



VAN BUREN
CHARTER TOWNSHIP

**Planning Commission
Rules and Procedures**

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Article I- Objectives

The objectives of the Van Buren Township Planning Commission are those set forth in Public Act 33 of 2008, as amended, being the Michigan Planning Act (MCL 125.3801 *et seq.*), and Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101 *et seq.*). The powers and duties of the Planning Commission are those delegated to it by the above-mentioned Acts.

Article II – Commission Membership

Section 1

The Van Buren Township Planning Commission shall consist of seven (7) voting members each appointed by the Township Supervisor, subject to approval of the Township Board of Trustees. The Commission's seven (7) voting members shall be comprised of six (6) citizen-members from the community and one (1) member of the Township Board of Trustees. No other elected officer or employee of the township is eligible to be a member of the Planning Commission other than the Township Supervisor in his/her ex-officio capacity pursuant to Public Act 359 of 1947, MCL 42.10 (h).

In the event the Township Supervisor becomes an ex-officio member of the Planning Commission pursuant to MCL 42.10 (h), it shall be in a non-voting capacity and his/her position as an ex-officio member of the Planning Commission shall not affect the establishment of a quorum for voting purposes. In the event the Township Supervisor becomes the ex-officio member of the Planning Commission through appointment by the Township Board, it shall be in a voting capacity and for purposes of constituting a quorum.

Section 2

Each member shall be appointed for a term of three (3) years and will continue to serve and perform until reappointed, a successor is appointed or removal for non-performance of duty. Successors will be appointed by the Township Supervisor, subject to approval of the Township Board of Trustees.

Article III- Election of Officers: Their Duties

Section 1

A Chairperson, Vice-Chairperson and Secretary shall be elected by a majority vote of the Commissioners at the first regular business meeting of December each year, or when a vacancy occurs. Such other officers as are deemed necessary for the conduct of business shall be appointed by the Planning Commission as required. All officers shall take their respective office at the same meeting at which they were elected.

Section 2

The Chairperson shall preside at all meetings of the Planning Commission and shall have the powers and duties conferred upon such officers by these rules and procedures and by parliamentary procedure. The Chairperson shall be a citizen-member of the Planning Commission and shall enjoy the privilege of discussing all matters before the Planning Commission, and of voting thereon. The Chairperson shall appoint such committees as may be authorized by the Planning Commission and shall be an ex-officio member of all such committees.

Section 3

The Chairperson shall serve as the Planning Commission representative to the Board of Zoning Appeals, also known as the Zoning Board of Appeals. Alternatively, the Chairperson may appoint a citizen-member of the Planning Commission to serve as the representative to the Board of Zoning Appeals. This appointment, if necessary, shall be made each year at the same meeting as the election of officers or when a vacancy occurs.

Section 4

The Vice-Chairperson shall be a citizen-member of the Planning Commission and shall preside and exercise all of the duties of the Chairperson in his/her absence. In the event both the Chairperson and the Vice-Chairperson are absent from a meeting, a temporary Chairperson shall be elected by a majority vote of the Commissioners present.

Section 5

The Secretary shall sign all formal correspondence from the Planning Commission, and perform other duties normally devolving upon such office.

Article IV- Meetings

Section 1

All Planning Commission meetings shall be open to the public in accordance with the Open Meetings Act, Michigan Public Act 267 of 1976, as amended; and all minutes and other records of proceedings shall be made matters of public record in accordance with the Freedom of Information Act, Michigan Public Act 442 of 1976, as amended.

Section 2

A recording secretary, whose position shall be a non-voting one in order to record accurate minutes of the proceedings, shall be provided by the Township for all workshop, regular, and special Planning Commission meetings.

Section 3

The schedule for regular business meetings, at which formal decisions and recommendations may be made, shall be adopted at or prior to the first meeting in December of each calendar year. Meetings may be rescheduled by a vote of the Planning Commission, then appropriately posted and properly noted by the recording secretary.

Section 4

Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call such a meeting when requested to do so by a majority of the Commissioners. Special meetings shall be appropriately posted at least 48 hours prior to such a meeting and shall state the purpose, location, and time of the meeting and properly noted by the recording secretary.

If any individual or group of individuals requests a special meeting, the Township shall be reimbursed the costs for all necessary expenditures incurred.

Section 5

A quorum shall consist of four (4) commissioners.

Section 6

A concurring vote of the majority of the Commissioners present, but not less than four (4), shall be necessary to pass on any matter referred to the Planning Commission, or any matter upon which the Planning Commission is required to act by law.

Section 7

It will be the responsibility of the Chairperson to limit debate so that all items placed on the agendas will be heard. In an effort to encourage public participation in the planning process, remarks from members of the public who are not associated with the applicant or appearing at the request of the Township to provide specific information, shall be limited to five minutes each. A second opportunity shall be afforded these individuals after all members of the public wishing to speak for the first time on the matter have had an opportunity to do so and the second set of remarks shall be limited to three minutes.

