

Chapter 12

BOARDS, COMMITTEES AND COMMISSIONS

ARTICLE I Planning Commission

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[HISTORY: Adopted by the Village Council of the Village of Bellaire as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Planning Commission [Adopted 6-20-1996 by Ord. No. 36-1996]

- § 12-1. Commission established. [Amended 6-6-2001 by Ord. No. 6-2001; 8-18-05 by Ord. No. 6-2005; 9-20-06 by Ord. No. 15-2006; 01-07-09 by Ord. No. 01-2009]

A village planning commission is hereby created for the Village of Bellaire pursuant to the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended. This planning commission shall be known as the "Village of Bellaire Planning Commission."

§ 12-2. Membership; Appointment; Compensation; Terms; Removal; Vacancy.

- (a). The village planning commission shall consist of five (5) members. One (1) member may be a member of the village council as an *ex officio* member with full voting rights on the planning commission. Except for one (1) member, all members of the village planning commission shall be qualified electors of the village. In addition, members of the village planning commission shall be representative of the entire geography of the village to the extent practicable and shall be representative of important segments of the village, 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 agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
- (b). All members of the village planning commission shall be appointed by the village president, subject to the approval by a majority vote of the entire village council.

- (c). All appointed members of the village planning commission may be compensated at a rate to be determined by the village council.
- (d). Except for any *ex officio* member, the term of each appointed member shall be three (3) years or until his or her successor is appointed, except that the respective terms of one (1) of the members first appointed shall be for one (1) year and the respective terms of two (2) of the members first appointed shall be for two (2) years. The term of any *ex officio* member shall expire with his or her term of office on the village council.
- (e). After written charges and a public hearing before the village council, a member of the village planning commission, including any *ex officio* member, may be removed from office on the planning commission for misfeasance, malfeasance, or nonfeasance in office by the village president, subject to the approval by a majority vote of the entire village council. The failure of a planning commission member to disclose to the planning commission a potential conflict of interest, as defined in §12-5 of this Article, shall constitute malfeasance in office. The failure of a planning commission member to regularly attend scheduled meetings of the planning commission shall constitute nonfeasance in office. The planning commission secretary shall report to the village council when a planning commission member has failed to attend three (3) consecutive planning commission meetings.
- (f). A vacancy on the village planning commission occurring otherwise than through the expiration of a member's term shall be filled for the unexpired term in the same manner as the original appointment.

§12-3. Organization; Chairperson, Secretary, and Other Officers; Committees; Meetings; Rules; Records.

- (a). The village planning commission shall elect a chairperson and secretary from its members; provided, however, any *ex officio* member shall not be eligible to serve as the chairperson of the planning commission. The planning commission may create and fill by election such other offices as it considers advisable. The term of chairperson and any other officers shall be one (1) year, with eligibility for reelection as specified in the planning commission bylaws.
- (b). The planning commission may appoint advisory committees, whose members are not required to be members of the planning commission.
- (c). The village planning commission shall hold not less than four (4) regular meetings each year and shall by resolution determine the time and place of the meetings.
- (d). The village planning commission shall adopt bylaws for the transaction of its business.
- (e). The village planning commission shall keep a public record of its resolutions, transactions, findings, and determinations.

§12-4. Powers and duties.

- (a). The village planning commission shall have all powers authorized by, and shall perform all duties specified in, the Michigan Planning Enabling Act, being Act 33 of the Public Acts of 2008, as amended.

- (b). The village planning commission shall have all the powers and duties conferred on zoning commissions under the Michigan Zoning Enabling Act, being Act 110 of the Public Acts of 2006, as amended, and any other powers and duties conferred on planning commissions by other provisions of law. Any and all such powers and duties are hereby conferred and incorporated as if fully set forth herein.

§12-5. Conflict of Interest.

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 of herself from deliberating and voting on the matter when any of the following circumstances exist:

- (a). The applicant is the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the planning commission member or the member's spouse.
- (b). The planning commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
- (c). The planning commission member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
- (d). The planning commission 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.
- (e). 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.

§12-6. Planning Director and Personnel; Contract for Planning Services and other Technicians.

- (a). The village council may employ a planning director and other personnel as it considers necessary to assist the village planning commission in carrying out its powers and duties.
- (b). The village council may contract for professional planning services and other technical services, such as attorneys and engineers, as it considers necessary to assist the village planning commission in carrying out its powers and duties.

§12-7. Notification to County Planning Commission.

Within fourteen (14) days after the village council adopts the ordinance amending this Article the village clerk shall transmit a notice of the adoption of the ordinance to the county planning commission.