

DRAFT-1
(July 25, 2018)

Village of Lake Isabella
1010 Clubhouse Drive
Lake Isabella, MI, 48893
989-644-8654

ORDINANCE 2018-08
PLANNING COMMISSION ORDINANCE UPDATE

The Village of Lake Isabella hereby ordains:

SECTION 1 PURPOSE

The purpose of this Ordinance is to update the Planning Commission organizational structure as contained in section 1304 of the zoning code.

SECTION 2 CHAPTER 1304 AMENDED

Chapter 1304 of the Codified Ordinances is hereby amended to read as attached as Exhibit A.

SECTION 3 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4 ORDINANCES REPEALED

All ordinances and/or parts of ordinances in conflict with or inconsistent with this Ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 5 EFFECTIVE DATE

This Ordinance shall take effect and be in force upon the expiration of 7 days after the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lake Isabella. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the Village of Lake Isabella.

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We, the undersigned President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #2018-08 “*PLANNING COMMISSION ORDINANCE UPDATE*” of the Village of Lake Isabella, was adopted in the following manner with at least seven days elapsing between the publication of the public hearing for the Ordinance and the enactment by the Village Council at a regular or special meeting of the Lake Isabella Council, offered by councilmember _____, and seconded by councilmember _____. Originally introduced by councilmember _____.

Planning Commission Public Hearing	August 14, 2018
Planning Commission Recommendation	
Village Council Introduction	
Village Council Public Hearing	
Village Council Enactment	

The vote to adopt this Ordinance was taken by roll-call with the “yeas” and “nays” recorded as such.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Dated at Lake Isabella, Michigan, this _____ day of _____, 2018.

Village Council President
David K. Torgerson

Village Clerk
Jeffrey P. Grey

EXHIBIT A

Village of Lake Isabella - Codified Ordinances

Article XII – Planning & Zoning

Chapter 1304 – Planning Commission

Originally adopted; April 3, 2007 by Ordinance 2007-02

Last amended; _____ by _____

Chapter 1304.01	Establishment & Purpose
Chapter 1304.03	Membership & Terms of Office
Chapter 1304.05	Compensation
Chapter 1304.07	Organizational Requirements
Chapter 1304.09	Duties

1304.01 ESTABLISHMENT & PURPOSE

In accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and Section 6.08 of the Charter of the Village of Lake Isabella, the Village Council hereby creates a Planning Commission for the Village of Lake Isabella with the powers, duties and provisions included in this chapter and also provided for by statute.

The Planning Commission currently existing, as authorized by the Charter of the Village of Lake Isabella, shall continue to serve in its official role subject to provisions of this ordinance and the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and shall act as the Zoning Commission for the Village of Lake Isabella, as provided for under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

1304.03 MEMBERSHIP & TERMS OF OFFICE

(1) The Planning Commission for the Village of Lake Isabella shall be comprised of seven members.

(a) One of the members of the Planning Commission shall also be a member of the Village Council serving in an ex-officio capacity. This member shall be appointed by ~~resolution of~~ the Village Council and shall serve on the Planning Commission until the next organizational meeting of the Village Council where the election of officers occurs as detailed in Section 5.07 of the Village Charter, or until such member is no longer a member of Village Council, whichever comes first ~~for the duration of the period of time set forth by the appointing resolution.~~

- (b) The membership of the Planning Commission shall, to the extent that is practical, 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 agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership of the Planning Commission shall also, to the extent that it is practical, be representative of the entire geography of the Village.
- (c) The authority to appoint members of the Planning Commission shall be vested in ~~the affirmative vote~~ consent of a majority of the Village Council present at any such meeting after a nomination has been made by the Village President.
- (2) Membership on the Planning Commission shall be limited to electors of the Village of Lake Isabella, except that as only provided for by the Municipal Planning Act (Public Act 285 of 1931 as revised and amended), one member of the Planning Commission may be a non-resident of the Village of Lake Isabella.
- (3) One member of the Planning Commission that is an elector of the Village of Lake Isabella shall annually be appointed by the Village Council to be a member of the Zoning Board of Appeals.
- ~~(4) With the exception of the ex-officio member of the Planning Commission and the member of the Planning Commission serving on the Zoning Board of Appeals, no member of the Planning Commission shall hold any other board or committee position with the Village of Lake Isabella, and no member of the Planning Commission may be employed by the Village of Lake Isabella at any time during his or her term of office.~~
- (45) With the exception of the ex-officio member of the Planning Commission, the term of office for all other members of the Planning Commission shall be for three years. Terms shall take effect on July 1st. In the event that a term office for a member of the Planning Commission expires and the Village Council has not appointed a successor, that member shall continue to serve until such time as a successor is appointed.
- (56) A member of the Planning Commission may be removed from the membership of the Planning Commission for malfeasance of office only upon the recommendation of the Village President and by majority vote of the Village Council, after a public hearing has been provided for.

