

ORDINANCE NO. 50
NORVELL TOWNSHIP PLANNING COMMISSION ORDINANCE OF 2017

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 Norvell Township 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 TOWNSHIP OF NORVELL, JACKSON 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 1 10 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.

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 Norvell Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1 959, MCL 125.321, *et seq.* The Norvell Township Planning Commission shall have seven (7) members. Members of the Norvell Township Planning Commission, as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the Norvell Township Board, continue to serve for the remainder of their existing term 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 3: Appointments and Terms

The Norvell Township Supervisor, with the approval of the Norvell Township Board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member. The following rules apply:

- (a) The planning commission members, other than an ex officio member, shall serve for terms of three (3) years each.

(b) A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

(c) Planning commission members shall be qualified electors of Norvell Township, except that one planning commission member may be an individual who is not a qualified elector of Norvell Township. The membership of the planning commission shall, to the extent practicable, be representative of important segments of the community, such as the economic, governmental, educational, and social development of Norvell Township, in accordance with the major interests as they exist in Norvell 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 of Norvell to the extent practicable.

(d) One member of the Norvell Township Board shall be appointed to the planning commission as an ex officio member.

(e) An ex officio member shall have full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the Norvell Township Board.

(f) No other elected officer or employee of the Township of Norvell is eligible to be a member of the planning commission.

Section 4: Removal From Office

The Norvell 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 5: 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 ordinance constitutes malfeasance in office. For the purposes of this section, a conflict of interest is defined as incompatibility between one's private interests and one's public or fiduciary duties, interest being one's pecuniary interest. A planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when any of the following apply:

(a) An immediate family member is involved with any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as the planning commission member's spouse, child, step-child, adopted child, domestic partner, an individual or other persons in the same household or an individual claimed

by that individual or individual's spouse as a dependent under the Internal Revenue Code. An "immediate family member" also includes, the planning commission member's child's spouse, step-child's spouse, adopted child's spouse, parent, parent-in-law, step-parent, step-parent-in-law, brother, brother's spouse, step-brother, step-brother's spouse, sister, sister's spouse, step-sister, step-sister's spouse, grandchild, grandchild's spouse, grandparent, or grandparent-in-law;

(b) The planning commission member has a business or financial interest in the property (or immediately adjacent property) involved in the request or has a business or financial interest in the applicant's business, agency or association; or

(c) 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 6: Compensation

The planning commission members may be compensated for their services as provided by Norvell Township Board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities as authorized by the Norvell Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 7: 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. An ex officio member of the planning commission is not eligible to serve as a chairperson or secretary. The term of each office shall be one (1) year, with opportunity for reelection as specified in the planning commission bylaws.

Section 8: 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 a planning commission member 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 1 976, MCL 15.231, *et seq.* All minutes, tentative and approved, shall be provided to the Township of Norvell.

Section 9: Annual Report

The planning commission shall make an annual written report to the Norvell Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Norvell Township Board related to planning, zoning and development. This report shall be due to the Norvell Township Board by March 1st of each year for the activities of the previous calendar year.

Section 10: 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 of Norvell's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the Norvell Township Board upon their passage of a resolution asserting their right to approve or reject the master plan.

Unless rescinded by the Norvell Township Board, any plan adopted or amended under the previous 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 1 1: Zoning Powers

All powers, duties, and responsibilities provided for zoning boards or zoning commissions by the Michigan Zoning Enabling Act, Public Act 1 10 of 2006, MCL 125.3101, *et seq.*, or other applicable zoning statutes are transferred to the Norvell Township Planning Commission except as set forth in Section 10 (final approval of a master plan) and Section 12 (preparing a capital improvement plan).

This section in no way affects the Zoning Board of Appeals and its powers, duties and responsibilities as set forth in MCL 125.3601, *et seq.*, and applies only to those powers,

duties and responsibilities given the Norvell 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 Norvell Township Board.

Section 12: Public Improvements Planning

While not mandated by law, to further the desirable future development of the Township of Norvell under the master plan, the Norvell Township Board, after the master plan is adopted, shall prepare or cause to be prepared a listing of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six (6) year period. The listing, if prepared by someone other than the Norvell Township Board, shall be subject to final approval by the Norvell Township Board. Once approved, the listing shall be forwarded to the planning commission for review as to its compatibility with the master plan.

While the planning commission may recommend public improvements to the Norvell Township Board, the Norvell Township Board shall be responsible for a capital improvement plan and the planning commission is expressly exempt from preparing any list of proposed public improvements unless otherwise directed by the Norvell Township Board.

The planning commission may be directed by the Norvell Township Board to hold a public hearing regarding any recommended public improvements.

Section 13: Subdivision and Land Division Recommendations

The planning commission may recommend to the Norvell 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 Norvell 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 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 of Norvell. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 14: 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 15: Repeal

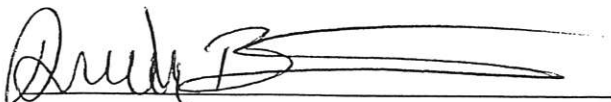
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Norvell Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, *et seq.*, is hereby repealed.

Section 16: Effective Date

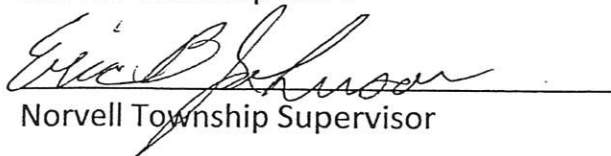
This ordinance shall take effect on the date of its publication.

CERTIFICATE

The undersigned, as the duly elected and acting clerk of the Township of Norvell, hereby certifies that this ordinance was duly adopted by the Norvell Township Board at a regular meeting of said board, at which a quorum was present, held on February 14, 2018, and that copies of the ordinance were transmitted and published as directed.



Norvell Township Clerk



Norvell Township Supervisor