

**PENTWATER TOWNSHIP
PLANNING COMMISSION
BY-LAWS**

ARTICLE I: NAME

Sec.1 The name of the organization shall be the "PENTWATER TOWNSHIP PLANNING COMMISSION".

ARTICLE II: AUTHORITY AND DUTIES

Sec. 1 These by-laws are adopted by the Pentwater Township Planning Commission pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended.

Sec 2 The Planning Commission shall perform such legally permissible duties and shall carry out such processes and procedures as may be required by the Michigan Planning Enabling Act, Michigan Zoning Enabling Act, Land Division Act, State Statute or the Pentwater Community Zoning Ordinance including the following:

- A. Take such action on applications, petitions, staff proposals, Township Board of Trustees and Zoning Board of Appeals requests in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801, et. seq. and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et seq.
- B. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a Planning Commission member, and for which appropriations of funds have been approved by the Township Board of Trustees as needed.
- C. Prepare, adopt and maintain a current Township Master Plan.
- D. Prepare an Annual Report including a Work Program to the Township Board.
- E. Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board of Trustees and for which appropriations of funds have been approved by the Township Board of Trustees as needed.
- F. Assist the Township Board of Trustees in preparation of a Capital Improvement Program.
- G. Perform other duties and responsibilities as requested by the Township Board of Trustees or as may be specified in another State statute or Township ordinance.
- H. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

ARTICLE III: MEMBERS

Sec.1 **MEMBERSHIP COMPOSITION.** The Pentwater Township Planning Commission shall consist of seven (7) members appointed by the Pentwater Township Board of Trustees. Planning Commissioners shall represent, insofar as possible, different professions or occupations. One (1) member shall be a member of the Township Board of Trustees.

Sec. 2 **COMPENSATION.** All appointed and alternate members of the Planning Commission may be compensated at a rate to be determined by the Township

Board of Trustees.

Sec. 3 TERMS OF OFFICE. The terms of each member shall be three (3) years arranged such to provide as nearly as possible for the appointment of an equal number of members each year. All members shall hold office until their successors are appointed.

Sec. 4 VACANCIES. A vacancy on the Planning Commission occurring otherwise than through the expiration of the term shall be filled for the unexpired term by the appointment of the Township Board of Trustees.

ARTICLE IV: OFFICERS, REPRESENTATIVES AND STAFF

Sec. 1 SELECTION. At the first regular meeting in June of each year, the Pentwater Township Planning Commission shall elect its Chairperson, Vice Chairperson and Secretary from amongst the members of the Planning Commission. The Planning Commission may create and fill such other of its offices as it may determine to be necessary.

Sec. 2 TERMS OF OFFICERS. The terms of the Chairperson, Vice Chairperson and Secretary shall be one (1) year in length or until their successors are elected, with eligibility for re-election.

Sec. 3 OFFICER DUTIES. The Chairperson shall preside over all meetings of the Planning Commission and shall perform the duties prescribed by these by-laws and by the parliamentary authority adopted by the Planning Commission. The Vice Chairperson shall perform the duties of the Chairperson in the absence or disability of the Chairperson. The Secretary shall call the roll and 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.

Sec. 4 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.

Sec. 5 TOWNSHIP BOARD REPRESENTATIVE. The Township Board representative on the Planning Commission shall present the recommendations of the Planning Commission, as required by the Zoning Ordinance, other ordinance or State Statute to the Township Board of Trustees prior to the Township Board of Trustees consideration of such request.

Sec. 6 ZONING BOARD OF APPEALS REPRESENTATIVE. The Planning Commission representative to the Zoning Board of Appeals (ZBA) shall report the actions of the Planning Commission to the ZBA and update the Planning Commission on actions by the ZBA that relate to the functions and duties of the Planning Commission and Zoning Ordinance.

Sec. 7 ZONING ADMINISTRATOR. The Zoning Administrator shall not be a voting member of the Planning Commission and is an staff employee of Pentwater Township. The Zoning Administrator shall be responsible for keeping a written record in the English language of the actions, correspondence, decisions, determinations, findings, motions recommendations and resolutions of the Planning Commission. Such record shall be a public record subject to the provisions of the Michigan Freedom of Information Act,

Public Act 442 of 1976, as amended. The Zoning Administrator shall also be responsible for the preparation and dissemination of Planning Commission meeting agendas, agenda packets, meeting minutes and public hearing notices pursuant to the Michigan Open Meeting Act, Public Act 267 of 1976, as amended Zoning Ordinance or State Statute. The Zoning Administrator shall also perform other duties as prescribed by these by-laws, State and local laws, and the parliamentary authority adopted by the Planning Commission.

