

LEE TOWNSHIP

TOWNSHIP PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE

Section 1: Authority. These bylaws and rules of procedure are adopted in accordance with Michigan Zoning Enabling Act and the Michigan Planning Enabling Act.

Section 2. Membership.

- (a) **Membership and Appointment.** The Planning Commission shall consist of five (5) members or such other number determined by the Township Board and authorized by law. Members of the Commission shall be nominated by the Township Supervisor and appointed by an affirmative majority vote of the members of the Township Board.
- (b) **Term of Office.** The term of each member shall be three (3) years, and until a successor is appointed and qualified, except that any Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding three (3) years. Vacancies in office shall be filled for the remainder of the unexpired term.

Section 3. Requirements of Membership.

- (a) **Bylaws and Rules.** Member shall comply with these bylaws and rules of procedure.
- (b) **Attendance.** Members shall attend meetings of the Planning Commission. If any member is unable to attend a regular or special meeting, the member shall attempt to notify the secretary prior to the meeting. If any member should have three (3) consecutive unexcused absences from meetings, the Commission may, at a public meeting, evaluate the continued membership of that person on the Commission. Thereafter, the Commission may make a report on the matter to the Township Board.
- (c) **Participation.** Members shall give their best efforts toward participation at Commission meetings. Members are expected to review any written materials submitted to the members prior to a meeting and to be prepared for each meeting.
- (d) **Education and Training.** Members are encouraged to use opportunities for education and training regarding Township planning and zoning. New members, in particular, are encouraged to attend at least one training workshop or seminar within one (1) year of their appointment. The cost of such education and training opportunities is subject to the approval of the township Board, either in the annual approval of the Planning Commission portion of the Township budget, or otherwise.

Section 4. Duties and Responsibilities. The members of the Planning Commission shall have the following principal duties and responsibilities, among others:

- (a) To consider and recommend the adoption of the Zoning Ordinance and amendments to the Zoning Ordinance.
- (b) To prepare, consider, and approve the Township Master Plan.

- (c) To consider, no less frequently than every five (5) years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed; to prepare, consider and approve any such revisions or amendments.
- (d) To consider and approve zoning applications and requests assigned to the Commission under the terms of the Zoning Ordinance, including special land uses and other types of land use approval.
- (e) To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year, and including, if desired, recommendations on zoning and planning changes and amendments.
- (f) To promote public understanding and interest in the Township Master Plan and the Zoning Ordinance.
- (g) To review and make recommendations on proposed public improvement projects; to review and recommend a proposed capital improvement plan, if requested.
- (h) To review and make recommendations on proposed platted subdivisions, condominiums, and site condominiums.
- (i) To carry out other duties and responsibilities provided by the law.

Section 5. Conflicts of Interest.

- (a) A member of the Planning Commission shall disqualify himself or herself from participating in or voting on a matter in which the member has a conflict of interest.
- (b) Among other circumstances in which there may be a conflict of interest, the following situations are declared to be conflicts of interest requiring disqualification of a member from participation or vote.
 - (1) If a family member is involved in an application or request before the Commission.
 - (2) If the Commission member has a business or financial interest in the property involved in an application or request or in the outcome of the matter at issue. If the Commission member has a business or financial interest in the applicant's company, association, or other entity.
 - (3) If there are other circumstances in which the Commission member has a conflict of interest.
- (c) In the case of an apparent conflict of interest, the Planning Commission may, by majority vote of those present and voting, declare a conflict of interest on the part of a Commission member. The member who has the apparent conflict shall not vote on the question whether to declare a conflict of interest. If the vote of the voting Commission members results in a declaration of a conflict of interest, the member having the conflict shall not participate or vote in the matter at issue.

- (d) If a Commission member believes that there may be an appearance of a conflict of interest, the member shall state the nature of the possible conflict to the other members of the Commission, and shall also state whether he or she believes that he or she can nevertheless, impartially consider and vote on the application or request before the Commission. The other members of the Commission may then determine, by affirmative majority vote of those present and voting, whether a conflict of interest exists. If the Commission members thus determine that there is a conflict, the member shall not participate in or vote on the matter at issue.
- (e) If a Commission member has disclosed a conflict of interest, or if the Commission has determined by majority vote that a member has a conflict of interest, the Commission member shall depart from the table and shall not participate in any way in the matter.

Section 7. Meetings.

