

Village of Estral Beach

7194 Lakeview Boulevard, Newport, MI 48166

ORDINANCE NO. 1029B - PLANNING COMMISSION

The Village of Estral Beach Ordains:

101. Creation:

This Ordinance is enacted pursuant to PA 285 of 1931, as amended, (being the Municipal Planning Act, MCL 125.31 *et seq.*). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to PA 33 of 2008, as amended, (being the Michigan Planning Enabling Act (MPEA), MCL 125.3801 *et seq.*) hereinafter referred to as the "Planning Act"; to provide for Village planning; to provide for the creation, organization, powers, and duties of local Planning Commissions; to provide for the powers and duties of certain state and local governmental officers and agencies; and to provide for the regulation and subdivision of land; and to provide penalties for violation of the provisions of this Act. This ordinance shall be officially known and described as the "Village of Estral Beach Planning Commission Ordinance."

102. Membership:

A. The Commission shall consist of five (5) members appointed by the President of the Village of Estral Beach, and subject to the majority vote of the Village Council elect (MPEA, section 15(2)). To be qualified to be a member and to remain a member of the Planning Commission, the individual shall meet the following qualifications:

1. Shall be a qualified elector of the Village of Estral Beach, except two (2) non-qualified electors of the Village may be a member if they are qualified electors in their municipality (MPEA, section 15(4)).
2. Shall not hold any elected office or employment with the local unit of government, unless an ex officio member;
3. Shall not be a declared candidate for any political office, except this condition shall not apply to the Village of Estral Beach representative to the Commission;
4. Shall meet the conditions provided for each individual member in sections 102.C and 102.D of this Ordinance.

- B. Members shall be appointed for three-year terms. However, when first appointed a number of members shall be appointed to one-year, two-year, or three-years such that, as nearly as possible, the terms of 1/3 of these commission members will expire each year (MPEA, section 15(2)). If a vacancy occurs, the vacancy shall be filled for the unexpired term to the same manner as provided for the original appointment such that, as nearly as possible, the terms of 1/3 of these commission members continue to expire each year. If appointed to the village Planning Commission, the term of the village president shall correspond to his or her term as village president and the term of any member appointed from the village council shall expire with his or her term on the village council.
- C. Ex officio members may include up to one (1) member of the Village Council (MPEA, section 15(4)(b)). The term of office of the ex officio member shall coincide with his/her elected term of office on the Village Council (MPEA, section 15(5)).
- D. The members shall be representative of the important geographic and interest segments of the community such as the economic, governmental, educational, and social development of the Village of Estral Beach, in accordance with the major interest as they exist in the Village of Estral Beach, as follows (MPEA, section 15(3)):
1. Agriculture
 2. Natural Resources, and Recreation;
 3. Government;
 4. Public Works;
 5. Commerce.
- E. A member of the Village Council, Village President, or person designated by the Village President shall not be chair of the Commission (MPEA, section 17(1)).
- F. Not more than 1/3 of the total membership of the Commission shall consist of, collectively, a member of the Village Council or Village President (MPEA, section 15(5)).

103. Liaisons:

- A. The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Village of Estral Beach and quasi-Village of Estral Beach officials the ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At minimum liaisons shall include:

1. Contracted planning consultants.
2. Village of Estral Beach appointed Officials.
3. Village of Estral Beach Attorney.

104. Training:

Appointed members of the Commission may attend educational programs designed for training members of Michigan Planning Commissions if the adopted Village of Estral Beach budget for that fiscal year includes funds to pay for tuition, registration and travel expenses for the training.

105. Members, Appointment and Terms:

- A. Two months prior to October 31st of each year the Village of Estral Beach Clerk shall determine which members' terms of office expire. The Clerk shall canvas the Village Council and residents to solicit nominations.
- B. One month prior to October 31st, if the Clerk has not received any nominations for each or any expired term of office, the Clerk shall contact potential nominees outside of the Village that are qualified under MPEA, section 15(4).
- C. On October 31st of each year the Village Council shall consider the applications and letters of interest. Per MPEA, section 15(1), the Village President shall appoint members of the Planning Commission, subject to approval by a majority vote for a three year term of office which shall end October 31st, at 9:00 a.m. of the respective year.

