

**MELROSE TOWNSHIP
PLANNING COMMISSION
BY-LAWS
ADOPTED 9-23-19**

SECTION 1: Name/Purpose

- A. Name - The name of this body shall be the Melrose Township Planning Commission, hereafter known as the “Commission”
- B. Purpose -These by-laws are adopted by the 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.*, as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*, as amended.

SECTION 2: Membership

- A. Appointment - Members are appointed by the Township Supervisor, subject to approval by majority vote of the Township Board.
- B. Members - The Planning Commission shall consist of not less than five (5) nor more than nine (9) members.
1. One member shall be a member of the Township Board.
 2. To the extent practicable, members shall be representative of important segments of the community and also representative of the entire geography of the Township.

SECTION 3: Officers

- A. Selection and Tenure—At the first regular meeting each calendar year, the Planning Commission shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in Section 3C below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson—The chairperson shall preside at all meetings, appoints committees and perform such other duties as may be ordered by the Planning Commission. The Chair retains his or her ability to discuss, make motions, and vote on issues before the Commission. The Chair shall:
1. Preside at all meetings with power under parliamentary procedure;
 2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another’s race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;

3. Restate all motions as per Section 4 D of these By-Laws;
4. Appoint Committees and act as member of all committees of the Commission;
5. May call special meetings

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 and shall perform such other duties as the Planning Commission may determine.

E. Recording Secretary—The recording secretary appointed by the Township, shall perform the duties listed below:

1. *Minutes*—The recording 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, at a minimum, 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. Minutes shall be approved by the Planning Commission and signed by the secretary after approval.
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, 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 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 recording secretary shall issue such notices as may be required by the Planning Commission.
5. *Other*—The recording secretary shall perform such other duties as the Township shall determine.

F. Planning Commission Representative on the Zoning Board of Appeals—The Planning Commission representative, who is appointed by the Supervisor 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 4: 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. Notice 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.

A. Regular Meetings—The Planning Commission shall hold at least four regular monthly meetings 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. Meetings may be cancelled by the Chairperson for lack of agenda items.

Notice of regular or scheduled Planning Commission meetings shall be posted at the principal township office within 10 days after the Planning Commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

B. Special Meetings—Special meetings may be called by the chairperson or upon request to the Planner/Zoning Administrator by at least two members of the Planning Commission. 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 eighteen 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. Quorum—More than half of the total number of seats for members of the Commission shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. 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 taken at a meeting without a quorum shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present by approving the minutes of that meeting.

D. Motions – Shall be restated by the Chair or designee before a vote is taken. All actions taken in an administrative capacity (such as special use permits, PUD, site plan review) shall include each of the following points:

1. A Finding of Fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading, statements, hearsay, irrelevant, and untrue statements.
2. Conclusions based on the facts for Commission's action, often directly related to a finding of compliance, or noncompliance,
3. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

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. 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 and recorded as passing or failing; a roll call vote shall be required if requested by any commission member or directed by the chairperson and shall be recorded as “yes” or “no”.

All Planning Commission members, including the chairperson, shall vote on all matters, unless they have a conflict of interest as specified in Section 8 below.

F. Agenda—The order of business for meetings shall be as follows:

1. Call to Order/Roll Call
2. Approval of Agenda
3. Approval of Minutes
4. New Business
5. Unfinished Business
6. Other Communications/Reports
7. Planning Commission Comments
8. Citizen Comments on non-agenda items
9. Next meeting scheduled for _____
10. 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. Township planner presents a summary of the application
4. Applicant can present the main points of the application.
5. Persons speaking in support of the application are recognized.
6. Persons speaking in opposition to the application are recognized.
7. Chairperson closes the public hearing.
8. The Planning Commission begins deliberations and arrives at or tables a decision.

***Note:** 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 purpose of the public hearing; 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 5: Duties of the Planning Commission

The Planning Commission shall 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 as required.
- C. Prepare an annual report to the township board.
- D. Take such actions as are required by 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.*, as amended.
- 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 Commissions and for which appropriations of funds have been approved by the township board.
- H. Perform other duties and responsibilities or respond as requested by the township board.
- I. Avoid *Ex Parte* contact about cases when an administrative decision is before the commission. Despite one's best efforts, it is sometimes not possible to avoid *Ex Parte* contacts. If that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting on

what was said, so that every member and other interested parties are made aware of the facts.

J. Free and open debate should take place on issues before the Commission. Such debate shall only occur at public meetings of the Commission.

K. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.

SECTION 6: Duties of the Zoning Administrator & 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 5. The zoning administrator and planning consultant positions may be held by the same individual.

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. Supervise and review the work of the planning consultant and township staff.
2. Accept applications for matters to be reviewed by the Planning Commission and ensure that such applications are complete.
3. Forward application materials to the Planning Commission at least one week prior to the meeting at which the matter will be considered.
4. 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. Meet with applicants, their representatives and/or township officials as needed to properly perform project reviews.

6. 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 7: Absences, Removals, Resignations and Vacancies

A. To be excused, members of the Planning Commission shall notify the township supervisor, Planning Commission chairperson, or the Township Office when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.

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

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

D. 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.

SECTION 8: Conflict of Interest

Before participating in deliberations and 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 By-Laws constitutes malfeasance in office. Members shall sign an acknowledgement of understanding and intent to adhere to this rule at the first meeting of each fiscal year or at a new member's first meeting.

For the 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 voting 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 "a planning commissioner's spouse, mother, father, sister, brother, son, or daughter, including an adopted child, or a relative of any degree residing in the same household."

(b) 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;

(c) The planning commission member owns or has a financial interest in adjacent property or any property that is within the notification radius for the subject request under the applicable zoning ordinance or the Michigan Zoning Enabling Act;

(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 9: Amendments

These bylaws may be amended at any meeting by a vote of a majority of the appointed members of the Planning Commission.

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Adopted by the Melrose Township Planning Commission at a regular meeting on September 23, 2019

Motion to approve the above Bylaws was offered by Tim LaGasse and supported by Charlie Zimmer

Ayes: All
Nays: None
Absent: Dan Nowland

Attested: _____

Date: _____

Tom Mackie, Recording Secretary