

**LOWELL CHARTER TOWNSHIP
PLANNING COMMISSION
BY-LAWS & RULES OF PROCEDURE**

*Adopted
January 11, 2010*

1. AUTHORITY & COMPOSITION

1.1 These rules of procedures are adopted by the Lowell Charter Township Planning Commission (hereinafter referred to as the Commission) pursuant to Public Act 33 of 2008 the Michigan Planning Enabling Act, as amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

1.2 MEMBERSHIP COMPOSITION

The Commission shall be composed of either five or seven members, who shall be residents of Lowell Charter Township appointed by the Township Board. The term of each member shall be as stated in the Resolution appointing him/her.

2. MEMBERSHIP REPRESENTATION & TERMS

2.1 One member of the Planning Commission shall be a member of the Lowell Charter Township Board whose term of office shall coincide with his or her elected term of office on the Board. This member shall not serve as the chairperson of the Planning Commission.

2.2 To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:

- A. Shall be a qualified elector of the Lowell Charter Township.
- B. Shall not be an employee of Lowell Charter Township.

2.3 The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Lowell Charter Township in accordance with the major interests as they exist in Lowell Charter Township as follows:

- A. Natural resources;
- B. Recreation;
- C. Education;
- D. Public health;
- E. Government;
- F. Transportation;
- G. Industry;
- H. Commerce;
- I. Agriculture;
- J. The general citizenry of Lowell Township

2.4 The membership shall also be representative of the entire geography of Lowell Charter

Township to the extent practicable, and as a secondary consideration to the representation of the major interests.

2.5 Term. Members shall be appointed for three-year terms. Each member shall serve until his/her term shall expire and his/her successor shall have been appointed by the Lowell Charter Township Board.

3. OFFICERS

3.1 Selection. At the December meeting, the Commission shall select from its membership a chairperson, vice-chairperson and secretary who shall serve for a twelve month period and who shall be eligible for re-election.

3.2 Duties. A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. S/he shall appoint all committees or advisory committees established and provided by the Commission and shall be an ex-officio member of all committees. S/he shall have a vote on all resolutions as a Commissioner. S/he shall sign all documents authorized by the Commission.

The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of chairperson in the event of the vacancy in that office, in which case the Commission shall select a successor to the office of vice-chairperson at the earliest possible time.

The secretary shall be responsible for the preparation and signing of minutes. In the event the Secretary is absent, the Chairperson or acting chairperson shall appoint a temporary secretary for such meeting.

3.3 Tenure. The officers shall take office in January following the December election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

4. MEETINGS

4.1 Meeting Notices. All meetings shall be posted at the Lowell Charter Township Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.

4.2 Regular Meeting. Regular meetings of the Commission shall be held on the second Monday of each month in the Lowell Charter Township Hall on dates established by the Commission at the meeting in December. The dates and times shall be posted at the Lowell Charter Township Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall 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 suitable alternate dates in the same month, in accordance with the Open Meetings Act.

4.3 Special Meetings. Special meetings or workshops of the Planning Commission may be called by the Chairperson of the Planning Commission. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. 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.

4.4 Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of a majority of the members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be rescheduled and public notice of the new hearing provided in the same manner as required by State of Michigan law.

4.5 Order of Business. A written agenda for all regular meetings shall be prepared and followed. The order of business shall be:

- Call to Order
- Roll Call
- Public Hearings
- Approval of Minutes
- Changes or Additions to the Agenda
- Discussion/Decision on Public Hearing Items
- Public Comments and Communications Concerning Items Not On the Agenda
- Old Business
- New Business
- Commissioner Comments
- Adjournment

A written agenda for special meetings shall be prepared and followed; however, the form as enumerated above shall not be necessary.

4.6 Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1.

Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- A. The Chairperson shall open the hearing indicating the basic nature of the request, citing public notice in official newspaper, and notification of neighboring properties (if applicable).
- B. The Chairperson shall announce the order of hearing as follows:

1. Presentation of request by applicant.
2. Review by Township staff or planner/other professional person retained by the Township Board.
3. Questions by Commissioners.
4. Open hearing for public comments.
5. Close public hearing.
6. Commission consideration of action on the subject of the hearing will take place in that part of the meeting which follows the public hearing.

The following procedures will be distributed with the agenda at the Public Hearing.

LOWELL CHARTER TOWNSHIP PLANNING COMMISSION PUBLIC HEARING PROCEDURES

Welcome to the Lowell Charter Township Public Hearing. We appreciate you taking the time to present your opinions. Everyone will be given an opportunity to speak. In order for us to have an effective public hearing, we ask that you abide by the following rules:

1. If you wish to comment on one or more of the public hearing items please fill out a form located on the table at the back of the room and give it to the Secretary of the Planning Commission.
2. Once the public hearing is opened the Chairperson of the Commission will call your name to speak.
3. Begin by stating your name and address.
4. Give us your comments, opinions or questions on the issue being discussed.
5. To ensure that everyone has time to speak and that we can address other items on tonight's agenda; we may limit an individual's speaking time to five minutes. If time permits, we may allow you one additional time period to provide new information.
6. Please be respectful of the Planning Commission, the applicant, and your neighbor.

