

Mt. Morris Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Mt. Morris Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

The purpose of plans prepared pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.* shall be to promote public health, safety, and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provisions for a system of transportation, sewage disposal, safe and adequate water supply, recreation, and other public improvements; and to consider the character of the Township and its suitability for particular land uses judged in terms of such factors as the trend in land and population development.

ARTICLE 1 - PLANNING COMMISSION OFFICERS AND MEMBERSHIP

1.0 Appointment of Planning Commission Members

All members of the Planning Commission shall be appointed by the Mt. Morris Township Supervisor, with the approval of the Township Board. Members may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing is held and approval of the Township Board.

1.1 Planning Commission Members

The Mt. Morris Township Planning Commission shall consist of not less than five (5) nor more than nine (9) members as determined by the Mt. Morris Township Board, and who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation, and industry. All members shall be qualified electors. One member of the Township Board shall be appointed as a member of the Planning Commission.

1.2 Planning Commission Terms/Vacancies

The term of each appointed member shall be for three (3) years, with staggered terms. The term of the appointed member of the Township Board shall run with their term of office. A successor shall be appointed as soon as possible after the term of the preceding Planning Commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

1.3 Compensation

The Planning Commission members may be compensated for their services as provided by the Township Board, and may be compensated for travel of its members when engaged in the performance of activities authorized by the Township Planning Commission and Township Board, including attendance at conferences, training workshops and meetings.

1.4 Officers

The officers of the Planning Commission shall consist of a Chairperson, Vice-Chairperson and Secretary. The Township Board may provide a contractual Secretary for the Planning Commission.

1.4.1 Selection and Tenure

At the first regular meeting each January, the Planning Commission shall select from its membership a Chairperson, a Vice-Chairperson and Secretary if necessary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in 1.6, below. All officers shall be eligible for re-election for consecutive terms for the same office.

1.5 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 or his/her designee shall present necessary information to the Mt. Morris Township Board. The Chairperson shall inform the public with a clear understanding of all the proceeding being conducted by the Planning Commission.

1.6 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.

1.7 Secretary

The Planning Commission appointed Secretary and or a Township Board appointed or contractual Secretary shall execute documents in the name of the Planning Commission, and shall be responsible for the preparation of agendas and meeting minutes, keeping of pertinent public records, delivering communications, petitions, reports and related items of business of the Planning Commission, issue notices of public hearings as required by law, and perform such other duties as the Planning Commission may determine. In the event the appointed or contractual Secretary is absent the Chairperson, or acting Chairperson shall appointment a temporary Secretary from its membership.

1.7.1 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. All communication, actions, and resolutions shall be attached to the meeting minutes. The official records shall be annually deposited with the Township Clerk.

1.7.2 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.

1.7.3 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.

1.7.4 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.

ARTICLE 2 - PLANNING COMMISSION MEETINGS

The business the Planning Commission may perform, shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Planning Commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

2.1 Regular Meetings

The regular meetings of the Planning Commission shall be held twice monthly in the Mt. Morris Township Hall on the first (1st) Monday and the third (3rd) Thursday of each month and can be canceled by the Planning Commission Chairperson if there are no agenda items. 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 meet on the next schedule day of business if possible, or select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular Planning Commission meetings shall be posted at the Township office within 10 days after the Planning Commission's first meeting in each calendar year in accordance with the Open Meetings Act. All monthly meeting notices shall be posted at the Township office showing the date and time of the meeting and in accordance with the Open Meetings Act.

2.2 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 Notice of special meetings shall be given to the members of the Planning Commission at least 48 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.

2.3 Notices

Notices required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute.

2.4 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.

2.4.1 Hearings

All hearings shall be scheduled and due notice given in accordance with the provision of Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., and Section 19.03 of the Townships Zoning Ordinance. Public hearings conducted by the Planning Commission shall run in an orderly manner and the Chairperson may set a time limit for all speakers.

2.4.2 Public Hearing Guidelines

Public hearings are essential elements in the public administrative and legislative process. How effective these hearings are conducted depends upon the community and also the presiding official. Successful hearings are not measured upon the length of time the hearing takes. Responsible decisions can only be provided when proper and accurate factual data has been submitted prior to the hearing. The area of concern must be properly identified, the use or change fully described, and any drawings must be prepared at useable and accurate scales. This permits official, as well as public reviews, prior to the hearing and consequently, more informed review discussions. At the hearing, it is also vitally important that the meeting guidelines be announced prior to the hearing and that the Chairman exercise full control of the meeting. Decision must be rendered in an environment founded on fact rather than emotion or partial knowledge.

