

**Macomb Township Planning Commission**

**BYLAWS & RULES OF PROCEDURE**

Adopted: October 17, 2017  
Amended: February 19, 2019 and May 18, 2021

## **Macomb Township Planning Commission**

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### **ARTICLE I: AUTHORITY**

These bylaws are adopted by the Macomb Township Planning Commission ("Commission") pursuant to the Michigan Planning Enabling Act (PA 33 of 2008) MCL 125.3819(1). The Commission will only act within its responsibility and as enabled in the Michigan Planning Enabling Act (PA 33 of 2008), the Michigan Zoning Enabling Act (PA 110 of 2006), the Open Meetings Act (PA 267 of 1976), and as authorized by any other Michigan law or Macomb Township ordinance.

### **ARTICLE II: PURPOSE**

The general purpose of the Macomb Township Planning Commission is to guide and promote the efficient, coordinated development of Macomb Township (the "Township") to best protect the health, safety, and general welfare of our people; preserve the Township's natural resources; implement the goals and recommendations of the Macomb Township Master Plan ("Master Plan"); and to implement planning standards in accordance with Michigan law and Macomb Township ordinance.

### **ARTICLE III: COMMISSION DUTIES**

- A. Adopt a Master Plan as authorized under MCL 125.3831, review the Master Plan as required by MCL 125.3845(2), and make necessary updates as required.
- B. Draft language, conduct hearings, and recommend a Zoning Ordinance, or extension, addition, revision, or other amendment of, to the Township Board of Trustees ("Township Board") per MCL 125.3401.
- C. Prepare an annual report for the Township Board as required in MCL 125.3819(2). The annual report must include the Commission's attendance, operations, and status of petitions before them over the course of the prior year.
- D. Review and take action or recommend actions to the Township Board on site plan (MCL 125.3501), special land use (MCL 125.3502), and planned unit development (MCL 125.3503) requests.
- E. Review platted subdivision or site condominium proposals and recommend actions to the Township Board according to Macomb Township's Ordinance *Chapter 17 - LAND DIVISION REGULATIONS*.
- F. Prepare special studies and plans deemed necessary by the Commission or Township Board and for which appropriations of funds have been approved by Township Board, as needed.
- G. Attend training sessions, conferences, or meetings needed to fulfill the duties of Commissioner, and for which appropriations of funds have been approved by the Township Board, as needed.
- H. Perform other duties and responsibilities as requested by the Township Board.

### **ARTICLE IV: MEMBERSHIP**

- A. **Membership Requirements.**
  1. The Planning Commission consists of 7 Commissioners. MCL 125.3815(2).
  2. The Township Supervisor appoints Commissioners, subject to approval by a majority vote of the Township Board elected and serving. MCL 125.3815(1).
  3. Commissioners must be qualified electors of Macomb Township. MCL 125.3815(4).

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4. Commissioners must be representative of important segments of the community, such as the economic, governmental, educational, and social development of Macomb Township, in accordance with the major interests as they exist here, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership must also be representative of Macomb Township's entire territory to the extent practicable. MCL 125.3815(3).
  5. One member of the Township Board shall be appointed to the planning commission, as an ex officio member ("Board Representative"). MCL 125.3815(5).
  6. The Township Board may remove a Commissioner for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- B. **Term.** Commissioners are appointed to serve a 3 year term. MCL 125.3815(2).
- C. **Vacancy.** If a vacancy occurs on the Planning Commission, the vacancy must be filled for the unexpired term in the same manner as provided for an original appointment. The Township Supervisor appoints a new Commissioner to the vacancy, subject to the approval of a majority vote of the Township Board elected and serving. MCL 125.3815(1). A Commissioner shall hold office until a successor is appointed. MCL 125.3815(2)
- D. **Restrictions.** An appointed Commissioner shall not be an employee of the Township or hold another municipal office except that one (1) member shall be a ZBA Liaison and one (1) member shall be the Board Representative.

