

**CHARTER TOWNSHIP OF OSHTEMO
PLANNING COMMISSION BY-LAWS**

The following rules of procedure are hereby adopted by the Charter Township of Oshtemo Planning Commission to facilitate the performance of its duties.

SECTION 1.0: OFFICERS

- 1.1 Election.** At the first regular meeting of each year, the Planning Commission shall elect from its membership a Chair and Vice-Chair. The Board of Trustee member may not serve as an officer.
- 1.2 Tenure.** The Chair and Vice-Chair shall take office immediately following their election and shall hold office for a term of one (1) year or until their successors are elected and assume office. All officers are eligible for re-election.
- 1.3 Duties.** The Chair shall preside at all meetings and perform such other duties as may be ordered by the Planning Commission.

The Vice-Chair shall act in the capacity of Chair in his/her absence; and in the event the office of the Chair becomes vacant. The Vice-Chair shall succeed to the office of Chair for the unexpired term. The Planning Commission shall elect a successor to the office of Vice-Chair for the unexpired term.

- 1.4 Absence of the Chair and Vice-Chair.** If both the Chair and Vice-Chair are absent from a meeting, the Planning Commission shall vote in a chairperson to perform the necessary duties for that meeting. The Chair and/or Vice-Chair shall resume normal duties at the next scheduled meeting.
- 1.5 Vacancies.** If a vacancy should occur in any office, the Planning Commission shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.

SECTION 2.0: MEETINGS

- 2.1 Regular Meetings.** Meetings of the Planning Commission will be held at the Township Hall the second and fourth Thursdays of each month at a time established by the Planning Commission, unless noticed otherwise.

When the regular meeting day falls on a legal holiday, the Planning Commission may select a suitable alternate date.

Regular meetings shall be formally established at the last meeting of the Planning Commission in each calendar year for the following calendar year and notice thereof given pursuant to the Open Meetings Act.

2.2 Special Meetings. Special meetings may be called by the Chair when necessary. In the absence of the Chair, special meetings may be called by two (2) members of the Planning Commission. If a special meeting is called based on a request by an applicant, the applicant will be responsible for all costs associated with the meeting as outlined in an annual fee schedule adopted by the Township Board of Trustees.

The purpose of the meeting shall be stated in the call. The business of the special meeting shall be held in compliance with the Michigan Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act. A notice of the special meeting shall be sent to the Planning Commission not less than one (1) week in advance of the meeting, except that any such meeting at which all regular members of the Planning Commission are present or have waived the allotted one week notice in writing, shall be a legal meeting for all purposes without notice, subject to the Michigan Open Meetings Act.

2.3 Quorum. A majority of the total number of members shall constitute a quorum for the taking of official action on all matters. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting and no additional public notice shall be required, provided that the date, time, and a place for the rescheduled public hearing is announced at the meeting.

2.4 Order of Business. The order of business for each meeting shall be as follows:

- (a) Call to Order
- (b) Pledge of Allegiance
- (c) Approval of Agenda
- (d) Public Comment on Non-Agenda Items
- (e) Approval of Minutes
- (f) Public Hearing Items
- (g) Consideration of other Agenda Items
- (h) Old Business
- (i) Other Business
- (j) Planning Commissioner Comments
- (k) Adjournment

2.5 Noticing. All public hearing items shall be noticed pursuant to the Michigan Open Meetings Act and the Zoning Enabling Act, Planning Enabling Act, or any other applicable statute under which the public hearing is being held.

A copy of the meeting agenda and all related material shall be provided to each member of the Planning Commission prior to the scheduled meeting.

2.6 Public Hearings. The absence of the applicant or a representative of the applicant at the scheduled public hearing may result in a postponement of proceedings. The absence of the applicant or a representative at the postponed public hearing shall be treated as the voluntary withdrawal of the application by the applicant. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion, which shall be accomplished by adhering to the following public hearing procedure:

(a) **Opening Announcement.** The Chairperson shall give an official opening announcement of the public hearing indicating the basic nature of the request.

(b) **Order of Hearing.** The Chairperson shall conduct the public hearing in the following order:

- (1) Presentation of the application by Township staff (staff report presentation).
- (2) Questions from Planning Commission to Township staff.
- (3) Comments and explanations by the applicant.
- (4) Questions from Planning Commission to the applicant.
- (5) Opening of Public Hearing, comments from public.
- (6) Closing of Public Hearing to public comments.
- (7) Planning Commission deliberation.
- (8) Consideration of action by the Planning Commission.