- (a) **Schedule of Meetings.** The Planning Commission may hold meetings as frequently as it determines, but may not have fewer than four (4) regularly scheduled meetings each year. The time and place of regular meetings shall be determined by the Commission at its last meeting of the year for the upcoming year, by resolution adopted in accordance with the Open Meetings Act, Michigan Public Act 267 of 1076, as amended. Meetings shall be held in accordance with the Open Meetings Act. A meeting need not be convened if pending matters do not warrant a meeting.
- (b) **Special Meetings.** A special meeting may be called by the chairperson or by any two (2) Commission members, upon written request to the secretary. In the event of such request, the secretary shall notify the members of the special meeting at least one (1) week in advance, unless the members agree that lesser notice shall be sufficient.
- (c) **Meetings to the Public.** All meetings of the Commission shall be public meetings, held in compliance with the provisions of the Open Meetings Act.
- (d) **Notices.** Notices of public meetings of the Commission shall be prepared, published, and mailed in compliance with the applicable provisions of the Zoning Enabling Act and the Planning Enabling Act.
- (e) **Quorum.** A quorum of the conducting of business shall consist of a majority of the total number of current members of the Commission who are present and voting. If a quorum is not present, no official action may be taken, though the members present may discuss relevant planning and zoning matters, if they desire to do so.
- (f) **Agenda.** A written agenda shall be prepared for each regular meeting. The order of business shall generally be as follows:
 - (1) Call to order and roll call of members.
 - (2) Approval of minutes of previous meeting.
 - (3) Public Hearings.
 - (4) New business.
 - (5) Old business or uncompleted business.

- (6) Brief public comment on planning and zoning matters.
- (7) Other matters.
- (8) Adjournment.

(g) Inclusion of Matters in Agenda.

- (1) An application for zoning ordinance amendment, special land use, rezoning of lands, or other action by the Planning Commission shall be submitted to the Township office in sufficient time for any review and necessary publication and mailing of notice. If an application is not submitted in sufficient time, it will be scheduled for a subsequent meeting. No application shall be scheduled for consideration until it is complete. Once an agenda for a meeting has been filled, other applications will not be scheduled for that meeting, even if received in sufficient time. In such cases, any such additional applications will be scheduled for a subsequent meeting.
- (2) A written agenda for each meeting, together with any supporting materials and other information, shall be mailed to each member, or shall be left in the Township office mailbox of each member, prior to the meeting.

Section 8. Public Hearings.

- (a) **Public hearings** shall be conducted by the Commission whenever required by law or Township Ordinance.

- (b) **Procedures.** Public hearings shall generally proceed as follows:

- (1) The Chairperson takes a roll call vote to declare the public hearing open and states its purpose.
- (2) The chairperson briefly summarizes the matter which is the subject of the public hearing.
- (3) The applicant or the applicant's representative presents the matter being applied for, including oral comments and written material.
- (4) Members of the Commission may ask questions or make comments concerning the application.
- (5) The chairperson invites members of the public to comment. All persons commenting shall state their name and address for the record. Persons commenting shall address the chairperson only. The chairperson may refer questions to the applicant or other persons present. Members of the public shall limit their comments to the subject of the hearing. All comments shall be given in a courteous manner, and all persons shall refrain from offensive or disrespectful remarks. A reasonable time limit may be imposed on each speaker.
- (6) The chairperson takes a roll call vote to declare the public hearing closed.
- (7) The chairperson then refers the matter to Commission members for discussion.
- (8) After reasonable discussion, the chairperson may inquire if any member desires to make a motion on the application. Any such motion may include an approval of the application a denial, an approval with conditions (in the case of matters as to which conditions are permitted), or a postponing or tabling of all or any part of the application. Members may take final action on a matter at the same meeting at which the public hearing is held if the members desire to do so, but at their discretion, any matter may be tabled or postponed to a subsequent meeting, for further information, additional investigation, or if members desire to consider the matter over a longer period of time.

(c) **Rules of Order.** All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, unless these bylaws and procedural rules provide otherwise.

(d) **Voting.**

- (1) All members of the Commission shall vote on all matters to be voted on, except in the case of a conflict of interest.
- (2) Voting shall ordinarily be by voice vote, provided, however, that a roll call vote shall be taken if called for by the chairperson or if requested by any member.
- (3) A Master Plan or a revision of or amendment to a Master Plan shall be approved by an affirmative majority vote of the members of the Planning Commission.
- (4) A Zoning Ordinance or an amendment to the Zoning Ordinance, including an amendment to the Zoning Map shall be approved and recommended by an affirmative majority vote of the members of the Planning Commission.
- (5) Except as otherwise stated in this subsection, in the Township Zoning Ordinance, in the Planning Commission Ordinance, or provided by law, an affirmative vote of a majority of the Planning Commission members present and voting shall be required for the approval of any motion, resolution, or other action or decision.

