

## CHAPTER 19

### PLANNING COMMISSION

An Ordinance to confirm the establishment of the Rives Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL §125.3801, et. seq., to provide for the composition of the Planning Commission; to provide for the powers, duties, and limitations of the Planning Commission; and to repeal any ordinance or parts of ordinances or resolution in conflict with this ordinance (Ord. No. 2011-1, Adopted 10-4-11, amended by Ord. No. 2018-2)

#### SECTION 19.00 - SCOPE, PURPOSE, AND INTENT

This provisions of this Chapter were 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 Chapter and any future amendments to this Chapter.

The purpose of this Chapter is to provide that the Rives Township Board hereby confirms the establishment of the Rives Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL §125.3801, et seq., 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 19.01 - ESTABLISHMENT

The Township Board hereby confirms the establishment of the Rives Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL §125.3801, being formerly established under the Township Planning Act, Public Act 168 of 1959, MCL §125.321, et seq. The Rives Township Planning Commission shall have Five (5) members. Members of the Rives Township Planning Commission as of the effective date of this Chapter shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board, 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.

#### SECTION 19.02 – APPOINTMENT AND TERMS

Subject to approval by a majority vote of the elected and serving members of the Township Board, the Township Supervisor shall appoint all members of the Planning Commission, including one member of the Township Board who shall serve as an ex officio member with full voting rights. Planning Commission members, other than the ex officio member, shall be appointed and serve

for terms of three (3) years each. However, of the members first appointed under this Chapter, except the ex officio member, a number shall be appointed to 1-year or 2-year terms such that, as near as possible, the terms of 1/3 of all the planning commission members will expire each year. The ex officio member's term shall expire with his or her term on the Township Board. A Planning Commission member shall hold office until his or her successor is appointed. A vacancy shall be filled by appointment to the unexpired term in the same manner as the original appointment. Other than the ex officio member, no other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

Planning Commission members shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township. 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 practicable.

#### SECTION 19.03 – 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.

#### SECTION 19.04 – 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 Chapter 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. For the purpose of this Section, “*immediate family member*” is defined as “*spouse, mother, father, sister, brother, son, or daughter, including an adopted child or a grandchild.*”
- (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 the purposes of this Section, a neighboring property shall include any property immediately adjoining the property involved.

- (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 19.05 – COMPENSATION

The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws regarding how members must record, report, and submit requests for 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 19.06 – 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 one (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 19.07 – BYLAWS, MEETINGS, AND RECORDS

The Planning Commission shall adopt Bylaws for the transaction of business.

The Planning Commission shall hold at least four (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 (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 forty-eight (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 the 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 19.08 – 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 19.09 – 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 Township’s planning jurisdiction. The procedure for adoption or amendment of a Master Plan shall be as prescribed in Article III of the Act, MCL §125.3831 through §125.3851.

Final authority to approve a Master Plan or any amendments thereto shall rest with the Township Board after recommendation of the Planning Commission in accordance with the Act. The Township Board shall pass a resolution in accordance with MCL §125.3843(3) asserting its right to approve or reject a 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.

#### SECTION 19.10 – 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 Rives Township 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.

#### SECTION 19.11 – CAPITAL IMPROVEMENTS PROGRAM

To further the desirable future development of the Township under its master plan after the master plan is adopted, the Township Board shall prepare or cause to be prepared by the Township Supervisor or by a designated nonelected administrative official, a capital improvements program of public structures and improvements, choosing those structures and improvements in general order of their priority, for the following 6-year period. The prepared capital improvements program, if prepared by someone other than the Township Board, shall be subject to final approval by the Township Board. The planning commission is hereby exempted from preparing a capital improvements plan. (Amended by Ord. No. 2018-2)

#### SECTION 19.12 – 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 fifteen (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. The Planning Commission shall recommend approval, approval with conditions, or disapproval of a plat within sixty-three (63) days after the plat is submitted to the Planning Commission unless the plat proprietor waives this requirement and consents to an extension of the sixty-three (63) day period. 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 fifteen (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 19.13 – SEVERABILITY

The provisions of this Chapter 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 this Chapter, which shall continue in full force and effect.

#### SECTION 19.14 – APPROVAL, RATIFICATION, AND RECONFIRMATION

All official actions taken by any Rives Township Board of Trustees preceding the commission created by this Chapter are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place at the effective date of this Chapter shall continue with the Planning Commission created by this Chapter, subject to the requirements of this Chapter, and shall be deemed a continuation of any previous Rives Township Planning Commission. This Chapter shall be in full force and effect from and after its adoption and publication.

#### SECTION 19.15 – ADOPTION HISTORY

The provisions of this Chapter were first made effective by adoption of Ordinance No. 2011-1, and amended by Ord. No. 2018-2.