

**CITY OF FARMINGTON  
COUNTY OF OAKLAND  
STATE OF MICHIGAN**

**ORDINANCE NO. C-754-2011**

**AN ORDINANCE TO AMEND CHAPTER 23, “PLANNING,” OF THE CITY OF FARMINGTON CODE OF ORDINANCES, ARTICLE II, “PLANNING COMMISSION,” IN ORDER TO CONFORM TO P.A. 33 OF 2008, AS AMENDED, BEING THE MICHIGAN PLANNING ENABLING ACT, M.C.L. 125.3801 *ET. SEQ.* FOR THE PURPOSE OF HAVING PLANNING AND ZONING IN FARMINGTON; TO CONFIRM MEMBERSHIP OF SAID COMMISSION IN ACCORDANCE WITH THE STATUTE: TO ENUMERATE ITS POWERS AND DUTIES; TO PROVIDE FOR THE REGULATION OF LAND AND THE COORDINATED AND HARMONIOUS DEVELOPMENT OF FARMINGTON; AND TO FUNCTION IN COOPERATION WITH OTHER CONSTITUTED AUTHORITIES.**

**THE CITY OF FARMINGTON ORDAINS:**

**Section 1 of Ordinance**

That Chapter 23, “Planning,” Article II, “Planning Commission,” is hereby amended to read in its entirety:

**Section 23-26 Authority**

This ordinance is adopted pursuant to the authority granted the City Council under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*, to establish a Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

**Section 23-27 Purpose**

The purpose of this ordinance is to provide that the Farmington City Council hereby confirms the establishment, under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, of the Farmington Planning Commission, formerly established under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, *et seq.*, to establish the appointments, terms, and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission, and to prescribe the authority, powers and duties of the Planning Commission.

**Section 23-28. Establishment**

There shall be a City of Farmington Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*, hereinafter referred to as the Commission, with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the “City of Farmington Planning Commission Ordinance.”

**Section 23-29 Membership**

- A. The Commission shall consist of 7 members appointed by the Mayor with the approval of a majority of the City Council elected and serving. To be qualified to be a member and remain a member of the Commission, the individual shall be a qualified elector of City of Farmington.
- B. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the City, in accordance with the major interests as they exist in the City, such as natural resources, recreation, education, public health, government, transportation, residential uses, industry, and commerce. The membership shall also be representative of the entire geography of the City to the extent practicable.
- C. Members shall be appointed for three-year terms. However, when first appointed, a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of  $\frac{1}{3}$  of all commission members will expire each year.
- D. There shall not be any *ex officio* members on the Planning Commission.

**Section 23-30 Officers**

- A. The Planning Commission shall elect a chairperson, a vice-chairperson, and a secretary from its members, and may create and fill other offices as it considers advisable. The term of each office shall be one year, with opportunity for reelection as specified in the Planning Commission bylaws
- B. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

**Section 23-31 Removal from Office**

The City Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

**Section 23-32 Membership; Vacancies**

The City Council shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

**Section 23-33            Membership; Compensation**

The Planning Commission members may be compensated for their services as provided by City Council resolution.

**Section 23-34            Meetings**

- A. The Planning Commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.
- B. Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.
- C. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, *et seq.*
- D. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976,, MCL 15.231, *et seq.*

**Section 23-35            Powers and Duties**

The Commission shall have the powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*).

**Section 23-36            Bylaws**

The Commission shall adopt Bylaws for the transaction of business.

**Section 23-37            Annual Report**

The Planning Commission shall make an annual written report to the City Council concerning its operations and the status of the planning activities, including

recommendations regarding actions by the City Council related to planning and development.

**Section 23-38            Master Plan**

- A. Under the authority of the Michigan Planning Enabling Act, Public Act 3 of 2008, MCL 125.3801, *et seq.*, and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the City's planning jurisdiction.
- B. Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the City Council passes a resolution asserting the right to approve or reject the master plan.
- C. Unless rescinded by the City, any plan adopted or amended under the Municipal Planning Act, Public Act 285 of 1931, need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*

**Section 23-39            Capital Improvements Program**

The Planning Commission shall annually prepare a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period, in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*

**Section 23-40            Subdivision and Land Division Recommendations**

- A. The Planning Commission may recommend to the City Council provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the City.
- B. The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the City Council under the Land Division Act, Public Act 288 of 1967, MCL 560.101, *et seq.* Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the City. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

**Section 23-41            Approval, Ratification, and Reconfirmation**

All official actions taken by all City of Farmington Planning Commissions preceding the Commission established by this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous City of Farmington Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

**Section 2 of Ordinance. Repealer.**

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

**Section 3 of Ordinance. Severability.**

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**Section 4 of Ordinance. Savings.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

**Section 5 of Ordinance. Effective Date.**

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Farmington.

**Section 6 of Ordinance. Adoption.**

This ordinance is hereby declared to have been adopted by the Farmington City Council in a meeting thereof duly held and called on the 6th day of June, 2011, in order to be given publication in the manner prescribed by the Charter of the City of Farmington.

Moved by Councilmember Wiggins and supported by Councilmember Knol.

Ayes: Wright, Buck, Knol, McShane, Wiggins.  
Nays: None.  
Abstentions: None.  
Absent: None.

Ordained this 6th day of June 2011 by the City Council of the City of Farmington.

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J. T. (TOM) BUCK, Mayor

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SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

STATE OF MICHIGAN     )  
                                  )SS.  
COUNTY OF OAKLAND    )

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Farmington at a meeting held on the 6th day of June, 2011, the original of which is on file in my office.

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SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

Introduced: May 16, 2011  
Adopted: June 6, 2011  
Effective: June 19, 2011  
Published: June 12, 2011

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