VILLAGE OF NORTHPORT

Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Village of Northport ("Village") Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.

SECTION 1: Officers

A. Selection and Tenure - At the first regular meeting each March, the Planning Commission shall select from its membership a Chairperson and a Secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in Section.1.C, below. All officers shall be eligible for re-election for consecutive terms.

B. Chairperson - The Chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Planning Commission. In the absence of the Chairperson, the Secretary shall act in that capacity. Provided however, if the Secretary is an ex-officio member of the Planning Commission as defined by Sections 3(d) and 15(5) of the Michigan Planning Enabling Act; being MCL 125.3803 (d) and 125.3815 (5), as amended, the Planning Commission shall select a planning commission member that is not an ex-officio member to temporarily assume the duties of the Chairperson.

C. Secretary - The Secretary shall execute documents in the name of the Planning Commission and shall perform such other duties as the Planning Commission may determine, including but not necessarily limited to the following:

   I. *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 the record of attendance at that meeting. 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

   II. *Attendance* - The Secretary shall 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 Village Council.

   III. *Notices* - The Secretary shall oversee the issuance of such notices as may be required by the Planning Commission, including Open Meetings Act notices, as well as notices required for specific planning or zoning actions under the Michigan Planning Enabling Act or the Michigan Zoning Enabling Act

D. Recording Secretary - The Planning Commission or Secretary may designate a Recording Secretary. The Recording Secretary shall not be a member of the Planning Commission or any of its committees, and shall perform the following duties:

   I. *Minutes* - Prepare a first draft of Planning Commission minutes for review and approval by the Planning Commission; and

Other Duties - Perform such other duties as may be ordered by the Planning Commission or Secretary.

SECTION 2: Meetings

The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Planning Commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

1. 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. Other meetings may be held, as necessary. 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.

   Notice of regular Planning Commission meetings shall be posted at the Village office within 10 days of the Planning Commission's first meeting in each calendar year in accordance with the Open Meetings Act.

2. 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 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.

3. Notice - Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, the Land Division Act, or other applicable statute.

4. Public Hearings -All public hearings held by the Planning Commission must be held as part of a regular or special meeting of the Planning Commission.

5. Agenda - The Zoning Administrator shall be responsible for preparing a tentative agenda for Planning Commission meetings. The agenda may be modified by action of the Planning Commission.

6. Quorum - A majority of the Planning Commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the Planning Commission may be taken without a quorum present. 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. No other action shall be taken.

7. Voting - An affirmative vote of the majority of the members of the Planning Commission is required to approve any part of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the members present and

voting, as long as a quorum is present. Voting shall be by voice vote. A roll call vote shall be recorded only if requested by any Planning Commission member or directed by the Chairperson. Except in the case of a conflict of interest, all Planning Commission members, including the Chairperson and ex officio member, shall vote on all matters.

8. Parliamentary Procedure - Parliamentary procedure in Planning Commission meetings shall be informal, but shall conform to the fundamental concepts of fairness and due process. However, at the acting Chairperson's option at any particular meeting, the then current *Robert's Rules of Order, Simplified and Applied* may be followed - in whole or in part.

9. Public Participation - All regular and special meetings, hearings, records, and accounts shall be open to the public.

    a. All public comments at scheduled public hearings shall be received after the Chairperson has introduced that agenda item, staff has presented a review of the item, and the applicant has made a presentation as appropriate. After the public hearing has been closed, public comment on that item is not normally allowed; however, the Planning Commission may direct questions to members of the public.

    b. The Chairperson may limit the amount of time allowed for each person wishing to make a public comment at a Planning Commission meeting.

10. Recess- The Chairperson, or the Planning Commission by motion, after the meeting has been in session for two hours, may suspend the Planning Commission's business and evaluate the remaining terms on its agenda. The Planning Commission may then decide to finish that meeting's agenda. It may act to continue the meeting on another day. It may complete some agenda items and continue the meeting on another day to complete other agenda items; or, it may postpone certain agenda items to the next meeting. If applicable, such action shall include the time, day, month, date, year, and location where the Planning Commission will reconvene. If more than 36 hours pass before the reconvened Planning Commission meeting, public notice shall be given to comply with PA 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et* seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda where it left off.

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

12. **Submission of Applications - All plan review documents and applications – including site plan review applications, rezoning (map amendment) applications, and special land use (special use permit) applications – shall be submitted to the Zoning Administrator in complete form not less than thirty (30) days prior to the regularly scheduled Planning Commission meeting at which they are to be deliberated or decided upon. No application shall be accepted or placed on a Planning Commission agenda that does not meet this minimum advance submission requirement.**

SECTION 3: Duties of the Planning Commission

The Planning Commission shall perform the following duties:

1. Prepare, review, and update a master plan as a guide for development within the Village's planning jurisdiction, in accordance w h MCL 125.3839,41, and 43.

