

**CHARTER TOWNSHIP OF ORION  
PLANNING COMMISSION BY-LAWS  
OAKLAND COUNTY, MICHIGAN  
ADOPTED MAY 16, 2022**

**ARTICLE 1.**

The name of this Commission shall be the Charter Township of Orion Planning Commission.

**ARTICLE 2.**

The general purpose of the Charter Township of Orion Planning Commission shall be to guide and promote the efficient, coordinated development of this Township in a manner which will best promote the health, safety, and general welfare of its people.

**ARTICLE 3.**

**SECTION 1. CREATION**

The Planning Commission was created pursuant to resolution of the Orion Township Board as authorized by Act 168, Michigan Public Act of 1959, as amended, and as confirmed by Act 33 of 2008, as amended.

**SECTION 2. MEMBERSHIP**

The Commission shall consist of seven (7) members, representing, insofar as it is possible, important segments of the community such as economic, governmental, educational, and social development. To the extent possible, membership shall be representative of the entire geography of the Township. One member of the Township Board shall serve as an ex officio member of the Commission, with all voting rights, whose term shall expire with his or her term on the Township Board or if the Township Board appoints a new ex officio member.

**SECTION 3. TERM OF OFFICE**

The term of each member, other than the ex officio member, shall be three (3) years. Insofar as possible, terms shall be staggered so that the terms of 1 /3 of all Commission members will expire each year. Members, other than the ex officio member, shall be appointed by the Township Supervisor, subject to the approval by a majority vote of the Township Board. Should a Commissioner be unable to complete a full three-year term, the Township Supervisor, with the approval of the Township Board, shall appoint a new member to fill the remainder of the term. A member shall, to the extent possible, serve until a successor has been appointed and qualified.

**ARTICLE 4.**

**SECTION 1. OFFICERS**

The Commission shall have a Chairperson, Vice-Chairperson, and a Secretary.

**SECTION 2. CHAIRPERSON**

The Chairperson shall preside at all meetings, appoint such committees as shall from time to time be deemed necessary, and perform such duties as may be delegated by the Commission. The Chairperson shall have a vote on all resolutions of the Commission. An ex officio member of the Commission shall not serve as Chairperson.

**SECTION 3. VICE-CHAIRPERSON**

The Vice-Chairperson shall preside in the absence of the Chairperson.

**SECTION 4. SECRETARY**

The Secretary shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc., brought before the Commission. Such duties may be performed by an employed Recording Secretary when delegated by the Commission.

**SECTION 5. ZONING BOARD OF APPEALS REPRESENTATIVE**

The Planning Commission shall recommend to the Township Board one of its members to serve as its representative on the Zoning Board of Appeals. The member shall not be the Township Board representative of the Planning Commission.

**ARTICLE 5.**

**SECTION 1. MEETINGS**

All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions will be conducted. Regular meetings will be held on the first and third Wednesday of each month at 7:00 p.m. and ending at 10:30 p.m., unless another date and time becomes necessary, or unless no meeting is necessary due to lack of agenda items. The Planning Commission shall not begin discussion or take action on a new agenda item after 10:30 p.m. except by a majority vote of the Planning Commissioners present. Meetings shall not extend beyond 11:00 p.m. except to complete whatever item of the agenda is under discussion at that time. However, the Planning Commission, by unanimous vote, may extend the meeting further to complete other agenda items. Agenda items not acted upon at the time of adjournment shall be placed on the next available agenda of the regular meeting of the Planning Commission.

**A. REGULAR MEETINGS**

The purpose of the regular meetings will be to make decisions on pending business matters, and to approve minutes of previous meetings. Notice of the regular meetings for the coming year shall be approved by the Commission at one of the regular December meetings. Such notice shall then be posted in the Township Hall, 2323 Joslyn Road, Lake Orion, Michigan and/or on the Township's website.