Section 9. Minutes

- (a) Minutes of Commission meetings shall be prepared by the secretary of the Commission or by a recording secretary.
- (b) The minutes shall contain a brief synopsis of the meeting, including a statement of all motions, who moved and who seconded, the reasons given and the outcome, with roll call votes thereon recorded. The minutes shall list the Commission members in attendance and those who are absent.
- (c) Tentative minutes shall be available for public examination in the Township office not more than eight (8) days after the meeting. Approved minutes shall be available for public examination in the Township office not more than five (5) days after the meeting at which they are approved.
- (d) The secretary of the Commission shall maintain copies of all minutes, and shall forward copies of all approved minutes to the Township Clerk for retention in the Township Office. Approved meeting minutes shall serve as the official record of Commission meetings.

Section 10. Officers.

- (a) **Officers of the Planning Commission.** The officers of the Planning Commission shall be the chairperson, the vice-chairperson and the secretary. The officers shall be elected by an affirmative majority vote of the Commission members present and voting. The Commission may, by majority vote, establish other officers at its discretion.
- (b) **Terms and Election.** The term of office of each officer shall be one (1) year and until the officer's successor is elected and qualifies. Officers shall be elected at the first meeting of the calendar year, or at the earliest convenient meeting thereafter. The Township Board member of the Planning Commission shall not be eligible to serve as chairperson of the Commission.

- (c) **Chairperson.** The chairperson shall preside at meetings of the Commission. The chairperson shall nominate persons to serve on committees or advisory committees, subject to confirmation by a majority vote of the Commission members present and voting.
- (d) **Vice-Chairperson.** The vice-chairperson shall preside at meetings of the Commission in the absence of the chairperson. If, for any reason, the chairperson is unable to discharge the duties of the office, the duties of the chairperson shall be carried out by the vice-chairperson for the period during which the chairperson is unable to discharge such duties. If the office of chairperson becomes vacant, the vice-chairperson shall serve in that capacity until a new chairperson is elected.
- (e) **Secretary.** The secretary shall take minutes at meetings of the Commission, unless minutes are taken by a recording secretary, in which case the secretary shall sign the minutes as prepared by the recording secretary. In the absence of the secretary or a recording secretary, the taking of minutes shall be assigned to another Commission member.

Section 11. Standard of Conduct of Commission Members.

- (a) A Commission member shall give his or her best efforts in the performance of their duties and in their consideration of and decision on planning and zoning matters.
- (b) A Commission member shall disclose conflicts of interest prior to their participation in any matter, and shall not discuss or vote upon matters in which they have a conflict of interest.
- (c) A Commission member shall not represent his or her personal opinions as that of the Commission.
- (d) A Commission member shall not accept a gift or loan of money, goods, services, or other thing of value offered for the purpose of influencing the member as to any matter or decision or any other aspect of the member's official duties.
- (e) A Commission member shall participate on the Planning Commission as a public service only, and shall not accept employment, render services, or engage in a business transaction when any of such activities may be in conflict with the discharge of the member's official duties, or when that employment may tend to impair his or her independence of judgment in the performance of official duties.
- (f) A Commission member shall not participate in behalf of the Township or Planning Commission in the negotiation of contracts, issuance of permits, making of loans, or other activities which involve or relate to a business entity in which the member has a personal or financial interest.

Section 12. Compensation. Members of the Commission may be compensated for their services as determined by the Township Board.

Section 13. Annual Report.

- (a) The Commission shall prepare and submit to the Township Board an annual written report concerning the Commission's operations during the preceding year and the current status of its planning and zoning

activities, including recommendations concerning actions taken by the Township Board related to planning and zoning within the Township.

- (b) The annual report to the Township Board shall be prepared and submitted during the first month of each calendar year, covering the preceding calendar year, or as soon thereafter as practicable.

Section 14. Amendments.

- (a) These bylaws and rules of procedure may be amended by concurring vote of a majority of the Commission members present at a public meeting.
- (b) If amendment to these bylaws and rules of procedure is proposed, it shall be submitted in writing by mail or personal delivery to all members of the commission at least five (5) days before the meeting at which the amendment is to be introduced.

THESE BYLAWS AND RULES OF PROCEDURE WERE ADOPTED BY THE LEE TOWNSHIP PLANNING COMMISSION AT ITS MEETING ON

Doris French, Secretary