

**VILLAGE OF ROSCOMMON  
PLANNING COMMISSION  
Bylaws**

1. **PURPOSE.** These Bylaws are adopted to provide for the efficient and uniform administration of the Village of Roscommon Planning Commission.
2. **MEMBERSHIP.** The Planning Commission shall be composed of five (5) members as provided in Village of Roscommon Ordinance No. \_\_\_\_ of 2022.
3. **OFFICERS AND COMMITTEES.**
  - 3.1 **Officers.** The officers of the Planning Commission shall be a Chairperson, Vice Chairperson, and Secretary. Any recording secretary shall be employed by the Village of Roscommon.
  - 3.2 **Election of Officers.** The officers of the Planning Commission shall be chosen from its members by the Planning Commission at its annual meeting held in January of each year. The Village Council *ex officio* member of the Planning Commission shall not be eligible to serve as Chairperson or Vice Chairperson. The term of office for each officer shall be one (1) year, or until his or her successor is chosen and assumes office.
  - 3.3 **Chairperson.** The Chairperson shall preside over all meetings of the Planning Commission.
  - 3.4 **Vice Chairperson.** The Vice Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.
  - 3.5 **Secretary/Recording Secretary.** The Secretary/Recording Secretary shall assure that the minutes of all meetings of the Planning Commission are properly recorded and that notices for all meetings are duly given. He or she shall also perform such other duties as may be assigned by the Chairperson or the Planning Commission.
  - 3.6 **Vacancies.** If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall assume the office of Chairperson for the remainder of the term. All other vacancies in offices shall be filled by the Planning Commission from its members for the unexpired term of the office.
4. **MEETINGS**
  - 4.1 **Regular Schedule.** The regular meetings of the Planning Commission shall be scheduled at the annual meeting in January each year and posted as required by

the Open Meetings Act, as amended. If any regularly scheduled meeting falls on a legal holiday, the Planning Commission shall select an alternate date in the same month for the regular meeting. Notice of this alternate date shall be given as provided in Section 5.3.

- 4.2 Special Meetings.** Special meetings of the Planning Commission shall be held at the call of the Chairperson or upon written request of two (2) of the members of the Planning Commission filed with the Secretary/Recording Secretary. No less than eighteen (18) hours before the scheduled special meeting, the Secretary/Recording Secretary or his/her designee shall provide each member of the Planning Commission with a written notice of the special meeting, specifying the date, time, place, and purpose of the special meeting. This written notice shall be mailed or emailed to each member of the Planning Commission, given personally to each member, or left at the member's usual place of residence.
- 4.3 Place of Meeting.** Meetings of the Planning Commission shall be held at the Village Hall. Whenever the Chairperson determines that the place of the meeting will likely have inadequate space for members of the public, the location of the meeting may be changed to a larger meeting facility. A notice of the change in meeting location shall be prominently posted at the Village Hall so that it is visible from outside and shall be published in a newspaper of general circulation within the village, if such publication can be accomplished prior to the meeting.
- 4.4 Time of Meetings.** Meetings of the Planning Commission shall begin at 5:30 p.m., unless the Planning Commission, by a vote of a majority of its members, specifies a different starting time. The Planning Commission shall not begin considering any matter on the agenda after 8:00 p.m., except by unanimous consent of the members present. Matters on the agenda which have not been considered may be heard at an adjourned meeting/hearing, provided a motion specifies the time, date, and place of the adjourned meeting/hearing, or shall be placed on the agenda of the next regular meeting, or on the agenda of a special meeting, if one is called.
- 4.5 Change in Schedule.** Changes in the schedule of a regular meeting shall not be made except by a vote of a majority of the entire Planning Commission. Provided, however, the Chairperson may cancel a regular meeting when there is no business for the Planning Commission to conduct. If a quorum is not present at a regular meeting, the meeting shall be rescheduled, and a notice of the rescheduled regular meeting shall be posted as required in Section 5.3.
- 4.6 Meeting Attendance.** Each member of the Planning Commission shall attend all regular and special meetings of the Planning Commission, unless excused by the Chairperson for good cause. A member of the Planning Commission with



three (3) consecutive unexcused absences may be removed from office by the Village Council, following written notice and a hearing before the Village Council.

