

10-20-08 as adopted on Second Reading

**AMENDMENT TO ANN ARBOR CHARTER TOWNSHIP  
CODE OF ORDINANCES  
DIVISION 1 CHAPTER 2 ARTICLE VI  
PLANNING COMMISSION**

October 20, 2008

Amendment to Ann Arbor Charter Township Code of Ordinances adopted at a regular meeting of the Ann Arbor Charter Township Board of Trustees held on October 20, 2008 at 3792 Pontiac Trail, Ann Arbor, Michigan 48105.

PRESENT: Michael Moran, Claudia Sedmak, Richard Dieterle, Randolph Perry, Della DiPietro, Rena Basch, John Allison

ABSENT: NONE

Motion by Trustee: DiPietro; seconded by Trustee: Allison.

The Ann Arbor Charter Township Board of Trustees (“Township Board”) ordains that Chapter 2 Article VI of the Ann Arbor Charter Township Code of Ordinances pertaining to Boards and Commissions is amended to add the following new Division 1 pertaining to the Planning Commission.

**RECITALS**

Ann Arbor Charter Township (“Township”) previously established the Township Planning Commission by prior ordinance or resolution, and now wishes to repeal the existing ordinance or resolution and adopt this ordinance to create and continue in existence the Township Planning Commission pursuant to P.A. 33 of 2008, as it may be amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.* (“Act”).

**CHAPTER 2, ARTICLE VI, DIVISION 1, PLANNING COMMISSION**

**Section 2.221. Creation and Powers.**

There shall be a Township Planning Commission (“Commission”) pursuant to the Act with the powers and duties as set forth in the Act and this Division.

**Section 2.222. Membership.**

- (a) The Commission shall consist of 7 members appointed by the Township Supervisor (“Supervisor”) subject to approval by a majority vote of the Township Board.

- (b) Each member of the Planning Commission (“Member”) shall be a qualified elector of the Township, except that one Member may be a non-qualified elector if appointed by the Supervisor and approved by the Township Board.
- (c) Members shall be appointed for three-year terms except as provided in (d) below. The term of office of existing Members of the Planning Commission are such that approximately 1/3 or the Members’ terms expire each year, in the same manner as required by the Act, and this staggering of terms shall continue in future appointments. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.
- (d) One Member shall also be a member of the Township Board whose term on the Planning Commission shall expire at the same time as the Member’s term on the Township Board. No other elected officer or employee of the Township is eligible to be a Member of the Planning Commission.
- (e) The membership of the Planning Commission shall be representative of the important segments of the community such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce as required by the Act.
- (f) The membership of the Planning Commission shall also be representative of the entire geography of the Township to the extent practicable.

**Section 2.223. Master Plan.**

The Planning Commission shall make and approve a Master Plan as the guide for development within the Township and the planning jurisdiction in accordance with the Act, subject to final review and approval by the Township Board. The existing Township Master Plan shall continue in effect until a new or amended Township Master Plan is adopted in accordance with the Act.

**Section 2.224. Zoning Powers.**

The Planning Commission shall continue to have all of the powers, duties, and responsibilities provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq. as modified by the Township Zoning Code, being Chapter 74 of the Township Code of Ordinances, as it may be amended.

**Section 2.225. Removal from Office; Conflict of Interest.**

- (a) The Township Board may remove a Member from the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing as provided in the Act.
- (b) Before casting a vote on a matter on which a Member may reasonably be considered to have a Conflict of Interest as defined in (c), (d), (e), (f) and (g) below, the Member shall disclose the Conflict of Interest to the Planning Commission. The Member shall be disqualified from voting on a matter

involving a Conflict of Interest to the extent so provided in this Division. Failure of a Member to disclose a potential Conflict of Interest known to the Member as required by this Division constitutes malfeasance in office.

