

Beaver Creek Township  
**Ordinance to Confirm the Establishment of a Planning  
 Commission with Zoning Authority**

**Preamble**

An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the **Beaver Creek Township Planning Commission**; provide for the composition of that planning commission; provide for the powers, duties and limitations of the planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

**THE TOWNSHIP OF BEAVER CREEK, CRAWFORD COUNTY, MICHIGAN,  
 ORDAINS:**

**Section 1: Scope, Purpose and Intent**

This ordinance is adopted pursuant to the authority granted the township board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the **Beaver Creek Township Board** shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the **Beaver Creek Township Planning Commission** formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

**Section 2: Establishment**

The **Beaver Creek Township Board** hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the **Beaver Creek Township Planning Commission** formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The **Beaver Creek Township Planning Commission** shall have five (5) members. Members of the **Beaver Creek Township Planning Commission** as of the effective date of the ordinance shall continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq. Any ex-officio member shall continue as an ex-officio member until his/her present term on the township board ends.

**Section 3: Appointments and Terms**

The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex-officio member.

The planning commission members, other than an ex-officio member, shall serve for terms of three (3) years each.

A planning commission member shall hold office until his/her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be qualified electors of the township, except that one (1) planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of 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. The

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by two (2) other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least forty-eight (48) hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

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 9: Annual Report**

The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning development.

### **Section 10: Authority to Make Master Plan**

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

### **Section 11: Zoning Powers**

The township board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq., the Michigan Planning Enabling Act, Public Act 101 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the **Beaver Creek Township Planning Commission** formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

### **Section 12: Capital Improvements Program**

To further the desirable future development of the township under the master plan, the planning commission, after a new master plan is adopted, shall annually prepare a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six (6) year period.

### **Section 13: Subdivision and Land Division Recommendations**

The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within the township.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967, MCL 560.101 et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than fifteen (15) days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation within the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

#### **Section 14: 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, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

#### **Section 15: Repeal**

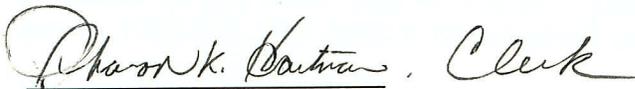
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the **Beaver Creek Township Planning Commission** under the Township Planning Act, Public Act 168 or 1959, MCL 125.321, et. seq., is hereby repealed.

#### **Section 16: Effective Date**

This ordinance shall take effect on the date of its publication.

#### **CERTIFICATE**

The undersigned, as the duly elected and acting clerk of **Beaver Creek Township**, hereby certifies that this ordinance was duly adopted by the township board at a regular meeting of said board, at which a quorum was present, held on March 9, 2009 and that copies of the ordinance were transmitted and published as directed.



Sharon K. Hartman, Clerk

<p><b>BEAVER CREEK TOWNSHIP NOTICE TO THE PUBLIC OF ADOPTION OF TOWNSHIP ORDINANCE #36</b></p> <p><b>ORDINANCE TO CONFIRM THE ESTABLISHMENT OF A PLANNING COMMISSION WITH ZONING AUTHORITY</b></p> <p>To: The residents and property owners of Beaver Creek Township, Crawford County, Michigan, Please take notice that a new Ordinance has been adopted by the Board on March 9, 2009, effective on the date of publication.</p> <p>This Ordinance is to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et. seq., of the Beaver Creek Township Planning Commission; provide for the powers, duties and limitations of the planning commission and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.</p> <p>A copy of the Ordinance may be obtained or inspected at the Beaver Creek Township Offices, 8888 S. Grayling Road, Grayling, MI 49738 during regular business hours or call 989-275-8878.</p> <p>Sharon K. Hartman Beaver Creek Township Clerk</p>
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