## **5. PUBLIC NOTICE OF MEETINGS**

- 5.1 Public Notice of Meetings.** The Secretary/Recording Secretary or his/her designee shall be responsible for providing the proper notice of all meetings of the Planning Commission. Notices shall comply with the Open Meetings Act, as amended, the Michigan Zoning Enabling Act, as amended, and the Village of Roscommon Zoning Ordinance, as amended.
- 5.2 Regular Meetings.** The Secretary/Recording Secretary or his/her designee shall post at the Village Hall so that it is visible from outside a notice within ten (10) days after the first meeting of the Planning Commission in each calendar year indicating the dates, times, and places of regular meetings.
- 5.3 Schedule Change.** Whenever the Planning Commission changes its schedule of regular meetings, the Secretary/Recording Secretary or his/her designee shall, within three (3) days after the regular meeting at which the change was made, post at the Village Hall so that it is visible from outside a public notice stating the dates, times, and places of the new schedule of regular meetings.
- 5.4 Special Meetings.** No less than eighteen (18) hours before any scheduled special meeting, the Secretary/Recording Secretary or his/her designee shall post at the Village Hall so that it is visible from outside a notice of the special meeting, including the purpose for which the special meeting is called.

## **6. QUORUM AND VOTING**

- 6.1 Quorum.** A majority of the members of the Planning Commission shall constitute a quorum for the transaction of business at all meetings of the Planning Commission.
- 6.2 Voting.** An affirmative vote of a majority of the entire Planning Commission shall be necessary to approve the village master plan and any amendment to the master plan. Unless otherwise provided in these bylaws or unless the Village of Roscommon Zoning Ordinance requires otherwise, an affirmative vote of a majority of the Planning Commission members present shall be necessary to decide in favor of the applicant on any matter before the Planning Commission and to make all other decisions.
- 6.3 Conflict of Interests.** A member of the Planning Commission shall declare a conflict of interest in connection with a matter pending before the Planning Commission and shall disqualify himself or herself from deliberating and voting

on the matter when any of the circumstances specified in Section 5 of the Village of Roscommon Planning Commission Ordinance exist.

## **7. REGULAR MEETING AGENDA.**

### **7.1 Regular Meeting Agenda.** The agenda for a regular meeting of the Planning Commission shall be as follows:

- a. Call to order.
- b. Pledge.
- c. Roll call.
- d. Approval of minutes.
- e. Public comments (not related to scheduled public hearings).
- f. Old business.
- g. New business, including scheduled public hearings.
- h. Correspondence/Reports.
- i. Public comments.
- j. Adjournment.

The Planning Commission reserves the right to alter the agenda by a majority vote of the members present at the meeting.

### **7.2 Special Meeting Agenda.** Whenever the Planning Commission meets in a special meeting, the matters to be considered shall be stated in the notice of the special meeting. No other matters shall be considered, except when all members of the Planning Commission are present and concur.

## **8. CONDUCT OF MEETINGS.**

### **8.1 Public Hearing Procedure.** The procedure for a public hearing of the Planning Commission shall be as follows:

- a. The Chairperson shall open the public hearing by announcing the matter to be heard and by summarizing the standards or other regulations of the zoning ordinance on which the Planning Commission's decision must be based.
- b. Determination by the Chairperson whether a time limitation will be imposed on members of the public wishing to address the Planning Commission during the public hearing.
- c. Staff report, if applicable.
- d. Compilation of list of all exhibits to be considered by the Planning Commission when making its decision.
- e. Presentation by the applicant or applicant's attorney or other agents.
- f. Correspondence and/or persons speaking in favor of the application.



- g. Correspondence and/or persons speaking in opposition to the application.
- h. Rebuttal comments by the applicant or applicant's attorney or other agents.
- i. Chairperson declares public hearing portion of the case closed.
- j. The Planning Commission begins its deliberations on the case.
  - 1. During deliberations the Planning Commission may solicit information from the applicant, applicant's attorney or other agents, or from members of the public. However, the solicitation of additional information shall not be construed as the reopening of the public hearing, unless so declared by the Chairperson. If the public hearing portion of the case is reopened, then the procedures for the original public hearing shall be followed.
  - 2. During deliberations the Planning Commission shall also specify in writing the findings of fact on which it bases its decision.
  - 3. If during deliberations the Planning Commission determines that additional information is needed to make its decision, it may adjourn the case to a specific time, date, and place to receive that additional information. At the adjourned time, date, and place, the public hearing portion of the case shall be reopened, but only to receive the requested additional information and other information relevant to that issue.
- k. At the conclusion of its deliberations, the Planning Commission shall adopt a motion documenting its decision.

**8.2 Members of the Public.** Members of the public wishing to address the Planning Commission during the meeting or during a public hearing shall first be recognized by the Chairperson, and each person who speaks shall state his or her name and shall address the entire Planning Commission.

**8.3 Time Limit for Public Comments.** During any public comment period (both during public hearings and outside public hearings) each member of the public that addresses the Planning Commission shall be limited to three (3) minutes, unless extended by a majority vote of the Planning Commission members present. Members of the general public expressing a desire to address the Planning Commission may transfer their allotted time to another individual, who may act as a spokesperson for the group. The time limitation imposed pursuant to this section, however, shall not apply to the applicant or the applicant's attorney or other agents, since the applicant has the burden of proof on the matter before the Planning Commission.

