

**HOWELL TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
HOWELL TOWNSHIP PLANNING COMMISSION
ORDINANCE NO. 248**

HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN HEREBY ORDAINS:

SECTION 1. Purpose and Establishment

In accordance with MCL 125.3881, Section 81 (3) (b) the Howell Township Planning Commission established by this ordinance is hereby confirmed, retroactively to July 1, 2011, to be the successor to the Planning Commission established by Township Board Resolution under the former Township Planning Act, Public Act 168 of 1959, as amended; MCL 125.321, et. seq. and shall have the authority, powers and duties provided by the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended; MCL 125.3801 et Seq. and by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended; MCL 125.3101, et seq. and subject to the terms and conditions of this Ordinance.

SECTION 2. Membership

- A. The Planning Commission shall consist of seven (7) members serving for Terms of three (3) years and eligible for reappointment. 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.
- B. One (1) member of the Township Board shall be appointed to the Planning Commission as an ex-officio member and Township Board Representative with voting rights. An ex-officio member's term shall expire with his or her term on the Township Board. No other elected officer or employee of the Township is eligible to be a member of the Planning Commission. In the event a member of the Planning Commission is elected to the Township Board, then his or her seat on the Planning Commission shall be declared to be vacant.
- C. The Township Supervisor shall appoint all Planning Commission members, including the ex-officio member, subject to Township Board approval. A Planning Commission member shall hold office until his or her successor is appointed and approved by the Township Board. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.
- D. Planning Commission members shall be qualified electors of the Township, Except that one (1) member may be an individual with established business or Property interests in the Township, but who is a resident and qualified Elector in an other local unit of government in Michigan.

- E. Planning Commission membership shall be representative of the major Interests in the Township, including, but not limited to, industry, commerce, agriculture, natural resources, education, recreation, transportation, public health and safety and government. The membership shall also be representative of the Township's different population characteristics and geographical distribution to the extent possible. This provision shall be applied as new members are appointed to fill Planning Commission vacancies, but this shall not be construed to restrict the reappointment of any member serving as of the effective date of the Ordinance.

SECTION 3. Removal of a Planning Commissioner

The Township Board may remove a Planning Commissioner for misfeasance, malfeasance or nonfeasance in office upon written charges and after a hearing before the Township Board. Not less than fifteen (15) days before the date of the hearing, notice of the date, time and place of the hearing shall be posted at the Township Hall and mailed to the member subject to the hearing and to each of the other Planning Commissioners.

SECTION 4. Compensation of Planning Commissioners

The Planning Commission members may be compensated for their services as provided by Township Board Resolution. The Planning Commission may request from the Township Board compensation for member travel, registration and preauthorized expenses when performing official activities authorized by the Township Board, including, but not limited to, attendance at required meetings, 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, Vice-Chair or Secretary. The term of office shall be for one (1) year, with the opportunity for reelection.

The Planning Commission Chair may appoint special or ad-hoc advisory Committees as shall be deemed necessary to carry out the work of the Planning Commission. Advisory committee members may or may not be members of the Planning Commission. The Chair shall be an ex-officio member of the committees of the Planning Commission.

SECTION 6. Bylaws, Meetings and Records

- A. The Planning Commission shall adopt Bylaws for the transaction of business. The Planning Commission shall hold a minimum of four (4) meetings per calendar year and shall determine the dates, time and place and schedule of

regular meetings by Resolution.

- B. A special meeting of the Planning Commission may be called by the Chair or by two (2) other members upon request to the Secretary.
- C. All Planning Commission business shall be conducted at a public meeting Place, and held in compliance with the Open Meeting Act, Public Act 267 or 1967, as amended; MCL, et. seq.
- D. The Planning Commission shall keep a record of all of its motions, resolutions, transactions, findings and determinations. At least one (1) copy of the 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 Township Offices in accordance with the State of Michigan Official Files 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 vote of the remaining members of the Planning Commission. Failure of a Planning Commission member to disclose a potential conflict of interest, as required by this Ordinance, shall constitute a malfeasance in office.

For the purpose of this Section the Planning Commission shall define conflict of interest in the Planning Commission Bylaws. The Township Board may also adopt additional conflict of interest items and polices for the Township by Ordinance.

SECTION 8. Authority to Prepare a Master Plan

The Planning Commission shall be responsible for preparing and maintaining a Master Plan in accordance with Michigan Planning Enabling Act, Public Act 110 of 2006, as amended; MCL 125.3101, et. seq. for the purpose of promoting the public health, safety and general welfare; encourage the use of natural and developed resources in accordance with their character and adaptability; preserve those portions of the Township that are rural and agricultural in character; provide for planned and orderly land use and development; avoid the overcrowding of land by buildings and people; lessen congestion or roads; ensure that land uses will be situated in appropriate locations and relationships and meet the needs for agricultural, natural resource extraction, residential, commercial, industrial, public and semi-public developments, including meeting the needs for food, fiber, natural resources and other uses of land within the

planning jurisdiction of the Township.

Based upon the Master Plan the Planning Commission shall prepare a Zoning District and Regulation Plan for the Township in accordance with the Michigan Zoning Enabling Act.

SECTION 9. Authority to Function as a Zoning Commission

The Township Board hereby confirms the transfer of all authority, powers and Duties provided for Zoning Commission under the Michigan Zoning Enabling Act, public Act 110 of 2006, as amended; MCL 125.3101, et. seq. to the Planning Commission shall be responsible for the formulation of a Zoning Ordinance and amendments thereto, and reporting its findings and recommendations concerning the Zoning Ordinance or proposed amendments to the Township Board. The Planning Commission shall also be responsible for holding hearings, reviewing and making determinations regarding applications for changes in the Zoning Text or Zoning District Map.

SECTION 10. Public Works Capital Improvement Program

- A. In accordance with Section 65 of the Michigan Planning Enabling Act, the Township Board may require the Planning Commission, a Committee of the Township Board or a Township Official to prepare a Public Works Capital Improvement Program and any updating of the Program of public structures, buildings and other public improvements in the Township. The Public Works Capital Improvement Program upon its preparation shall be reviewed by the Township Board, and is subject to the final approval of the Township Board. The Township Board shall in its annual budget include all Public Works Capital Improvement Program projects scheduled to be constructed in that Budget year.
- B. Each Township Department or Official having authority for the construction of public structures, buildings or improvements in the Township, when requested by the body preparing the Public Works Capital Improvement Program, shall submit updated lists, plans, year needed and cost estimates for each recommended public structure, building or improvement.
- C. The Planning Commission may make recommendations to the Township Board or other Official Body responsible for the preparation of the Public Works Capital Improvement Program, which includes a Program for public structures, buildings and improvements, and may advise the responsible body on the consistency or conformity of the Township's Public Works Capital Improvement Program with the adopted Master Plan.

SECTION 11. Land Division Responsibilities

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

The Planning Commission shall review and make recommendations on any proposed land subdivision plat before action thereon by the Township Board in accordance with the Township's Subdivision Ordinance and the Michigan Land Division Act, Public Act 288 of 1967, as amended,; MCL 560.101et. seq.

SECTION 12. Annual Report

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

SECTION 13. Repeal of Conflicting Provisions

All other Township ordinances, Township Board resolutions, which parts thereof, that are in conflict with any of the provisions of this Ordinance are hereby repealed and shall no longer be in force or effect.

SECTION 14. Severability

All sections, terms 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. Effective Date

This Ordinance will become effective one (1) day after publication in a newspaper of general circulation with Howell Township.