STATE OF MICHIGAN, COUNTY OF OAKLAND

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-750

PLANNING COMMISSION ORDINANCE

An ordinance to confirm the establishment and provide for membership, procedures, meetings, duties, responsibilities and other matters of the Township Planning Commission as required by the Michigan Planning Enabling Act.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 2, Administration, Article IV, Boards and Commissions, of the Charter Township of West Bloomfield Code of Ordinances, is hereby amended to add Division 3, Planning Commission, to read as follows:

DIVISION 3. PLANNING COMMISSION

Sec. 2-151. Authority.

This Ordinance is adopted pursuant to the authority granted the township board of trustees 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., as amended, to establish a planning commission with the powers, duties and limitations provided by those Acts.

Sec. 2-152. Purpose.

The purpose of this ordinance is for the township board of trustees to confirm the establishment, under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., of the township planning commission, formerly established under the Township Planning Act, Public Act 169 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 as provided in and subject to the terms and conditions of this ordinance.

Sec. 2-153. Establishment.

There shall be a township planning commission in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the “Planning Commission Ordinance.”
Sec. 2-154. Membership of the planning commission.

(a) The planning commission shall consist of seven (7) members. Members of the planning commission shall be appointed by the township supervisor subject to approval by the majority vote of the members of the township board elected and serving, with the planning commission members serving when this ordinance takes effect to continue as the members of the planning commission hereby established.

(b) The term of each member shall be three (3) years, and until a successor is appointed and qualified, except that any township board member appointed as a member of the planning commission shall have a term corresponding with that person’s term as a member of the township board. The duration of the terms of members first appointed to the planning commission shall vary, though not exceeding three (3) years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term. The existing terms of planning commission members are continued.

(c) 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 township, in accordance with the major interests, as they exist in the township, 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 township to the extent practical.

(d) Members of the planning commission shall be qualified electors of the township.

(e) The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, as defined in the planning commission bylaws, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified if so provided by the planning commission bylaws. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

Sec. 2-155. Officers and zoning board of appeals member of the planning commission.

(a) The planning commission shall elect a chairperson, vice-chairperson and secretary from its members and create and fill other offices, as it considers advisable. The township board member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be one (1) year, with opportunity for reelection as specified in the planning commission bylaws.

(b) The planning commission may appoint advisory committees whose members are not members of the planning commission.
(c) As provided in the Michigan Zoning Enabling Act, MCL 125.3601, one member of the planning commission shall be appointed by the township board to serve on the zoning board of appeals, with the term of that appointment to correspond to that member's term as a planning commission member.

Sec. 2-156. Procedures of the planning commission.

(a) The planning commission shall adopt bylaws for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations.

(b) The planning commission's procedures shall be in conformity with applicable ordinances, resolutions and policies adopted by the township board.

Sec. 2-157. Meetings of the planning commission.

(a) The planning commission shall hold not less than four (4) regular meetings each year. At its first meeting of the calendar year, the planning commission shall adopt and provide notice of its regular meetings for the ensuing year in accordance with the Open Meetings Act, Public Act 267 of 1976, as amended; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.

(b) Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission. Unless the planning commission bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.

(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, as amended.

Sec. 2-158. Duties and responsibilities of the planning commission.

The members of the planning commission shall have the following principal duties and responsibilities, among others:

(a) Prepare, review and update a master plan as a guide for development within the township's planning jurisdiction.

(b) Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.

(c) In accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, consider, no less frequently than every five (5) years, whether a revision of the master
plan or updated amendments in the master plan are needed and prepare, consider and approve any such revisions or amendments.


(e) Review subdivision and condominium proposals and recommend appropriate actions to the township board.

(f) Prepare special studies and plans, as deemed necessary by the planning commission or township board, and for which appropriations of funds have been approved by the township board, as needed.

(g) Prepare 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, with the report to be presented within 90 days of the beginning of each calendar year.

(h) Promote understanding of and interest in the master plan and the township zoning ordinance.

(i) Carry out other duties and responsibilities as set forth in the Michigan Planning Enabling Act, Public Act 33 of 2008, except the annual preparation of a capital improvements program under MCL 125.3865, from which the planning commission is hereby exempted to the extent it is not exempt under the Charter Township Act, MCL 42.1, et seq., which vests responsibility for planning and budgeting for public structures and improvements in the township board of trustees.

(j) Exercise all powers and duties of a zoning board, as previously done and hereby confirmed as transferred to the planning commission, as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and as permitted in Section 11 of the Township Planning Act, Public Act 168 of 1959.

Sec. 2-159. Approval, ratification and reconfirmation.

All official actions taken by the township planning commission preceding the planning 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 planning commission created by this ordinance, subject to other requirements of this ordinance, and shall be deemed a continuation of any previous township planning commission. This Ordinance shall be in full force and effect from and after its adoption and publication.
Section 2 of Ordinance

All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect, specifically including all resolutions under which the Township Planning Commission was previously created and functioning under the Township Planning Act.

Section 3 of Ordinance

Should any section, subdivision, clause or phrase of this ordinance be declared by the court to be invalid, same shall not affect the validity of the ordinance as a whole or any part thereof, other than the parts invalidated.

Section 4 of Ordinance

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 are commenced.

Section 5 of Ordinance

The provisions of this ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this ordinance was adopted by the Board of Trustees of the Charter Township of West Bloomfield at a meeting of the Board duly called and held on June 27, 2011.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

June 28, 2011  By:  Catherine Shaughnessy, Clerk
Date:  

INTRODUCED:  June 6, 2011
ADOPTED:  June 27, 2011
PUBLISHED:  July 6, 2011