

Peaine Township Planning Commission Bylaws
Updated and Amended January 2024

The following rules of procedure are hereby adopted by the Peaine Township Planning Commission to facilitate the performance of its duties as outlined in 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.*

SECTION 1: Officers

- A. Selection and Tenure**—At the first regular meeting each February, the planning commission shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms.
- B. Chairperson**—The chairperson shall prepare agenda, preside over all meetings, appoint committees, conduct site visits and perform such other duties as may be ordered by the planning commission.
- C. Vice Chairperson**—The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary**—The secretary shall execute documents in the name of the planning commission, post meetings, minutes and shall perform such other duties as the planning commission may determine.
 - 1. Minutes**—The secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent record maintained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 - 2. Correspondence**—The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the planning commission.
 - 3. Attendance**—The secretary shall be responsible for maintaining an attendance record for each planning commission member quarterly and report those records annually to the planning commission for inclusion in the annual report to the township board.

4. **Notices**—The secretary shall oversee the issuance of such notices as may be required by the planning commission, including Open Meetings Act notices, as well as notice required for specific planning or zoning actions under the Michigan Planning Enabling Act or the Michigan Zoning Enabling Act.)

E. Township Board Representative - The Township Board Representative shall present the recommendations of the Planning Commission as required by the Zoning Ordinance, or other ordinance to the Township Board prior to their consideration of such request.

F. Zoning Board of Appeals Representative – The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Planning Commission and update the Zoning Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals.

Each member of the Peaine Planning Commission will be paid per diem at the rate of \$50.00 for regular and/or special board meetings as well as any jointly held board meetings with St. James Township. Any site visits required will be charged at \$50.00 per visit per member. Working sessions such as on the Master Plan, Parks and Rec plans, are not paid per diem and are considered the commissioners' volunteered time.

SECTION 2: Meetings

The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The planning commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

A. Time of Submittals.

1. For any application or petition to the Planning Commission to be placed on the Planning Commission agenda, a completed application or petition shall be submitted to the Zoning Administrator at least 14 days prior to the meeting at which the matter is to be placed on the agenda. The Zoning Administrator shall forward a completed application can materials to the Planning Commission at least one week prior to the meeting at which the matter(s) will be considered.
2. For all other matters, any member of the planning commission or a member of the public desiring to place a matter on the agenda shall notify the Zoning Administrator of such item no less than ten (10) business days before the meeting and shall provide to the Zoning Administrator all written materials associated with the agenda item at that time.

The maximum amount of time allowed under this subsection for a scheduled appearance is 15 minutes.

3. The chairperson shall have the authority to exclude any matter from the agenda if is determined that the purpose of the appearance or the information to be presented has not been timely provided. No matter shall be included on the agenda unless the requirements of this sub-rule are met.

B. Regular Meetings—The planning commission shall hold regular monthly meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular planning commission meetings shall be posted at the principal township office within 10 days after the planning commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

All Comments by the Public, Staff and the Planning Commission shall be directed to the Chairperson. All comments shall be related to the land use request: unrelated comments shall be ruled out of order.

A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of the request.

C. Special Meetings—Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission. All costs of special meetings held to consider requests of applicants for approvals under the Zoning Ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests at a fee of \$250.00 or the current per diem paid to commission members at the time.

Notice of special meetings shall be given to the members of the planning commission at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

All Comments by the Public, Staff and the Planning Commission shall be directed to the Chairperson. All comments shall be related to the land use request: unrelated comments shall be ruled out of order.

A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of the request.

D. Notice—Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute.

E. Public Hearings—All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission. The following rules of procedure shall apply to public hearings held by the Planning Commission:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes the procedures/rules to be followed during the hearing.
3. Applicant presents the main points of the application
4. Persons speaking in support of the application are recognized
5. Persons speaking in opposition to the application are recognized.
6. Chairperson closes the public hearing and returns to the meeting.
7. Township Official/other Consultants present their report and recommendation.
8. Planning Commission begins deliberation and arrives at decision.

F. Agenda—The chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the commission. The order of business for meetings shall be as follows:

1. Call to Order
2. Roll Call and Recognition of Visitors
3. First Public Comment (three (3) Minutes Per Person)
4. Approval of Minutes
5. Approval of Agenda
6. Scheduled Public Hearings
7. Other Matters to be Reviewed by the Planning Commission
8. Old Business
9. Open Discussion for Issues Not on the Agenda
 - a. Correspondence Received
 - b. Planning Commission Members
 - c. Members of the Audience
10. Report of Township Board Representative
11. Report of Zoning Board of Appeals Representative
12. Report of Planning Consultant
13. New Business
 - a. Setting Public Hearing Dates
 - b. Other New Business
14. Second Public Comment (three (3) Minutes per person).
15. Adjournment

F. Quorum—Three members of a five-member planning commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present. Whenever a quorum is not present, those present may adjourn the meeting to another time and a day, in accordance with the provisions of the Open Meet Act or hold the meeting to consider matters on the agenda.

G. Voting—An affirmative vote by the majority of the members of the planning commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice

vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. Except in the case of conflict of interest, all planning commission members, including the chairperson and ex officio member, shall vote on all matters.

- H. Public Records**—All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

SECTION 3: Duties of the Planning Commission

The planning commission shall perform the following duties:

- A.** Prepare, review and update a master plan as a guide for development within the township's planning jurisdiction.
- B.** Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.
- C.** Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- D.** Prepare an annual written report by the end of February to the township board of the planning commission's operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development along with a fiscal year budget.
- E.** Take such actions as authorized or required by the Michigan Planning Enabling Act.
- F.** Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G.** Review subdivision proposals and recommend appropriate actions to the township board.
- H.** Prepare a capital improvements program.
- I.** Perform other duties and responsibilities or respond as requested by any township board or commission.
- J.** Attend training sessions, conferences or meetings as needed to properly fulfill the duties of Plannings Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.

SECTION 4: Absences, Removals, Resignations and Vacancies

- A.** To be excused, members of the planning commission shall notify the planning commission chairperson or other planning commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B.** Members may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

- C. A member may resign from the planning commission by sending a letter of resignation to the township board.
- D. Vacancies shall be filled by the township supervisor, with the approval of the township board. Successors shall serve out the unexpired term of the member being replaced.

SECTION 5: Conflict of Interest

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

Conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as: **MCL 168.2:** An individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
3. The planning commission member owns or has a financial interest in neighboring property.
For purposes of this section, a neighboring property shall include any property falling within the notification radius of 300 feet for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.
4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

SECTION 6: Amendments

These bylaws may be amended at any meeting by a vote of the majority of the membership of the planning commission.

Adopted by the Peaine Township Planning Commission at a regular meeting on January 3, 2024.

MOTION: *V. Smith 2ND A. Welke*

Roll Call:	Yes	No
William Markey	<u>X</u>	_____
Angel Welke	<u>X</u>	_____
Krys Lyle	<u>X</u>	_____
Vicki Smith	<u>X</u>	_____
DAN BURTON	<u>X</u>	

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January 3, 2024 Krys Lyle Recording Secretary