

VILLAGE OF THREE OAKS, BERRIEN COUNTY, MICHIGAN

PLANNING COMMISSION BYLAW/RULES

The following rules of procedure are hereby adopted by the Village of Three Oaks Planning Commission to facilitate the performance of its duties as pursuant to Section 4 of the Municipal Planning Act, Public Act 285 of 1931, as amended (MCL 125.34).

ARTICLE ONE OFFICERS AND DUTIES

Section 1.01 - Selection And Tenure Of Office

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 B and C, below. All officers shall be eligible for re-election for consecutive terms for the same office.

- A. **Chairperson** - The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission.
- B. **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.
- C. **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 Village 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.

ARTICLE TWO DUTIES OF VILLAGE COUNCIL & ZONING BOARD OF APPEALS REPRESENTATIVES

Section 2.1 - Village Council Representative

The Village Council representative shall present the recommendations of the Planning Commission as required by the zoning ordinance, subdivision ordinance or other ordinance to the Village Council prior to their consideration of such request.

Section 2.02 - Zoning Board Of Appeals Representative

The Zoning Board of Appeals representative of the Planning Commission 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

**ARTICLE THREE
MEETING ATTENDANCE OF PLANNING COMMISSIONERS**

Section 3.01 - Attendance Record And Reporting

The Secretary shall be responsible for maintaining an attendance record for each Planning Commission member and report those records annually to the Village Council. Attendance shall be incorporated in the annual report to the Village Council.

Section 3.02 - Consecutive Absence Reporting To The Village Council

The secretary shall report to the Village council any member who has missed three (3) consecutive unexcused absences.

Section 3.03 - Process To Obtain An Excused Absence

Any member may request an excused absence via telephone, email or fax communications to the Chairperson or communication to the Village Clerk, who shall make such information available to the Chairperson prior to the start of the Planning Commission meeting. The Planning Commission shall by resolution grant excused absences. All excused absences shall be recorded in the meeting minutes.

Section 3.04 - Removal Of Planning Commission Member

Members of the Planning Commission may be removed by the Village Council only after a public hearing.

Section 3.04 - Resignation Of Planning Commission Member

A member may resign from the Planning Commission by sending a letter of resignation to the Village PResident or Planning Commission Chairperson.

**ARTICLE FOUR
MEETINGS OF THE PLANNING COMMISSION**

Section 4.01 - Regular Meetings

The Planning Commission shall schedule and hold one (1) regular meeting each month. Other meetings may be held as necessary, upon the call of the Chairperson. The Planning Commission shall by resolution set the time and place of such meetings.

Section 4.02 - 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.

Section 4.03 - Conflict With Legal And Other Holidays

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.

Section 4.04 - Compliance With The Open Meetings Act

All business of the Planning Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act.

Section 4.05 - Publication Of Planning Commission Meeting Schedule

The schedule of regularly scheduled Planning Commission meetings shall be published in a newspaper of general circulation in the Village and shall also be posted at the Village Hall. Notice shall be given no less than fifteen (15) days before the Planning Commission's first meeting in each calendar year in accordance with the requirement of the Michigan Zoning Enabling act and the Open Meetings Act.

Section 4.06 - Notice Of Special Meetings - Non-Zoning Ordinance Related

Notice of special meetings where no zoning ordinance related matter is to be discussed shall be given to the members of the Planning Commission at least forty-eight (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.

Section 4.07 - Notice Of Special Meetings - Zoning Ordinance Related

If the agenda contains a zoning ordinance matter, notice shall be published in a newspaper of general circulation in the Village and also be posted at the Village Hall no less than fifteen (15) days before the Planning Commission

meeting as required by the Michigan Zoning Enabling Act. Property owner and tenant notification shall also be completed if required by the terms of the Village Zoning Ordinance.

Section 4.08 - Quorum

Four (4) members of the Planning commission shall constitute a quorum for transaction business and taking official action on 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 Michigan Zoning Enabling Act and/or Open Meetings Act, or hold the meeting to consider the matters on the agenda. No "official" action shall be taken in absence of a quorum.

Section 4.09 - Voting

Unless required by statute, other actions or motions placed before the Planning Commission maybe 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 Planning commission member or directed by the Chairperson. All Planning Commission members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last.

