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Approved by City Commission 11-25-13  
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# CITY OF BUCHANAN PLANNING COMMISSION BYLAWS

Approved by PC on February 12, 2013

BYLAWS: Standing rule(s) governing the regulation of an organization's internal affairs.

## Article I – Purpose

The following by-laws are adopted by the *Planning* Commission of the City of Buchanan (hereafter referred to as the Commission), as rules governing the transaction of business by the Commission, in accordance with Act. No. 33 of the Public Acts of 2008 as amended, being section 125.3801 et seq of the Michigan Compiled Laws and the *Planning* Commission Ordinance of the City of Buchanan, Ordinance No. \_\_\_??Effective Date \_\_\_\_\_

## Article II- Membership

The Planning Commission shall consist of seven (7) members appointed by the chief elected official subject to approval by a majority vote of the members of the City Commission. Members shall be appointed for a three (3) year term. When first appointed, a number of members shall be appointed to 1-year or two year terms, such that, as nearly as possible, the terms of 1/3 of the planning commission members will expire each year. If a vacancy occurs on the planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for on original appointment. A member shall hold office until his or her successor is appointed.

Members of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational and social development of the local unit of government, in accordance with the major interests as they exist in the City of Buchanan. Members must be qualified electors of the City of Buchanan or another local unit of government except that no more than 2 (two) members may reside outside of the city.

## Article III – Officers

In accordance with the Planning Commission Ordinance, the Commission shall annually elect a Chairperson, Vice-Chairperson and Secretary from its members and create and fill other offices as it considers advisable. Term of office for these positions shall commence on July 1<sup>st</sup> and terminate on June 30<sup>th</sup>. The Chairperson shall preside at all meetings in accordance with these bylaws and all powers under parliamentary procedure as governed by "Robert's Rules of Order". The Recording Secretary shall restate all motions prior to any vote being taken, appoint committees, call special meetings, and perform such other duties as may be ordered by the Commission. In the absence of the Chairperson, the Vice-Chairperson shall serve as Acting Chairperson for the purpose of conducting business at that meeting and shall perform such other duties as may be ordered by the Commission. In the absence of the Chairperson, the Vice-Chairperson, **and the Secretary**, the other Commission members present shall elect from their numbers an individual to serve as Acting Chairperson for the purposes of conducting business at that meeting.

The City Clerk or his or her designee shall act as Recording Secretary of the Commission. The Recording Secretary shall be responsible for the minutes of each meeting and submit them to the Commission for approval, receive all communications, petitions and reports to be addressed by the Commission, keep attendance records, provide notice to the public and members of the Commission for all regular and special meetings, prepare an agenda as directed by the Chairperson and/or Zoning Administrator for each Commission meeting, advise the Commission of lack of a quorum for a meeting, and perform other such duties as may be ordered by the Commission.

The Secretary shall execute documents in the name of the commission, approve the agenda prior to the meeting in coordination with the Recording Secretary, preside over meetings in the absence of the both the Chairperson and Vice-Chairperson, and make decisions regarding the cancelling of meetings when there is no business or for other reasons; the Recording Secretary shall contact the Secretary regarding cancelling a meeting when the Recording Secretary has confirmation of a lack of quorum prior to the meeting.

#### **Article IV – Meetings: Open Meetings, and Freedom of Information**

In accordance with the Plan Commission Ordinance, the Commission shall hold not less than four (4) regular meetings each year. The regular meeting of the Plan Commission shall be held at 7:00 p.m. on the second Tuesday of each month at City Hall, Changes in the schedule of regular meetings shall not be made except upon the approval of the majority of the Commission members. Special meetings of the Commission may be called at the request of the City Manager, the City Zoning Administrator, the Chairperson of the Commission, or upon the written request of any three members of the Commission to the Recording Secretary, and filed with the City Manager's office. The Recording Secretary shall send written notice of a special meeting to the Planning Commission members not less than 48 hours before the meeting.

The business of the Planning Commission shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public Notice of the time, date and place of a regular or special meeting shall be given in the manner required by that act.

A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

Commission members shall notify the Recording Secretary if they cannot attend a meeting. A meeting shall be cancelled due to lack of a quorum.

#### **Article V – Attendance**

In the event that any member of the Commission is absent for a total of three (3) regular monthly meetings in any calendar year, or for any two (2) consecutive regular monthly meetings, the next regular Commission agenda may include consideration of reporting such non-attendance to the City Commission, in order that the Mayor and City Commission can consider removal of that individual from the Commission, in accordance with Section 3 "Removal of Members" of the Plan Commission Ordinance.

