

VILLAGE OF AUGUSTA, MICHIGAN

ORDINANCE NO. 174

An ordinance to amend Ordinance No. 132 to reduce the number of members of the Planning Commission from nine to seven members and to make other changes consistent with changes in state law.

Whereas, the Village adopted Ordinance No. 132 on January 23, 1978 to establish a Planning Commission pursuant to Act No. 285 of 1931, and

Whereas, the Village desires to amend Ordinance No. 132 to reduce the number of members of the Planning Commission from nine to seven members and to make other changes consistent with changes in state law since the adoption of Ordinance No. 132.

NOW, THEREFORE, THE VILLAGE OF AUGUSTA, MICHIGAN, ORDAINS:

Section 1. The following sections of Ordinance No. 132 of the Village of Augusta are hereby amended to read as follows:

Section II

a) Membership; appointment; compensation. The planning commission shall consist of seven members who, insofar as possible, shall represent different professions and occupations, one of whom shall be a member of the Village Council to serve as a member ex officio, and the remainder of whom shall be appointed by the President as provided in this section. An appointment by the President shall be subject to approval of the Village Council by majority vote. All appointed members of the planning commission may be compensated at a rate to be determined by the Village Council. An appointed member shall not hold another Village office, except that one appointed member may be a member of the zoning board of appeals. All ex officio members appointed under this subsection shall have full voting rights.

b) Terms. The term of the ex officio member shall be determined by the Village Council 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 Village Council. The respective terms of the members shall be for three years or until his or her successor takes office, except that the respective terms of two of the members first appointed shall be for one year and three for two years.

c) Removal of members. After a Public Hearing, a member other than the member selected by the legislative body may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The Village Council may for like cause remove the member selected by the Village Council.

d) Vacancies. A vacancy on the planning commission occurring otherwise than through the expiration of term shall be filled for the unexpired term by the President in the case of a member selected or appointed by the President and by the Village Council in the case of the member appointed by the Village Council.

e) Officers, meetings, rules. The planning 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 reelection. The planning 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 III

a) Master plan. The planning commission shall make and adopt a master plan for the physical development of the Village, including any areas outside of its boundaries which, in the planning commission's judgment, bear relation to the planning of the Village. The plan, with the accompanying maps, plats, charts, and descriptive matter shall show the planning 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, flood plains, 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; the general location, character, layout and extent of community centers and neighborhood units; and the general character, extent and layout 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.

b) Adoption of master plan. As the work of making the whole master plan progresses, the planning commission from time to time may adopt and publish 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 planning commission from time to time may amend, extend, or add to the plan.

c) Surveys and studies. In the preparation of such plan the planning 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.

d) Adoption by sections. The planning commission may adopt the plan as a whole by a single resolution. The planning commission may by successive resolutions adopt successive parts of the plan corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan. The planning commission may adopt any amendment or extension of the plan or addition to the plan.

e) Public hearing required. Before the adoption of the plan or any part, amendment, extension, or addition to the plan, the planning commission shall hold not less than one public hearing. Notice of the time and place of the public hearing shall be given not less than 15 days prior to the hearing by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality, and by registered 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 municipality affected.

f) Adoption of master plan by 2/3 vote. The adoption of the plan or any part, amendment, extension, or addition to 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 by the identifying signature of the chairperson or the secretary of the planning commission.

g) Certification of plan after adoption. An attested copy of the plan or part of the plan shall be certified to the Council and to the county register of deeds.

Section IV

a) Public improvements; review by planning commission. Whenever the planning commission shall have adopted the master plan of the Village or of one 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 Village or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the planning commission. Provided, That in case of disapproval the planning 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 2/3 of its entire membership. Provided, 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 Village 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 planning commission to act within 60 days from and after the date of official submission to the planning commission shall be deemed approval.

b) Program for public structures and improvements. For the purpose of furthering the desirable future development of the Village under the master plan, the planning commission, after the commission shall have adopted a master plan, shall prepare coordinated and comprehensive programs of public structures and improvements. The planning commission shall annually prepare such a program for the ensuing six years, which program shall show those public structures and improvements, in the general order of their priority, which in the planning 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 planning commission with lists, plans and estimates of time and cost of public structures and improvements within the purview of such department.

Section 2: Inconsistent Ordinances Repealed

Any other ordinance inconsistent with this ordinance is repealed.

Section 3: Severability

Should any part of this Ordinance be invalidated by a court, the remainder of the Ordinance shall not be affected thereby and shall continue in effect.

Section 4: Effective Date

This Ordinance shall take effect upon the date of its publication, which publication shall be within 15 days after its adoption.

Bruce Bournay
Village President Pro-Tem

Kaye McAlear
Village Clerk