106. Removal from Office:

- A. The Village Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office (MPEA, section 15(9)).
- B. A member of the village Planning Commission shall declare a conflict of interest in connection with a matter pending before the Planning Commission and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

- (1) A relative or other family member is involved in any request for which the commission is asked to make a decision.
 - (2) The commission member or spouse has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
 - (3) The commission member or spouse owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance, or other applicable Ordinance. The commission shall make a determination regarding the presence of a conflict of interest.
 - (4) While being a member of the Planning Commission the member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the Planning Commission or would in any way preclude him or her from affording the applicant and the public a fair hearing.
 - (5) If the Planning Commission member has expressed an opinion concerning a matter before the Planning Commission prior to becoming a member of the Planning Commission and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the zoning ordinance requirements.
 - (6) The Planning Commission member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.
- C. When declaring a conflict, the commission member shall do all of the following:
- (1) Announce a conflict of interest and state its general nature.
 - (2) Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
 - (3) Absent himself/herself from the room in which the discussion takes place.
- D. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Village Council.

107. Member Vacancies:

The Village Council shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

108. Membership; Compensation:

All members of the Planning Commission shall serve with compensation as provided by the Village Council (MPEA, section 23(1)).

109. Meetings:

- A. The Commission shall meet at least four (4) times per year and a majority of the Commission shall constitute a quorum for the transaction of ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission (MPEA, section 21(1)).

The meeting schedule is the second (2nd) Tuesday of February, May, August, and November at 7:00 pm at the Village Hall located at 7194 Lakeview Boulevard, Newport, MI 48166, unless proper notification is given for an alternate date or time.

- B. Special meeting will be called on an as needed basis (MPEA, section 21(1)).
- C. The affirmative vote of 2/3 of the members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan (MPEA, section 43(1)).

110. Powers and Duties:

- A. The commission shall have their powers and duties as set forth in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*; and P. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 *et seq.*).

B. Master Plan:

The Planning Commission shall make and approve a Master Plan that shall address land use and infrastructure issues and may project 20 years into the future. The Master Plan shall be guide for development within the Village of Estral Beach and shall adopt the same in accordance with the requirements of MPEA, sections 31 through 51.

C. Public Notice:

Prior to preparing a Master Plan the Planning Commission shall send to all of the following, by first-class mail or personal delivery, a notice explaining that the Planning Commission intends to prepare a master plan and request the recipient's cooperation and comments (MPEA, section 39(2)). Those to be noticed are:

1. The legislative body of each municipality located within or contiguous to the local unit of government.
2. The county Planning Commission.
3. Each public utility company owning or operating within the local unit of government.
4. The County Road Commission if the master plan includes a master street plan.

D. Submission of Master Plan:

The proposed master plan shall be submitted to the Estral Beach Village Council for review and comment (MPEA, section 41(1)).

E. Distribution of the Master Plan:

Distribution of the Master Plan shall be to the entities as listed in section 110 C. An entity may submit comments on the proposed master plan to the Planning Commission in the manner provided in section 110 C within 63 days after the proposed master plan was submitted to that entity (MPEA, section 41(3)).

F. Public Hearing:

Before approving a proposed master plan, the Planning Commission shall hold not less than 1 public hearing on the proposed master plan (MPEA, section 43(1)).

1. The hearing shall be held after the expiration of the deadline for comments from entities as stated in section 110 E.

2. 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 with the local unit of government.
3. Notice of the hearing shall also be sent to all entities as stated in section C.

G. Approval of Master Plan:

The approval of the master plan shall be by resolution of the Planning Commission carried by the affirmative votes of not less than 2/3 of the members of the Village of Estral Beach Council. After approval of the master plan copies shall be sent to all entities as state in section C (MPEA, section 43(2)).

