



TOWNSHIP OF STRONACH

(MANISTEE COUNTY)

2471 MAIN STREET RR3

MANISTEE, MICHIGAN 49660

Stronach Township Planning Commission By-Laws

The following rules of procedure are hereby adopted by the Stronach Township Planning Commission to facilitate the performance of its duties as outlined in the Planning Enabling Act of 2008.

Section 1. Membership

A. The Planning Commission shall consist of five (5) members appointed by the majority vote of the Stronach Township Board. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications.

Shall be a qualified elector of Stronach Township, except that one member may be a non-qualified elector of Stronach Township but a qualified elector of another local unit of government.

B. Planning Commission appointment shall follow the procedure outlined below:

1. All appointments to the Planning Commission shall be made by a majority vote of the Township Board at a scheduled board meeting.
2. Vacancies to the Planning Commission shall be advertised in a circulated news publication that is available to the residents of Stronach Township, ten (10) days prior to the Township Board public hearing date scheduled for appointments. Notification of the vacancies for the Planning Commission and of the scheduled public hearing date for appointment to the Planning Commission shall be posted not less than fourteen (14) days prior to the public hearing date at the Township Hall.
3. Qualified electors wishing to serve on the Planning Commission, and meeting the requirements of a Planning Commission Member outlined in these bylaws should notify the Township Supervisor in writing of their intent to be included in the list of qualified electors wishing to be appointed by the Township Board. Those qualified electors wishing to be appointed to the Planning Commission shall be present at the Township Board Public Hearing when the appointments are to be voted on by the Township Board.

Section 2. Officers

A. **Selection and Tenure:** At the first regular meeting each January, the planning commission shall select from its membership chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office.

B. **Chairperson:** The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission.

C. **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 until new officers are elected which shall be required within two regularly scheduled meeting dates.

D. **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 township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and records of votes, conditions or recommendations made on any action and record of attendance. All minutes shall be provided to all commission members and the zoning administrator at least 3 days prior to the next meeting.
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.
3. **Attendance:** Each Planning Commission member and the Township Zoning Administrator shall attend all Planning Commission meetings. The secretary shall be responsible for maintaining an attendance record for each Planning Commission member and Zoning Administrator and report those records annually to the Planning Commission for inclusion in the annual report to the Township Board at a joint annual meeting.
4. **Notices:** The secretary shall issue such notices as may be required by the Planning Commission.

E. Planning Commission Representative: The Planning Representative shall present the recommendations of the Planning Commission in writing as required by the zoning ordinance, subdivision ordinance or other ordinance to the Township Board prior to their consideration of such request. The Planning Commission Chairperson or his/her designee shall give the Planning Commission Report to the Township Board.

F. Zoning Board of Appeals Representative: The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Planning Commission in writing and update the Zoning Board of Appeals on actions by the Planning Commission in writing that relate to the functions and duties of the Zoning Board of Appeals. Copies will also be provided to the Zoning Administrator. The representative from the Planning Commission that sits on the Board of Appeals shall not be the Chairperson of the Planning Commission.

Section 3. Meetings

A. Regular Meetings: The Planning Commission shall hold not less than six (6) regular meetings each year and shall determine the time and place of such meetings. Other meetings may be held and scheduled as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in conflict, the Planning Commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting and shall be posted within three (3) days of such meeting. Notice of regular Planning Commission meetings shall be posted at the principle township office within ten (10) days after the planning commission's first meeting in each calendar year in accordance 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. The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests. If possible notice of special meetings 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 eighteen (18) hours before the meeting.

C. Trainings and Other Meetings: Planning Commission members attending approved trainings or meetings outside of Regular or Special Stronach Township Planning Commission meetings shall provide a written summary of the meeting they attended including the meeting date, purpose, material covered and the mileage to the meeting location for reimbursement of approved meetings. Approval for attendance of meetings by Planning Commission members outside

of the Regular or Special Planning Commission meetings shall be determined by the Township Board. The Chairperson of Planning or his/her designee shall request the allowance for attending such a meeting to the Township Board at a regularly scheduled Board meeting.