Section 8

All proceedings of the Planning Commission shall be initiated by motion and voted upon by all Commissioners present. A roll call vote shall be taken in all matters pertaining to rezoning, other recommendations to the Township Board, and in all other cases where the nature of the matter to be decided appears to warrant a roll call vote. In the event one or more of the Commissioners abstains from voting on a particular matter, that abstinence shall not be counted as a vote either in favor of or opposed to the issue to be decided. Permission for such abstinence must be granted by a simple majority of the other Commissioners present.

Article V- Procedures

Section 1

All inquiries, applications and any other matters requiring action by the Planning Commission shall be submitted in writing to the Township Developmental Services Department a minimum of fourteen (14) days prior to a scheduled meeting of the Planning Commission. Actions requiring a public hearing are subject to the notice requirements in Section 3.

The Developmental Services Department shall forward a copy of the agenda to the Township Clerk and all agenda items to the Planning Commissioners, Director of Planning and appropriate consultants for expeditious preliminary review. Petitioners shall also be notified prior to the date of their scheduled agenda item.

Section 2

The Planning Commission may require such surveys, plans or other information as it may deem necessary for the proper evaluation and consideration of the related matter. All petitions shall be made in the approved form, and shall contain complete information as to the full intentions for the petitioner, as well as, legal and informal description of the property in question. In the event insufficient data is provided, the Planning Commission may table the entire matter until such time as all required information is furnished.

Section 3

When the Planning Commission is called upon to hold a public hearing on any proposed amendment to the Zoning Ordinance, Zoning Map, Master Plan, or special land use request; not less than a fifteen (15) day notice of the time and place of such hearing shall be published in a newspaper of general circulation within VanBuren Township.

Notice shall also be sent to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall do all of the following:

- a) Describe the nature of the request.

- b) Indicate the property that is the subject of the request.
- c) State when and where the request will be considered.
- d) Indicate when and where written comments will be received concerning the request.

Section 4

At the time of application, the petitioner shall deposit with the Township Treasurer a check payable to the Van Buren Township. Said deposit shall be used to cover the expenses of the processing of the requested action in accordance with the Township Zoning Ordinance. Fees shall be reviewed from time to time by Township staff and then adopted by the Township Board.

Article VI- Order of Business

Section 1

The order of business at regular meetings shall be:

1. Call to order
2. Roll call
3. Approval of Agenda
4. Approval of Minutes
5. Correspondence
6. Public Hearings
7. Unfinished business
8. New business
9. General Discussion
10. Adjournment

Article VII- Reports

Section 1

The Planning Commission shall keep the Township Board apprised of its proceedings by forwarding copies of all approved minutes within one (1) week of their approval.

Article IX- Expenditures

Section 1

All disbursements shall be accounted for in accordance with the Van Buren Township purchasing policy guidelines as established by the Township Board of Trustees.

Article X- Responsibilities of Commissioners

Section 1

Commissioners shall endeavor to attend all meetings of the Planning Commission. When a Planning Commission member needs to be excused, he or she should notify the recording secretary prior to the meeting. If

any member of the Planning Commission has three (3) unexcused absences in a row, then that member shall be considered delinquent. Delinquency shall be grounds for the Township Board to remove any member for non-performance of duty. The recording secretary shall keep attendance records and shall notify the Township Supervisor whenever any member of the Planning Commission has three (3) unexcused absences in a row.

Section 2

Commissioners shall attend training relative to the duties of the Planning Commission. All members of the Planning Commission should attend a minimum of two (2) Township approved training classes or sessions annually. Township staff shall inform Commissioners of training opportunities and attempt to organize training classes or sessions within Van Buren Township.

Section 3

Commissioners shall make every effort to avoid a conflict of interest that shall arise from a real or seeming incompatibility between the Commissioner's private interests and the Commissioner's public or fiduciary duties. Planning Commission members shall declare a conflict of interest and abstain from participating in any hearing, deliberations, discussion, or vote on a request when:

- a) A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
- b) 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;
- c) The Planning Commission member owns or has a financial interest in neighboring property. For the purposes of this section, a neighboring property shall include all property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance or state statute;
- d) There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict;
- e) The Commissioner has taken a public position on a matter before the Commission before participating in a hearing or voting shall be

- considered a conflict of interest.
- f) The majority of the members of the Planning Commission present vote in the affirmative that they believe a member has a conflict of interest in the matter before them.

Failure of a member to disclose a potential conflict of interest as required by these Bylaws shall constitute malfeasance in office.

Article XI- Amendments

Section 1

These bylaws may be amended by a two-thirds (2/3) vote of the entire membership of the Planning Commission, subject to approval of the Township Board and adherence to the enabling act(s).