### **ARTICLE V: OFFICERS and COMMISSIONERS**

- A. **Officers.** The Officers of the Commission must be appointed members of the Commission and must consist of a Chair, Vice-Chair, and Secretary. The Board Representative is not eligible to serve as the Chairperson. MCL 125.3817.
- B. **Election of Officers.**
1. At the first meeting of each calendar year, the Commission elects from its membership a Chair, Vice-Chair, and Secretary who serve for a 12-month period and who is eligible for re-election. MCL 125.3817
  2. A candidate receiving a majority vote of the membership present is declared elected.
  3. Newly elected officers assume their office immediately after election.
  4. All officers serve a term of one (1) year or until their successors are selected and assume office. Officers may be re-elected.
- C. **Duties of the Chair.** The Chair presides at all meetings, appoint committees; and perform such duties as may be delegated by the Commission or Township Board. The Chair shall have the right to appoint new committee members at any time to fill a committee vacancy.
- D. **Duties of the Vice-Chair.** The Vice-Chair must act in the capacity of the Chair in his/her absence.
- E. **Duties of the Secretary.** The Secretary is the liaison between the Commission and the Township staff who is responsible for the execution of documents in the name of the Commission, overseeing the duties hereinafter listed below, and performing such other duties as the Commission may determine.
1. **Correspondence.** Township staff is responsible for issuing formal written correspondence to groups or people, as directed by the Commission. All communications, petitions, reports, or other written materials received by staff must be brought to the attention of the Commission.

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2. **Attendance.** Designated Township staff is responsible for maintaining an attendance record for each Commissioner and report those records annually to the Commission for inclusion in the Annual Report to the Township Board.
3. **Annual Report.** Designated Township staff is responsible for compiling the data and information necessary for the preparation of the Annual Report, preparing the Annual Report, and submitting the Annual Report to the Planning Commission for review and approval.
- F. **Duties of the Township Board Representative.** The Board Representative to the Commission must report the actions of the Township Board to the Commission, specifically those that relate to the functions and duties of the Commission. The Board Representative should periodically report Commission activities to the Township Board.
- G. **Duties of the Zoning Board of Appeals Representative.** The ZBA representative to the Commission must report the actions of the ZBA to the Commission.
- H. **Vacancies.** Vacancies in offices shall be filled immediately by regular election procedure.
- I. **Resignation of Office.** An officer of the Commission may resign from the office they hold at any meeting upon requesting such resignation. The Commission shall accept such resignation immediately and fill the officer position.

### **ARTICLE VI: MEETINGS**

- A. **Regular Meetings.** Regular meetings of the Commission must be held twice monthly in the Township Hall on the first and third Tuesdays of each month. The dates and times shall be posted on the Macomb Township website and at the Macomb Township Hall, MCL 15.265(2). A telephonic or video-conference meeting may be held due to a declared state of emergency or state of disaster, if permitted by Michigan law and conducted in accordance with MCL 15.263a. Any changes in the date or time of regular meetings must be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select a suitable alternate date or cancel the meeting.
- B. **Meeting Notices.** All meetings must be posted on the Macomb Township website and at the Township Hall according to the Open Meetings Act, MCL 15.264 and MCL 15.265. The notice must include the date, time and place of the meeting.
- C. **Special Meetings.** A special meeting may be called by the Chair, by two (2) Commissioners, or upon written request to the Planning Department. Public notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, MCL 15.264 and MCL 15.265, and the Secretary must notify all Commissioners of a special meeting at least forty-eight (48) hours prior to such meeting. MCL 15.265(4)
- D. **Canceling Meetings.** The Planning Director may cancel meetings with the consent of the Chair or, in cases when the Chair cannot be contacted, the Township Supervisor.
- E. **Open Meetings.** All Commission meetings must be open to the public and held in a place accessible to the general public. All deliberations and decisions of the Commission must be made at a meeting open to the public. A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting. MCL 15.263(6)
- F. **Public Hearings.** Public hearings conducted by the Commission must occur in an orderly and timely fashion according to these hearing procedures:
  1. Chair explains the request of the applicant.
  2. Chair asks Planning Staff to summarize report and recommendations.
  3. Applicant is requested to present project highlights.