D. 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.

E. Quorum: Three (3) members of a five (5) member 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 provision of the Open Meetings Act, or hold the meeting to consider the matters on the agenda. No action shall be taken at a meeting at which a quorum is not present.

F. Voting: An affirmative vote of the majority of the Planning Commission membership is required to approve any part of the master plan, zoning ordinance or amendments to either. 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 unless a conflict of interest exists, but the chairperson shall vote last.

G. Agenda: The chairperson shall be responsible for preparing an agenda for the Planning Commission meetings. Any individual wishing to be placed on the agenda shall provide a written request to the Secretary of Planning to be forwarded to the Chairperson at least 2 weeks prior to the scheduled meeting.

The order of business for meetings shall be as follows:

1. Call to order
2. Roll call and recognition of visitors
3. Approval of Agenda
4. Approval of minutes
5. Open discussion for issues not on the agenda & public comment
6. Scheduled public hearings
7. Other matters to be reviewed by the Planning Commission
8. Report of the Township Board representative
9. Report of the Zoning Board of Appeals representative
10. Written report from the Zoning Administrator
11. Report of Planning Consultant
12. Old business
13. New Business
14. Public Feedback
15. Adjournment

H. Public Hearing: 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 rules of procedure 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 with a written agenda.
3. Township Zoning Administrator/other consultants present their report and recommendations.
4. Applicant provides additional information
5. Public Comment
6. Chairperson closes the public hearing and returns to the regular/special meeting
7. Planning Commission begins deliberation and arrives at a decision.

To ensure everyone has the opportunity to speak, the chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows. The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments.

All comments by the public, staff and the planning commission shall be directed to the chairperson. All comments shall be related to the agenda for public hearing; unrelated comments shall be ruled out of order.

A written notice containing the decision of the planning commission will be filed in public records and sent to petitioners and originators of the request within 90 days. The decision should state the *findings of fact* that led the Planning Commission to the decision.

Section 4: Duties of the Planning Commission

The Planning Commission shall perform the following duties:

- A. Take such action on petitions, staff proposals and Township Board requests for amendments to the zoning ordinance as required.
- B. Take such action on petition, staff proposals and Township Board requests for amendments to the master plan and other township plans as required.
- C. Prepare an annual report to the Township Board, which contains the following elements:
 1. All tasks/projects undertaken by the Planning Commission during the previous year.

2. All land use permits, building permits and land divisions that took place within the township during the previous year.
 3. All public hearing outcomes for cases brought before the Planning Commission during the previous year with findings of fact.
 4. All meeting dates, whether regular or special meetings that were held during the previous year.
 5. Attendance records of each meeting for each Planning Commission member and the Zoning Administrator for the previous year.
- D. Prepare an annual work program and budget, to be included in the annual report.
- E. Take such actions as are required by the Michigan Planning Enabling and Zoning Enabling Act.
- F. Review proposals and recommend appropriate actions to the Township Board.
- G. Prepare special studies and plans as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board or funds available in the Planning Commission budget.
- H. 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 Township Board, as needed.
- I. Prepare a capital improvement plan
- J. Perform other duties and responsibilities or respond as requested by any Township Board or Commission.
- K. Hold a joint meeting of the Planning Commission and Township Board annually.

Section 5: Duties of the Zoning Administrator and Planning Consultant

- A. The Planning Commission shall be assisted by the Zoning Administrator and Planning consultant in performing the Planning Commission's duties, as noted in section 4.
- B. The Zoning Administrator, Planning Consultant and the Planning Commission Secretary shall be responsible for the professional and administrative work in coordinating the functions of the planning commission.
- C. The Zoning Administrator shall:

1. Attend all regular and special Planning Commission meetings or if a conflict exists shall contact the Chair or Vice Chair to notify them of his/her absence. Three (3) unexcused absences will be allowed after which time the Zoning Administrator will be subject to disciplinary action which could include termination.
2. Supervise and review the work of the Planning Consultant and Township staff.
3. Accept applications for matters to be reviewed by the planning commission and ensure that such applications are complete.
4. Forward application materials to the Planning Commission at least one week prior to the meeting at which the matters will be considered.
5. Inform the Planning Commission of administrative and enforcement actions taken on behalf of the Township related to the zoning or other appropriate ordinances as needed until finalization.
6. Forward a monthly written report which will include all variances, special use permits, land use permits, land divisions and cases that are currently included in the workload of the Zoning Administrator.
7. Forward zoning ordinance, master plan and other amendments to the County Planning Department for a 30-day review by the County Planning Commission.