- (c) For purposes of this Division a Member shall declare a potential Conflict of Interest in the following circumstances: (i) the Member, a relative or other family member of a Member or a business associate of the Member is involved in any project, property or request (“Project”) for which the Planning Commission is asked to make a decision; (ii) the Member, a relative or other family member of a Member or a business associate of the Member has a business or financial interest in the Project or has a business or financial interest in the owner or applicant for the Project; (iii) there is a reasonable appearance of a Conflict of Interest, as determined by the Member declaring the potential Conflict of Interest;
- (d) When a Member, a relative or other family member of a Member, or a business associate of a Member owns or has a financial interest in neighboring property, the Member shall disclose such fact to the Planning Commission. For purposes of this subsection, a neighboring property shall include any property falling within the notification radius for a Project, as required by the zoning ordinance or other applicable law or ordinance. Such interest in a neighboring property shall not be considered a Conflict of Interest unless otherwise determined by the Planning Commission in view of the particular circumstances.
- (e) The Member declaring a potential Conflict of Interest should state the nature of the conflict and whether the Member believes he or she could impartially consider the request before the Planning Commission. The other Planning Commission Members shall then decide by a majority vote if the Member declaring a potential Conflict of Interest shall abstain from voting on the matter.
- (f) If the other Planning Commission Members decide that the Member declaring a potential Conflict of Interest must abstain from voting, the Member may not participate in the discussion as a Member on the matter and may not vote on such matter.
- (g) A Member, though disqualified from voting or discussion of a matter as a Member as a result of a Conflict of Interest may, nevertheless, personally appear before the Planning Commission as an applicant or owner on such matter.

#### **Section 2.226. Compensation.**

Members of the Planning Commission shall be compensated for their services as determined by the Township Board.

#### **Section 2.227. Bylaws.**

The Planning Commission shall adopt Bylaws for the transaction of business and shall keep a public record of its resolutions, transactions, finding and determinations.

#### **Section 2.228. Officers.**

The Planning Commission shall elect a chairperson, a vice chairperson, and a secretary from its Members and create and fill such other offices as it considers advisable. The term of each office shall be 1 year with opportunity for reelection as specified in the Planning Commission Bylaws.

**Section 2.229. Annual Report.**

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

**Section 2.230. Meetings; Records.**

The Planning Commission shall hold a regular meeting at least once each month. The majority of the Planning Commission Members shall constitute a quorum for transaction of business. Special meetings of the Planning Commission may be called in accordance with the provisions of the Bylaws and applicable law. The Planning Commission shall conduct business in accordance with the Michigan Open Meetings Act and public notice of the date, time and place of regular or special meetings of the Planning Commission shall be given in the manner required by law. The Planning Commission shall keep a public record of its resolutions, transactions, findings and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

**Section 2.231. Budget**

The Planning Commission may prepare a budget for its activities and submit the budget to the Township Board for approval or disapproval.

**Section 2.232. Capital Improvements Program.**

To further the desirable future development of the Township under the Master Plan, the Township Board shall prepare or cause to be prepared by the Township Supervisor or by a designated nonelected administrative official, a capital improvements program of public structures and improvements to the Township, including the Township water supply system and sewage disposal system, showing those structures and improvements in general order of their priority, for the following six (6) year period. The Planning Commission is exempted from preparing a capital improvements plan.

**Section 2.233. Training**

Members of the Planning Commission shall attend educational programs designed for training of Michigan planning commissioners if the adopted Township budget provides funds to reimburse Members for the cost of tuition, registration, and travel expenses for the training. The

Planning Commission shall include in its Bylaws the types of training programs that qualify to meet the training requirement.

**Section 2.234. Powers and Duties.**

The Planning Commission shall have the powers and duties as set forth in the Act as modified by this Division as they may be amended.

**Section 2.235. Transition; Approval Ratification and Reconfirmation.**

All actions taken by the Township Planning Commission prior to the date of this Division are approved, ratified, and reconfirmed. The existing Planning Commission and its Members shall continue after the date of this Division, subject to the provisions of this Division and the Act. Any project, review or process under the jurisdiction of or being considered by the Planning Commission at or prior to the date of this Division shall continue under the jurisdiction of the Planning Commission created by this Division. This Division shall supersede, replace and repeal the prior Township Planning Commission ordinance or resolution.

**Section 2.236. Effective Date.**

This Division shall take effect immediately upon publication in a newspaper of general circulation in the Township.

AYES: Michael Moran, Claudia Sedmak, Richard Dieterle, Randolph Perry, Della DiPietro, Rena Basch, John Allison

NAYES: NONE

ABSTAIN: NONE

**ORDINANCE DECLARED ADOPTED**

By: \_\_\_\_\_  
Rena Basch, Township Clerk

Approved: October 20, 2008

Effective: November 2, 2008