For public hearings, the Township shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the hearing. The planning commission shall also submit notice of the public hearing in the manner provided under the Planning Enabling Act in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section 41. Notice shall also be given to the owner(s) of property subject of the request and all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice as set forth herein is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. Notice as set forth herein shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

**B. SPECIAL MEETINGS**

The purpose of special meetings will be to review business matters that cannot wait for the regular meeting date. The special meetings may be called by the Chairperson or the Vice-Chairperson of the Commission at such time and place deemed necessary. Prior notice of 48 hours is required to each Commissioner stating the time, place, and nature of business. A public notice shall be posted at least eighteen (18) hours prior to the meeting.

**C. COMMITTEE MEETINGS**

The purpose of the committee meetings shall be to prepare items for presentation to the full membership of the Planning Commission. The committees shall be advisory bodies only and shall in no instance take action on any item. Items being considered for action shall be placed on the "Unfinished Business" portion of the agenda of a regular or special meeting. The committees may give progress reports and ask for direction from the full Planning Commission under the "Committee Reports" section of the agenda, but no action may be taken on any item during the agenda.

1. Committees whose appointed membership constitutes a quorum of the full Planning Commission shall hold their meetings only during the “Unfinished Business” portion of a regular meeting or special meeting. The committee meetings shall be included as an item on the agenda and shall be published as prescribed by law.
2. Committees whose appointed membership does not constitute a quorum of the full Planning Commission may schedule meetings outside of the regular or special meetings.
3. Members of the Planning Commission who are not appointed members of a committee shall not attend committee meetings.

## **SECTION 2. AGENDA**

The agenda shall consist of business matters to be acted upon by the Planning Commission. In the event an item lacks sufficient information to take action, the Commission shall postpone the matter until such time the required information has been submitted. Such time shall not exceed ninety (90) days from the original appearance of the business matter on the agenda. . The Planning Commission may deny approval of the matter based upon lack of progress or for any other reason.

## **SECTION 3. PUBLIC PARTICIPATION**

As provided by statute, all meetings, including special meetings and committee meetings shall be open to the public.

Public comments on agenda and non-agenda items shall be taken only at the time cited under Article VIII, Section 4 of these By-Laws. The time allotted for the public to be heard on any agenda item and/or non-agenda item shall be limited to a time of three (3) minutes per item unless this time is extended or reduced by the Chair. No member of the public shall speak twice on any single subject matter unless authorized by the Chair. Should any person be unable to appear, they may submit their comments to the Commission in writing, addressed to the Planning Commission Chairman, at the Township Offices.

The Commission shall keep a public record of its resolutions, transactions, findings, and determinations in the Office of the Township Clerk and/or the with the Planning and Zoning Director.

## **SECTION 4. CANCELLATION OF MEETING DUE TO HOLIDAY**

In the event a scheduled meeting falls upon a holiday, such meeting may be cancelled, and items of that agenda carried forward to the next appropriate meeting date.

## **SECTION 5. REMOVAL OF COMMISSIONERS - CONFLICT OF INTEREST**

The Township Board may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member absent from three (3) consecutive meetings without a valid excuse shall be reported to the Township Board for nonfeasance, at the discretion of the Commission.

A member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest shall constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a majority vote of the remaining members of the Commission.

A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A Planning Commissioner shall declare a conflict of interest 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. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.

## **SECTION 6. ORDER**

Meeting procedures and conduct shall be generally consistent with Robert's Rules of Order, unless superseded by The Open Meetings Act (MCL 15.261, *et seq.*) or these Planning Commission By-Laws.

During a meeting, the following rules of procedure shall apply to consideration of any item on the Planning Commission agenda:

- 1) The Chairperson will introduce the subject.
- 2) The applicant will present his/her case.
- 3) Consultant Reviews.
- 4) Board member questions and comments, if any.
- 5) Applicant response.
- 6) Motion made and seconded by Planning Commission members.
- 7) Chairperson restates the motion and allows for discussion by PLANNING COMMISSION members.
- 8) The motion may be revised or amended following discussion by the PLANNING COMMISSION.
- 9) Public comment, if any.

- 10) Once the PLANNING COMMISSION members indicated they are ready for the question, whether by positive response to the Chairperson or voting to close debate, the Chairperson asks for the roll to be called.
- 11) The Secretary will then poll each PLANNING COMMISSION member for their vote on the item under consideration.

