

VILLAGE OF NORTHPORT Planning

Commission Ordinance No. 99

Preamble

An Ordinance to establish the Village of Northport 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 VILLAGE OF NORTHPORT, LEELANAU COUNTY, MICHIGAN, ORDAINS:

Section 1: Scope, Purpose and Intent

This Ordinance is adopted pursuant to the authority granted the Village Council ("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.

The purpose of this Ordinance is to establish the Village of Northport Planning Commission; 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.

Section 2: Establishment

The Village Council hereby creates a Planning Commission under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, consisting of five (5) members.

Section 3: Appointments and Terms

The Village President, with the approval of the Council by a majority vote of its members elected and serving, shall appoint all Planning Commission members, including the ex officio members.

When the Planning Commission is first established, the members appointed, other than the ex officio member, shall be appointed to 1-year, 2-year or 3-year terms such that, as nearly as possible, the terms of one-third of all the Planning Commission members will expire each year. After that, all Planning Commission members, other than the ex officio member, shall serve for terms of 3 years each.

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.

Planning Commission members shall be qualified electors of the Village (*i.e., U.S. citizen, 18-years old, who has been a resident of the state for 6 months and a resident of the Village for at least 30 days*), except that two Planning Commission members may be individuals who are not qualified electors of the Village. 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 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 shall also be representative of the entire geography of the Village to the extent practicable.

The chief administrative official of the Village (i.e., the highest non-elected administrative officer) or a person designated by the chief administrative official, the chief elected official, one or more members of the Council, or any combination thereof, may be appointed to the Planning Commission, as ex officio members. However, not more than one-third of the members of the Planning Commission may be ex officio members. The term of an ex officio member is as follows:

- a. The ex officio term of a chief elected official shall correspond to his or her term as chief elected official.
- b. The ex officio term of a chief administrative official shall expire with the term of the chief elected official that appointed him or her as an ex officio member.
- c. The ex officio term of a member of the Council shall expire with his or her term on the Council.

No other elected officer or employee of the Village is eligible to be a member of the Planning Commission.

Section 4: Removal

The Council 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, 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 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 Council, 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 chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the Planning Commission bylaws.

The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 8: Bylaws, Meetings and Records

The Planning Commission shall adopt bylaws for the transaction of business.

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.

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 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.

Section 9: Annual Report

The Planning Commission shall make an annual written report to the Council concerning its operations and the status of the planning activities, including recommendations regarding actions by the Council related to planning and development.

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 Village's planning jurisdiction.

As authorized by MCL 125.3843, the Council reserves the right to approve or reject the master plan, as will be confirmed by resolution of the Council.

Section 11: Zoning Powers

All powers, duties, and responsibilities provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et seq., or other applicable zoning statutes, to zoning Councils or zoning commissions are hereby designated to the Planning Commission as of the effective date of this Ordinance.

Section 12: Capital Improvements Program

To further the desirable future development of the Village under the master plan, the Planning Commission, after the master plan is adopted, shall annually prepare a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period, pursuant to MCL 125.3865.

Section 13: Subdivision and Land Division Recommendations; Condominiums

The Planning Commission may recommend to the 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 Village.

The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Council under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq., or under the Condominium Act, Public Act 59 of 1978, MCL 559.101, et seq. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat or condominium 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 Village. 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: Ratification and Repeal

All action of the previous Planning Commission is ratified. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 16: Effective Date

This Ordinance shall take effect upon publication.

*Moved by Trustee Mattson, supported by Trustee Wetherbee to adopt Ordinance 99-2009 establishing the Northport Planning Commission. Ayes: Trustees Wetherbee, Brendel, VonVoigtlander, Thomas, Mattson, Burmeister, and President Rogers. Motion Carried.

CERTIFICATE

The undersigned hereby certify that this Ordinance was duly adopted by a majority of the Village Council at a regular meeting of said Council, held on October 1, 2009.

Michael F. Rogers, Sr.
Village President

Laura A. Weiss
Village Clerk