

Peaine Township Planning Commission Bylaws

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 Township Planning Act, Public Act 168 of 1959, as amended.

SECTION 1: Officers

- A. Selection and Tenure** – At the first regular meeting each January, 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 B and C, below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson** – The Chairperson shall preside at all meetings, appoint committees 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, perform the duties hereinafter listed below, 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 records 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 and attendance record of each Planning Commission member and report those records quarterly to the Planning Commission and forward to the Township Board Secretary for inclusion in the annual report for the Township Board.
 - 4. Notices** – The Secretary shall issue such notices as may be required by the Planning Commission.
- 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.

SECTION 2: Meetings

- A. Regular Meetings** – The Planning Commission shall hold not less than four regular 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 or scheduled 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.

- B. 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. The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. 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.

Notice of special meetings shall be given to the members of the Planning Commission at least forty-eight 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.

- C. 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.
- D. Quorum** – Three members of a five-member Planning Commission shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meeting Act, or hold the meeting to consider the matters on the agenda. No action shall be taken at a meeting at which a quorum is not present.
- E. Voting** -- An affirmative vote of the majority of the Planning Commission membership is required to adopt any part of the Master Plan or amendments to the Plan (MCL 125.328). Unless required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the membership in attendance, 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. All Planning Commission members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last.

F. Agenda – The Chairperson shall be responsible for preparing an agenda for Planning Commission meetings. The order of business for meetings shall be as follows:

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

G. Public Hearings – All public hearing 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 summarized 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 regular/special meeting.
7. Township Planner/Engineer/other Consultants present their report and recommendation.
8. Planning Commission begins deliberation and arrives at a decision.

Note: Some communities schedule Item 7 immediately after Item 2 so the speakers that follow can comment on the Staff/Consultant analysis. Also, some communities do not permit the Township Staff/Consultant to make a recommendation because, if he or she recommends approval and the application is denied, his or her testimony becomes that of an Expert Witness on behalf of the Applicant in any appeal against the Township. However, the value of the Staff/Consultant's recommendation may outweigh this risk.

To ensure everyone has the opportunity to speak, the Chairperson may elect to limit the time permitted for each person to speak, except that the Applicant may be permitted additional

time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, at his/her discretion, may permit additional comments.

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. (Note: Many communities also include a requirement in the bylaws for issuing a finding of fact and certain recordkeeping as a part of any decisions they make.)

SECTION 3: Duties of the Planning Commission

The Planning Commission shall perform the following duties:

- A.** Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
- B.** Take such action on petitions, staff proposals and Township Board requests for amendments to the Master Land Use Plan as required.
- C.** Prepare an annual report to the Township Board. (The bylaws may specify the minimum elements of the annual report required by the Township Board.)
- D.** Prepare an annual work program and budget, to be included in the annual report
- E.** Take such actions as are required by the Township Zoning Act, Public Act 184 of 1943, as amended.
- F.** Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
- G.** Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.
- H.** Attend training sessions, conferences or meetings as needed to properly fulfill the duties of Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
- I.** Prepare a capital improvement plan.
- J.** Perform other duties and responsibilities or respond as requested by any Township Board or Commission.

SECTION 4: Duties of the Zoning Administrator and Planning Consultant

- A.** The Planning Commission shall be assisted by the Zoning Administrator and Planning Consultant in performing the Planning Commission's duties as noted in Section 3.
- B.** The Zoning Administrator and Planning Consultant shall be responsible for the professional and administrative work in coordinating the functions of the Planning Commission.
- C.** The Zoning Administrator shall:
 - 1. Supervise and review the work of the Planning Consultant and township Staff.

2. Accept applications for matters to be reviewed by the Planning Commission and insure that such applications are complete.
3. Forward application materials to the Planning Commission at least one week prior to the meeting at which the matters will be considered.
4. Inform the Planning Commission of administrative and enforcement actions taken on behalf of the Township related to the Zoning or other appropriate Ordinance.

D. The Planning Consultant shall:

1. Attend Planning Commission meetings.
2. Consult with the Planning Commission, Zoning Administrator and other Township Officials concerning interpretation, procedural questions and other matters arising from the Zoning Ordinance.
3. Prepare amendment to the Zoning Ordinance as directed by the Planning Commission.
4. Prepare and forward to the Zoning Administrator written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Planning Commission.
5. Meet with Applicants, their Representatives and/or Township Officials as needed to properly perform project reviews.
6. Perform other duties as directed by the Planning Commission.

E. The Planning Commission may be assisted by other Professional or Township Staff as needed, including the Building Inspector, Township Attorney, Township Engineer or other person or agency.

SECTION 5: Absences, Removals, Resignations and Vacancies

- A. To be excused, members of the Planning Commission shall notify the Planning Commission Chairperson or the Planning Commission Secretary or other Planning Commission Member when they intend to be absent from the meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members of the Planning Commission may be removed by the Township Supervisor, after a hearing, with the approval of the Township Board. Members of the planning commission may be removed by the township board, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office or upon failure to declare a conflict of interest. For purposes of this section, non-performance of duty shall mean two or more consecutive, unexcused absences. Alternates shall be notified to attend a meeting any time a regular member will be absent for two or more regular meetings or more than 30 days.
- C. A Member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Township Board or Planning Commission Chairperson.
- D. Vacancies shall be filled by the Township Supervisor, and the approval of the Township Board, within one month of resignation or removal of the Planning Commission member. Successors shall serve out the unexpired term of the member being replaced.

SECTION 6: Conflict of Interest

- A.** Planning Commission Members shall declare a conflict of interest and abstain from participating in hearing or deliberations on a request when:
1. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
 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 for the proposed development, as required by the Zoning Ordinance or other applicable Ordinance, or
 4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission Member declaring such conflict.
- B.** The Planning Commission Member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the Commission. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. (If he or she prefers, the Member declaring a conflict may ask the other Planning Commission Members to decide if he or she should abstain, although this is not required. The Planning Commission should establish in its bylaws the procedure it will follow if this is requested.) The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the Planning Commission as a Representative of the proposal.

SECTION 7: Amendments

These bylaws may be amended at any meeting by a vote of four members_of the Planning Commission.

Adopted by the Peaine Township Planning Commission at the Regular Meeting on April 11, 2006. This document has been forwarded to the Peaine Township Board for final approval.