ARTICLE V: MEETINGS

- Sec. 1 ANNUAL MEETING. The regular meeting of the Planning Commission in June of each year shall be known as the Annual Meeting and shall be for the purpose of electing offices, receiving annual reports of offices and committees, and for any other business that may arise.
- Sec. 2 REGULAR MEETINGS. The Pentwater Township Planning Commission shall meet at least four (4) times each year, and by resolution, shall determine the time and place for each meeting, pursuant to the Annual Meeting Schedule for the Fiscal Year as approved at the Planning Commission's Annual Meeting.
- Sec. 3 SPECIAL MEETINGS. Special meetings may be called by the Chairperson. The purpose of the meeting shall be stated in the call. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission 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 Zoning Ordinance, and the Zoning Administrator shall send written notice of a special meeting to Planning Commission members not less than one (1) day in advance of the meeting. Applicants to the Planning Commission may request a special meeting, of which all costs shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants.
- Sec. 4 QUORUM. Four (4) members of the Planning Commission shall constitute a quorum of the Planning Commission. When a quorum is not present, no official action of the Planning Commission, except for closing of the meeting, may take place. All public hearings without a quorum present shall be rescheduled, 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.
- Sec. 5 ORDER OF BUSINESS. A written agenda for all regular and special meetings shall be prepared and followed. The order of business shall, at a minimum, be:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Chairperson's Remarks
- Public Comment for Items not on the Agenda
- Scheduled Public Hearings
- Old Business
- New Business
- Department/Committee Reports

Other Items from Planning Commissioners
Adjournment

Sec. 6 HEARINGS. Hearings shall be scheduled and due notice given in accordance with the provisions of the Zoning Ordinance, Michigan Open Meetings Act, Michigan Planning Enabling Act or Michigan Zoning Enabling Act under which the public hearing is being held. The applicant or representative of the applicant must be present at the scheduled public hearing for an appeal or the complaint, or the issue will be postponed by the Planning Commission. 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 and citing how public notice was provided of the hearing.
- B. ANNOUNCEMENT OF ORDER OF HEARING. The Chairperson shall explain the order of the public hearing as being as follows:
 - (1) Comments and explanations by the Zoning Administrator and/or Township Consultant
 - (2) Comments and explanations by the Applicant
 - (3) Questions by the Planning Commission
 - (4) Responses by the applicant and/or Zoning Administrator or Consultant
 - (5) Opening of hearing for public comments
 - (6) Closing of hearing to public comments
 - (7) Consideration of action by Planning Commission.
- C. RULES OF CONDUCT. The Chairperson shall then announce the rules of conduct of the public hearing as follows:
 - (1) All questions and/or comments shall be addressed to the Chairperson;
 - (2) Each person shall be given an opportunity to be heard, but second comments will not be permitted until every person has had the opportunity to speak for the first time;
 - (3) In the interest of fairness to the public, statements from the floor should be as concise as possible;
 - (4) The Chairperson reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand;
 - (5) For large hearings, as determined by the Chairperson, a time limit of three (3) minutes per person shall be placed on public comments; and,
 - (6) At all times during the public hearing, the Chair expects courtesy from all participants. Catcalls, booing, or other outbursts from the public shall not be tolerated.

- D. **PRESENTATION OF PROPOSAL.** The Chairperson shall recognize the Zoning Administrator and/or Township Consultant and applicant for presentations. The Zoning Administrator and/or Township Consultant presents a report outlining the request and the specific sections and requirements of the Zoning Ordinance that are impacted by the subject request. The applicant then presents a concise review of the reasons for the request and responds to questions raised by the Planning Commission.
- E. **OPENING OF HEARING TO FLOOR.** The Chairperson 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 shall stand and give their name and address and a concise statement of their questions and/or concerns. In the event of large hearing, the Chairperson may encourage groups in attendance to be represented by a spokesperson. When individual time limits have been imposed, the Chairperson reserves the right to limit the amount of time allocated to be a spokesperson to avoid filibustering. The Chairperson may elect during the course of public comments to obtain clarification of facts from the Township administration or from the applicant if such comments may expedite the hearing. The Chairperson shall receive for the official record any letter and/or petitions received by the Township regarding the matter at hand and shall read and/or summarize these materials.
- F. **CLOSING OF PUBLIC HEARING.** When all public comments have been received, the Chairperson shall close the public hearing.
- G. **CONSIDERATION OF MATTER BY THE PLANNING COMMISSION.** Once the public hearing has been closed to public comments, the Chairperson may recognize any Planning Commission member to discuss and seek additional information from others concerning the matter at hand. Planning Commissioners shall address the Chairperson when speaking and shall request additional information through the Chairperson. When discussion and fact finding on the matter at hand by Planning Commissioners members has been completed, the Planning Commission may take one of the following four actions on the matter:
- (1) Approve the request as presented;
 - (2) Approve the request with conditions;
 - (3) Deny the request as presented; or,
 - (4) Postpone the matter to a future meeting.