(c) **Public Input.** All regular and special meetings, hearings, and records shall be open to the public. All persons present at a meeting shall be given an opportunity to speak and present any relevant information or evidence at such meeting in accordance with the following rules:

- (1) All public comment shall be received only during the public comment portion of the meeting, i.e., at such time(s) during the meeting that the Chairperson asks for public comment on the item of business.
- (2) All public comment offered during the meeting shall be directed and relevant to the item of business on which the meeting is being conducted.
- (3) All public comment shall be limited to four (4) minutes in duration per person unless special permission has been granted in advance by the Chair of the meeting.
- (4) Public comment shall not be repetitive, irrelevant, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business.

- (5) The Chair of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.
- (d) Presentation of Application. The Chair shall recognize Township staff and request a presentation of their staff report. The staff report will outline the applicants request, the specific sections of the Zoning Ordinance related to the request, and the regulations that are impacted by the subject request. At the conclusion of the staff report, the Chair will ask the Planning Commission members if they have any questions of staff. Once all questions have been answered, the Chair will then ask the applicant to provide a concise summary of the reasons for their request and respond to questions raised by the Planning Commission.
- (e) Opening of Hearing to Floor. The Chair then opens the public hearing to comments from the floor, reminds the public of the rules of conduct, and indicates that once a person has been recognized by the Chair, they are invited to give their name and address and a concise statement of their concerns and/or input. In the event of a large hearing, the Chair may encourage groups in attendance to be represented by a spokesperson. The Chair may elect during the course of public comments to obtain brief answers from the Township staff or from the applicant if such comments may expedite the hearing. The Chair shall accept for the official record any documentation received by the Planning Commission regarding the matter at hand and shall read and/or summarize these materials.
- (f) Closing the Public Hearing. When all public comments have been received the Chair shall close the public hearing. After the public hearing is closed, no further comments shall be received from the public.
- (g) Consideration of the Matter by the Planning Commission. Once the public hearing has been closed to public comments, the Chair may recognize any Planning Commission member to discuss and seek additional information from others concerning the matter at hand. Planning Commission members shall address the Chair when speaking and shall request additional information through the Chair. When discussion on the matter at hand by the Planning Commission has been completed, they may take action.

2.7 Motions. Motions shall be restated by the Chair before a vote is taken. The names of the maker and who seconded the motion shall be recorded.

A motion shall include the action and any conditions imposed. Motions to table or adjourn a matter to a future meeting shall include the date, time, and place at which the matter will be further considered.

2.8 Voting. An affirmative vote of the majority of the Planning Commission shall be required for the approval, denial, or tabling of any requested action or motion. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Planning Commission member or directed by the Chair. All members of the Planning Commission, including the Chair, shall vote on all matters, but the Chair shall vote last in any roll call vote. Any member

may be excused from voting only if that person has a bona fide conflict of interest. Any member abstaining from a vote based on a conflict of interest shall not participate in the discussion of that item.

- 2.9 Decision.** The Planning Commission will arrive at a decision concerning an application with all deliberate speed, and the results of the decision, as well as the reasons therefore, will be clearly set forth in the official minutes of the Planning Commission.
- 2.10 Notice of Decision.** A written notice, prepared by Township staff or their designee, containing the decision of the Planning Commission will be sent to the applicant.
- 2.11 Site Visit.** The Planning Commission reserves the right to view together as a Commission the real property which may be the subject of its review before arriving at its decision. Notice of site visits conducted as a Planning Commission shall be given pursuant to the Open Meetings Act or any other applicable statute.

SECTION 3.0: MINUTES

- 3.1 Responsibility.** Minutes shall be prepared by the Recorder of Minutes designated by the Planning Commission. The Recorder of Minutes may be an employee or contractor of the Township, or a member of the Planning Commission. If a contractor of the Township, the Recorder of Minutes shall be recommended by the Planning Commission and approved by the Township Board.

The Recorder of Minutes is responsible for keeping a written record, in the English language, of the resolutions, transactions, findings, and determinations of the Planning Commission, which shall be a public record subject to the provisions of the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended. Within eight (8) days from the date of the Planning Commission meeting, copies of the tentative minutes shall be available at the Township office.

- 3.2 Content.** The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions made on any action; and recording of attendance.
- 3.3 Approval Process.** Upon receipt of a copy of the tentative minutes, each member of the Planning Commission shall review the minutes for form and content. Planning Commission action shall be taken indicating approval of same, with all, if any, corrections.