D. The Planning Consultant shall:

1. Attend Planning Commission meetings at the request of the Planning Commission.
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. Prepare amendments to the zoning ordinance as directed by the Planning Commission.
4. Prepare and forward to the Zoning Administrator written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Planning Commission.
5. Meet with applicants, their representatives and/or township officials as needed to properly perform project reviews.
6. Perform other duties as requested by the Planning Commission.

E. The Planning Commission may be assisted by other professional or township staff as needed, including the building inspector, township attorney, township engineer or other person or agency.

Section 6: Absences, Removals, Resignations, Vacancies, and Advisory Committees.

A. To be excused from a meeting, members of the Planning Commission and the Zoning Administrator shall notify the Planning Commission Chairperson, Vice-Chair or Secretary to inform them of when they intend to be absent. If unable to

notify any of the Planning Commission Officers notice shall be given to another member of the Planning Commission. Failure to make this notification prior to a meeting shall result in an unexcused absence. After accumulation of 3 unexcused absences disciplinary action may be taken, which could include recommendation to the Township Board for removal of said member from the Planning Commission.

B. Members of the Planning Commission shall be removed by the Township Supervisor, after a hearing, with the approval of the majority of the Township Board.

C. A member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor and Planning Commission Chairperson or the Vice-Chair in the event the Chair is the commission member resigning.

D. Vacancies shall be appointed by the Township Supervisor, with the majority approval of the Township Board, within one month of resignation or removal of a Planning Commission member (The month timeframe may be extended by not more than thirty (30) days in the event that more time is needed to comply with the requirements of Section 1B of these bylaws). Successors shall serve out the unexpired term of the member being replaced.

E. The Planning Commission may appoint individuals to advisory committees that will assist with the completion of tasks or projects undertaken by the Planning Commission. Individuals wishing to serve on an advisory committee shall notify the Secretary of Planning in writing of their intent to serve at least 2 weeks prior to the meeting at which they would like to be formally appointed. The names of those wishing to serve on advisory committees will be provided to the Planning Commission Chairperson, and the appointment shall take place at the next scheduled meeting by a majority vote of the Planning Commission. Individuals wishing to be removed from an advisory committee shall notify the Secretary of Planning in writing to be forwarded to the Planning Commission Chairperson. The Planning Commission reserves the right to remove anyone appointed to an advisory committee at any time.

Section 7: Conflict 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 neighboring property. For purposes of this section, a neighboring

property shall include any property falling within the notification radius for a request, as required by the zoning ordinance or other applicable ordinance or State Statute.

4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.
5. All requests for declaring a conflict of interest shall be determined by the Planning Commission through a majority vote. The member that is declared to have a conflict of interest is to abstain from voting, and the Chair should withhold their vote to only be used in the event of tie.

B. 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. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. Any and all members of the Planning Commission can declare a conflict of interest for themselves or another member of the Planning Commission, stating the reason for the conflict as it pertains to Section 7A. The Planning Commission will then decide if he or she should abstain from voting on the request.

If a member is declared to have a conflict of interest either by their choice or through a majority vote of the Planning Commission members; the member declared to have a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his/her constitutionally protected rights to participate. At a minimum, a Planning Commission member declared to have a conflict of interest shall remove themselves from the Planning Commission bench and take a seat in the audience while the request is discussed and voted upon.

Section 7: Amendments

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

Adopted by the Stronach Township Planning Commission at a regular meeting April 3rd, 2012.

Amended by the Stronach Township Planning Commission at the regular meeting on April 5th, 2017.

Planning Commission Secretary


