

ORIGINAL

**Ordinance # 53**

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION ORDINANCE  
Adopted April 23, 2009**

**Preamble**

An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, of the Charter Township of Garfield 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 CHARTER TOWNSHIP OF GARFIELD, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

**Section 1: 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 Charter Township of Garfield 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 Charter Township of Garfield 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.

**Section 2: 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 Charter Township of Garfield Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, *et seq.* The Charter Township of Garfield Planning Commission shall have seven members. Members of the Charter Township of Garfield Planning Commission as of the effective date of this Ordinance shall 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 in Section 3 below and within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*

### **Section 3: Membership**

Membership of the planning commission shall be comprised as follows:

1. One member of the township board shall be appointed to the planning commission as an ex officio member. The Township Supervisor shall not serve as the ex officio member.
2. One planning commission member may be an individual who is not a qualified elector of the township.
3. All other planning commission members shall be qualified electors of the township.
4. No other elected officer or employee of the township is eligible to be a member of the planning commission.

Membership of the planning commission shall be representative of the important segments of the community, such as the economic, governmental, educational and social development of the township, in accordance with the major interests of the township, including:

1. Agriculture;
2. Natural resources;
3. Recreation;
4. Education;
5. Public health;
6. Government;
7. Transportation;
8. Industry;
9. Commerce;
10. [other] \_\_\_\_\_.

Membership of the planning commission shall also be representative of the entire geography of the Charter Township of Garfield, to the extent practicable and as a secondary consideration to the representation of the major interests.

### **Section 4: Appointments and Terms**

- A. The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member, in accordance with the following:
  1. The planning commission members, other than the ex officio member, shall serve for terms of 3 years each.
  2. The ex officio member shall serve for a term of 1 year.
  3. A planning commission member, other than the ex officio member, shall hold office until his or her successor is appointed.
  4. The ex officio member's term shall expire with his or her term on the township board.
  5. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.
- B. All members, inclusive of the ex officio member, shall have full voting rights.
- C. All planning commission members are ineligible for reappointment at the conclusion of their term of office unless they have complied with the training requirements of Section 9.

### **Section 5: Solicitation for Membership**

- A. By November of each year, the township shall determine which members' terms of office expire and shall identify the areas of interest represented by such member(s).
- B. If the township does not have at least two candidates for each office representing one or more areas of interest not represented by the continuing members of the planning commission, an advertisement(s) shall be placed in a newspaper of general circulation within the township, seeking applications for appointment.
- C. In December of each year, the township board shall consider the applications and appoint members to the planning commission by a majority vote. All three year terms shall expire on December 31.
- D. These procedures need not be followed to reappoint a current member of the planning commission in accordance with Section 4.C.

### **Section 6: Removal**

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. Failure to repeatedly attend planning commission meetings shall be considered nonfeasance in office.

The secretary of the planning commission shall report any member who has missed three regular meetings in a row to the Township Board.

### **Section 7: Conflict of Interest**

Before participating in planning commission deliberations or 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.

Conflict of interest shall be addressed in the planning commission By-laws.

### **Section 8: Compensation**

Planning commission members may be compensated for their services as provided by township board resolution. Subject to such limitations, 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 township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

### **Section 9: Training**

Appointed members of the planning commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Garfield Township budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the Township Board. The planning commission shall include in its Bylaws what training programs qualify to meet this requirement.

### **Section 10: 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. The 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 appoint advisory committees whose members need not be members of the planning commission.

### **Section 11: Bylaws, Meetings and Records**

- A. The planning commission shall adopt bylaws for the transaction of business.
- B. 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 two 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

- 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, MCL 15.261, *et seq.*
- D. 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 12: Staff**

- A. The planning commission shall be assigned a planning director to carry out the duties of Section 15. The planning director shall be a department head, and shall hire or dismiss other such staff within the budget provided for this purpose.
- B. The appointment of the planning director and other such employees shall be subject to the same provisions of law, employment policies, employee roster, and employee or union contracts, if any, as govern other employees of the township.
- C. Employees that are assigned to work with the planning commission shall follow the directives of the planning commission in matters of planning and zoning public policy issues, but shall not be subject to planning commission directives concerning employment provisions of law, employment policies, employee roster, and employee or union contracts, if any.

### **Section 13: Liaisons**

The planning commission, in its Bylaws, may name "liaisons" to the planning commission. The sole purpose of liaisons is to provide certain Garfield Township and quasi-Garfield Township officials the ability to participate in discussion with the planning commission in addition to speaking in public participation. At a minimum, liaisons shall include:

1. Planning Department staff, and their agents and consultants.
2. Garfield Township Zoning Administrator.
3. Garfield Township Attorney.

### **Section 14: Annual Report**

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

## **Section 15: Duties and Authority**

### **A. General**

The planning commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*

### **B. 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 and maintain 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.*

### **C. 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 Charter Township of Garfield 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.

### **D. Jurisdictional Exemption**

The planning commission shall not have jurisdiction over that property located within the township and commonly known as the Grand Traverse Commons, as further described in Charter Township of Garfield Ordinance No. 48. Jurisdiction over the Grand Traverse Commons shall be exercised by the Grand Traverse Commons Planning Commission in accordance with said Ordinance No. 48. In the event that the Grand Traverse Commons Planning Commission is dissolved, jurisdiction over the Grand Traverse Commons, including all authority under subsections A, B and C above, shall transfer to the Charter Township of Garfield Planning Commission.

## **Section 16: Capital Improvements Program**

To further the desirable future development of the township under the master plan, the planning commission shall 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.

## **Section 17: Subdivision and Land Division Recommendations**

The planning commission may recommend to the township board 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 township.

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

**Section 18: 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 19: Repeal**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Charter Township of Garfield Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, *et seq.*, is hereby repealed.

**Section 20: Approval, Ratification, and Reconfirmation**

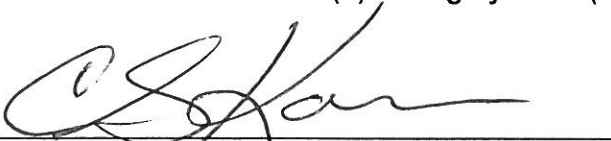
All official actions taken by all Charter Township of Garfield Planning Commission(s) preceding the planning commission created by this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the planning commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Garfield Township Planning Commission.

**Section 21: Effective Date**

This ordinance shall take full force and effect within 30 days of its publication in the newspaper of general circulation.

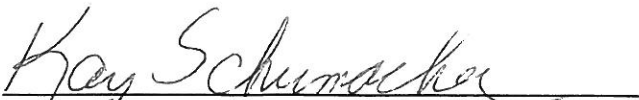
**CERTIFICATE**

Passed by the Township Board on the 23<sup>rd</sup> Day of April, 2009 at its regular meeting with SEVEN members in attendance (7) voting aye and (0) nay.



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Chuck Korn, Supervisor  
April 23, 2009

I hereby certify that the foregoing was duly adopted by the Township Board of the Garfield Charter Township, Grand Traverse County, Michigan, at its regular meeting on the 23<sup>rd</sup> day of April 2009 that of (7) Seven members of the Township Board were in attendance and (7) voted fro the adoption of the Ordinance.



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Kay Schumacher, Clerk  
April 23, 2009