

**TOWNSHIP OF CLIMAX**  
**KALAMAZOO COUNTY, MICHIGAN**  
**ORDINANCE NO. 134**  
**PLANNING COMMISSION ORDINANCE**

**ADOPTED: February 10, 2009**

**EFFECTIVE: April 17, 2009**

An Ordinance to confirm and reestablish the Climax Township Planning Commission pursuant to the Michigan Planning Enabling Act, 2008 Public Act 33 (MCL 125.3801 et. seq.); and provide for the membership and powers of the Planning Commission and related matters.

**TOWNSHIP OF CLIMAX**  
**KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**ESTABLISHMENT**

The Climax Township Board hereby confirms and reestablishes by this ordinance under the Michigan Planning Enabling Act the Climax Township Planning Commission previously established by resolution under the former Township Planning Act.

**SECTION 2**

**MEMBERSHIP COMPOSITION AND VOTING RIGHTS**

- A. The Climax Township Planning Commission (herein sometimes referred to as the Planning Commission) shall have a total membership of 5 members, including one member who is also a member of the Township Board and referred to herein as the "ex-officio" member.
- B. The membership of the Planning Commission shall be representative of important segments of the Township, 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. In addition, the membership of the Planning Commission shall be representative of the entire geography of the Township to the extent practicable.
- C. The Supervisor is not eligible for appointment as a member of the Planning

Commission. An elected officer or employee of the Township is not eligible to be a member of the Planning Commission except for the required ex-officio member.

- D. Each member of the Planning Commission has the same voting rights, including the ex-officio member.

### **SECTION 3**

#### **MEMBER APPOINTMENTS, QUALIFICATIONS, AND TERMS**

- A. The Township Supervisor shall appoint all members of the Planning Commission, subject to approval by a majority vote of the members of the Township Board elected and serving.
- B. All Planning Commission members shall be qualified electors of the Township (U.S. citizen, at least 18 years old, resident of Michigan for a least 6 months, and resident of Climax Township for at least 30 days); except one member may be appointed who is not a qualified elector of the Township.
- C. Members of the Planning Commission shall be appointed for three year terms, except for the ex-officio member whose term on the Planning Commission shall expire with his or her term on the Township Board. A Planning Commission member shall hold office until his or her successor is appointed. The terms of the members of the Planning Commission, other than the ex-officio member, shall be staggered such that as nearly as possible the terms of one-third of the Planning Commission members will expire each year.
- D. A vacancy on the Planning Commission shall be created when a member no longer meets all of the legal qualifications for membership on the Planning Commission, a member resigns from the Planning Commission, or a member is removed from the Planning Commission by the Township Board. A vacancy on the Planning Commission shall be filled for the unexpired term in the same manner as an original appointment.
- E. Upon adoption of this Ordinance the Township Board shall by resolution make such adjustments of the existing Planning Commission members and terms as may be necessary to effect compliance with the requirements of this Ordinance as to membership composition and staggered terms.

### **SECTION 4**

#### **REMOVAL**

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing preceded by reasonable notice to the member and the public.

## **SECTION 5**

### **POWERS AND DUTIES**

- A. The Planning Commission shall have all the powers and duties provided for a township planning commission by the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, any other applicable laws, the Township Zoning Ordinance, and this Ordinance, including all of the following powers and duties which shall be exercised in accordance with all applicable legal requirements:
1. Adopt bylaws for the transaction of Planning Commission business.
  2. Elect officers of the Planning Commission.
  3. By resolution determine the time and place of not fewer than four regular meetings each year.
  4. Make and recommend to the Township Board a Master Plan as a guide for development within the Township (public hearing required).
  5. Review the Master Plan at least every five years after adoption and determine whether to commence the procedure to amend the Master Plan or adopt a new Master Plan.
  6. Review and make recommendations to the Township Board on such amendments of the Master Plan as may come before the Planning Commission by individual application (public hearing required).
  7. Consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens, concerning the promotion or implementation of the adopted Master Plan.
  8. Review and where considered appropriate comment on other community's proposed master plans submitted to the Planning Commission for that purpose.
  9. Prepare and recommend Township Board action on proposed amendments of the existing Township Zoning Ordinance/map or a proposed new Township Zoning Ordinance/map (public hearing required).
  10. Conduct all public hearings as required by law or ordinance.
  11. Review and decide applications for special (exception) land use approval (public hearing required); and, where applicable, planned unit development approval.
  12. Review and decide applications for site plan approval.
  13. Review and make recommendations to the Township Board on the provisions of an ordinance governing the subdivision of land, or a proposed amendment

thereof, as may be referred to the Planning Commission by the Township Board for such purpose.

14. Review and make recommendations to the Township Board on every proposed plat before the Township Board takes action on a proposed preliminary plat submitted for tentative approval; and similarly review and make recommendations to the Township Board on such other steps of the plat review process at the Township level as may be required by any applicable ordinance or as otherwise requested by the Township Board (public hearing required).
  15. Review and approve or disapprove the location, character, and extent of such proposed street, square, park, playground, public way, ground, other open space, or public building or other structure, proposed to be constructed in an area covered by the Township Master Plan, submitted to the Planning Commission by the Township Board or other body having jurisdiction over the authorization or financing of the project, pursuant to MCL 125.3861(1).
  16. Make an annual report to the Township Board concerning Planning Commission operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development. Unless otherwise required by the Township Board, the Planning Commission shall be considered to have complied with this annual report requirement pursuant to the availability of the minutes of its meetings to the members of the Township Board.
- B. The Planning Commission is hereby exempted from the requirement of MCL 125.3865(1) to prepare a capital improvements program for the Township; provided the Planning Commission may in its discretion recommend programs for public structures and improvements and for the financing thereof to the appropriate public officials pursuant to MCL 125.3867.

## **SECTION 6**

### **COMPENSATION**

Members of the Planning Commission, including the ex-officio member, may be compensated for their services as provided by Township Board resolution.

## **SECTION 7**

### **BYLAWS**

The Planning Commission shall adopt bylaws for the transaction of its business. The bylaws shall include provisions providing for the election of Planning Commission officers, and provisions defining and otherwise pertaining to conflict of interest. The bylaws may also include such other provisions for the transaction of Planning Commission business as the Planning Commission may deem advisable, and as authorized by law. Bylaws of the Planning Commission and any amendments of same shall be adopted by a majority vote of the entire membership of the Planning Commission. Planning Commission

bylaws shall not be contrary to or supercede any applicable law, any Climax Township ordinance, or any township policy approved by the Township Board.

## **SECTION 8**

### **MEETINGS AND RECORDS**

- A. The Planning Commission shall hold at least four regular meetings each year. The time and place of all regular meetings shall be determined by resolution of the Planning Commission. The Planning Commission may also hold special meetings as provided by the bylaws of the Planning Commission and applicable law.
- B. All business of the Planning Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act of the State of Michigan (MCL 15.261 et. seq.) and such other laws as may be applicable. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations, as required by law. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom Of Information Act (MCL 15.231 et. seq.).

## **SECTION 9**

### **SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction such declaration shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

## **SECTION 10**

### **REPEAL**

All prior resolutions or ordinances, or parts of same, establishing the Township Planning Commission or pertaining to the membership of the Planning Commission under the former Township Planning Act are hereby repealed upon the effective date of this Ordinance.

## **SECTION 11**

### **EFFECTIVE DATE**

This Ordinance shall take effect 63 days after publication of the Ordinance in a newspaper having general circulation in the Township.

Marcia Lewis, Clerk  
Climax Township