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4. Chair permits Commissioner questions and comments.
  5. Chair opens Public Hearing by asking for a motion from the Commission to open the Public Hearing.
    - (a) Each person addressing the Commission during the public hearing speaks at the designated microphone, states their name and address, and provides comment. Each person has four (4) minutes to complete their comments during the public hearing.
    - (b) After all members of the public have had an opportunity to speak, the Chair directs questions and comments from the public to the Planning Department representative to address each comment.
  6. Chair asks for discussion. If there is no discussion or once the discussion is concluded, the Chair asks for a motion from the Commission to close the Public Hearing.
  7. Chair closes Public Hearing.
- G. **Public Comments on Non-Agenda Items.** This time during the meeting is set aside for the public to give the Commission comments not related to any items on the agenda. Each person has four (4) minutes to complete their comments during this time. When all of the public has been heard, the Chair will direct the Planning Department representative to address such comments and questions.
- H. **Public Record.** All meetings, minutes, records, documents, correspondence, and other materials of the Commission are open to public inspection in accordance with the Freedom of Information Act (PA 442 of 1976), except as may otherwise be provided by law.
- I. **Minutes.** Commission minutes must be prepared for each meeting. The minutes contain the date, time, and place of the meeting; a brief statement of the agenda items being considered; all votes taken at the meeting; a complete statement of the conditions or recommendations made on any action; and the recording of attendance. MCL 15.269. The Commission shall make the proposed minutes available for public inspection within eight (8) business days after the meeting to which the minutes refer. The Commission shall make any corrections in the minutes at the next meeting after the meeting on which the minutes refer. The Commission shall make corrected minutes available at or before the next subsequent meeting after the correction. The corrected minutes shall show both the original entry and the correction. MCL 15.269(1). The Township shall make the approved minutes available to the public within five (5) business days after the meeting at which the minutes are approved by the Commission. MCL 15.269(3). Copies of the minutes shall be made available by the Township at the reasonable estimated cost for printing and copying. MCL 15.269(2).
- J. **Quorum.** For the Commission to meet quorum and conduct business or take any official action, four (4) Commissioners must be present. When this quorum is not present, the Chair must open the meeting, declare a lack of quorum, and close the meeting.
- K. **Voting.** An affirmative vote of a majority of the Commissioners present at a meeting is required to approve any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote is required if requested by any Commissioner, directed by the Chair or if directed by state law or local ordinance. All Commissioners shall vote on every motion placed on the floor unless there is a conflict of interest. Any Commissioner abstaining from a vote must not participate in the discussion of that item.
- L. **Agenda.** A written agenda for all meetings must be prepared as generally outlined below:
1. Call to Order
  2. Pledge of Allegiance

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3. Roll Call
4. Approval of Minutes
5. Approval of Agenda
6. New Business / Public Hearings
7. Old Business
8. Public Comments on Non-Agenda Items\*
9. Commissioner Comments
10. Macomb Township Board of Trustees Liaison Update
11. ZBA Liaison Update
12. Planning Department Items
13. Adjournment

\*Comments are limited to four (4) minutes, thank you.

- M. **Commissioner Requests.** Any Commissioner may request that an item be placed on the regular meeting agenda for discussion provided such request is made not less than two (2) weeks prior to the next regular meeting and provided that such request is approved by the Chair.
- N. **Decisions by Commission.** The Commission shall make a definitive decision ~~on all ground sign~~, site plan and special land use applications. All other decisions shall provide a recommendation to the Township Board.
- O. **Notice of Decision.** A written notice containing the decision of the Commission will be sent to petitioners.
- P. **Suspension of Meeting Rules.** The Commission may entertain a supported motion to suspend the meeting rules per Robert's Rules of Order §25.
- Q. **Rules of Order.** All Commission meetings shall follow "Robert's Rules of Order;" however, the Chair may deviate from strictly following Robert's Rules of Order on a particular item, if the Chair deems appropriate to promote and provide proper due process.
- R. **Rules of Conduct.** Rules of order, rules of conduct and general courtesy are necessary to ensure due process for the Township, the public and the applicant. The Commission, in efforts to protect the rights of all parties, shall vigorously enforce proper decorum so a legitimate hearing is afforded to all. Any behavior contrary to the rules can damage the integrity of Township's decision in a court of law due to rulings of unfair or biased decision-making. The Chair may announce the rules of conduct of the public hearing as follows: (1) All comments shall be addressed to the Chair; (2) Each person shall be given an opportunity to be heard, but, at the discretion of the Chair, second comments will not be permitted until every person has had the opportunity to speak for the first time; (3) In the interest of fairness to the public, statements from the floor should be as concise as possible; (4) The Chairman reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand; (5) A time limit of four (4) minutes per person shall be placed on public comments; (6) At all times during the public hearing, the Chair expects courtesy from all participants and catcall, booing, clapping or other outbursts from the public shall not be tolerated; and (7) Decisions of the Planning Commission shall be based upon finding of fact based upon proper facts and accepted principles of planning.