(67) Any member of the Planning Commission who is absent without being excused by the affirmative vote of the Planning Commission for three consecutive meetings, or a total of 30% of the regular meetings of the Planning Commission for a twelve month period, shall be deemed to have vacated his or her membership on the Planning Commission.

(78) Members of the Planning Commission shall have a duty to vote on all items of business considered by the Planning Commission except for those items of business where a member has been excused for having a conflict of interest. If a member of the Planning Commission feels that he or she may have a conflict of interest on any particular item of business, that member shall state the reason for the conflict and request to be excluded from action and/or discussion for that particular item of business by a majority vote of the remaining members of the Planning Commission.

1304.05 COMPENSATION

The Village Council may by resolution provide for the rate and frequency of compensation for all members of the Planning Commission.

1304.07 ORGANIZATIONAL REQUIREMENTS

- (1) The Planning Commission shall adopt bylaws that cover such routine duties including, but not limited to:
 - (a) Election and duties of officers.
 - (b) The establishment, purpose and creation of ad-hoc and sub committees, the members of such committees do not need to be members of the Planning Commission.
 - (c) Parliamentary procedure at meetings and public hearings.
 - (d) The ability to call special meetings.
- (2) The Planning Commission shall annually elect from its members a Chairman and a Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall have the authority conduct meetings of the Planning Commission and sign documents pertaining to the Planning Commission such as, but not limited to, site plans and zoning maps.
- (3) The Planning Commission shall also appoint a Secretary that may be either a member of the Planning Commission or an employee of the Village of Lake Isabella.

- (4) The Planning Commission shall, at a minimum, meet at least four times annually to conduct business.

1304.09 DUTIES

- (1) To prepare an annual report to the Village Council that highlights its operations, the status of planning activity, goals and other information that the Planning Commission deems appropriate.
- (2) To prepare and recommend to the Village Council for approval a Master Plan for the development of the Village of Lake Isabella, and to update such plan at least once every five years.
- (3) To make recommendations to the Village Council on all proposed zoning ordinances.
- (4) To review and approve any of the following capital improvement projects in an area of the Village covered by the Master Plan; the creation of, or widening of, any public street; the construction or authorization of any new public building or structure; ~~the creation or expansion of any public park or open space.~~
 - (a) If the Planning Commission does not act upon a proposed capital improvement project as outlined sub-section (4) of this chapter of the codified ordinances of the Village of Lake Isabella, within sixty (60) days, the proposed project will be deemed to have been approved.
 - (b) If the Planning Commission does not approve a capital improvement project as outlined in sub-section (4) of this chapter of the codified ordinances of the Village of Lake Isabella, the Village Council, or other public body that has financing authority over such project, may overrule the Planning Commission upon a 2/3 vote of the members of the Village Council or other such body with financing authority.
- (5) Review and make a recommendation for approval, modification, or disapproval of proposed plats.
- (6) ~~Approve or disapprove site plans~~ Review and act upon various zoning applications such as, but not limited to, Site Plans and Special Land Use permits as provided for in the zoning code of the Village of Lake Isabella.
- ~~(7) Approve, approve with conditions, or disapprove of special land use applications.~~

| (78) To recommend to the Village Council fees and charges to be charged to cover Village expenses to applicants for various planning and zoning applications.
(Cross referenced with Chapter 1312.07)

| (89) Other duties and functions as may be specifically prescribed by statute, charter, ordinance or resolution.