4.7 Motions. Motions shall be restated by the Secretary before a vote is taken. The name of the maker and supporter(s) of the motions shall be recorded in the minutes.

4.8 Voting. An affirmative vote of the majority of the Commission members present when there is a quorum shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last.

4.9 The affirmative vote of the majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a Master Plan.

4.10. Any member may be excused from voting only if that person has a conflict of interest as described in Section 6 herein. Any member abstaining from a vote shall not participate in the discussion of that item and shall remove him or herself from the table.

4.11 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure.

5. MINUTES

Commission minutes shall be prepared by the Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All letters, memorandums, petitions, resolutions, and copies of ordinances relating to matters considered by the Commission shall be maintained in the Township files. The official records shall be maintained by the Township Clerk.

6. CONFLICT OF INTEREST

A Planning Commissioner shall vote on all matters unless there is a legitimate conflict of interest. Commissioners shall be guided by the following in determining if a legitimate conflict of interest exists:

6.1. Planning Commission members may declare a conflict of interest and should abstain from participating in a hearing or deliberations of a request when:

A. A relative or other family member has a business or financial interest in any request for which the Planning Commission is asked to make a decision.

B. The Planning Commission member has 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, or is an employer, employee, or business partner of the applicant or;

C. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.

6.2 The Planning Commission member declaring a conflict of interest should state the nature of the conflict and whether they believe they can impartially consider the request before the Commission. They 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 however may ask the other Planning Commission members to decide if they should abstain, although this is not required. If this is requested, the remaining Planning Commission members shall vote on the abstention, and the results of the vote shall determine the participation of the member declaring a conflict.

6.3. The member declaring a conflict may, but need not, leave the room in which the

discussion takes place but should excuse himself or herself from the Commission table until the matter is decided by the Commission.

6.4 If a Commission member is the applicant he or she shall not present their project to the Commission and shall refrain from the discussion except to answer questions.

7. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

7.1 All meetings of the Commission shall be opened to the public and held in a place available to the general public.

7.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public.

7.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 4.6, and to address the Commission concerning non-hearing matters.

7.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

7.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

8. ANNUAL REPORT and WORK PROGRAM

8.1 Annual Report. The Commission shall, before the 31st of January of each year, submit to the Township Board a written report of its activities covering the previous year, indicating the status of planning activities including recommendations regarding actions by the Township Board related to planning and zoning.

8.2 Annual Work Program. At its' first official meeting of the year, the Planning Commission shall prepare and approve a program outlining the tasks to be undertaken by the Commission for the upcoming calendar year. This work program shall be in written form and a copy forwarded to the Township Board.

9. POWERS AND DUTIES The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*). In addition, duties shall include the following:

9.1 Take such action on petitions, staff proposals and Township Board requests for amendments to the zoning ordinance as required.

9.2 Take such action on petitions, staff proposals and Township Board requests for amendments to the master plan as required.

9.3 Prepare and adopt bylaws for the transaction of business, and keep a public record of its resolutions, transactions, findings and determinations.

9.4 Prepare an annual report to the Township Board concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development.

9.5 The Planning Commission, assisted by Township Staff, may prepare an annual Capital Improvements Program (CIP) if so directed by the Township Board as part of the Township budget process. The CIP shall show those public structures and improvements in their general order of priority that will be needed or desirable and can be undertaken within the ensuing six year period. The CIP shall be forwarded as a recommendation to the Township Board if prepared by the Planning Commission.

If the Township Board exempts the Planning Commission from preparing the CIP then the Township Board, after the master plan is adopted, shall prepare or cause to be prepared by the Supervisor or by a designated non-elected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period.

9.6 Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.

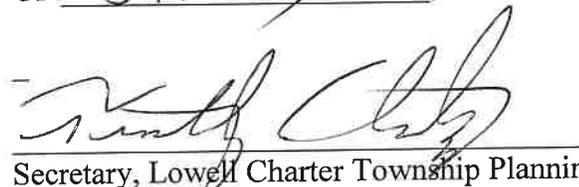
9.7 Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.

9.8 Attend training sessions, conferences, or meetings as needed and as recommended by the Township Board or the Chair of the Commission to properly fulfill the duties of a Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.

10. AMENDMENTS

These rules may be amended by the Commission by a concurring vote of a majority of the members present and voting pursuant to subsection 4.8 during any regular meeting.

THESE BY-LAWS AND RULES OF PROCEDURES ARE ADOPTED THIS 11th DAY OF January, 2010.


Secretary, Lowell Charter Township Planning Commission