The member in questions shall be informed of such referral to the City Commission, so that member may have the opportunity to address the reasons for his/her unavailability for regular meetings.

#### **Article VI – Quorum**

In order for the Commission to conduct business or take official action, a quorum consisting of at least four (4) of the seven (7) of the Commission shall be present. When a quorum is not present, no official action, except closing the meeting, may take place. The members of the Commission may discuss matters of interest, but can take no action until the next meeting in which a quorum is present.

#### **Article VII– Conflict of Interest**

A Commission member shall be disqualified from participating and voting on any issue in which the member has a conflict of interest. A Commission member shall be deemed to have a conflict of interest as to any matter pending before the Commission if: (1) the member has a direct or indirect financial interest in the outcome of the issue being considered; or (2) the issue considered involves the member's business or place of employment; or (3) the member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

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 of interest to the Planning Commission. However, the issue of a conflict of interest may also be raised by another Commission member or by the applicant whose matter is pending before the Commission. Conflict of interest concerns shall be raised prior to consideration of an issue by the Commission or as soon as the conflict is discovered.

The determination of a conflict of interest shall be made by a vote of the Commission upon a motion of the member acknowledging a conflict of interest or upon a motion of another member of the Commission.

The City Commission may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. Failure of a member to disclose a potential conflict of interest as required by PA 33 of 2008 constitutes malfeasance in office.

### **Article VIII – Conduct of Meetings**

- A. The order of business at a regular or special meeting of the Commission shall be as follows:

*Public Hearings: may be held prior to a regular or special meeting.*

1. Call to Order.
  2. Roll Call.
  3. Public comments and communications concerning agenda items.
  4. Approval of Agenda
  5. Approval of minutes of previous meeting.
  6. Public comments and communications concerning items not on the agenda.
  7. Old business (any unfinished or ongoing business).
  8. New business
  9. Zoning Administrator comments
  10. Commissioner comments
  11. Adjournment
- B. Members of the public shall be allowed to address the commission regarding matters pending before it. This period of public comments shall take place prior to the Commission taking any actions or votes.
- C. Motions for decisions on matters before the Commission shall be restated by the Recording Secretary before a vote is taken. The name of the maker and supporter of the motions shall be recorded and the reasoning or rationale for the decision shall be clearly stated in the motion.
- D. An affirmative vote by a majority of the Commission members present shall be required for an action or motion to be approved. Voting shall ordinarily be by voice vote except that a roll call vote may be required if requested by any member of the Commission. No member shall abstain from voting unless it has been determined that he/she has a conflict of interest.
- E. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedures as governed by "Robert's Rules of Order".
- F. Matters for discussion under New Business may be initiated by any Commission member.
- G. The Recording Secretary of the Commission shall prepare minutes or a record of its proceedings. The minutes shall contain a brief synopsis of the meeting, including a complete statement of all motions and recording votes, a complete statement of the decision or recommendation, including any conditions attached to the decisions of the Commission, and a recording of attendance. All correspondence and other communications, any written resolutions, decisions or other documentation of any actions taken and any exhibits submitted shall be attached to the minutes and become a part of the public record.

## Article IX – Conduct of Public Hearings

- A. Public Hearings shall be held prior to a regular or special meeting or at a date and time determined by the Plan Commission in accordance with the Open Meetings Act.
- B. The order of business at a public hearing shall be as follows:
1. Call to Order.
  2. Roll Call
  3. Opening of Hearing and statement of the purpose of the hearing
  4. Announcement of the Rules of the Hearing
  5. Presentation by the applicant
  6. Presentation by the opposition
  7. Applicant's rebuttal
  8. Closing of Hearing
- C. The Chairperson of the Commission shall officially open the hearing and he/she shall announce the subject being considered. The Chairperson shall state that the purpose of the hearing is to receive input from the applicant and members of the public and to determine the recommendation of the Commission and Zoning Administrator. The Chairperson shall also state that the final decision regarding the subject being considered rests with the City Commission.
- D. The Chairperson shall also announce the following hearing rules:
1. This is a public Hearing designed to receive comments on (insert subject of hearing). Only comments regarding this subject will be accepted.
  2. All persons wishing to comment shall be given the opportunity to do so.
  3. The person addressing the Commission shall stand, state his/her name, and direct their comments directly to the Commission.
  4. In the event a large number of people wish to comment, the Chairperson may announce that each person speaking shall limit his/her comments to three (3) minutes.
  5. Each person shall have an opportunity to speak before anyone is allowed to speak a second time.
  6. The Chairperson may, at his/her discretion, terminate comments which are unreasonably lengthy or unrelated to the subject of the public hearing.
  7. When the Chairperson observes that there are no further public comments, he/she shall close that portion of the hearing.
- E. The order of presentation of the comments shall be as follows:
1. Presentation by the Applicant:
    - a. Remarks by the applicant or spokesperson for the applicant, if any.
    - b. Reading, by the Secretary, of correspondence received by the Commission in support of the applicant's request.
    - c. People in the audience speaking in support of applicant's request.
    - d. Questioning by the Commission.
  2. Presentation by the opposition.
    - a. Remarks by the spokesman for the opposition, if any.
    - b. Reading, by the Secretary, of correspondence received by the Commission in opposition to the applicant's request.
    - c. People in the audience speaking in opposition to the applicant's request.
    - d. Questioning by the Commission.
  3. Applicant's Rebuttal



