

BANKS TOWNSHIP PLANNING COMMISSION BYLAWS

Originally Adopted: January 12, 2009

Amended: September 14, 2021

1 INTRODUCTION

The following rules of procedure are hereby adopted by the Banks Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, hereafter "the Planning Act". These bylaws are also adopted by the Planning Commission for administration of a zoning ordinance as outlined in the Michigan Zoning Enabling Act, hereafter the "Zoning Act".

2 DUTIES OF THE PLANNING COMMISSION

1. Take required action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance.
2. Prepare, adopt and amend the Master Plan as appropriate.
3. Prepare a Planning Commission annual report and budget for the Township Board.
4. Take actions required by the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.
5. Review, deliberate, decide and prepare appropriate findings and final determination documents on all special land use and planned unit development proposals.
6. Prepare special studies and plans as deemed necessary by the Planning Commission or Township Board and for which the Township Board has appropriated any needed funds.
7. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of planning commissioner and for which the Township Board has appropriated any needed funds.
8. Prepare a capital improvements plan if directed by the Township Board.
9. Perform other duties and responsibilities or respond as requested by the Township Board.

3 MEMBERSHIP AND MEMBERS

3.1 NUMBER, TERMS AND QUALIFICATIONS

The Banks Township Planning Commission shall consist of five members. Except for ex-officio members, all members shall be appointed for three-year terms. However, of the members (except ex-officio members) first appointed, a number shall be appointed to one-year or two year terms such that, as nearly as possible, the terms of one-third of all members will expire each year. Vacancies shall be filled for unexpired terms in the same manner as provided for an original appointment. A member shall retain their appointment until his or her successor is appointed.

Planning Commission members shall be qualified electors of the township, except that one member may be appointed who is not a qualified elector of the township.

The Planning Commission membership shall be representative of important segments of the community. The membership also shall be representative of the entire geography of the local unit of government to the extent practicable.

3.2 TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION The Township Board representative shall present to the Township Board the recommendations of the Planning Commission pertaining to the Zoning Ordinance or other matters, as appropriate, prior to the Township Board's consideration of each. The Township Board representative also shall convey information and requests from the Township Board to the Planning Commission. One member of the legislative body shall be appointed to the Planning Commission as an ex-officio member. The term for the Township Board representative shall expire with his or her term on the legislative body, i.e. Township Board.

3.3 EX-OFFICIO MEMBER

An ex-officio member is a member with full voting rights who serves on the Planning Commission by virtue of holding another office, for the term of that other office. An ex-officio member is not eligible to serve as chairperson of the Planning Commission.

3.4 PLANNING COMMISSION REPRESENTATIVE TO THE ZBA

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 relevant actions by the Planning Commission. A Zoning Board of Appeals representative will be chosen by the Township Board from members serving on the Planning Commission.

4 OFFICERS

4.1 SELECTION AND TERM

The Planning Commission shall select from its membership the following officers:

1. Chairperson
2. Vice-Chairperson
3. Secretary

The officers shall be selected each year at the annual meeting, which is the first regular meeting held after June 30. All officers shall serve in their positions for a term of one year (1), commencing with their selection during the annual meeting. At the annual meeting the officers will rotate as follows: the Vice-Chairperson will assume the Chair, and the Secretary will become the Vice-Chair. The outgoing chair may re-enter the rotation and be selected for the office of secretary.

4.2 CHAIRPERSON

The Chairperson shall preside at all meetings, develop the agenda, appoint committees and perform other duties as required by the Planning Commission.

4.3 VICE-CHAIRPERSON

The Vice-Chairperson shall act as Chair in the Chairperson's absence. If the office of Chairperson becomes vacant, the Vice-Chairperson shall assume this office for the remainder of the Chairperson's term and continue into his or her term of rotation as Chair. The vice chairperson shall perform other duties as the Planning Commission may determine.

4.4 SECRETARY

The Secretary shall execute documents in the name of the Planning Commission and perform other duties as the Planning Commission may determine. If the office of Vice-Chairperson becomes vacant, the Secretary shall assume this office for the remainder of the Vice-Chair's term and continue into his or her term of rotation as Vice-Chair. If the office of Secretary

Banks Township 2 As Amended September 14, 2021 Planning Commission By-Laws
becomes vacant, the Vice-Chairperson may execute documents in the name of the Planning Commission until the position is filled.

5 SUPPORT STAFF

5.1 RECORDING SECRETARY

The recording secretary shall:

1. Report to the chairperson regarding Planning Commission business.
2. Prepare the minutes of each meeting and add them to permanent records maintained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including attendance, a complete restatement of all motions and record of votes, conditions or recommendations made on any action.
3. Keep a public record of Planning Commission resolutions, transactions, findings and determinations.
4. Post the Banks Township meeting notices at the Banks Township Hall and other locations where township notices are posted.
5. Issue formal written correspondence as directed by the Planning Commission.
6. Bring communications, petitions, reports and other written materials to the attention of the Planning Commission chairperson.
7. Issue newspaper notices as may be required by the Planning Commission or by the Banks Township Zoning Ordinance.

5.2 ZONING ADMINISTRATOR AND PLANNING CONSULTANT

The zoning administrator and planning consultant shall be responsible for the professional and administrative work in coordinating and supporting the functions of the Planning Commission.

