

Planning Commission Ordinance

An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Deerfield Village Planning Commission; provide for the composition of that planning commission; provide for the powers, duties and limitations of that planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

THE VILLAGE OF DEERFIELD, LENAWEE COUNTY, MICHIGAN, ORDAINS:

1 Scope, Purpose and Intent

- 1.1 This ordinance is adopted pursuant to the authority granted the village 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.
- 1.2 The purpose of this ordinance is to provide that the Deerfield Village Council shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, of the Deerfield Village 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.

2 Establishment

The village council hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, of the Deerfield Village Planning Commission formerly established under the Municipal Planning Act, Public Act 168 of 1959, MCL 125.31, *et seq.* The Deerfield Village Planning Commission shall have five (5) members, inclusive of the ex officio member. Members of the Deerfield Village 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 village council, 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.

3 Appointments and Terms

- 3.1 The Village Council President, with the approval of the Village Council by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.
- 3.2 The planning commission members, other than an ex officio member, shall serve for terms of 3 years each.
- 3.3 A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.
- 3.4 Planning commission members shall be qualified electors of the village, except that one planning commission member may be an individual who is not a qualified elector of the village. 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 village, in accordance with the major interests as they exist in the village, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the village to the extent practicable.
- 3.5 One member of the village council shall be appointed to the planning commission as an ex officio member.
- 3.6 An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the village council.
- 3.7 No other elected officer or employee of the village is eligible to be a member of the planning commission.

4 Removal

The village council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

5 Compensation

The planning commission members may be compensated for their services as provided by village council resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the

performance of activities authorized by the village council, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

6 Officers and Committees

- 6.1 The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws
- 6.2 The planning commission may also appoint advisory committees whose members are not members of the planning commission.

7 Bylaws, Meetings and Records

- 7.1 The planning commission shall adopt bylaws for the transaction of business.
- 7.2 The planning commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.
- 7.3 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.
- 7.4 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.
- 7.5 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.

8 Annual Report

The planning commission shall make an annual written report to the village council concerning its operations and the status of the planning activities, including recommendations regarding actions by the village council related to planning and development.

9 Authority to Make Master Plan

- 9.1 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 village's planning jurisdiction.
- 9.2 Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the village council passes a resolution asserting the right to approve or reject the master plan.
- 9.3 Unless rescinded by the village, 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.

10 Powers

- 10.1 All powers, duties, and responsibilities provided for zoning boards or zoning commissions by the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., or other applicable zoning statutes are transferred to the Deerfield Village Planning Commission.
- 10.2 Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the village council.

11 Capital Improvements Program

To further the desirable future development of the Village under the master plan, the Planning Commission, after the master plan is adopted, 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.

12 Subdivision and Land Division Recommendations

The planning commission may recommend to the village 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 village.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the village 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 village. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

13 Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

14 Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Deerfield Village Planning Commission under the Municipal Planning Act, Public Act 285 of 1931, is hereby repealed.

15 Effective Date

This ordinance shall take effect on the date of its publication.

The Village Clerk shall publish this Ordinance in the manner prescribed by law.

YEAS: 7
NAYS: 0

ORDINANCE DECLARED ADOPTED ON NOVEMBER 2, 2009.

Todd Nighswander
President, Deerfield Village

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Sandra Witt, the duly elected Clerk of the Village of Deerfield certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the Village Council of the Village of Deerfield on Tuesday, November 2, 2009 and published in the Blissfield Advance, a newspaper circulated in the Village of Deerfield on November 10, 2009.

Sandra Witt
Deerfield Village Clerk