## **ARTICLE 6.**

### **SECTION 1. ELECTION OF OFFICERS**

Election of Officers of the Commission shall be held annually at the first regular meeting following the appointment or re-appointment of Planning Commission members by the Township Board.

- A. The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of Planning Commission members by the Township Board of the subsequent year. The immediate past Chair shall continue to preside at the meeting until the election of the new Chairperson is complete.
- B. Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action from the Orion Township Board of Trustees.

## **ARTICLE 7.**

### **SECTION 1. APPOINTMENT TO COMMITTEES**

The Chair may create or dissolve the committee at any time. Appointments and re-appointments to the committees shall be made by the Chair at the time the committees are created, and the terms shall expire concurrently with the appointment or re-appointment of Planning Commission members by the Township Board.

### **SECTION 2. ADVISORS**

The Chair may appoint persons who are not members of the Planning Commission as advisors to the committees. Terms of the advisors will normally be for one (1) year and shall expire and be re-appointed in the same manner as the members appointed from the Planning Commission.

## **ARTICLE 8.**

### **SECTION 1. RULES**

A quorum consists of four (4) or more members.

### **SECTION 2. VOTING**

A minimum of four (4) votes in favor is necessary to pass any motion. Provided a quorum of four (4) or more members are present, a vote of at least four (4) of those members present shall be necessary to approve any motion, resolution, recommendation, or adoption of the Master Plan. Should the absence of one or more members of the Planning Commission result in the inability of the Commission to achieve four (4) votes in favor of a motion, no action shall be deemed taken, and the item shall be placed on the agenda of the next regular or special meeting.

### **SECTION 3. REPORT TO TOWNSHIP BOARD**

A report shall be prepared annually and approved by a majority vote of the Planning Commission. The report shall be prepared by the Recording Secretary and submitted to the Planning Commission no later than the second regular meeting in February of each year. After review by the Planning Commission, the report shall be submitted to the Township Board for their review.

### **SECTION 4.**

Conduct of a regular meeting shall require the following order to business:

1. Open meeting and state if it is a regular or special meeting. (If special, dispense with Items 3, 4, 5, 6, 7 and 10.)
2. Roll Call
3. Minutes
4. Agenda Review and Approval
5. Brief Public Comment - Non-Agenda Items Only
6. Consent Agenda
7. New Business
8. Unfinished Business
9. Public Comments
10. Communications/Committee Reports
11. Planner's Report/Education
12. Future Public Hearings
13. Chairman's Comments
14. Commissioners' Comments
15. Adjournment

**SECTION 5. AMENDMENT TO BY-LAWS**

The by-laws may be amended at any regular meeting by a majority vote of the members of the Commission, providing the proposed changes have been read at a preceding meeting, and subject to approval by the Township Board of Trustees

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Adopted this 7th day of February 1979

Amended August 25, 1982 (Section 3)

Amended November 17, 1982 (Article 4, Section 2)

Amended October 2, 1985 (Article 1; Article 2; Article 3, Section 2; Article 4, Sections 2, 5, & 6; Article 5, Sections 1.A., 2, & 3; Article 7, Sections 1, 2, 3, & 4)

Amended February 19, 1995 (Article 3, Sections 2 & 3; Article 5, Section J.C., 1, 2, 3, 4, & 5; Article 6, Section 1; Article 7, Sections 1, 2, & 3; Article 8, Sections 1, 2, 3, & 4)

Amended December 29, 1997 (Article 3, Section 2; Article 8, Sections 1 & 2)

Amended February 6, 2002 (Article 4, Section 5; Article 6, Section 1; Article 7, Sections 1, 2, & 3)

Amended December 4, 2002 (Article 5, Section 1)

Amended October 1, 2008 (Article 3, Sections 2 & 3.; Article 5., Sections 1. 5. & 6.)

Amended May 16, 2022 (Article 5, Sections 1., 2., 3., &6; Article 8, Section 1.,2.,4. & 5)