

**VILLAGE OF OTISVILLE  
GENESEE COUNTY, MICHIGAN**

**PLANNING COMMISSION ORDINANCE**

**ORDINANCE NO. 202**

**An Ordinance to affectuate the provisions of the Michigan planning enabling act, Public Act 33 of 2008; to confer on said planning commission all powers and duties provided for in said Act; to transfer to the planning commission the zoning powers of a zoning commission under public act 110 of 2006, the Michigan zoning enabling act.**

**THE VILLAGE OF OTISVILLE ORDAINS**

**SECTION 1. CONTINUED EXISTENCE OF PLANNING COMMISSION**

The Planning Commission for the Village of Otisville previously established under 1931 PA 285, shall continue in existence as the Planning Commission for the Village of Otisville pursuant to Public Act No. 33 of 2008, and shall be constituted in accordance with and shall have all of the powers and duties set forth in that act and this ordinance.

**SECTION 2. MEMBERSHIP & TERMS OF OFFICE**

- A Number of Members: The Planning Commission for the Village of Otisville shall be comprised of seven members.
- B Appointments: The authority to appoint members of the Planning Commission shall be vested in the affirmative vote of a majority of the Village Council after a nomination has been made by the Village President.
- C Ex-officio Member: One of the members of the Planning Commission shall also be a member of the Village Council serving in an ex-officio capacity. This member shall be appointed by resolution of the Village Council and shall serve on the Planning Commission for the duration of the period of time set forth by the appointing resolution.
- D Membership: The membership of the Planning Commission shall, to the extent that is practical, be representative of important segments of the Village such as the economic, governmental, educational, and social development of the Village, in accordance with the major interests as they exist in the Village such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership of the Planning Commission shall also, to the extent that it is practical, be representative of the entire geography of the Village.

- E Qualified Electors: Membership on the Planning Commission shall be qualified electors of the Village of Otisville, except that two (2) of the Planning Commission members may be individuals who are not qualified electors of the Village.
- F Appointment to the ZBA: One member of the Planning Commission that is an elector of the Village of Otisville shall annually be appointed by the Village Council to be a member of the Zoning Board of Appeals.
- G Other Positions Held: With the exception of the ex-officio member of the Planning Commission and the member of the Planning Commission serving on the Zoning Board of Appeals, no member of the Planning Commission shall hold any other board or committee position with the Village of Otisville.
- H Terms of Members: With the exception of the ex-officio member of the Planning Commission, the term of office for all other members of the Planning Commission shall be for three (3) years except for the initial appointments in 2009 when three members will be appointed for three (3) years, two members for two (2) years and two members for one (1) year. Terms shall take effect on July 1<sup>st</sup>. In the event that a term office for a member of the Planning Commission expires and the Village Council has not appointed a successor, that member shall continue to serve until such time as a successor is appointed.
- I Removal: A member of the Planning Commission may be removed from the membership of the Planning Commission for malfeasance, misfeasance and nonfeasance of office only upon the recommendation of the Village President by majority vote of the Village Council, after a public hearing has been provided for.
- J Absence of Member: Any member of the Planning Commission who is absent without being excused by the affirmative vote of the Planning Commission for three consecutive meetings, or a total of 30% of the regular meetings of the Planning Commission for a twelve month period, shall be deemed to have vacated his or her membership on the Planning Commission.
- K Vacancy: If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his/her successor is appointed.

### **SECTION 3. COMPENSATION**

The Village Council may by resolution provide for the rate and frequency of compensation for all members of the Planning Commission.

### **SECTION 4. CONFLICT OF INTEREST**

Members of the Planning Commission shall have a duty to vote on all items of business considered by the Planning Commission except for those items of business where a member has been excused for having a conflict of interest. If a member of the Planning Commission

may reasonably be considered to have a conflict of interest on any particular item of business, that member shall state the reason for the conflict and request to be excluded from action and/or discussion for that particular item of business by a majority vote of the remaining members of the Planning Commission.

