

St. James Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the St. James Township Planning Commission to facilitate the performance of its duties as outlined in the St. James Township Ordinance number 3 of 2011, St. James Township Ordinance number 3 of 2020, and the Michigan Planning Act, Public Act 168 of 1959, as amended (Act 168 of 1959, as amended, (including 2001 amendments, 2006 amendments). This Act provides for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies.

SECTION 1: Officers

A. Selection and Tenure – At the last regular meeting each December, the Planning Commission shall select from its membership a Chair, Vice Chair and Recording 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. Chair – The Chair shall preside at all meetings, appoint committee members, create committees and perform such other duties as may be ordered by the Planning Commission.

C. Vice Chair – The Vice Chair shall act in the capacity of the Chair in their absence. In the event the Office of Chair becomes vacant, the Vice Chair shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the Office of Vice Chair for the unexpired term.

D. Recording Secretary – The Recording 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 Recording Secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Planning Commission. All communications, zoning matters, petitions, reports or other written materials received by the Recording Secretary shall be brought to the attention of the Planning Commission.

3. Attendance – The Recording 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 for inclusion in the annual report for 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.

SECTION 2: Meetings

A. Regular Meetings – The Planning Commission shall hold not less than twelve 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, and at least one other official location, within 10 days after the Planning Commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

Electronic meetings are allowed per the Open Meetings Act 267 of 1976 and/or State of Michigan Executive Orders.

B. Special Meetings – Special meetings may be called by the Chair or upon written request to the Recording 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 – Four members of a seven-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 Meetings 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 Chair. All Planning Commission members, including the Chair, shall vote on all matters.

F. Agenda – The Recording Secretary shall be responsible for preparing an agenda for approval by the Chair, for Planning Commission meetings. The order of business for meetings shall be as follows:

1. Welcome – Roll call
2. Call to order and pledge of allegiance
3. Approval of last meeting minutes
4. New business
5. Old business
6. Correspondence
7. Board member and public comment
8. 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. Chair opens the public hearing and announces the subject.
2. Chair 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. Chair closes the public hearing and returns to the regular/special meeting.
7. Planning Commission begins deliberation and arrives at a decision.

To ensure everyone has the opportunity to speak, the Chair may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chair allows. The Chair may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chair, at his/her discretion, may permit additional comments.

All comments by the public and the Planning Commission shall be directed to the Chair. 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.

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 with the township's planning jurisdiction by the Michigan Planning Enabling Act (Act 33 of 2008; MPEA).
- 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 Plan as required by the Michigan Planning Enabling Act (Act 33 of 2008; MPEA).
- D. Prepare an annual report 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.
- E. Following the submission of the annual report, the planning commission shall prepare a budget for submission to the township board. The budget shall include such line items as funds for attending raining relevant to the planning commission, any planned updates to the master plan or zoning ordinance, and any planned special studies that the planning commission wishes to undertake.
- F. Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G. Take such actions as authorized or required by the Michigan Planning Enabling Act.
- H. Take such actions as authorized or required by the Michigan Open Meetings Act.
- I. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
- J. 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.
- K. 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.
- L. Prepare a capital improvement plan.
- M. Perform other duties and responsibilities or respond as requested by any Township Board or Commission.

SECTION 4: Duties of the Zoning Administrator

A. The Planning Commission shall be assisted by the Zoning Administrator and may be assisted by other Professionals or Township Staff as needed.

B. The Zoning Administrator shall:

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

SECTION 5: Absences, Removals, Resignations, Term Limits and Vacancies

A. To be excused, members of the Planning Commission shall notify the Planning Commission Recording Secretary when they intend to be absent from the meeting. Failure to make this notification prior to the meeting shall result in a documented 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, nonperformance of duty shall mean two or more consecutive, unexcused absences.

C. A Member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Township Board or Planning Commission Chair.

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.

E. Members of the Planning Commission may serve three years or until his or her successor is appointed per the St. James Township Ordinance 3, 2011.

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.

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 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 St. James Planning Commission at the Regular Meeting on XXXX.