

CODIFIED ORDINANCES OF FRANKLIN
PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning

- Chap. 1220. Planning Commission.
- Chap. 1222. Platting Regulations. (Repealed)
- Chap. 1224. Lot Splits. (Repealed)
- Chap. 1225. Subdivision Regulations.
- Chap. 1226. Wetlands and Watercourses.
- Chap. 1228. Engineering Design Standards.
- Chap. 1230. Historic District.
- Chap. 1232. Tree Protection.

TITLE FOUR - Zoning

- Chap. 1240. General Provisions and Definitions.
- Chap. 1242. Administration, Enforcement and Penalty.
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- Chap. 1248. Districts Generally and Zoning Map.
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- Chap. 1262. Off-Street Parking and Loading.
- Chap. 1263. Residential Design Standards.
- Chap. 1264. Nonconformities.
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CHAPTER 1220
Planning Commission

EDITOR'S NOTE: A schedule of fees for planning related activities is adopted from time to time by resolution of Council. Copies of the latest such schedule and of the latest relevant legislation may be obtained, at cost, from the Village Clerk.

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| 1220.01 | Establishment; membership; compensation; terms of office; removal; vacancies. | 1220.09 | Publicity and education re Master Plan; powers and duties of Commission. |
| 1220.02 | Chairperson; meetings; rules and records. | 1220.10 | Approval of plats prior to filing. |
| 1220.03 | Employees and consultants; funding of obligations. | 1220.11 | Adoption of regulations re subdivision of land; bond required to secure construction of improvements. |
| 1220.04 | Development of Master Plan. | 1220.12 | Commission action on plats; hearings; effect on Master Plan and Zoning Code. |
| 1220.05 | Purpose of Master Plan. | | |
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CROSS REFERENCES

Municipal planning commissions - see M.C.L.A. 125.31 et seq.
Establishment - see CHTR. Ch. XIII, §1
Review expenses - see ADM. Ch. 210
Review and recommendation of subdivision proposals and
variance requests - see P. & Z. 1225.06, 1225.12
Authority re zoning amendments - see P. & Z. 1246.02
Recommendations re Single-Family Planned Residential
Development Option - see P. & Z. 1252.10

**1220.01 ESTABLISHMENT; MEMBERSHIP; COMPENSATION;
TERMS OF OFFICE; REMOVAL; VACANCIES.**

There is hereby established a commission to be known and designated as the Village of Franklin Planning Commission. The Commission shall consist of nine members whose residence is located within the Village, who shall represent, insofar as is possible, different professions or occupations and who shall be appointed by the President of the Village, subject to the approval of a majority of the members of the Village Council. All members of the Commission shall serve as such without compensation and shall hold no other Village office, except that one of such members shall be a member of the Board of Zoning Appeals and one other of such members may be a Trustee on the Village Council. The term of each member shall be three years, except that three members of the first Commission to be appointed shall serve for the term of one year, three for a term of two years and three for a term of three years. All members shall hold office until their successors are appointed. Members may, after a public hearing, be removed by the President for inefficiency, neglect of duty or malfeasance in office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the President.

Appointments to the Planning Commission shall be made annually on July 15. Vacancies of specific unexpired terms may be filled throughout the year. Each term shall begin on July 15 and end on July 14.

The Village of Franklin Planning Commission shall assume the rights and duties of the Zoning Commission specified in Section 301 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended (M.C.L.A. 125.3301). At least once per year, the Planning Commission shall prepare for the Village Council a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance.

(Ord. 2. Passed 7-12-54; Ord. Unno. Passed 4-2-79; Res. 89-151. Passed 8-14-89; Res. 98-116. Passed 6-8-98; Res. 98-117. Passed 6-8-98; Ord. 2006-03. Passed 11-13-06.)

1220.02 CHAIRPERSON; MEETINGS; RULES AND RECORDS.

The Planning Commission shall elect a Chairperson from among the appointed members and shall fill such other of its offices as it may establish. The term of the Chairperson 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 the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. A true copy of such record shall at all times be available at the Village Offices.

(Ord. 2. Passed 7-12-54.)

1220.03 EMPLOYEES AND CONSULTANTS; FUNDING OF OBLIGATIONS.

The Planning Commission may appoint such employees as it deems necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Village. The Commission may also contract with planners, engineers, architects and other consultants for such services as it may require. Notwithstanding the foregoing provisions of this section, no employee shall be hired and no debts or obligations shall be incurred by the Commission until the necessary funds for the payment of such employees or other obligations have been provided, either by an appropriation in the Village budget or from such gifts or donations as may be made to or for the Commission.

(Ord. 2. Passed 7-12-54.)

1220.04 DEVELOPMENT OF MASTER PLAN.

It shall be the function and duty of the Planning Commission to make and adopt a Master Plan for the physical development of the Village. Such Plan, with the accompanying maps, plats, charts and descriptive material, shall show the Commission's recommendations for the development of the Village, 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; 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; the general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas; and a zoning plan for control of the height, area, bulk, location and use of buildings and premises. As the work of making the whole Master Plan progresses, the Commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the Village or one of the aforesaid or other functional matters to be included on the Plan. The Commission may from time to time amend, extend or add to the Plan.

