

Chapter 26

PLANNING*

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* **Cross references** – Any ordinance adopting or amending a comprehensive plan saved from repeal, § 1-11(a)(9); administration, ch. 2; buildings and building regulations, ch. 6; community development, ch. 10; land divisions and subdivisions, ch. 16; special assessments, ch. 30; streets, sidewalks and other public places, ch. 32; utilities, ch. 38.

State law reference – Michigan Planning Enabling Act, MCL 125.3801 et seq.

POTTERVILLE CODE

ARTICLE I. IN GENERAL

Secs. 26-1 – 26-30. Reserved.

ARTICLE II. PLANNING COMMISSION*

Sec. 26-31 – 26-36. Repealed.

(Ord. No. 10-222, 6-8-2010)

Sec. 26-37. Title.

This Ordinance shall be known and may be cited as the “Planning Commission Ordinance.”

Sec. 26-38. Purpose.

The City of Potterville hereby determines that it is necessary for the best interests of the City to confirm the establishment of the City of Potterville Planning Commission pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq. (the “MPEA”), and to provide for its composition, powers, and duties.

Sec. 26-39. Establishment.

(a) Pursuant to the MPEA, the City confirms the establishment of the City of Potterville Planning Commission (the “Planning Commission”), which was formerly established under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31 et seq.

(b) All official actions taken by the Planning Commission that was constituted before the effective date of this Ordinance are hereby approved, ratified, and reconfirmed.

(c) Members of the Planning Commission as of the effective date of this Ordinance shall continue to serve for the remainder of their expiring terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership under the MPEA.

* **Cross reference** – Boards and commissions, § 2-131 et seq.

Sec. 26-40. Appointment, eligibility and terms of members.

(a) The Planning Commission shall consist of five (5) members.

(b) Members shall be appointed by the Mayor, subject to the majority vote of the members of City Council.

(c) Members shall be qualified electors of the City, except that [two] 2 members may be individuals who are not qualified electors of the City.

(d) The Planning Commission’s membership shall be representative of important segments of the City, such as the economic, governmental, educational, and social developments of the City, in accordance with the major interests as they exist in the City, 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 City to the extent practicable.

(e) The City Manager or a person designated by the City Manager, if any, the Mayor, one or more members of the City Council, or any combination thereof, may be appointed to the Planning Commission as ex officio members. Not more than one-third (1/3) of the members of the Planning Commission may be ex officio members. The term of an ex officio member of a Planning Commission shall be as follows:

- 1) The term of a Mayor shall correspond with his or her term as Mayor.
- 2) The term of a City Manager shall expire with the term of the Mayor that appointed him or her as the City Manager.
- 3) The term of a member of City Council shall expire with his or her term on the City Council.

(f) Except for ex officio members, elected officers or employees of the City are not eligible to be members of the Planning Commission.

(g) Except for ex officio members, the term of each member shall be three (3) years. However, of the members of the Planning Commission, other than ex officio members, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly, as possible, the terms of 1/3 of all the planning commission members will expire each year.

Sec. 26-41. Removal; conflicts of interest; vacancies.

(a) The City Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

(b) Before casting a vote on a matter on which the member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

(c) The Planning Commission shall define "conflict of interest" for purposes of this section in its bylaws.

(d) The City Council shall fill all vacancies for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

Sec. 26-42. Compensation.

The City Council may, by resolution, provide for the compensation of members of the Planning Commission. The Planning Commission may adopt bylaws relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the City Council, including, but not limited to, attendance at confer-

ences, workshops, educational and training programs, and meetings.

Sec. 36-43. Bylaws; officers; meetings; records; annual written report.

(a) The Planning Commission shall adopt bylaws for the transaction of business.

(b) The Planning Commission shall elect its chairperson and secretary from among its members and create and fill other officers as it considers advisable. Ex officio members shall not be eligible to serve as chairperson. The term of each officer shall be one (1) year, with opportunity for reelection as provided in the Planning Commission's bylaws.

(c) The Planning Commission shall hold not less than four (4) regular meetings each year and by resolution shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the 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.

(d) The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations.

(e) The Planning Commission shall make an annual written report to the City Council concerning its operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development.

Sec. 36-44. Adoption of master plan.

The Planning Commission shall make and approve a master plan as a guide for development within the City in accordance with the MPEA.

Sec. 36-45. Zoning powers.

The City hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former City and Village Zoning Act, Public Act 207 of 1921, MCL 125.581 et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq., or other applicable zoning statutes to the Planning Commission formerly established under the Michigan Planning Act, Public Act 285 of 1931, MCL 125.31 et seq.