

West Branch Township
Planning Commission Bylaws
Revised 12/6/2016

The following rules of procedure are hereby adopted by the West Branch Township Planning Commission for the transaction of its business as prescribed by the Michigan Planning Enabling Act, PA33 of 2008. Any changes or amendments to the bylaws must be received by the members of the West Branch Township Planning Commission no later than three (3) days prior to the meeting in which they will be voted upon.

SECTION 1: Membership

The Planning Commission shall consist of five members appointed by the supervisor subject to approval by a majority of the members of the Board. One member of the township board shall be appointed as an ex officio member. The membership of the planning commission shall represent 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 local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

All members of the planning commission shall be qualified electors of the local unit of government, except one may be an individual who is not a qualified elector.

SECTION 2: 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 two years, or until their successors are selected and assume office. All officers shall be eligible for re-election.
- B. **Chairperson--** The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be given by the planning commission. A Township Board member shall not be elected as Chairperson.
- C. **Vice Chairperson--** The vice chairperson shall act in the capacity of the chairperson in the absence of the chairperson. 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 for the office of vice chairperson for the unexpired term.
- D. **Secretary--** The secretary shall execute documents in the name of the planning commission, perform the duties 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 township clerk. The minutes shall contain a record of attendance and a brief synopsis of the meeting, including a complete restatement of all motions and a record of votes, conditions or recommendations made on any action.
 2. **Attendance**—The secretary shall be responsible for maintaining a meeting attendance record.
- E. **Township Board Representative**—The township board representative shall report to the township board on activities of the planning commission and shall present the recommendations of the planning commission as required by the planning enabling act, the zoning ordinance, subdivision ordinance or other ordinance to the township board prior to its action on any planning commission business before it.

SECTION 3: Meetings

- A. **Regular Meetings**—The planning commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. All dates and times for meetings shall be posted on the Township Website. The business of the planning commission shall be conducted at public meetings held in compliance with the Open Meetings Act.
- B. **Special Meetings**—Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission. Notice of special meetings shall be given to the members of the planning commission at least forty-eight hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be given in the manner required by the Open Meetings Act.
- C. **Public Records**—All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be available to the public in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. **Quorum**—Three members of the planning commission shall constitute a quorum for transacting business and taking official action for 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 Open Meetings Act, or hold the meeting to consider the matters on the agenda. No action may be taken at a meeting at which a quorum is not present.
- E. **Voting**—An affirmative vote of the majority of the planning commission membership is required to adopt the master plan, subplans, or amendments to the master 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; a roll call vote shall be required if requested by any commission member or directed by the chairperson. All planning commission members, including the chairperson, shall vote on all matters and the chairperson shall vote last.

F. Order of Business—The chairperson shall be responsible for preparing an agenda for planning commission meetings. The normal order of business for meetings shall be as follows:

1. Call to order with pledge
2. Roll call
3. Approval of minutes of previous meeting(s)
4. Unfinished business
5. New business
6. Committee reports
7. Public comments
8. Adjournment

G. Public Hearings— If a public hearing is to be held, it will be scheduled either before or during a regular or special meeting. The time limit for public comments is 3 minutes per person and shall not allow any time sharing. The order of business for a public hearing is as follows:

1. Open public hearing – State reason and time limits
2. Public comments
3. Board member comments
4. Close public hearing
5. Return to regular meeting for discussion of public hearing issue(s)

SECTION 4: Duties of the Planning Commission

The planning commission shall perform the following duties:

- A.** The Planning Commission shall make and approve a master plan as a guide for the physical development of all unincorporated areas within the township.
- B.** Take such action on petitions, proposals and township board requests for amendments to the zoning ordinance as required.
- C.** Take such action on petitions, proposals and township board requests for amendments to the master plan as required.
- D.** Prepare an annual report to the township board.
- E.** Prepare an annual work program and budget.

- F. Take such actions as are required by the Michigan Planning Enabling Act, PA 33 of 2008, as amended, and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- G. Review subdivision, condominium and commercial development proposals and recommend appropriate action to the township board.
- H. Prepare special studies and plans as deemed necessary and affordable by the planning commission or township board and for which funds have been appropriated.
- I. Attend training sessions, conferences or meetings as needed, and for which funds have been appropriated, to ensure proper fulfillment of planning commissioner duties.
- J. Prepare a capital improvements plan if requested to do so by the township board.
- K. To respond to other requests by the township board.
- L. The planning commission may be assisted by other professionals or township staff as needed, including the building inspector, township attorney, and township engineer.
- M. If authorized by the township board, the planning commission may be assisted by the zoning administrator in performing the planning commission's duties.

SECTION 5: Absences, Removals, Resignations, and Vacancies

- A. When a planning commission member is unable to attend a planning commission meeting, the member shall notify the planning commission chairperson or secretary.
- B. The township board may remove a planning commission member after a public hearing, for misfeasance, malfeasance, or nonfeasance.
- C. A member may resign from the planning commission by sending a letter of resignation to the township board or planning commission chairperson.
- D. Vacancies shall be filled by the township supervisor, subject to a majority vote of the township board, as soon as possible after resignation or removal of a planning commission member. Successors shall serve out the unexpired term of the member being replaced.

SECTION 6: Conflicts of Interest

- A. Planning commission members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
 1. A relative or other family member is involved in any 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. The planning commission member owns or has a financial interest in a neighboring property. For purpose of this section, a neighboring property shall include any property falling within the notification radius of the proposed development, as required by zoning ordinance or other applicable ordinance;
 4. Where a member may reasonably be considered to have a conflict of interest as determined by a majority of the other planning commission members.
- B. A planning commission member shall disclose any potential conflict. Once the commission concurs, the member shall at minimum vacate his or her chair on the commission during the deliberations upon the matter in which the conflict may exist.

SECTION 7: Duties of the Zoning Administrator and Planning Consultant

- A. The Planning Commission shall be assisted by the Zoning Administrator and/or a Planning Consultant in performing the commission's duties, as noted in Section 4.
- 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 matters will be considered.
 4. Inform the Planning Commission of administrative and enforcement actions taken on behalf of the township related to the zoning, planning, or other land use matters.
 5. The Zoning Administrator shall be responsible for issuing formal written correspondence with other agencies, groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials addressed to the commission and received by the Zoning Administrator shall be brought to the attention of the planning commission.
 6. The Zoning Administrator shall issue such notices as may be required by law and by the planning commission.

D. The Planning Consultant shall:

1. Attend Planning Commission meetings when requested.
2. Consult with the Planning Commission, Zoning Administrator, and other township officials concerning interpretation, procedural questions, and other matters arising from the administration of the zoning ordinance.
3. Prepare amendments to the zoning ordinance and for Master Plan as directed by the Planning Commission.
4. Prepare and forward to the Zoning Administrator written reviews and recommendations, when requested, for requests, applications, or development proposals to be considered by the Planning Commission.
5. Meet with applicants, their representatives, and township officials as needed to perform project reviews.
6. Perform other duties as directed by the Planning Commission.

SECTION 8: Amendments

These bylaws may be amended at a proper meeting of the planning commission by a vote of a majority of its members.

CERTIFICATION

These Bylaws were amended and adopted by the West Branch Township Planning Commission at its regular meeting on December 6, 2016.

Cheryl Mollard, Secretary