

ARTICLE VI
PLANNING COMMISSION

6.01.00 SCOPE, PURPOSE AND INTENT

This ordinance is adopted pursuant to the authority granted the township board 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.

The purpose of this ordinance is to provide that the Buel Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Buel Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, 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.

6.02.00 ESTABLISHMENT

The township board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Buel Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Buel Township Planning Commission shall have seven (7) members. Members of the Buel Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the township board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

6.03.00 MEMBERSHIP

6.03.01 Seven member panel

The Buel Township Planning Commission shall consist of seven (7) members who are qualified electors of the township and are representative of the major interests in the township.

6.03.02 Ex Officio member

One member of the Board of Trustees shall serve, ex officio, on the Planning commission.

6.03.03 Appointment

All members shall be appointed by the supervisor with the approval of the Township Board.

6.03.04 Removal

Members may be removed by the township supervisor, after a hearing, with the approval of the township board.

6.03.05 Term of office

Members, other than an ex officio member, shall serve for a term of 3 years each.

6.03.06 Successor in office

A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired.

6.03.07 Vacancies in office

All vacancies for unexpired terms shall be filled for the remainder of such term.

6.03.08 **Conflict of Interest**

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office.

For the purposes of this section, the planning commission shall define conflict of interest in its bylaws.

6.04.00 **COMPENSATION**

Members of the planning commission may be compensated for their services as provided by township board resolution.

6.05.00 **DUTIES OF THE PLANNING COMMISSION**

6.05.01 **Planning and zoning**

As provided in the purposes clause, the Planning Commission shall, in its advisory capacity, make, adopt, extend, add to or otherwise amend, and to carry out plans for the unincorporated portions of the township and assume the administrative responsibilities of the Township Zoning Board provided by statute.

A) Authority to Make Master Plan

Under the authority of the Michigan Planning Enabling Act, Public Act 33 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 township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq. The master plan shall include:

- 1) Maps, plats, charts and descriptive, explanatory and other related matter and shall show the planning commission's recommendations for the physical development of the unincorporated area of the township.
- 2) Those of the following subjects which reasonably can be considered as pertinent to the future development of the township:
 - i. A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residence, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forest, wild life refuges and other uses and purposes.
 - ii. The general location, character and extent of streets, roads, highways, railroads, 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.
 - iii. Recommendations as to the general character, extent and layout for the redevelopment or rehabilitation of blighted districts and slum areas; and the removal, relocation, widening, narrowing, vacating, abandonment, changes or

use or extension of ways, grounds, open spaces, buildings, utilities or other facilities.

iv. Recommendations for implementing any of its proposals.

B) Consultation

The planning commission shall consult, in respect to its planning, with representatives of adjacent townships; with the county planning commission, if any; with any representatives of incorporated municipalities within the township; and with the regional planning commission, if any.

C) Resources

The planning commission may make use of expert advice and information which may be furnished by appropriate federal, state, county, and municipal officials, departments, and agencies having information, maps, and data pertinent to township planning.

D) Hearing on master plan

- 1) Before the adoption of the plan or any part, amendment, extension, or addition to the plan, the planning commission shall hold at least 1 public hearing thereon.
- 2) Notice of the hearing shall be given by publication in a newspaper of general circulation in the township, not less than 15 days before the date of the hearing.

E) Adoption of master plan

- 1) The planning commission by majority vote of its membership may adopt the basic plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, the parts corresponding with major geographical sections or divisions of the township or with functional subdivisions of the subject matter of the basic plan, and may adopt any amendment or extension thereof or addition thereto as herein provided.
- 2) Following the adoption of the basic plan or any part thereof, the planning commission shall transmit a copy of the plan to the township board and to the county planning commission for approval.

6.05.02 **Procedure**

A) Officers

- 1) The planning commission shall elect a chairperson, vice-chairperson, and secretary from its members and shall create and fill other offices or committees as it considers advisable.
- 2) The term of each officer shall be 1 year.

B) Advisory Committees

The planning commission may appoint advisory committees outside of its membership.

C) Bylaws

The planning commission shall adopt bylaws for the transaction of business.

D) Meetings

1) *Regular meetings*

The planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings.

2) *Special meetings*

A special meeting may be called by:

- i. 2 members upon written request to the secretary
- ii. By the chairperson, or
- iii. Pursuant to requests under the zoning ordinance

The secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

3) *Open Meetings*

- i. The business which the planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws
- ii. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976

6.05.03 Planning personnel, contracts and expenses

The township board, upon recommendation of the planning commission, may

5.03.01 Employ a planning director or other planning personnel,

5.03.02 Contract for the services of planning and other technicians, and

5.03.03 Pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

6.05.04 Rules, records and reports

The planning commission shall:

5.04.01 Adopt rules for the transaction of business,

5.04.02 Keep a public record of its resolutions, transactions, findings, and determinations,

5.04.03 Make an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development. A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

6.06.00 FUNDING

6.06.01 Appropriation and grant match

The Township Board may annually appropriate and make available funds for carrying out the purposes and functions permitted under this act, and may match township funds with federal, state, county or other local government or private grants.

6.06.02 Grants

The Township Board may accept and use gifts and grants for planning commission purposes. Money so accepted shall be deposited with the township treasurer in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The township treasurer shall draw warrants against the special nonreverting fund only upon vouchers signed by the chairman and secretary of the planning commission and upon orders drawn by the township clerk.

6.06.03 Limitation on expenditures

The expenditures of the planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the township board.

6.07.00 **ZONING POWERS**

The township board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Buel Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.