H. Review of Master Plan:

At least every 5 years after adoption of the master plan, the Planning Commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan (MPEA, section 45(2)).

I. Capital Improvements:

No street, square, park, playground, public way, ground, or other open space; or public building or other structure shall be constructed or authorized for construction in an area covered by a municipal Master Plan unless the location, character, and extent of same has been submitted to the Planning Commission for approval in the manner provided for in MPEA, sections 61 and 63.

J. Rescission of the Prior Approval:

The village Council shall not rescind its authorization of the acquisition of enlargement of any square, park, playground, or other open space previously approved unless the matter has been submitted to the Planning Commission for review. The review by the Planning Commission and any rescission by the Village Council shall be in accordance with MPEA, section 63.

K. Capital Improvements Program:

The Commission shall be exempt from MCL 125.3865, the duty to prepare an annual capital improvements program of public structures and improvements. The duty to prepare an annual capital improvements program, as specified in MCL 125.3865, is assigned to the Estral Beach Village Council, Separate from or as part of the annual budget.

L. Subdivision Regulations and Plat Approval:

The Planning Commission may recommend to the Village Council provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA228, MCL 560.105, and shall review and make recommendations on plats before action thereon by the Village Council under section 112 of the land division act, 1967 PA 228, MCL 560.112, all in accordance with the provisions of MPEA, sections 71.

M. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts (MPEA, section 23(3)).

111. Meetings; Records:

The Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record (MPEA, section 19(1)).

112. Approval, Ratification, and Reconfirmation:

All official actions taken by the Village of Estral Beach 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 Village of Estral Beach Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN §§
COUNTY OF MONROE

**ESTRAL BEACH
REVISED ORDINANCES**

The Village of Estral Beach revised ordinances 1029B "Planning Commission", and 1030B "Dangerous Buildings and Structures". These ordinances supersede Ordinance 1028A and 1038A, respectively. These ordinances can be viewed in full at the Village Hall by appointment with Village Clerk Carol Vandevosk, 888-8380.
September 27, 2018

Patricia O'Brien being first duly sworn, says that she is the Principal Clerk of The Monroe News, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news and which is a duly qualified newspaper, published and circulated in the County of Monroe. The annexed notice is a printed copy contained in said newspaper, and has been duly published in said newspaper for one insertions, and that the first publication thereof was on the 27th day of September A.D. 2018 and the last publication thereof was on the 27th day of September A.D. 2018.

Patricia O'Brien

Sworn to and subscribed before me this 12th day of October A.D. 2017.

Janet Latkowski

Notary Public, Monroe County, Mich.

My commission expires _____

JANET LATKOWSKI
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MONROE
My Commission Expires Jan. 25, 2018
Acting in the County of _____

PROCEDURAL CHECKLIST

ORDINANCE 1029B

Date of Passage of Ordinance: September 18, 2018

Moved by Trustee: Jennifer Metcalf to adopt Ordinance 1029B

Supported by Trustee: Debby Dare

Roll Call:

Aye: Jennifer Metcalf, Debby Dare, Adam Younglove, Greg Knierim, James Wiegand, Jessica Anglin

Nay: None

Absent: None

Date of Publication of the Ordinance: September 27, 2018


Newspaper in which publication was made: Monroe Evening News

Date attested Copy of Ordinance was filed with Village Clerk: September 27, 2018

STATE OF MICHIGAN)
) SS:
COUNTY OF MONROE)

I, the undersigned, being duly elected, qualified and acting Clerk of the Village of Estral Beach, County of Monroe, and State of Michigan, do hereby certify that the foregoing Ordinance was duly adopted by the Village Council of the Village of Estral Beach as hereinabove set forth; and that the insertion of true copy thereof in the Monroe Evening News, which is a duly qualified newspaper circulating within the Village of Estral Beach.

In Testimony Whereof, I have hereunto set my hands this 23 day of October, 2018.



Carol A. Vandercook, Clerk – Village of Estral Beach