

Village of Deerfield

An ordinance to confirm establishment of the Deerfield Village Planning Commission under the Michigan Planning Enabling Act as successor to the Commission established by resolution under the former Village Planning Act; to define the Planning Commission's authority, powers, and duties; to provide for appointment of Planning Commission members and officers; and to establish the minimum number of Planning Commission meetings per year.

Deerfield Village, LENAWEE COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. Purpose and Establishment

As authorized by the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended; MCL 125.3801, et. seq.), and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended; MCL 125.3101, et. seq.), the purpose of this Ordinance is to establish a Planning Commission for the Village with the authority, powers, and duties provided by those Acts and subject to the terms and conditions of this Ordinance.

The Planning Commission established by this Ordinance is hereby confirmed to be the successor to the Commission established by Village Council resolution under the former Village Planning Act (Public Act 285 of 1931, as amended; MCL 125.31, et seq.).

Section 2. Membership

- 2.1 The Planning Commission shall consist of five (5) members serving for terms of three (3) years and eligible for re-appointment. Members serving on the Planning Commission as of the effective date of this Ordinance shall continue to serve for the remainder of their existing terms so long as they continue to meet eligibility requirements.
- 2.2 One member of the Village Council shall be appointed to the Planning Commission as an ex officio member and Village Council Representative, with full voting rights. An ex officio member's term shall expire with his or her term on the Village Council. No other elected Officer or employee of the Village is eligible to be a member of the Planning Commission. In the event another member is elected to the Village Council, increasing the number of Council members serving on the Commission to more than one (1), then such member's seat on the Planning Commission shall be deemed vacant.
- 2.3 The Village President shall appoint all Planning Commission members, including the ex officio member, subject to Village Council approval. 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.

- 2.4 Planning Commission members shall be qualified electors of the Village, except that two (2) members may be an individual with established business or property interests in the Village who is a resident and qualified elector of another local unit of government in Michigan.
- 2.5 Planning Commission membership shall be representative of major interests existing in the Village, including but not limited to agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the geography and population of the Village to the extent practicable. This provision shall be applied as new members are appointed to fill Commission vacancies, and shall not be construed to restrict the re-appointment of any member serving as of the effective date of this Ordinance.

Section 3. Removal

The Village Council may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a hearing. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be posted at the Village Hall and mailed to the member subject to the hearing and to all other Planning Commissioners.

Section 4. Compensation

The Planning Commission members may be compensated for their services as provided by Village Council resolution. The Planning Commission may request from the Village Council compensation for member travel, registration, and pre-authorized expenses when performing official activities authorized by the Village Council, including but not limited to attendance at conferences, workshops, and training programs.

Section 5. Officers and Committees

The Planning Commission shall elect a Chair, Vice Chair, and Secretary from its membership, and may create and fill other offices as it considers advisable. The ex officio member of the Planning Commission shall not be eligible to serve as Chair. The term of each office shall be one (1) year, with opportunity for re-election as defined in the Planning Commission Bylaws.

There shall be no standing committees of the Planning Commission. The Planning Commission Chair may appoint special or ad-hoc advisory committees, as the Planning Commission shall deem necessary to carry on the work of the Commission. Advisory committee members may or may not be members of the Planning Commission. The Chair shall be an ex-officio member of all committees of the Commission.

Section 6. Bylaws, Meetings, and Records

- 6.1 The Planning Commission shall adopt Bylaws for the transaction of business. The Planning Commission shall hold a minimum of four (4) regular meetings per year, and shall determine the time, place, and schedule of regular meetings by resolution.
- 6.2 Unless otherwise provided in the Planning Commission Bylaws, a special meeting may be called by the Chair or by two (2) other members upon written request to the Secretary.
- 6.3 All Planning Commission business shall be conducted at a public meeting held in compliance with the Open Meetings Act (Public Act 267 of 1976, as amended; MCL 15.261, et. seq.).
- 6.4 The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. At least one (1) copy of all documents and materials in any format that are prepared, owned, used, in the possession of or retained by the Planning Commission in the performance of its official functions shall be placed on file at the Village offices per State of Michigan retention guidelines and made available to the public in compliance with the Freedom of Information Act (Public Act 442 of 1976, as amended; MCL 15.231, et. seq.).

