

## **Augusta Charter Township Planning Commission Bylaws**

The following rules of procedure are hereby adopted by the Augusta Charter Township Planning Commission to facilitate the performance of its duties pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended), and Ordinance No. 11-02 PC of the Augusta Township Board of Trustees confirming the creation of the Planning Commission with the power to exercise authority conferred upon it as set forth in P.A. 110 of 2006, as amended and P.A. 33 of 2008, as amended.

### **SECTION 1: Membership, Appointment and Terms**

- A. **Membership.** The Planning Commission shall consist of not less than seven (7) members who shall be selected in accordance with the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended. One (1) member of the Township Board shall be a member of the Planning Commission. One (1) member of the Planning Commission shall be a member of the Zoning Board of Appeals.
- B. **Appointment.** The Township Supervisor shall appoint members of the Planning Commission, subject to approval by a majority vote of the members of the legislative body elected and serving.
- C. **Terms.** The term of each member shall be for three (3) years, except for members serving because of their membership on the Township Board, whose term shall be limited to the time they are members of the Township Board, and/or the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. The term for members appointed to fill a vacancy on the Planning Commission shall be for the remainder of the term of the vacated position.
- D. **Succession.** Each member shall serve until his/her term shall expire. Members may be reappointed by the Township Board. Vacancies resulting from resignation and/or removal shall be filled not more than one (1) month after the term of the preceding member has expired, and shall be appointed for the remainder of the term of the resigning member.
- E. **Removals, Resignations and Vacancies.** The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. Failure of a member to disclose a potential conflict of interest as required in Section 6 constitutes malfeasance in office.

To be excused, members of the planning commission shall notify the Township Supervisor, 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.

A member may resign from the planning commission by sending a letter of resignation to the township supervisor, township board or planning commission chairperson.

- F. Compensation. Planning Commission members shall be compensated as provided by the Township Board.
- G. Attendance. Members of the Planning Commission who are absent from three (3) consecutive Planning Commission meetings or four (4) meetings within the calendar year shall be subject to review and/or removal from the Planning Commission by the Township Board, after notice and an opportunity to be heard.

## **SECTION 2: 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, which shall be elected by a majority vote of the membership of the Planning Commission present at the time of election. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office. The member of the Township Board shall not serve as Chairperson of the Planning Commission.
- B. Chairperson. The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission. The Chairperson shall conduct all meetings in accordance with the rules promulgated herein. Ex-officio members are not eligible to serve as Chairperson.
- 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 an attendance record for each Planning Commission member and report those records annually to the Planning Commission for inclusion in the annual report to 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, subdivision 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 3: Meetings**

- A. Regular Meetings. The Planning Commission shall hold not less than four (4) 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 in general view of the public at the Township Hall. Notice of any meetings shall include the date, time, and place of the regularly scheduled meetings.

All meetings of the Planning Commission shall comply with the requirements of 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 (2) 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 (48) hours prior to the meeting. Notice shall also be provided to others requiring notification in compliance with the requirements of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The notice shall state the purpose, place and time of the meeting, and the business which the Planning Commission may perform at the special meeting. The special meeting shall be conducted at a public meeting in compliance with the Open Meetings Act (P.A. 267 of 1976, as amended).

Agenda items that may be legally added without public notice may not be added at a special meeting unless all Planning Commission members are present and unanimously approve an addition to the agenda.

- 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 (4) members of the 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 125.3843). 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.
- 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. Business Items

- a. Old Business
  - b. New 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. Adjournment
- G. 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 having comments on the application are recognized.
  5. Chairperson closes the public hearing and returns to the regular/special meeting.
  6. Township Planner/Engineer/other consultants present their report and recommendation.
  7. Planning Commission begins deliberation and arrives at a decision.

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, in 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.

#### **SECTION 4: Duties of the Planning Commission**

The Planning Commission shall take such actions as are required by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended) in order to 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 (“Master Plan”) as required.
- C. Prepare an annual report to the Township Board.
- D. Prepare an annual work program and budget, to be included in the annual report.
- E. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
- F. 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.
- G. 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.
- H. Prepare and update as needed, a Master Plan for the Township.
- I. Perform other duties and responsibilities or respond as requested by any Township Board or Commission.

#### **SECTION 5: 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 4.

- 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. Review and collaborate the work of the Planning Consultant and Township staff.
  - 2. 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 amendments 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. Forward application materials to the Planning Commission at least one (1) week prior to the meeting at which the matters will be considered.
  - 6. Meet with applicants, their representatives and/or Township officials as needed to properly perform project reviews.
  - 7. Assist the Planning Commission in the preparation and update of the Master Plan and, if required, the Capital Improvements Plan.
  - 8. 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 6: Conflict of Interest**

- A. A member of the Planning Commission shall only abstain from voting on a motion if he/she has a bona fide conflict of interest. Situations which give rise to a conflict of interest may include:

1. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her which is adjacent to land owned by him or her. For the purposes of this section, an “adjacent property” shall include any property falling within the notification radius for the application as required by the Zoning Ordinance and the Michigan Zoning Enabling Act.
2. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
3. Issuing, deliberating on, voting on, or reviewing a case involving a relative or other family member.
4. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in pecuniary benefit to him or her.
5. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
  - a. An applicant or agent for an applicant; or
  - b. Has a direct interest in the outcome.
6. There is a reasonable appearance of conflict of interest. An example of this includes a situation where the Planning Commission member is on the Board of Directors of an applicant association.

A member of the Planning Commission who is also a member of the Zoning Board of Appeals shall not participate in a public hearing on or vote on the same matter before the Zoning Board of Appeals that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other related matters involving the same property.

- 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. 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 By-Laws, in whole or in part, may be altered, amended, added to or repealed by an affirmative vote of a simple majority of the Planning Commission at any regular or special



meeting provided that notice of proposed alteration, amendments or repeals shall be submitted to all members of the Planning Commission at least seven (7) days before the regular or special meeting of the Planning Commission at which they are to be considered.

Adopted by the Augusta Charter Township Planning Commission at the regular meeting of June 15, 2011.