2.5 Quorum

In order for the Planning Commission to conduct any business or take any official action a quorum consisting of the majority (four members of a seven-member) of the voting members of the Planning Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. All scheduled public hearings without a quorum shall be scheduled for the next regular or scheduled meeting. No additional public hearing notice is required by the Township, provided that the Chairperson announces the date, time and place that the scheduled public hearing will be held.

2.6 Order of Business/Agenda's

The Secretary of the Planning Commission shall be responsible for preparing a tentative agenda for all Planning Commission meetings. The agenda must be followed and may be modified by action of the Planning Commission. Agenda's shall be accessible to the public.

2.7 Motions

Motions shall be restated by the Chairperson before a vote is taken. The names of the motion maker and supporter shall be recorded. The Chairperson shall state loud and clear to the public, if the motion is carried or defeated, and the reason why. The applicant(s) should be addressed as to further requirements pursuant to the action taken by the Planning Commission.

2.8 Voting

An affirmative vote of the majority of the members of the Planning Commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. If the majority of the quorum votes yes, the motion passes. If the majority of the quorum votes no, the motion fails. Tabling motions are always in order. An applicant may request an application to be tabled. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. Except in the case of conflict of interest, all Planning Commission members, including the Chairperson shall vote on all matters. Any members abstaining from a vote due to a conflict of interest shall not participate in any discussion of that agenda item.

2.9 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.

ARTICLE 3 - DUTIES OF THE PLANNING COMMISSION

3.1 Planning Commission Duties

The Planning Commission shall perform the following duties:

1. Prepare, review and update a master plan as a guide for development within the Township's planning jurisdiction as per the Michigan Planning Enabling Act.
2. Take such action on petitions, staff proposals and Township Board requests for amendments to the zoning ordinance as required.
3. Take such action on petitions, staff proposals and Township Board requests for amendments to the master land use plan as required.
4. Prepare an annual written 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.
5. Take such actions as authorized or required by the Michigan Planning Enabling Act.

6. Take such actions as authorized or required by the Michigan Zoning Enabling Act.
7. Review subdivision proposals and recommend appropriate actions to the Township board.
8. Prepare a capital improvements program if requested by the Township Board.
9. Prepare or authorize the Board Secretary to send a written notice containing the decision of the Planning Commission to the petitioners and or originators of an application request.
10. Perform other duties and responsibilities or respond as requested by any Township board or Planning Commission.

Article 4: Absences, Removals, Resignations and Vacancies

4.1 Absences

To be excused, members of the Planning Commission shall notify the Planning Commission Chairperson and or his or her designee when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.

4.2 Removal of Planning Commission Member

Members may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

4.3 Member Resignation

A member may resign from the Planning Commission by sending a letter of resignation to the Township Board.

4.4 Planning Commission Vacancies

Vacancies shall be filled by the Township Supervisor, with the approval of the Township Board. Successors shall serve out the unexpired term of the member being replaced.

Article 5: Planning Commission Member - Conflict of Interest

5.1 Conflict of Interest

Before casting a vote on a matter on which 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 potential conflict of interest as required by these bylaws constitutes malfeasance in office.

5.1.1 Conflict Defined

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 voting on a request, when:

1. 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 a Planning Commission member's spouse, the member and member's spouse's children

(including adopted) and their spouses, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, grandparents, parents in-law, grandparents in-law, or any person residing in the Planning Commission member's household.

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 a neighboring property. A neighboring property shall include any property falling within the notification radius for the application or 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 a majority vote of the remaining members of the Planning Commission.

Article 9: Amendments

These bylaws may be amended at any meeting by a vote of the majority of the membership of the Planning Commission provided that all members have received an advance copy of the proposed amendments at least five (5) days prior to the meeting at which such amendments are placed on the agenda of a regular scheduled meeting for consideration.

Adopted by the Mt. Morris Township Planning Commission at a regular meeting on January 16, 2020.

Mt. Morris Township Planning Commission

Christian Miller, Chairperson

Dennis Miller, Vice-Chair

Charles VanDuren

Brian Baxter, Board Member

Julie Blake

John Fischer

Richard Young

By-Laws accepted by the Mt. Morris Township Board on January 27, 2020.