Sec. 7 **MOTIONS.** Motions for approvals or denials and motions to postpone a matter to a future meeting should include reasons for such actions. Motions for postponement or should also include the date, time, and place at which the matter will be further considered. The Planning Commission shall find or determine whether the respective requirements of the Pentwater Community Zoning Ordinance have been met by the applicant or not and state such findings of fact for the record. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and those who seconded the motions shall be recorded.

Sec. 8 **VOTING.** An affirmative vote of the majority of the Planning Commission's regular membership shall be required for the approval of any requested action or motion placed

before the Planning Commission. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall required if requested by any Planning Commission member or directed by the Chairperson. All members of the Planning Commission including the Chairperson shall vote on all matters, unless recused by affirmative motion of the Planning Commission, and the Chairperson shall vote last.

Sec. 9 MEETING MINUTES. Planning Commission minutes shall be prepared by the Office of the Zoning Administrator. 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 or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the Zoning Administrator and Township Clerk upon approval by the Planning Commission.

ARTICLE VI: ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES AND ALTERNATES

Sec. 1 To be excused, Planning Commission members shall notify the Zoning Administrator or Planning Commission Chairperson or other Planning Commission member when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.

Sec. 2 Members of the Planning Commission may be removed by the Township Board of Trustees, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office or upon failure to declare a conflict of interest. For purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences.

Sec. 3 A member may resign from the Planning Commission by sending a letter of resignation to the Township Clerk, Township Board of Trustees or Planning Commission Chairperson.

Sec. 4 Vacancies shall be filled by the Township Board of Trustees as soon as possible after a resignation or removal of a member of the Planning Commission. Successors shall serve out the unexpired term of the member being replaced, with the exception of the ZBA representative, whose term shall run consecutively with the term as planning commissioner.

ARTICLE VII: CONFLICT OF INTEREST

Planning Commission members shall declare a conflict of interest and abstain from participating in hearings, deliberations or voting on a request when:

- A. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
- B. The Planning Commission member has a business, organizational 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. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.
- D. Planning Commission members declaring a conflict shall not make any presentations to the Planning Commission, either as a representative of the proposal or as an individual citizen.

- E. When declaring a conflict, the Planning Commission member shall:
- (1) Announce a conflict of interest and state its general nature;
 - (2) Abstain from any discussion or votes relative to the matter which is the subject of the conflict; and,
 - (3) Absent his or herself from the room in which the discussion takes place.

ARTICLE VIII: OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

All meetings of the Planning Commission shall be open to the public and shall be held in a place available to the general public. All deliberations and decisions of the Planning Commission shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the Planning Commission under the rules established by these by-laws. A person shall not be excluded from a meeting of the Planning Commission except for breach of the peace committed at a meeting. All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

ARTICLE IX: CONTRACTS

The Planning Commission may utilize the contractual services of planners, engineers, architects and other consultants for such services as it may require, subject to Board of Trustees approval as to expenditures.

ARTICLE X: EXPENDITURES

All expenditures of the Planning Commission shall be within the amount appropriated for Planning Commission purposes by Board of Trustees. The Board of Trustees shall provide the funds, equipment and accommodations necessary for the Planning Commission's work.

ARTICLE XI: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of ROBERTS RULES OF ORDER NEWLY REVISED shall govern the Planning Commission in all cases to which they are applicable and in which they are not inconsistent with these by-laws and any special rules of order the Planning Commission may from time to time adopt.

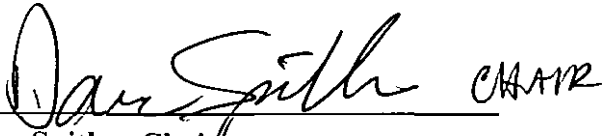
ARTICLE XII: CONFLICTING PROVISIONS

In the event of a conflict of provisions between these Bylaws and the Pentwater Community Zoning Ordinance, the provisions contained in the Zoning Ordinance shall prevail.

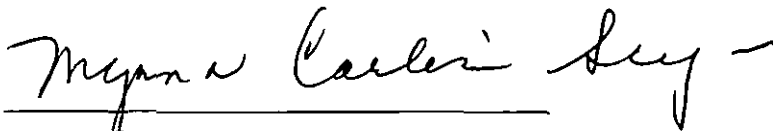
ARTICLE XIII: AMENDMENT OF BY-LAWS

These By-Laws may be amended at any meeting by an affirmative vote of four (4) members of the Planning Commission.

THESE BY-LAWS WERE DULY ADOPTED BY THE PENTWATER
TOWNSHIP PLANNING COMMISSION DURING ITS MEETING HELD ON
THE 14th DAY OF JUNE, 2016.

 CHAIR

Dave Spittle, Chairperson



Myrna Carlin, Secretary