**8.4 Written Statements Submitted by the Public.** All written statements (both during public hearings and outside public hearings) should be given to the Secretary/Recording Secretary or his/her designee prior to the commencement of the meeting or public hearing. All written statements and documents

presented to the Planning Commission by an individual are considered public documents and shall be retained in the public record of the meeting.

- 8.5 Disorderly Conduct at Meetings.** Individuals addressing the Planning Commission (both during public hearings and outside public hearings) should take into consideration the rules of common courtesy. The comments by members of the public cannot be used to make personal attacks against members of the Planning Commission or village staff. The Chairperson may call out of order any person who is being disorderly by speaking or otherwise disrupting the meeting, failing to be germane, speaking longer than the allotted time, yelling, shouting or speaking vulgarities. Such person shall thereupon be seated until the Chairperson determines whether the person is in order. If a person is called out of order, he or she shall not be permitted to continue to speak at the same meeting or public hearing, except by a majority vote of the Planning Commission members present. If the person continues to be disorderly to the extent that the Planning Commission cannot continue to conduct business, the Chairperson shall consider the person to be in breach of the peace and may request the assistance of a law enforcement officer to remove the person from the meeting. The Planning Commission shall have the right to adjourn the meeting if it is interrupted due to the disorderly conduct of any person. No person shall be removed from a public meeting, except for an actual breach of the peace committed at the meeting.

**8.6 Rehearings.**

- a. Except as provided in this subsection and the Village of Roscommon Zoning Ordinance, a decision of the Planning Commission shall be final. The Planning Commission may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
  1. The applicant who brought the matter before the Planning Commission made misrepresentations concerning a material issue which was relied upon by the Planning Commission in reaching its decision.
  2. There has been a material change in circumstances regarding the Planning Commission's findings of fact which occurred after the public hearing.
  3. The village attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous.
- b. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission on its own motion, pursuant to the following procedure:



1. A request for a rehearing which is made by an applicant or the Zoning Administrator must be made within twenty-one (21) days from the date of approval of the Planning Commission's minutes regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

**8.7 Robert's Rules of Order.** Except as modified by these Bylaws and state or federal law, the Planning Commission shall follow Robert's Rules of Order, as Revised, for all procedural questions.

## **9. RECORD OF MEETINGS.**

**9.1 Recording Responsibility.** The Secretary/Recording Secretary or his/her designee shall be responsible for maintaining the official records and minutes of each meeting of the Planning Commission. The minutes shall include all the actions of the Planning Commission with respect to motions. The minutes shall include the names of Planning Commission members who present motions and Planning Commission members who second motions as well as the vote of the Planning Commission on such motions. If a roll call vote is taken, the record shall show the "yes" and "no" votes. However, if all members vote "yes" or "no", the minutes may then reflect motion carried or defeated by unanimous vote.

**9.2 Voting.** Whenever a question is put by the Chairperson, every Planning Commission member present shall vote on the question. If a member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest,

the Planning Commission may, by majority vote of the members present, adjourn the case to a specific time, date, and place in order to obtain a written opinion from the village attorney. Once the conflict of interest is declared and confirmed, the Planning Commission member with the conflict of interest shall abstain from participating and voting in the case.

- 9.3 Requests for Remarks to be Included.** Any Planning Commission member may request to have his or her comments printed as part of the minutes. If there are no objections by any Planning Commission member, the comments may be included. If there is an objection to including the requested comments in the minutes, the Planning Commission shall decide the matter by a majority vote of the Planning Commission members present.
- 9.4 Public Access to Meeting Records.** The Secretary/Recording Secretary or his/her designee shall make available to the public the minutes of official meetings in accordance with the Freedom of Information Act. Minutes prepared by the Secretary/Recording Secretary or his/her designee but not approved by the Planning Commission shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Planning Commission shall be available within five (5) business days after the meeting at which they were approved. The Secretary/Recording Secretary or his/her designee shall promptly mail copies of minutes to persons who have subscribed and paid the required fee as determined by the Village Council.
- 10. AMENDMENTS.** These Bylaws may be added to, amended or repealed in whole or in part. Proposed changes to these Bylaws must be submitted in writing to the members of the Planning Commission at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Planning Commission members shall be required to amend these Bylaws.
- 11. SEVERABILITY.** If any section, provision or clause of these Bylaws or the application thereof to any person or circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of these Bylaws which can be given effect without the invalid portion or application.



These Bylaws were adopted by the Village of Roscommon Planning Commission on \_\_\_\_\_, 2022.

VILLAGE OF ROSCOMMON  
PLANNING COMMISSION

By: \_\_\_\_\_

Its: Chairperson

By: \_\_\_\_\_

Its: Secretary