

CHARTER TOWNSHIP OF OSCODA

Planning Commission

By-Laws

The following By-Laws hereby adopted by the Oscoda Township Planning Commission to facilitate the performance of its duties as outlined in the Township Planning Act, Public Act 168 of 1959, as amended, Michigan Public Act 33 of 2008 as amended. (Being the Michigan Planning Enabling Act, M.C.L 125.3801, et.seq) and Article IV, Division 3, Sec. 2-138 of the Oscoda Township Code of Ordinances.

Section 1: Officers

- A. **Selection and Tenure:** At the first regular meeting in June of each year, the Planning Commission shall select from its membership a chairperson, vice chairperson and secretary. An elected township official shall not hold office on the Planning Commission. 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 members to committees, assign tasks and perform such other duties as ordered by and deemed necessary by the Township Board.
- 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 for the unexpired term and the Planning Commission shall elect a successor to the office of vice chairperson for the unexpired term.
- D. **Secretarial Duties:** The Secretary shall execute documents in the name of the Planning Commission, perform the duties listed below and shall perform such other duties as determined by the Planning Commission.
 - 1. **Minutes:** The Secretary and/or Planning & Zoning Director shall be responsible for keeping a permanent record of the minutes of each meeting and shall have them preserved as required by the Township Clerk. The minutes shall contain a clear description of the meeting, including all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 - 2. **Correspondence:** The Secretary and/or Planning & Zoning Director 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 pertaining to the Planning Commission shall be forwarded to each board member at the earliest opportunity. This includes an annual report of the previous year's activities drafted by the Planning & Zoning Director or Secretary which shall be given to the Planning Commission for review/revision,

prior to submission to the Township Board.

3. **Submit:** Per Diem as required.
 4. **First Yearly Regular Meeting:** At the first regular meeting of the year (January), the Planning Commission shall adopt a resolution setting the regular meeting dates for the upcoming year.
- E. **Zoning Board of Appeals—Planning Commission—Representative:** The Planning Commission, shall appoint a representative to the Zoning Board of Appeals, which shall be appointed annually by the Planning Commission during their yearly June elections. He/she reports the actions of the Zoning Board of Appeals to the Planning Commission and updates the Zoning Board of Appeals on actions of the Planning Commission.
- F. **Economic Improvement Committee – Planning Commission Representative:**
The Planning Commission, being the authoritative Board, has a representative to the Economic Improvement Committee, which shall be appointed annually by the Planning Commission during their yearly June elections. He/she reports the actions of the Economic Improvement Committee to the Planning Commission and updates the Economic Improvement Committee on actions of the Planning Commission.
- G. The Township Board shall appoint a representative to the Planning Commission, which they appoint, and who has the duty of reporting the actions taken by the Township Board back to the Planning Commission. He/she also reports the actions of the Planning Commission back to the Township Board.

Section 2: Meetings

- A. **Meetings:** Meetings of the Planning Commission shall be held on the first Monday of each month or as otherwise directed. Unless directed otherwise, all meetings shall take place at the Robert J. Parks Library.
- B. **Notice:** All meetings shall be noticed in accordance with the requirements of the Zoning Ordinance. Meeting notices shall state the purpose, time and location of meetings and shall be posted in accordance with the Open Meetings Act.
- C. 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.
- D. A majority of the sitting members of Planning Commission shall constitute a quorum for transacting of business and taking official action for all matters. The Planning Commission shall not conduct business unless a majority of the members are present.
- E. **Voting:** An affirmative vote of the majority of the Planning Commission membership is

required to adopt any part of the Master Plan or amendments to the plan (MCL 125.3843). 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 roll call vote. All Planning Commission members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last (with the exception of a conflict of interest).

F. **Agenda:** The Planning & Zoning Director shall be responsible for preparing an agenda for Planning Commission meetings. The order of business for meetings shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Welcome of Guests
4. Roll Call of Members
5. Approval of Minutes
6. Additions to the Agenda
7. Public Comment Period (for Scheduled and Non-Scheduled agenda items)
8. Scheduled Public Hearings/Agenda Items
9. Comments of Planning Commission Members
10. Report of the Zoning Board of Appeals Representative
11. Report of the Township Board Representative
12. Report of the Planning Commission Sub-Committees
13. Report of the Economic Improvement Committee
14. Report of the Planning & Zoning Director
15. Adjournment

G. **Public Hearings:** All public hearings held by the Planning Commission shall be held as part of a regular or special meeting of the Planning Commission. The following procedure shall apply to Public Hearings held by the Planning Commission:

1. Chairperson announces the subject and requests a motion to open the Public Hearing. All motions throughout the Public Hearing process will be restated by the Chairperson along with the names of the Commissioners who made and seconded the motion. All voting shall be done by voice roll call vote.
2. Chairperson summarizes procedures/rules to be followed during the Public Hearing.
3. Planning & Zoning Director provides input/analysis.