(Ord. 2. Passed 7-12-54.)

1220.05 PURPOSE OF MASTER PLAN.

In the preparation of the Master Plan the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Village with due regard to its relation to the neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing coordinated, adjusted and harmonious development of the Village and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order,

convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

(Ord. 2. Passed 7-12-54.)

1220.06 ADOPTION OF MASTER PLAN.

The Planning Commission may adopt the Master Plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the Plan, said parts corresponding with major geographical sections or divisions of the Village or with functional subdivisions or 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, not less than fifteen days prior to such hearing, by one publication in a newspaper of general circulation in Southfield Township and in the official gazette, if any, of the Village, 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 affected geographical sections or divisions of the Village. The adoption of the Plan or of any such part, amendment, extension or addition thereof 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 maps and Plan and descriptive matter by the identifying signature of the Chairperson and/or the Secretary of the Commission. An attested copy of the Plan or part thereof shall be certified to the Village Council and to the County Register of Deeds.

(Ord. 2. Passed 7-12-54.)

1220.07 COMMISSION APPROVAL OF CONSTRUCTION AND IMPROVEMENTS.

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 or 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 the Village Council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. However, if the public way, ground, space, building, structure or utility is one the authorization or financing of which does not, under the law governing the same, fall

within the province of the Village Council, then the submission to the Planning Commission shall be by the board, commission or other body having such jurisdiction, and the Planning Commission's disapproval may be overruled by said board, commission or other 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. For the purpose of furthering the desirable development of the Village under the Master Plan, the Planning Commission, after it 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 six years, which program shall show those public structures and improvements, in the general order of their priority, which, in the Commission's judgment, will be needed or desirable and can be undertaken within the six-year period. The above comprehensive coordinated programs shall be based upon the requirements of the community for all types of public improvements, and, to that end, each agency or department of the Village concerned with such improvements shall, upon request, furnish the Commission with lists, plans and estimates of the time and cost of public structures and improvements within the purview of such agency or department.

(Ord. 2. Passed 7-12-54.)

1220.08 RESCISSION OF COUNCIL RESOLUTIONS; OVERRULING COMMISSION RECOMMENDATIONS.

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

(Ord. 2. Passed 7-12-54.)

1220.09 PUBLICITY AND EDUCATION RE MASTER PLAN; POWERS AND DUTIES OF COMMISSION.

The Planning Commission shall have the power to promote public interest in and understanding of the Master Plan and to that end may publish and distribute copies of the Plan or of any report and may employ such other means of publicity and education as it may determine. Members of the Commission, when duly authorized by the Commission, may attend planning conferences or meetings of planning institutes or hearings upon pending 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 with and advise public officials and

agencies, public utility companies, civic, educational, professional and other organizations, and citizens, relative to protecting or carrying out the Master 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 members, officers and employees of the Commission, in the performance of their functions, may enter upon any land, 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 Village planning and carry out the purposes of this chapter.

(Ord. 2. Passed 7-12-54.)

1220.10 APPROVAL OF PLATS PRIOR TO FILING.

Whenever the Planning Commission shall have adopted a Master Plan relating to the major street system of the territory within its jurisdiction or a part thereof, and shall have filed a certified copy of such Plan in the office of the County Register of Deeds, no plat of a subdivision of land within such territory 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 Chairperson or Secretary of the Commission.

(Ord. 2. Passed 7-12-54.)

1220.11 ADOPTION OF REGULATIONS RE SUBDIVISION OF LAND; BOND REQUIRED TO SECURE CONSTRUCTION OF IMPROVEMENTS.

Before exercising the power referred to in Section 1220.10, 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 in which water, sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations or the practice of the Commission may provide for a tentative approval of the plat previous to such installation, but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the Commission may accept a bond with surety to secure to the Village the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the Commission. The Village 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 County Register of Deeds.

(Ord. 2. Passed 7-12-54.)

1220.12 COMMISSION ACTION ON PLATS; HEARINGS; EFFECT ON MASTER PLAN AND ZONING CODE.

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 been approved, and a certificate to such effect shall be issued by the Commission on demand. However, an applicant for the Commission's approval may waive this requirement and consent to an extension of such period. The grounds for 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 the 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 as their addresses appear in the directory of the Village or on the tax records of the Village or County. Every plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of, an addition to, or a detail of, the Master Plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The Planning Commission may, from time to time, recommend to the Village Council amendments of the Zoning Code or Zoning Map or additions thereto to conform to the Commission's recommendations for the regulation of zoning 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 a violation of the then effective Zoning Code of the Village. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof, shall have the same force of law, shall be enforceable in the same manner and with the same sanctions and penalties, and shall be subject to the same power of amendment or repeal, as though set out as a part of the Zoning Code or Zoning Map of the Village.

(Ord. 2. Passed 7-12-54.)