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- S. **Applicant's Presentation.** The Chairman shall allow the applicant a reasonable opportunity to present the project, as necessary for the Commission to understand such project. The Chairman reserves the right to limit the amount of time allocated to a spokesperson to avoid filibustering. The Chairman may elect during the course of the applicant's, public or Commission's comments to obtain brief answers from the staff or the applicant if such comments may expedite the hearing.

### **ARTICLE VII: CONFLICT OF INTEREST**

1. . Before casting a vote on the matter on which a Commissioner may reasonably be considered to have a conflict of interest, the Commissioner shall disclose the potential conflict of interest or actual conflict of interest to the Commission. A Commissioner is disqualified from voting on the matter where the potential conflict or actual conflict exists. Failure of a Commissioner to disclose a potential conflict of interest or actual conflict of interest as defined by these bylaws, Macomb Township Standards of Ethical Conduct Ordinance 2-145 and Michigan law, constitutes malfeasance in office. MCL 125.3815(9).
- A. **Declaration of Conflict.** Commissioners must declare a conflict of interest, including but not limited to when one (1) or more of the following occur:
1. An immediate family member (a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild) is involved in any request for which the Commissioner is asked to make a decision.
  2. The Commissioner 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 Commissioner owns or has a financial interest in an adjacent property. An adjacent property shall include any property that shares a property boundary with or is directly across a right-of-way from the subject property.
- B. **Requirements.** When declaring a conflict, the Commissioner must do all of the following:
1. Announce a conflict of interest and state its general nature.
  2. Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
  3. Leave the room where the discussion takes place.

### **ARTICLE VIII: ABSENCES, REMOVALS, AND RESIGNATIONS**

- A. **Absences.** In order to be excused from a meeting, Commissioners must notify the Chair when they intend to be absent from the meeting and as well as give a reason for the absence. Failure to make this notification within a reasonable time prior to the meeting or failure of the Commissioner to provide a legitimate reason for the absence will result in an unexcused absence. More than two (2) consecutive, unexcused absences or six (6) absences (excused or unexcused) in any twelve (12) month period may be considered nonfeasance of duty and cause for removal.
- B. **Removal.** The Township Board may remove a Commissioner for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing on the charge(s).
- C. **Resignation.** A Commissioner may resign by informing the Township Supervisor in writing.

### **ARTICLE IX: AMENDMENTS**

These rules may be amended by the Commission by a concurring vote of a majority of the membership (4 votes) during any regular meeting, provided that all Commissioners receive the proposed amendments at least 3 days before the meeting when such amendments are considered.

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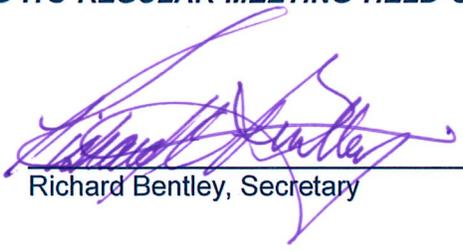
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**THESE BY-LAWS WERE DULY ADOPTED BY A TWO-THIRDS VOTE OF THE MACOMB TOWNSHIP PLANNING COMMISSION DURING ITS REGULAR MEETING HELD ON MAY 18<sup>th</sup>, 2021.**



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Michael Hardy, Chairman



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Richard Bentley, Secretary