

City of Bangor
Van Buren County

Ordinance to Confirm the Establishment of a
Planning Commission with Zoning Authority
Ordinance No. 278

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 Bangor City Planning Commission (Ord. 46, passed 1-9-61); 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 CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN, ORDAINS:

Section 1: Scope, Purpose and Intent

This ordinance is adopted pursuant to the authority granted the City Council 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. **[MCLs 125.3811 and 125.3883]**

The purpose of this ordinance is to provide that the Bangor City Council shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Bangor City Planning Commission formerly established under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, 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. **[MCLs 125.3811 and 125.3883]**

Section 2: Establishment and Membership

- A. The City Council hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Bangor City Planning Commission formerly established under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, et seq.);
- B. Membership of the planning commission shall be as set forth in the Bangor City Charter;
- C. Appointment of members shall be the same as provided for in the Bangor City Charter;
- D. Members of the Bangor City 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 City Council, 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.
[MCLs 125.3811, 125.3815 and 125.3881]

Section 3: Appointments and Terms

The City Mayor, with the approval of the City Council by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member. [MCL 125.3815]

The planning commission members, other than an ex officio member, shall serve for terms of 3 years each. [MCL 125.3815]

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. [MCL 125.3815]

Planning commission members shall be qualified electors of the City, except that one planning commission member may be an individual who is not a qualified elector of the City. 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 City, in accordance with the major interests as they exist in the City, 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 City to the extent practicable. [MCL 125.3815]

One member of the City Council shall be appointed to the planning commission as an ex officio member. [MCL 125.3815]

An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the City Council. [MCLs 125.3803 and 125.3815]

No other elected officer or employee of the City is eligible to be a member of the planning commission. [MCL 125.3815]

Section 4: Removal

The City Council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. [MCL 125.3815]

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, the planning commission shall define conflict of interest in its bylaws.

Section 6: Compensation

The planning commission members may be compensated for their services as provided by City Council resolution. 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 City Council, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings. [MCL 125.3823]

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 chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws. [MCL 125.3817]

The planning commission may also appoint advisory committees whose members are not members of the planning commission. [MCL 125.3817]

Section 8: Bylaws, Meetings and Records

The planning commission shall adopt bylaws for the transaction of business. [MCL 125.3819]

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 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 48 hours before the meeting. [MCL 125.3821]

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. [MCL 125.3821]

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. [MCLs 125.3819 and 125.3821]

Section 9: Annual Report

The planning commission shall make an annual written report to the City Council concerning its operations and the status of the planning activities, including recommendations regarding actions by the City Council related to planning and development. [MCL 125.3819]

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 City's planning jurisdiction. [MCLs 125.3807 and 125.3831]

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the City Council passes a resolution asserting the right to approve or reject the master plan. [MCL 125.3843]

Unless rescinded by the City, any plan adopted or amended under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, et seq. need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq. [MCL 125.3881]

Section 11: Zoning Powers

The City Council hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Bangor City Planning Commission formerly established under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, et seq. Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the City Council.

Section 12: Subdivision and Land Division Recommendations

The planning commission may recommend to the City Council 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 City.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the City Council 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 City. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land. [MCL 125.3871]

Section 13: 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 14: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Bangor City Planning Commission under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, et seq., is hereby repealed.

Section 15: Effective Date

This ordinance shall take effect on the date of its publication. [MCLs 125.3301, 125.3811 and 125.3881]

MOTION BY: COUNCIL MEMBER TANNER, SUPPORTED BY: MAYOR PRO TEM FARMER

AYES: KOENIG, TANNER, HICKS, BATOR, FRY, FARMER, HOUSEHOLDER

NAYS: NONE

ABSENT: NONE


Ordinance declared adopted.

CERTIFICATE

The undersigned, as the duly elected and acting clerk of the City, hereby certifies that this ordinance was duly adopted by the City Council at a regular meeting of said council, at which a quorum was present, held on August 18, 2014 and that copies of the ordinance were transmitted and published as directed.



Kim Schmitz
Bangor City Clerk



Nick Householder
Bangor City Mayor

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