At such time as the minutes are approved at a meeting of the Planning Commission, the same shall become the official minutes of the Planning Commission and shall be filed with the Township Clerk's office.

SECTION 4.0: MATTERS TO BE CONSIDERED BY THE PLANNING COMMISSION

- 4.1 The following matters shall be presented for consideration at a meeting of the Planning Commission.
 - (a) Development of an amendment to a master land use plan.
 - (b) Establishment of zoning districts and the boundaries thereof.
 - (c) Zoning Ordinance text with the necessary maps and zoning regulations for each zoning district.
 - (d) Requests and proposals for changes in the Zoning Ordinance.
 - (e) All planning documents, reports and plans.
 - (f) Special Use / Site Plan Review requests.
 - (g) Land subdivision plats and condominiums.
 - (h) Such other matters as the Planning Director shall find it advisable to receive Planning Commission consideration.

SECTION 5.0: CONFLICT OF INTEREST

5.1 **Adherence.** The Planning Commission shall adhere to the provisions set forth in the Charter Township of Oshtemo Planning Commission Enabling Ordinance, being Ordinance No. 503, regarding conflict of interest identified below.

If 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 conflict of interest as required by the Planning Commission Enabling Ordinance shall constitute malfeasance in office.

5.2 **Conflict of Interest Defined.** For purposes of this section, 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 vote on a request, when:

- (a) 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 spouse, significant other, mother, father, sister, brother, son or daughter, including an adopted child, and in-laws.
- (b) The Planning Commission member has a business or financial interest in the property or project involved in the request or has a business or financial interest greater than one percent in the applicant's company, agency or association.

- (c) The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, neighboring property shall include any property within 300 feet of the property involved in the request.
- (d) 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 6.0: ABSENCES, REMOVALS, AND RESIGNATIONS

- 6.1 Absence.** To be excused, Planning Commission members shall notify the Planning Director, Planning Commission Chair, or the Township Clerk when they intend to be absent from a meeting. Failure to make this notification will result in an unexcused absence.
- 6.2 Removals.** Members of the Planning Commission may be removed by a vote of the Township Board of Trustees after a public hearing for nonperformance of duty, misconduct in office, or failure to declare a conflict of interest. For the purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Notice of nonperformance of duty, misconduct in office, or failure to declare a conflict of interest shall be brought to the Township Board of Trustees for a public hearing by the Township Supervisor.
- 6.3 Resignation.** A member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Planning Director, or Planning Commission Chair.

SECTION 7.0: PLANNING COMMISSION STAFF

- 7.1 Authorization.** The Planning Commission staff shall consist of the Planning Director, Township Attorney, and such other personnel as may be authorized by the Township Board.
- 7.2 General Responsibility.** The Planning Director, or their designee, shall be responsible for the professional and administrative work that assists with directing and coordinating Planning Commission agendas.
- 7.3 Duties.** The Planning Director, or their designee, shall:
 - (a) Advise and assist the Planning Commission in the establishment of general planning policy.
 - (b) Provide information and generally make recommendations on matters presented for Planning Commission consideration.
 - (c) Officially represent the Planning Commission and the Planning Department at planning conferences, interdepartmental meetings of the township government, intergovernmental meetings, and serve generally as a liaison between the Planning Commission and the public.
 - (d) Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.

- (e) Supply information for and encourage interested public agencies and citizen organization involvement in programs to promote public understanding and approval of planning and zoning.
- (f) Prepare an annual written report concerning the Planning Commission's operations and activities and any recommendations to the Township Board.

SECTION 8.0: CONFLICTING PROVISIONS

- 8.1** In the event of a conflict of provisions between these by-laws and the Township Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail.

SECTION 9.0: AMENDMENTS

- 9.1** These by-laws may be adopted and amended at any regular or special meeting of the Planning Commission by a two-thirds vote of the members present. By-law amendments shall be subject to final approval by the Township Board of Trustees.

THESE BY-LAWS WERE RECOMMENDED FOR APPROVAL BY THE CHARTER TOWNSHIP OF OSHTEMO PLANNING COMMISSION DURING ITS REGULAR MEETING HELD ON THE 8th DAY OF AUGUST 2019.

THESE BYLAWS WERE DULY ADOPTED BY THE CHARTER TOWNSHIP OF OSHTEMO BOARD DURING ITS REGULAR MEETING HELD ON THE 27th DAY OF AUGUST 2019.