

VILLAGE OF BENZONIA
Planning Commission Ordinance
Ordinance 2018-01

AN ORDINANCE TO RE-AUTHORIZE THE VILLAGE OF BENZONIA PLANNING COMMISSION PURSUANT TO MICHIGAN PUBLIC ACT 33 OF 2008; TO ENUMERATE POWERS AND DUTIES OF THE PLANNING COMMISSION; TO PROVIDE FOR THE APPOINTMENT, TERM OF OFFICE, COMPENSATION AND REMOVAL OF MEMBERS; TO ESTABLISH MEETING REQUIREMENTS; TO PROVIDE FOR THE APPROPRIATION OF FUNDS FOR THE OPERATION OF THE PLANNING COMMISSION; AND TO REPEAL ANY ORDINANCE PROVISIONS OR RESOLUTIONS IN CONFLICT THEREWITH.

THE VILLAGE OF BENZONIA ORDAINS:

Section 1 Planning Commission Authorization.

In accordance with the Michigan Planning Enabling Act (Public Act 33 of 2008), the Village of Benzonia Planning Commission previously established is hereby continued, with the powers and duties set forth in this Ordinance.

Section 2 Membership and Appointment.

The Planning Commission shall consist of seven (7) members. Members shall be appointed by the Village President with the approval of the Village Council. One of the Planning Commission members shall be an ex-officio member who shall either be the Village President or a member of the Village Council, and one of the Planning Commission members shall be an ex-officio member who shall be a Village administrative official. All members, excluding ex-officio members, shall have full voting rights. Vacancies occurring for any reason shall be filled for the remainder of the unexpired term by appointment of the Village President with the approval of the Village Council. The membership of the Planning Commission shall be representative of important segments of the community, such as industry, natural resources, recreation, tourism, education, public health, government, transportation and commerce. No employee of the Village, other than the ex-officio members, shall be a member of the Planning Commission.

Section 3 Terms of Office.

Each appointed member, except ex-officio members, shall serve for a three (3) year term. Terms shall be staggered so that no more than two (2) of the members' terms (not counting ex-officio members) shall expire in any one (1) year. Members may be eligible for reappointment at the discretion of the Village Council. Current members shall serve until their current terms expire, unless they are removed in accordance with Section 6 or they resign. The terms of office of the ex-officio members shall correspond to their terms of office on the Village Council or in their administrative office.

Section 4 Planning Commission Officers.

The Planning Commission shall elect a Chairperson, Vice Chairperson, and a Secretary for terms concurrent with their Planning Commission terms. The ex-officio members may not serve as the Chairperson of the Planning Commission.

Section 5 Compensation and Expenses.

Members of the Planning Commission shall be compensated for their services and reimbursed for expenses as provided by the Village Council.

Section 6 Training.

Members of the Planning Commission may attend educational programs designed for training members of Michigan Planning Commissions if the adopted Village of Benzonia budget for that fiscal year includes funds to compensate members for attendance and pay tuition expenses for the training and educational programs have been approved by the Village Council.

Section 7 Removal for Cause.

A member of the Planning Commission may be removed by the Village Council, after written charges and a public hearing, for nonfeasance, misfeasance, or malfeasance in office. Failure to disclose a potential conflict of interest as defined in the Bylaws of the Planning Commission shall be considered malfeasance. Failure to repeatedly attend Planning Commission meetings shall be considered nonfeasance.

Section 8 Planning Commission Meetings.

The Planning Commission shall meet each month if there is business to be conducted. In no event shall the Planning Commission hold less than four (4) regular meetings during each calendar year. The majority of the Planning Commission shall constitute a quorum for the transaction of ordinary business. All questions which shall arise at Planning Commission meetings shall be determined by a vote of the majority of the members present, except for approval of a proposed Master Plan or Master Plan Amendment which shall be by affirmative vote of a majority of all Planning Commission members.

Section 9 Annual Report and Budget.

The Planning Commission shall submit an annual report to the Village Council which shall include a proposed Planning Commission budget. The Village Council shall annually appropriate the funds necessary, in its judgment, for the operation of the Planning Commission during the fiscal year.

Section 10 Statutory and Ordinance Authority.

The Planning Commission shall have all of the powers and duties set forth in the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended) and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which shall include the following:

- a) Preparation of a Village Master Plan and any necessary amendments for recommendation to the Village Council;

- b) Preparation of a Village Zoning Ordinance and any necessary amendments for recommendation to the Village Council;
- c) Consideration of requested rezoning of property and recommendation to the Village Council;
- d) Consideration of proposed subdivision plats and recommendation to the Village Council;
- e) Hear and decide any requests for special land use approvals;
- f) Review and decide any requests for site plan approval;
- g) Prepare and adopt Bylaws for the Planning Commissions;
- h) Perform any other duties as may be assigned to it by the Village Council or pursuant to Village ordinances or State statutes.

Section 11 Bylaws and Records.

The Planning Commission shall adopt Bylaws for transaction of business. The Planning Commission shall also keep a record of its resolutions, findings, and determinations, all of which shall be public record.

Section 12 Repeal of Conflicting Provisions.

All other resolutions or ordinance provisions in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

This Ordinance shall become effective upon publication as provided by law.

Adoption of the foregoing Ordinance was moved by Trustee French and supported by Trustee Rankin.

Voting For: Trustee(s) Heyn, French, Rankin, President Flynn

Voting Against: None

Absent: Trustee(s) Misner, Bair

The Ordinance was Declared Adopted.

By: Timothy G. Flynn, Village President

CERTIFICATION

The above is a true copy of Ordinance No. 2018-01 which was duly adopted by the Village Council of the Village of Benzonia at a regularly scheduled meeting held on January 8, 2018.

By: Rhonda L. Nye, Village Clerk