Section 4.10 - Adoption Of The Village Master Plan Or Amendment Thereto

An affirmative vote of the majority of the Planning commission membership is required to adopt any part of the Village Master plan or amendments to the plan.

Section 4.11 - Format For Meeting 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 and Roll Call
2. Introduction of Members and Recognition of Visitors
3. Approval of Minutes
4. Approval of Agenda
5. Correspondence
6. Reports from Village Council and Zoning Board of Appeals Representatives
7. Scheduled Public dHearings
8. Old Business
9. New Business
10. Comments from the Public
11. Comments from the Members
12. Adjournment

Section 4.12 - Format For Public Hearing Agenda

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 procedure shall apply to all public hearings held by the Planning Commission:

1. Project Summary and Staff Reports
2. Applicant Presents Application
3. General Questions from the Public
4. Applicant's Response to Comments and Questions
5. Close of Public Hearing
6. Questions by the Members
7. Consideration of Findings of Fact and Conclusions
8. Consideration of Formal Action

SECTION FIVE

DUTIES OF THE PLANNING COMMISSION AND STAFF

Section 5.01 - Duties Of The Planning Commission

The Planning Commission shall perform the following duties:

1. Take such action on petitions, staff proposals and Village Council request for amendments to the zoning ordinance as required.
2. Take such action on petitions, staff proposal and Village Council requests for amendments to the master land use plan as required.
3. Prepare an annual report to the Village Council.
4. Prepare an annual work program and budget, to be included in the annual report.
5. Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
6. Review subdivision and condominium proposals and recommend appropriate actions to the Village Council
7. Prepare special studies and plans, as deemed necessary by the Planning Commission or Village Council and for which appropriations of funds have been approved by the Village Council, as needed.
8. 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 Village Council as needed.
9. Prepare a capital improvements plan, if authorized by the Village Council.
10. Perform other duties and responsibilities or respond as requested by the village council.

Section 5.02 - Duties Of The Zoning Administrator

The Zoning Administrator shall perform the following duties:

1. The Planning Commission shall be assisted by the Zoning Administrator in performing the Planning Commission's duties, as noted in Section 5.01.
2. The Zoning Administrator shall be responsible for the professional and administrative work in coordinating the functions of the Planning Commission.
3. The Zoning Administrator shall:
 - A. Supervise and review the work of other Village staff assigned to assist the Planning Commission.
 - B. Accept applications for matters to be reviewed by the Planning Commission and ensure that such applications are complete.
 - C. Forward application materials to the Planning Commission at least one week prior to the meeting at which the matters will be considered.
 - D. Inform the Planning Commission of administrative and enforcement actions taken on behalf of the Village related to the zoning or other appropriate ordinance.

Section 5.03 - Engagement Of Professional Planning Consultant

The Planning Commission with consent of the Village Council, may engage the services of a professional planning consultant. A written agreement outlining the services to be performed and fees for such services shall be approved by the Village Council, prior to the engagement of such services.

SECTION SIX CONFLICT OF INTEREST

Section 6.01 - Matters Of Conflict

1. A conflict of interest shall be declared when a Planning Commissioner is involved with any of the following circumstances:
2. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
3. 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;
4. The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance, or;

5. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.

Section 6.02 - Declaring A Conflict Of Interest

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. It shall be the sole responsibility of the Planning Commissioner to decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict.

Section 6.03 - Member Actions Upon Giving Notice Of Conflict

The member declaring a conflict may absent him/herself from the room in which the discussion takes place or remove him/herself to a seat in the audience, unless doing so would violate his or her constitutionally protected rights to participate. The member shall be prohibited from making any presentations to the Planning commission as a of the proposal.

**ARTICLE SEVEN
PUBLIC RECORDS**

Section 7.01 - Records To Open To The Public For Inspection

All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to the public inspection in accordance with the Freedom of Information act, except as may otherwise be provided by law.

Section 7.02 - Repository Of Records

The Secretary, Zoning Administrator and all other staff assigned to the Planning Commission shall deposit all records of the Planning Commission with the Village Clerk, who shall make the records available for public inspection as provided in Section 7.01.

**SECTION EIGHT
AMENDMENTS**

Section 8.01 - Amendments

These bylaws/rules may be amended at any meeting by a vote of four members of the Planning Commission and approval of the Village council.