5.21 THE ZONING ADMINISTRATOR SHALL:

1. Attend Planning Commission meetings.
2. Consult with the Planning Commission and other township officials concerning interpretation of procedural questions and other items arising from the Zoning Ordinance.
3. Act as the primary point of contact for special land use and planned unit development applicants.
4. Prepare and forward to the Planning Commission written reviews and staff recommendations, if appropriate, for requests and development proposals.
5. Perform other duties as directed by the Planning Commission.

5.22 THE PLANNING CONSULTANT SHALL:

1. Attend Planning Commission meetings as requested.
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. Draft amendments to the Zoning Ordinance as directed by the Planning Commission.

4. Draft and forward to the zoning administrator written reviews and recommendations, if appropriate, for requests and development proposals to be considered by the Planning Commission.
5. Perform other duties as directed by the Planning Commission.

5.3 OTHER PROFESSIONAL OR TOWNSHIP STAFF

The Planning Commission may be assisted by other professional or township staff as needed.

Banks Township 3 As Amended September 14, 2021 Planning Commission By-Laws

6 MEETINGS

6.1 REGULAR MEETINGS

The Planning Commission shall hold no fewer than four regular meetings each year and by resolution shall determine the time and place of regular meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or when a conflict exists, the Planning Commission shall, if possible, select an alternate meeting date in the same month as the originally scheduled meeting. Notice of regular Planning Commission meetings shall be posted at the Banks Township Office within 10 days after the Planning Commission's first meeting in each fiscal year, in accordance with the Open Meetings Act.

6.2 SPECIAL MEETINGS

Special meetings of the Planning Commission may be called by the chairperson or by at least two members, upon written request to the Planning Commission secretary. All Planning Commission business shall be conducted at a public meeting held in compliance with the Open Meetings Act. Notice of special meetings shall be given to Planning Commission members at least 48 hours prior to the meeting. This notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

6.3 PUBLIC RECORDS

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

6.4 QUORUM

A majority of the Planning Commission membership, regardless if vacancies exist or not, shall constitute a quorum for transacting all business and taking all official action. Whenever a quorum is not present, those present may adjourn the meeting to another time and day in accordance with the Open Meetings Act, or proceed with 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.

6.5 VOTING

1. 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.
2. 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.
3. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or if directed by the chairperson.

4. All Planning Commission members, including the chairperson, shall vote on all matters; the chairperson shall vote last.

6.6 AGENDA

The chairperson shall be responsible for determining agenda items for Planning Commission meetings.

Banks Township 4 As Amended September 14, 2021 Planning Commission By-Laws

6.7 PUBLIC HEARINGS

All public hearings held by the Planning Commission must be part of a regular or special meeting of the Planning Commission. The following 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. Township planner/zoning administrator/other consultants present report(s).
5. Persons speaking to the issue are recognized.
6. Recognition of correspondence received.
7. Applicant rebuttal/clarification, if requested by Planning Commission Chair.
8. Chairperson closes the public hearing and returns to the regular/special meeting.
9. Planning Commission decides when it will begin deliberation.

7 ABSENCES, REMOVAL, RESIGNATION AND VACANCIES

7.1 ABSENCES

To be excused, members of the Planning Commission shall notify the 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 constitute an unexcused absence. Three (3) unexcused absences in a calendar year may be cause for removal.

7.2 REMOVAL

Members of the Planning Commission may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon written charges and after a public hearing. The following definitions are from Black's Law Dictionary:

- ☐ Misfeasance: "A lawful act performed in a wrongful manner."
- ☐ Malfeasance. "A wrongful or unlawful act; especially wrongdoing by a public official."
- ☐ Nonfeasance: "The failure to act when a duty to act existed."

7.3 RESIGNATION

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

7.4 VACANCIES

Vacancies shall be filled by the township supervisor, with approval of the Township Board. The successor shall serve out the unexpired term of the member being replaced.

8 CONFLICT OF INTEREST

8.1 DECLARATION OF A CONFLICT OF INTEREST

A Planning Commission member shall declare a potential conflict of interest when:

1. A relative or other family member is involved in a request for which the Planning Commission is asked to make a decision;
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. There is a reasonable appearance of a conflict of interest involving a member, as determined by the Planning Commission.

Banks Township 5 As Amended September 14, 2021 Planning Commission By-Laws

8.2 CONFLICT OF INTEREST DETERMINATION

Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict to the Planning Commission. The member is disqualified from voting on the matter by a majority vote of the remaining members of the Planning Commission. When a conflict of interest exists, the member of the Commission or committee shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

1. Declare a conflict exists at the next meeting of the Commission or committee.
2. Cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others.
3. During deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.

8.3 FAILURE TO DECLARE CONFLICT OF INTEREST

Failure to disclose a potential conflict of interest constitutes malfeasance in office, rendering the member subject to removal as specified in Section 7.2.

9 AMENDMENTS

1. Upon adoption of the Planning Commission bylaws of January 12, 2009, they shall become effective and all previous Planning Commission bylaws, as amended, shall be repealed.
2. These bylaws may be amended at any meeting by a vote of a majority of Planning Commission members, so long as such amendment does not result in a conflict with state law, zoning ordinance or court decision.

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Banks Township 6 As Amended September 14, 2021 Planning Commission By-Laws