4. Applicant/Representative presents his/her request.
 5. All comments regarding the Public Hearing will be directed to the Chairperson. Public comment shall be limited to four (4) minutes per person. The Chairperson will accept opposing comments (including letters read by the Planning & Zoning Director) first asking the person's name and address. Once opposing comments have been heard, comments in favor (including letters read by the Planning & Zoning Director) will be heard in the same manner. All persons will be allowed to speak once. After all persons had the opportunity to speak, the Chairperson can allow questions from the Commission. At the discretion of the Chairperson, additional comments may be permitted by the audience prior to the motion to close Public Hearing.
 6. Chairperson requests a motion to close the Public Hearing period.
 7. Chairperson opens deliberations for the Planning Commission members, who will be individually recognized to speak.
 8. When deliberations are complete, the Chairman will close deliberations.
 9. For Special Land Use Permit cases, Site Plans and PD's, any conditions attached to an approval or denial motion shall be read as part of the motion.
 10. Chairperson asks for a motion on the application/petition with a roll call vote.
 11. Chairperson informs the applicant of the Board's decision.
 12. Explanation of Appeal Process upon an application denial.
- H. **Special Meetings:** Applicants to the Planning Commission may request a special meeting, for which all costs (as set by Township Board Resolution) shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants. All special meetings of the Planning Commission will be held in compliance with the Open Meetings Act.

Section 3: Duties of the Planning Commission

- A. Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance and/or Master Land Use Plan as required.
- B. 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, as needed.
- C. Provide assistance to the Township Board in developing a Capital Improvements Plan.

- D. Site Visits are required and are critical in rendering a proper decision. While visiting a site, some precautions should be used:
1. More than one board member visiting a site at the same time should be avoided. However, the Chairman may authorize a group site visit if necessary. If a group visit is warranted or necessary, the visit shall be posted as a public meeting of the Planning Commission as required by the Open Meetings Act.
 2. Although applicants give members permission to inspect property, members must be cautious not to trespass on adjacent properties without permission, unless they are open to the public (such as a shopping center).
 3. If a board member cannot avoid contact with the applicant or neighbors, etc., the board member must share information obtained with other members during a public meeting. This will avoid "ex parte" (from one point of view) contact.
 - i. For purposes of these Rules, ex parte communication shall mean oral or written, off-the record communication made to or by Commissioners, without notice to parties that is directed to the merits or outcome of a business item.
 - ii. The Planning Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. To this end, Commission members should avoid ex parte communication and if any such communications are received, Commission members shall disclose the details of the communication at the Commission meeting after the introduction of the item of which the ex parte communication pertained.
- E. Annual Reports to the Township Board shall include attendance by Planning Commission members for all meetings, work sessions, and training sessions.

Section 4: Resignations and Vacancies

- A. A member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Township Board or the Planning Commission Chairperson. Vacancies shall be filled by appointment of the Township Supervisor and confirmation of the Township Board.

Section 5: Conflict of Interest

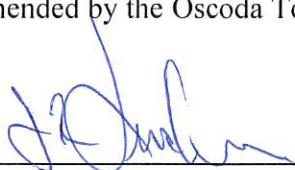
- A. Planning Commission members shall disclose any conflict of interest and shall abstain from voting and participating as a member of the Public in a hearing or deliberations on a request when:

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 the proposed development, as required by the Zoning Ordinance or other applicable ordinance, or;
 4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict;
 5. A reasonable appearance of a conflict of interest as determined by another Planning Commission member, or another third party shall be discussed. A Planning Commission member can be asked to abstain from voting at the discretion of the Chairperson.
- 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. The member should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict should not make any presentations to the Planning Commission as a representative of the proposal.

Section 6: Amendments

These By-Laws may be amended at any meeting by a vote of at least four members of the Planning Commission and reviewed in its entirety at the first meeting of May each year and signed by the standing Chairperson.

Adopted by the Oscoda Township Planning Commission on December 2, 2019
Amended by the Oscoda Township Planning Commission on October 3, 2022



Jeff Linderman, Chairperson
Oscoda Township Planning Commission