

ORDINANCE #01 of 2011

AMENDMENT OF
ANTRIM COUNTY PLANNING COMMISSION
ORDINANCE

Adopted September 10, 1962
Amended October 9, 1969
Amended December 18, 1969
Amended April 10, 1997
Amended January 12, 2006
Amended April 14, 2011

An ORDINANCE amending prior ordinances creating the Antrim County Planning Commission, as provided by Act 282 of 1945, as amended, being MCL 125.101.

BE IT ORDAINED BY THE ANTRIM COUNTY BOARD OF COMMISSIONERS

Section 1: PURPOSE

The purpose of the Planning Commission is to provide for the efficient and economical process of developing a comprehensive, coordinated, adjusted and harmonious plan so as to provide guidance to local and County officials, leaders, and residents, in making decisions as to present and future needs concerning land use, implementing public improvements, and in how to best promote the health, safety, convenience, prosperity, and general welfare of the residents of Antrim County.

Section 2: ESTABLISHMENT OF COUNTY PLANNING COMMISSION

There is hereby established a County Planning Commission to be known as the Antrim County Planning Commission pursuant to Public Act 33, of 2008, as amended.

Section 3: AUTHORITY

3.1.1 **POWERS AND DUTIES:** The Planning Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act.

3.2 **ADDITIONAL POWERS:**

3.2.1 The Planning Commission, in addition to selecting a chair, may create and fill such other offices as it may determine advisable.

3.2.2 The Planning Commission may meet with other governmental planning commissions to deliberate.

3.2.3 The County Board by resolution, may authorize the Planning Commission to serve as a coordinating agency for all Planning Committees and Commissions within the County

3.2.4 The County Board, by resolution may authorize the Planning Commission to employ a director and such personnel as it deems necessary; however, unless such authority is specifically granted to the Planning Commission, any director or personnel is subject to approval by the County Board.

- 3.2.5 The Planning Commission may appoint advisory committees or councils as provided for in MCL 125.3801 – 125.3885
- 3.2.6 The Planning Commission, subject to the policies and procedures of the County, may contract for the part-time or full-time services of planning and other technicians, as may be deemed necessary, and pay such expenses from funds appropriated by the County Board.
- 3.2.7 The County Master Plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the County, or with functional subject matter areas of the plan.
- 3.2.8 In development of the land use plan and program part of the County Master Plan, the Planning Commission, in addition to a general plan with generalized future land use maps, may include any of the following: a classification and/or allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.
- 3.2.9 The Planning Commission, subject to the policies and procedures of the County, and with the approval of the County Board, may apply for, receive, and accept grants from any governmental agency, or from the federal government, and agree to comply with such terms and conditions as may be necessary, convenient or desirable. Financial aid or cooperation of the federal government in carrying out the functions of the Planning Commission shall be approved by a 2/3 vote of the County Board.
- 3.2.10 The County Board, by resolution, may authorize the Planning Commission such other powers and duties as permitted by law and/or as the County Board may deem appropriate.
- 3.3 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.
- 3.4 RECORD KEEPING: The Planning Commission shall keep a record of its resolution, transactions, findings, and determinations, which shall be a public record.

**Section 4 MEMBERS; APPOINTMENT; TERM; VACANCIES;
COMPENSATION; EXPENSES**

4.1 SIZE: the Planning Commission shall consist of 9 members as set forth below in 4.4.1. Appointments shall be made by the Chair of the County Board of Commissioners, who shall appoint members by majority vote of the full membership of the County board of Commissioners.

4.1.1 COMPOSITION:

4.1.1.1 MEMBER: GENERAL: Subject to appointments under 4.1.1.2 and 4.1.1.3 at least six members and not more than 9 or the Planning Commission shall be representative of important segments of the community such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership, to the extent practicable, shall be representative of the geographical area of the county/local unit of government.

4.1.1.2 MEMBER: NOT QUALIFIED ELECTOR: One (1) member may not be a qualified elector of the county.

4.1.1.3 MEMBER: BOARD OF COMMISSIONERS: Two members of the Antrim County Board of Commissioners, elected and serving may be members of the County Planning Commission with full voting rights. In the event one or more members of the Board of Commissioners are not appointed to be a member of the County Planning Commission, then the Chair of the Board of Commissioners may appoint such additional members under 4.1.1.1 equal to the number of members which could be appointed under this provision.

