

THE CITY OF GRAYLING ORDAINS:

ORDINANCE NO: 2009-01

DIVISION 3.

PLANNING COMMISSION*

* **State Law References:** Michigan planning enabling act, MCL 125.3801 et seq.

Sec. 2-154. Established.

Pursuant to the provisions of state law, a planning commission is hereby established in and confirmed under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 for the city.
(Ord. No. 01-01, § 2, 4-9-2001)

Sec. 2-155. Composition.

The commission shall consist of nine members of which one member may be a non-qualified elector of the City and such ex-officio members as the chief administrative official and one member of the City Council.

The membership of a Planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, health and social development of the City, in accordance with the major interests as they exist in the City, such as natural resources, recreation, education, public health, government, tourism, industry, and retail. The membership shall also be representative of the entire geography of the City to the extent practicable.
(Ord. No. 01-01, § 3, 4-9-2001)

Sec. 2-156. Appointment and compensation of members.

The members of the commission shall be appointed by the mayor, subject to the approval of the city council. All members of the commission may be compensated at a rate to be determined by the city council. Elected officials or employees of the City are ineligible for membership except that one member may be a member of the City Council and one member may be the chief administrative official of the City. Members are ineligible for re-appointment unless they have attended education programs designed for training members of Michigan Planning Commissions.
(Ord. No. 01-01, § 4, 4-9-2001)

Sec. 2-157. Terms of office.

The terms of office for each non-ex officio member shall be three years, except that three members of the first commission shall serve for the term of one year, two for a term of two years and two for a term of three years. All members shall hold office until their successors are appointed. Commission terms for members from the city council and zoning board of appeals end with their term from the city council. All other terms expire at the end

of the calendar year. Members may be removed for misfeasance, malfeasance, or nonfeasance of office, upon written charges and after a public hearing, by the City Council. (Ord. No. 01-01, § 5, 4-9-2001)

Sec. 2-158. Vacancies.

Vacancies occurring on the commission shall be filled for the unexpired term by appointment by the mayor, by and with the approval of a majority of the members of the city council. A member shall hold office until a successor is appointed. (Ord. No. 01-01, § 6, 4-9-2001)

Sec. 2-159. Officers.

The planning commission shall elect from its members a chair, vice chair, and secretary, and it shall create and fill from the same membership additional officers that may be deemed necessary. The term of officers shall be 1 year with an opportunity for re-election. No member ex-officio shall be allowed to hold office as chair, vice-chair or secretary. The city clerk or designee shall act as recording secretary. (Ord. No. 01-01, § 7, 4-9-2001)

Sec. 2-160. Bylaws and procedures.

(a) Adoption of bylaws. The commission shall adopt a set of bylaws to govern its own meetings and procedures.

(b) Amendment of bylaws. The bylaws may be amended from time to time, but only upon notice to all members that said proposed amendments shall be acted upon at a specified meeting. A majority vote of the commission shall be required for approval of the proposed amendment. (Ord. No. 01-01, § 8, 4-9-2001)

Sec. 2-161. Meetings.

(a) The commission shall meet in regular session at least four times a year at a time and place that has been selected by resolution vote of its members.

(b) The City Council, City Manager, the chairman, or any three members of the commission shall have the authority to call a special session of the commission. Notice of the special session shall be given to all members at least 48 hours prior to the meeting.

(c) All regular and special meetings or sessions shall be noted and conducted in accordance with Public Act No. 267 of 1976 (MCL 15.261 et seq.), being called the open meetings act, and any person having business to be considered at such meeting shall be entitled to hearing in accordance with the terms of said act.

(d) The commission shall keep a record of all actions, findings and determinations, which shall be a public record subject to the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.). (Ord. No. 01-01, § 9, 4-9-2001)

Sec. 2-162. Conduct of Members.

Failure to repeatedly attend commission meetings shall be considered nonfeasance in office.

An appointed member of the Planning Commission shall disclose a potential conflict of interest to the planning commission before casting a vote on the matter. The member shall then be disqualified from voting on the matter by a majority vote of the remaining members. Failure of a member to disclose a conflict of interest constitutes malfeasance in office.

An appointed member shall respect, adhere to, and help enforce the rules, policies, and bylaws established by the Planning Commission.
(Ord. No. 01-01, § 10, 4-9-2001)

Sec. 2-163. Powers and duties.

The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*) and shall have the following powers and duties:

- (1) To approve the city's master plan and to make amendments to the same.
- (2) To confer with and advise the city council on all matters concerning the planning and development of the city.
- (3) To encourage proper zoning and orderly development of the city.
- (4) To periodically survey the overall condition of the city from the standpoint of zoning and planning and to make recommendations to the city council in this regard.
- (5) To conduct site plan reviews for all industrial, commercial and multifamily residential zoning applications.
- (6) To aid the city council in the attraction of new industries and businesses and in the encouragement of expansion of existing industries and businesses in the city.
- (7) To approve and/or make recommendations on all applications for planned unit developments, special land uses and conditional land uses.
- (8) To review any proposed plat of a subdivision or development of and/or request for rezoning, within the city, when deemed necessary by the city council. To recommend approval, approval with conditions, or disapproval within 63 days of receiving a plat.
- (9) To review requests for zoning variances and special exceptions and advise the zoning board of appeals in this regard, when deemed necessary by the zoning board of appeals.

- (10) To make recommendations to the city council concerning capital improvement programs, by annually preparing a capital improvements program for all types of public structures and improvements, in order of priority, which the planning commission believes will be needed or desirable and can be undertaken within the next 6 years.
- (11) To prepare an annual report for the City Council.
- (12) To make use of maps, data, and other information and expert advice provided by federal, state, regional, county, and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of planning commissions and furnish such other technical assistance and advice as they may have for planning purposes.

The powers and duties of the planning commission shall not conflict with or supersede the powers or duties of the city council or other commissions or boards.
(Ord. No. 01-01, § 11, 4-9-2001)

Sec. 2-164. Expenditures; appropriations.

(a) Expenditures of the planning commission, exclusive of gifts, shall be within the amounts made available by appropriation by the city council, which said council shall determine the funds necessary for the planning commission work. Neither the planning commission, nor any member thereof, shall incur any financial liability in the name of the city.

(b) Compensation and expenses are to be paid at a rate to be determined by the city council.

Sec. 2-165. Approval, Ratification, and Reconfirmation:

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