- a. The applicant will be allowed to respond only to specific issues raised in the opposition's presentation and shall not include matters previously covered in the applicant's presentation.
- b. Addition questing by the Commission, if any.

#### F. Closing of Hearing

Upon the conclusion of the presentations and comments from the audience, the Chairperson shall announce that the public comment portion of the hearing is closed. No further input from the applicant or public shall be allowed. The Planning Commission will deliberate and act on this matter at its next regular or special meeting. The Chairman will announce the time and place of said meeting.

### **Article X: Duties and Responsibilities of the Commission**

**Powers:** The planning Commission shall have those powers relating to the administration and execution of the zoning ordinance pursuant to M.C.L. 125-3301 of the Zoning Enabling Act.

**Zoning Adoption or Amendment:** The Commission shall review and act upon all proposed zoning ordinances or zoning amendments pursuant to the Zoning Enabling Act including Planned Unit of Development (PUD) zoning amendments. At least one hearing shall be held on each proposed zoning ordinance with notices given as specified in the zoning ordinance and the Zoning Enabling Act. After the hearing, action taken shall be in the form of a recommendation to the City Commission.

**Special Use Permit (including PUDs):** The Commission shall review and act on all special use permits pursuant to the Zoning Enabling Act and Zoning Ordinance. At least one hearing shall be held on each proposed zoning ordinance with notices given as specified in the zoning ordinance and the Zoning Enabling Act. After the hearing, action taken shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for action and the Commission's action.

**Site Plan Review:** The Commission shall review and act on all those site plans for which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for the action and the Commission's Action.

**Appeals:** The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation or variance. Such matters shall be exclusively the responsibility of the Zoning Board of Appeals.

**Training:** Training shall be determined and coordinated by the Zoning Administrator.

The Commission shall make an annual written report to the City Commission concerning its operations and the status of planning activities, including recommendations regarding actions by the City Commission related to planning and development. The report shall contain statistical information on the number and types of actions taken by the Commission as well as the outcomes of those actions.

The Commission shall make, approve, and adopt a master plan as a guide for development within the City of Buchanan subject to regulations and requirements of PA 33 of 2008 as amended. The Commission shall submit the proposed Master Plan to the City Commission for review, and comment and, when approved, adoption. Said Master Plan shall be reviewed and updated every 5 years.

The Commission may, by a majority vote of the members, adopt a subplan for a geographic area less than the entire City. The Commission shall submit the proposed subplan to the City Commission for review, and comment and, when approved, adoption.

Prior to its authorization or construction, the Commission shall review plans for all capital improvement projects in the City and state its reasons for approval or disapproval in accordance with the regulations and requirements of PA 33 Of 2008 as amended. The results of the review shall be forwarded to the City Commissions with the finding of facts leading to approval or disapproval. The City Commission may overturn the decision of the Commission by a majority 2/3 vote. If the Commission fails to act within 35 days of the date of receipt by the Recording Secretary, the plan is considered approved.

The Commission may recommend programs for public structures and improvements and for the financing thereof in accordance with the regulations and requirements of PA 33 of 2008 as amended.

The Commission may recommend to the City Commission provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the Land Division Act, PA288 Of 1967, MCL 560.105 in accordance with the regulations and requirements of PA 33 of 2008.

The Commission may make use of maps, data, and other information and expert advice provided by the appropriate federal, state, regional, county and municipal officials, departments and agencies.

**Article XI: Adoption, Repeal, Amendments**

Upon the adoption of these Bylaws, dated \_\_\_\_\_, they shall become effective and all previous Bylaws shall be repealed. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

**APPROVED BY THE PLAN COMMISSION AT THEIR REGULAR MEETING ON TUESDAY, FEBRUARY 12, 2013.**

APPROVED 2/12/2013