

**VILLAGE OF MAYBEE**  
**ORDINANCE NO.2009-001**  
**ORDINANCE TO ESTABLISH A PLANNING COMMISSION**

**Preamble**

An ordinance to establish the Village of Maybee 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 MAYBEE, MONROE COUNTY, MICHIGAN, ORDAINS:

**Section 1: Scope, Purpose and Intent**

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.

The purpose of this ordinance is to provide that the Village Council shall hereby establish the Village of Maybee Planning Commission; 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 2: Establishment**

The Village Council hereby creates a Village Planning Commission consisting of five (5) members. The Planning Commission is formed under the authority of and subject to the powers, duties, and limitations provided in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and further subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

**Section 3: Appointments and Terms**

The Village 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.

When the planning commission is first established, the members appointed, other than the ex officio member, shall be appointed to 1-year, 2-year or 3-year terms such that, as nearly as possible, the terms of one-third of all the planning commission members will expire each year. After that, all planning commission members, other than the ex-officio member, shall serve for terms of 3 years each.

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.

Planning commission members shall be qualified electors of the Village except that two planning commission members may be individuals who are not qualified electors 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.

One member of the Village Council shall be appointed to the planning commission as an ex officio member. An ex officio member has full voting rights. The ex officio member's term on the planning commission shall expire with his or her term on the Village Council.

No other elected officer or employee of the Village is eligible to be a member of the planning commission.

#### **Section 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.

#### **Section 5: 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, conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

(a) An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual;

(b) The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;

(c) The planning commission member owns or has a financial interest in neighboring property;

For purposes of this section, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.

(d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning

commission.

#### **Section 6: 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.

#### **Section 7: Officers and Committees**

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.

The planning commission may also appoint advisory committees whose members are not members of the planning commission.

#### **Section 8: Bylaws, Meetings and Records**

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

The planning commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

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.

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.

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 9: 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.

#### **Section 10: 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 Village's planning jurisdiction.

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.

Unless rescinded by the Village Council, any plan adopted or amended under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

#### **Section 11: Zoning Powers**

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 Village of Maybee Planning Commission.

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

#### **Section 12: Capital Improvements Program**

To further the desirable future development of the Village under the master plan, the Village Council, after the master plan is adopted, shall prepare or cause to be prepared by the Village President or by a designated nonelected administrative official, 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. The prepared capital improvements program shall be subject to final approval by the Village Council. The planning commission is hereby exempted from preparing a capital improvements plan.

#### **Section 13: 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.

#### **Section 14: 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.

**Section 15: Repeal**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 16: Effective Date**

This ordinance shall take effect 63 days after the ordinance is published by the Village Council in a newspaper of general circulation in the Village.

**CERTIFICATE**

The undersigned, as the duly elected and acting clerk of the Village, hereby certifies that this ordinance was duly adopted by the Village Council at a regular meeting of said Council, at which a quorum was present, held on April 8, 2009, and that copies of the ordinance were transmitted and published as directed.

Theresa Gross  
Village Clerk

Leonard G Gaylor  
Village President