Section 7. Conflicts 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. The member shall be disqualified from voting on the matter upon a concurring majority vote of the remaining members of 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 the Planning Commission Bylaws. The Village Council may also adopt additional conflict of interest policies for the Village by resolution.

Section 8. Master Plan

The Planning Commission shall be responsible for making and maintaining a Master Plan to promote public health, safety and general welfare; encourage the use of resources in accordance with their character and adaptability; preserve the rural and agricultural character of the Village; provide for planned and orderly land use and development; avoid the overcrowding of land by buildings or people; lessen congestion on public roads and streets; ensure that land uses will be situated in appropriate locations and relationships; and meet the needs of residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other

uses of land within the Village's planning jurisdiction.

This Master Plan is intended to be the plan as provided for in the Michigan Planning Enabling Act, and incorporated within this Plan is the zoning plan referred to in the Michigan Zoning Enabling Act as the basis for the Village's Zoning Ordinance.

Section 9. Zoning Commission Authority

The Village Council hereby confirms the transfer of all authority, powers, and duties provided for "zoning commissions" under the Michigan Zoning Enabling Act to the Deerfield Village Planning Commission. The Planning Commission shall be responsible for formulation of the Zoning Ordinance and amendments thereto, and reporting its findings and recommendations concerning the Zoning Ordinance or proposed amendments to Village Council. The Planning Commission shall also be responsible for holding hearings, reviewing, and making determinations regarding applications for approval as required by the Zoning Ordinance.

Section 10. Capital Improvements Program

- 10.1 In accordance with Section 65 of the Michigan Planning Enabling Act, the Village Council hereby exempts the Planning Commission from responsibility for preparation, approval, and updating of the Village's capital improvements program of public structures and improvements, and delegates this responsibility to the Village Supervisor, subject to final approval by the Village Council.
- 10.2 Each Village department with authority for public structures or improvements shall furnish, annually or upon request by the Village Supervisor, updated lists, plans, and estimates of time and cost for recommended public structures and improvements to the Supervisor.
- 10.3 The Planning Commission may make recommendations to the Council about programs and financing for public structures and improvements, and may advise the Council on the consistency of the Village's capital improvements program with the adopted Master Plan's goals, objectives, and policies.

Section 11. Land Division Responsibilities

The Planning Commission may recommend to the Village Council amendments or revisions to the Village's Subdivision Ordinance and rules governing the subdivision of land. Before recommending such an Ordinance or rule, the Planning Commission shall hold a public hearing, giving notice of the date, time, and place of the hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Village and posting at the Village Hall.

The Planning Commission shall review and make recommendations on any proposed plat before action thereon by the Village Council in accordance with the Village's Subdivision Ordinance and the state Land Division Act (Public Act 288 of 1967, as

amended; MCL 560.101, et. seq.).

Section 12. Annual Report

The Planning Commission shall make an annual written report to the Village Council concerning its operations and the status of its activities, including recommendations regarding actions by the Village Council related to the Planning Commission’s scope of authority, powers, and duties under this Ordinance, the Michigan Planning Enabling Act, and the Michigan Zoning Enabling Act.

Section 13. Repeal of Conflicting Provisions

All other Village ordinances, Village Council resolutions, and parts thereof that conflict with provisions of this Ordinance are hereby repealed and shall be of no further force or effect.

Section 14. Severability

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

Section 15. Publication and Effective Date.

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in the Adrian Daily Telegram, a newspaper circulating within the Village of Deerfield. This ordinance shall take effect 30 days after the ordinance is published.

YEAS: 7

NAYS: 0

ABSENT: 0

Ordinance declared adopted on April 11, 2011.

Todd Nighswander
President, Deerfield Village

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Sandra Witt, the duly elected Clerk of the Village of Deerfield certify that the foregoing

Ordinance is a true and correct copy of the Ordinance enacted by the Village Council of the Village of Deerfield on April 11, 2011 and published in the Adrian Daily Telegram, a newspaper circulated in the Village of Deerfield on April 15, 2011.

Sandra Witt
Deerfield Village Clerk