2. Take such action on petitions, staff proposals and Village Council requests as required by the Council.

3. Take such actions as authorized or required by the Michigan Planning Enabling Act.

4. Take such actions as authorized or required by the Michigan Zoning Enabling Act

5. Annually prepare a capital improvements program (CIP) of public structures and improvements in accordance with MCL 125.3865

6. Prepare an annual written report to the Village Council of the Planning Commission's operations and the status of planning activities, including recommendations regarding actions by the Village Council related to planning and development, as required by MCL 125.3819.

SECTION 4: Committees

1. Advisory Committees - The Planning Commission or Chairperson may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum of the Planning Commission may serve on an ad hoc committee at any given time.

2. Subservient to the Commission - All committees are subservient to the Planning Commission and shall report their recommendations to the Planning Commission for review and action. The Planning Commission shall have the authority to accept, reject or revise any recommendation of any committee.

3. *Minutes* - The Secretary or Vice-Chairperson of the committee shall keep minutes of the committee meetings in the same format used by the Planning Commission and filed in the same office as the Planning Commission's minutes. The Recording Secretary appointed pursuant to Section 1. E. may also be assigned the duty of taking Minutes at committee meetings.

4. *Public* - All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found i1 PA 267 of 1976, as amended, (being Michigan Open Meetings Act, MC.L.15.261 *et seq.).*

SECTION 5: Absences and Resignations

1. To be excused, members of the Planning Commission shall notify the Village President Supervisor, 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 result in an unexcused absence.

2. Three or more consecutive unexcused absences will lead to a report to the Village Council. MCL 125.3815, (9) states that members may be removed by the Village Council, after a hearing, for nonfeasance (omission of an act which a person ought to do).

3. A member may resign from the Planning Commission by sending a letter of resignation to the Village President, Village Council, or Planning Commission Chairperson. A member shall hold office until his or her successor is appointed.

4. In the case of a resignation of the Chairperson, Secretary, or other officer, the Planning Commission shall select a member to serve the remaining portion of the resigning officer's term. In the case of the Chairperson, an ex-officio member may not be selected, or serve in that capacity, per Section 17 (1) of the Michigan Planning Enabling Act, being MCL 125.3817 (1).

SECTION6: Conflict of Interest

1. Disclosure - Before participating in any discussion or casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

2. Definition - Conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

    a. An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. "Immediate family member" is defined as a spouse, child, stepchild, grandchild, parent, brother, sister, grandparent, parent in-law, grandparent in-law, or a member of his or her household.

    b. 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.

    c. The Planning Commission member owns or has a financial interest in neighboring property.

    d. There is a reasonable appearance of a conflict of interest.

3. Determination - if there is a question whether a conflict of interest (or a reasonable appearance of one) exists, the question shall be put before the Planning Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Planning Commission. In the event the Planning Commission makes the determination the Planning Commission shall apply the foregoing definition under Subsection B. above to the extent possible.

4. Required Actions - When a conflict of interest exists, the member of the Planning Commission shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists.

    a. Declare that a conflict exists at the next meeting of the Planning Commission.

    b. Cease to participate at the Planning Commission meeting, or in any other manner.

5. During deliberation of the agenda item before the Planning Commission, leave the meeting or remove one's self from the front table where members of the Planning Commission sit, until that agenda item is concluded. However, the conflicted Planning Commission member is not prohibited from commenting, from the floor, upon a proposed land use as a citizen during public comment.

6. Incompatible Office - Before a member of the Planning Commission accepts appointment to another public office, the member shall take steps to determine whether the other office is incompatible with his or her membership on the Planning Commission and is encouraged to consult with the Village President or the Planning Commission Chairperson before accepting the other public office. If a Planning Commission member does accept another public office, the member shall report the decision to either the Chairperson of the Planning Commission or to the Village President. If as a matter of law, the two positions are incompatible, the Planning Commissioner shall take steps to remove the incompatibility by either resigning from the other public office, or by resigning from the Planning Commission. If the Planning Commission member fails to remove the incompatibility, he or she may be removed from the Planning Commission as provided for by law.

SECTION 7: Adoption, Repeal, Amendments

1. These bylaws may be amended at any meeting by a vote of the majority of the membership of the Planning Commission.

2. Upon adoption of these Bylaws, they shall become effective and all previous Bylaws shall be repealed

3. These Bylaws may be amended at any regular or special meeting by a majority vote of the Planning Commission members.