#### SECTION 5. ORGANIZATIONAL REQUIREMENTS

- A. Bylaws: The Planning Commission shall adopt bylaws that cover such routine duties including, but not limited to:
  - a. Election and duties of officers.
  - b. The establishment, purpose and creation of ad-hoc and sub committees, the members of such committees do not need to be members of the Planning Commission.
  - c. Parliamentary procedure at meetings and public hearings.
  - d. The ability to call special meetings.
  
- B. Elections of Officers: The Planning Commission shall annually elect from its members a Chairperson and a Vice-Chairperson. In the absence of the Chairperson, the Vice-Chairperson shall have the authority conduct meetings of the Planning Commission and sign documents pertaining to the Planning Commission such as, but not limited to, site plans and zoning maps. An ex officio member of the Planning Commission is not eligible to serve as Chairperson.
  
- C. Appointment of Secretary: The Planning Commission shall also annually elect a Secretary that is a member of the Planning Commission.
  
- D. Meetings: The Planning Commission shall, at a minimum, meet at least four times annually to conduct business. The time and place of the meetings shall be established by resolution. Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson or by 2 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.
  
- E. Open Meetings Act. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
  
- F. Freedom of Information Act. 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, 1976 PA442, MCL 15.231 to 15.246.

## SECTION 6. DUTIES & POWERS

- A. Annual Report: To prepare an annual report to the Village Council that highlights its operations, the status of planning activity, goals and other information that the Planning Commission deems appropriate.
- B. Master Plan: To prepare and recommend to the Village Council for approval a Master Plan for the development of the Village of Otisville, and to review such plan at least once every five years.
- C. Zoning Ordinance: To make recommendations to the Village Council on all proposed zoning ordinances.
- D. Capital Improvement Program: To review and approve any capital improvement projects in an area of the Village covered by the Master Plan; the creation of, or widening of, any public street; the construction or authorization of any new public building or structure; the creation or expansion of any public park or open space.
- E. Plat Review: Review and make a recommendation for approval, modification, or disapproval of proposed plats.
- F. Site Plan Review: Approve or disapprove site-plans as provided for in the zoning code of the Village of Otisville.
- G. Special Land Use: Approve, approve with conditions, or disapprove of special land use applications.
- H. Fees & Charges: To recommend to the Village Council fees and charges to be charged to cover Village expenses to applicants for various planning and zoning applications.
- I. Education; Consultation. To promote public interest in and understanding of the Master Plan, the Planning Commission may publish and distribute copies of the Master Plan or of any report, and employ other means of publicity and education. The Planning Commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, Professional, and other organizations, and citizens concerning the promotion or implementation of the Master Plan.
- J. Other Duties: Other duties and functions as may be specifically prescribed by statute, charter, ordinance or resolution.
- K. Zoning Commission. The Planning Commission shall have all the powers and duties of a zoning commission under the Michigan Zoning Enabling Act PA 110 of 2006 (MCL 125.3101 et seq).



**SECTION 7. AMENDMENTS TO MPEA.**

Any amendments made to the Michigan Planning Enabling Act, Public Act 33 of 2008 shall hereby be declared to automatically control the activities and function of the Planning Commission.

**SECTION 8. REPEAL OF INCONSISTENT ORDINANCES OR RESOLUTIONS**

Any other prior ordinances or resolutions addressing the same subject matter as this ordinance, particularly any ordinance or resolution establishing the Planning Commission under any other public act of the state, are hereby repealed.

**SECTION 9. SEVERABILITY**

This Ordinance is deemed to be severable and if any part shall be declared invalid by any court, such judgment or decree shall affect only that part directly involved in the controversy.

**SECTION 10. EFFECTIVE DATE**

This Ordinance shall take effect ten (10) days after publication as set forth below.

**SECTION 11. POSTING OF ORDINANCE**

This Ordinance was approved by a vote of the Village of Otisville Council; a quorum being present on the 16 th day of March, 2009, and ordered published in five (5) public places within the Village of Otisville.

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Tom Bess Jr., Village President

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Andrea M. Barden, Village Clerk

I, Andrea M. Barden, do hereby certify that the foregoing Ordinance No. 202 was duly adopted at a regular meeting of the Otisville Village Council held on the 16th day of March, 2009, and posted in five (5) public places in the village.

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Andrea M. Barden, Village Clerk