4.1.1.4 MEMBER: PUBLIC SCHOOL: The County shall make every reasonable effort to ensure that the membership of the County Planning Commission includes a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries. The requirements of this subsection apply whenever an appointment is to be made to the Planning Commission, unless an incumbent is being reappointed or an ex-officio member is being appointed. In the event the member under this section is not appointed to be a member of the County Planning Commission, then the Chair of the Board of Commissioners may appoint such additional member under 4.1.1.1 for the member which could be appointed under this provision.

4.1.1.5 LIMITATION UPON MEMBERSHIP: Except as allowed by MCL 125.3801, an elected officer or employee of the County is not eligible to be a member of the Planning Commission.

- 4.2 TERM OF OFFICE: The term of each appointed member shall be for three (3) years, and shall be staggered so that no more than three (3) members' terms shall expire in any one year. This provision shall not apply to the terms of members who are County Commissioners. Up to three (3) members shall initially serve for three (3) years. Up to three (3) members shall initially serve for two (2) years. Up to three (3) shall initially serve for one (1) year. The Public School Member shall be appointed for a term of three (3) years coinciding with one of the established terms set forth above. At the completion of the terms herein set forth above, all Planning Commission members shall be appointed for a term of three (3) years, except that being first appointed, the terms of office may be varied to permit establishment or for correction of overlapping terms of office. The terms of Board of Commissioners members shall correspond to their respective term of office.
- 4.3 VACANCY; The County Board shall by majority vote of all commissioners elected, fill any vacancy on the Planning Commission for the duration of the unexpired term.
- 4.4 CONFLICT OF INTEREST: Before casting a vote on a matter on which a 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 is disqualified from voting on the matter if so provided by the bylaws or by a majority vote or the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body by ordinance defines conflict of interest for the purposes of this subsection, the Planning Commission shall do so in its bylaws.
- 4.5 REMOVAL OF MEMBER FROM PLANNING COMMISSION: The County Board may remove a member of the Planning Commission for malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- 4.5 COMPENSATION: Members of the Planning Commission may be compensated for their services as provided by the legislative body. A Planning Commission may adopt bylaws relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the legislative body, including but not limited to, attendance at conferences, workshops, education, and training programs, and meetings.

Section 5: MEETINGS

The County Planning Commission shall make and approve a master plan as a guide for development within the county as a whole.

In the preparation of a master plan a Planning Commission shall do all of the following, as applicable:

1. Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.
2. Consult with representative of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be voided.
3. Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for economic, social, and physical development within the Planning jurisdiction and seek the maximum coordination of the local unit of the government's programs with these agencies.
4. In the preparation of the master plan, the Planning Commission may meet with other governmental planning commissions or agency staff to deliberate.
5. In general, a planning commission has such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of this act.

Section 7: SAVINGS CLAUSE

The provisions of this ordinance are hereby declared to be severable if any clause, sentence, word, section, or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in force.

Section 8: PRIOR ACTION

All official action taken by the Antrim County Planning Commission under Ordinance No. 1 originally adopted by the Board of Supervisors on September 10, 1962, as amended by Ordinance #1 adopted by the Antrim County Board of Supervisors on October 9, 1969, as amended by Ordinance No. 1 adopted by the Antrim County Board of Supervisors on December 18, 1969, and as amended by Ordinance No. 1 adopted by the Antrim County Board of Commissioners on April 10, 1997, and as amended by Ordinance No. 1 on January 12, 2006 is hereby approved, ratified and confirmed.

Section 9: EFFECTIVE DATE

Amendments to this Ordinance shall take effect upon publication of notice of adoption of the Ordinance.

Yes – Jerroll Drenth, Eugene Dawson, Karen Bargy, Ed Boettcher, David Howelman
Michael Crawford, Laura Stanek, Bernard Blackmore, Brenda Ricksgers;

No - None;

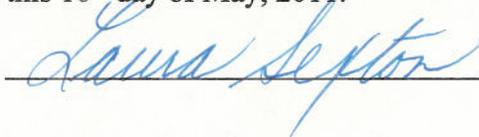
Absent – None.

ORDINANCE #01 of 2011 DECLARED ADOPTED.

Adopted April 14, 2011

Antrim County Board of Commissioners

ANTRIM COUNTY CLERK, BELLAIRE MI
STATE OF MICHIGAN COUNTY OF ANTRIM ss
I, Laura Sexton, Clerk of the County of Antrim, do
certify the above is a true and exact copy of the
original record now remaining in this office.
IN TESTIMONY WHEREOF, I have set my hand
and official seal at the Village of Bellaire in said county
this 16th day of May, 2011.



County Clerk