shall not proceed further unless the legislative body of the municipality approves the distribution of the proposed plan.

(3) If the legislative body of the municipality approves the distribution of the proposed plan, it shall notify the secretary of the municipal planning commission and the secretary shall submit a copy of the proposed plan, for review and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, or township located within or contiguous to the municipality.

(b) The regional planning commission, if any, for the region in which the municipality is located, if there is no county planning commission for the county in which the municipality is located. If there is a county planning commission for the county in which the municipality is located, the secretary of the municipal planning commission may submit a copy of the proposed plan to the regional planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the municipality is located. The secretary of the municipal planning commission shall concurrently submit to the county planning commission or, if there is no county planning commission, the county board of commissioners, a statement, signed by the secretary, that the requirements of subdivisions (a) and (b) have been met. The statement shall include the name and address of each planning commission or legislative body to which a copy of the proposed plan was submitted under subdivision (a) or (b) and the date of submittal.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the municipality, and any government entity, that registers its name and address for this purpose with the secretary of the municipal planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed plan, or of a plan as provided in section 8(5), shall reimburse the municipality for any copying and postage costs thereby incurred by the municipality.

(4) An entity described in subsection (3)(a), (b), or (d) may submit comments on the proposed plan to the municipal planning commission within 65 days after the proposed plan was submitted to that entity under subsection (3). A planning commission or legislative body described in subsection (3)(a) or (b) shall concurrently submit a copy of the comments to the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the municipality proposing the plan is located.

(5) Not less than 75 days or more than 95 days after the date the proposed plan was submitted to the county planning commission or the county board of commissioners under subsection (3), the county planning commission or the county board of commissioners, respectively, shall submit to the municipal planning commission its comments on the proposed plan. The comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners, after considering any comments received under subsection (4), considers the proposed plan to be inconsistent with the plan of any city, village, township, or region described in subsection (3)(a) or (b).

(b) If the county has a county plan, a statement whether the county planning commission considers the proposed

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plan to be inconsistent with the county plan.

(6) The statements provided for in subsection (5)(a) and (b) are advisory only.

**History:** Add. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

### **125.38 Municipal planning commission; public hearing; notice; resolution; submission of plan to legislative body; rejection or approval; final adoption.**

Sec. 8. (1) Before approving a proposed municipal plan, the municipal planning commission shall hold not less than 1 public hearing on the proposed plan. The hearing shall be held after the expiration of the deadline for comment under section 7b(5). The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by 1 publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality. The planning commission shall also submit notice to each entity described in section 7a(2).

(2) The approval of the plan shall be by resolution of the planning commission carried by the affirmative votes of not less than 2/3 of the members of the planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning 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 and signed by the chairperson or the secretary of the planning commission. Following approval of the proposed plan by the municipal planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the legislative body of the municipality.

(3) Approval of the plan by the planning commission under subsection (2) is the final step for adoption of the plan, unless the legislative body by resolution has asserted the right to approve or reject the plan. In that case, after approval of the plan by the planning commission, the legislative body shall approve or reject the plan.

(4) If the legislative body rejects the proposed plan, the legislative body shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the legislative body's objections and revise the proposed plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until a proposed plan is approved by the legislative body.

(5) Upon final adoption of the plan, copies of the adopted plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 7b(3).

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1941, Act 297, Eff. Jan. 10, 1942;—CL 1948, 125.38;—Am. 1999, Act 14, Imd. Eff. Apr. 27, 1999;—Am. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

### **125.38a Plan amendment or adoption of new plan.**

Sec. 8a. (1) An extension, addition, revision, or other amendment to a municipal plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 7a, 7b, and 8. However, for an amendment other than a revision of the plan, both of the following apply:

(a) The 65-day period otherwise provided for in section 7b(4) shall be 40 days.

(b) The 75- to 95-day period otherwise provided for in section 7b(5) shall be 55 to 75 days.

(2) At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.

(3) Until 1 year after the effective date of the 2001 amendments that added this subsection, a municipality may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act immediately before the effective date of the 2001 amendments that added this subsection.

**History:** Add. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

### **125.38b Authority of planning department; compliance.**

Sec. 8b. This act does not alter the authority of a planning department established by charter to submit a proposed plan, or a proposed extension, addition, revision, or other amendment to a plan, to a planning commission, whether directly or indirectly as provided by charter. This section notwithstanding, a planning commission must comply with the requirements of this act.

**History:** Add. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

### **125.39 Municipal planning commission; public works; powers of council; failure to act; program.**

Sec. 9. Whenever the commission shall have adopted the master plan of the municipality or of 1 or more major sections 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

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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 2/3 of 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 2/3 of its membership. The failure of the commission to act within 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 municipality under the master plan the city planning commission, after the commission shall have 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 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 6-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.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1943, Act 163, Eff. July 30, 1943;—CL 1948, 125.39 .

### **125.40 Municipal planning commission; rescission of action by legislative body; procedure.**

Sec. 10. Whenever the council or legislative body of any municipality shall have ordered the opening, widening or extension of any street, avenue or boulevard, or whenever the council or other legislative body 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 2/3 of its entire membership.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.40.

### **125.41 Municipal planning commission; publicity and education, gifts, cooperation from public officials.**

Sec. 11. 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 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 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 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.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.41.

### **125.42 Municipal planning commission; succession to zoning commission.**

Sec. 12. 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 1 year.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.42.

**125.43 Municipal planning commission; necessity of approval of plats; street system.**

Sec. 13. Whenever planning commission shall have adopted that sort of a master plan relating to the major street system 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 such planning commission and such approval entered in writing on the plat by the chairman or secretary of the commission.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.43.

**125.44 Municipal planning commission; regulations governing subdivision of land; bond to secure improvement; publication of regulations.**

Sec. 14. Before exercising the powers referred to in section 13, 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 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 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 commission. The municipality is hereby granted the power to enforce such bond by all appropriate legal and equitable 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.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.44.

**125.45 Municipal planning commission; approval or disapproval of plats, procedure, effect.**

Sec. 15. The planning commission shall approve, modify or disapprove a plat within 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 said address by registered mail of the time and place of such hearing not less than 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 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, be 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 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 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 approved 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 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 manner and with 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 ordinance or map of the

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municipality.

**History:** 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.45.

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