

**CHARTER TOWNSHIP OF KALAMAZOO
PLANNING COMMISSION**

BYLAWS

ADOPTED NOVEMBER 13, 2008

SECTION 1: OFFICERS

- A. Selection and Tenure.** At the first regular meeting each year, the planning commission shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for reelection for consecutive terms for the same office.
- B. Chairperson.** The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission.
- 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 select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary.** The secretary shall execute documents in the name of the planning commission, perform the duties hereinafter listed below, and shall perform such other duties as the planning commission may determine.
1. **Minutes.** The secretary shall be responsible for preparing or having prepared the minutes of each meeting and public hearing and shall arrange for their recording in a suitable permanent record maintained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and a record of attendance. Minutes of public hearings shall contain a synopsis of public comments.
 2. **Correspondence.** The secretary 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 by the secretary shall be brought to the attention of the planning commission.
 3. **Attendance.** The secretary shall be responsible for reporting the attendance record for each planning commission member to the township clerk.
 4. **Notices.** The secretary shall cause to be issued such notices as may be required by the planning commission.
- E. Township Board Representative.** The township board representative shall be the liaison between the planning commission and the township board and shall be responsible for presenting recommendations of the planning commission to the

township board concerning zoning ordinance or subdivision ordinance modifications and plat or condominium development proposals for township board final approval.

- F. **Zoning Board of Appeals Representative.** The planning commission representative to the zoning board of appeals shall report the actions of the zoning board of appeals to the planning commission and update the zoning board of appeals on actions by the planning commission that relate to the functions and duties of the zoning board of appeals. This representative on the zoning board of appeals cannot be chairperson of the zoning board of appeals and is appointed by the township board. The planning commission may recommend such appointment to the township board.

SECTION 2: MEETINGS

- A. **Regular Meetings.** The planning commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular or scheduled planning commission meetings shall be posted at the principal township office within 10 days after the planning commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

- B. **Special Meetings.** Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission. The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.

Notice of special meetings shall be given to the members of the planning commission at least forty-eight hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act. If all members are present at a special meeting, the lack of the foregoing notice to members of the planning commission shall be waived.

- C. **Public Records.** 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. Quorum.** Four members of the seven-member planning commission shall constitute a quorum for transacting business and taking official action for all matters except for those decisions required by statute to be made by a majority of the membership. When a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act. No action shall be taken at a meeting at which a quorum is not present. If a meeting involves a scheduled public hearing and a quorum is not present, those present may accommodate the public present by listening and recording their comments for the information of those members not present and for review at the time of the rescheduled public hearing. The date of the rescheduled public hearing shall be publically determined and announced at the scheduled public hearing.
- 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. 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 vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. All planning commission members, including the chairperson, shall vote on all matters.
- F. Agenda.** The chairperson 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. Roll Call and Recognition Of Visitor
 3. Approval of Minutes
 4. Approval of Agenda
 5. Scheduled Public Hearings
 6. Old Business
 7. Open Discussion for Issues Not on the Agenda
 - a. Correspondence Received
 - b. Planning Commission Members
 - c. Members of the Audience
 8. Report of the Township Board Representative.
 9. Report of the Zoning Board of Appeals Representative.
 10. Comments from planning commission members
 11. Report of Planning Consultant
 12. Report of Township Attorney
 13. New Business
 - a. Setting Public Hearing Dates
 - b. Other New Business
 14. Adjournment

G. Public Hearings. All public hearings held by the planning commission shall be scheduled as part of a regular or special meeting of the planning commission. An applicant may ask the planning commission to schedule a different date for the public hearing on the applicant's request but if permitted, shall require the applicant to pay to the township at least 20 days before the scheduled hearing the full cost of publication and mailing of notices of the hearing, the per diem fee of the planning commission members for a regular meeting of the commission, the township attorney and consultant fees estimated by said professionals pertaining to such special hearing, and the cost of any extra information or investigation required by the planning commission pertaining to the application.

The following rules of procedure shall apply to such public hearings:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes the procedures/rules to be followed during the hearing.
3. Township planner/engineer/other consultants present their report and recommendation.
4. Applicant presents the main points of the application.
5. Persons speaking in support of the application are recognized.
6. Persons speaking in opposition to the application are recognized.
7. Chairperson closes the public hearing and returns to the regular/special meeting.
8. Planning commission begins deliberation and arrives at a decision with specified reasons for the decision. A decision can be postponed by a vote of the commission for reasons identified in the motion for postponement.

Note: All comments by the public, staff and planning commission members shall be directed to the chairperson and shall relate to the subject of the public hearing; unrelated comments shall be ruled out-of-order by the chairman.

SECTION 3: DUTIES OF THE PLANNING COMMISSION

The planning commission shall perform the following duties:

- A.** Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required.
- B.** Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required.
- C.** Prepare an annual report to the township board.
- D.** Prepare an annual work program and suggested budget, to be included in the annual report.

- E. Take such actions as are required by the Michigan Zoning Enabling Act or Michigan Planning Enabling Act, as amended.
- F. Review subdivision and condominium proposals and recommend appropriate actions to the township board.
- G. 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.
- H. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of planning commissioners and for which appropriations of funds have been approved by the township board, either in the annual planning commission budget or otherwise.
- I. Prepare a capital improvement plan.
- J. Perform other duties and responsibilities as requested by the township board or other authorized township official or agency.

**SECTION 4: DUTIES OF THE ZONING ADMINISTRATOR
AND PLANNING CONSULTANT**

- A. The planning commission may be assisted by the zoning administrator, planning consultant and township attorney in performing the planning commission's duties.
- B. The zoning administrator shall:
 - 1. Administrate the zoning ordinance and decisions of the planning commission.
 - 2. Accept applications for matters to be reviewed by the planning commission and ensure that such applications are complete and within the authority of the planning commission.
 - 3. Forward application materials to the planning commission at least one week prior to the meeting at which the matters will be considered.
 - 4. Inform the planning commission of administrative and enforcement actions taken on behalf of the township related to the zoning or other appropriate ordinance.
 - 5. Attend meetings and public hearings of the planning commission upon request of the planning commission or chairperson.
- C. The planning consultant shall:
 - 1. Attend planning commission meetings and public hearings scheduled by the planning commission as requested by the Chairperson or by a vote of the members.

2. Consult with the planning commission, zoning administrator and other township officials concerning interpretation, procedural questions and other matters arising from the zoning ordinance or master land use plan.
 3. Prepare amendments to the zoning ordinance or master land use plan as directed by the planning commission.
 4. Prepare and forward to the zoning administrator, township attorney and planning commission members, written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the planning commission as requested by the planning commission.
 5. Meet with applicants, their representatives and/or township officials as needed to properly perform project reviews and provide necessary assistance.
 6. Perform other duties as directed by the planning commission.
- D. The planning commission may be assisted by other professional or township staff as needed, including the building inspector, township attorney, township engineer, township assessor or other appropriate persons or agencies.

SECTION 5: ABSENCES, REMOVALS, RESIGNATIONS AND VACANCIES

- A. To be excused, members of the planning commission shall notify planning commission chairperson or other planning commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members of the planning commission may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing on such removal.
- C. A member may resign from the planning commission by sending a letter of resignation to the township supervisor, township board or planning commission chairperson stating the date of such resignation.
- D. Vacancies shall be filled by resolution of the township board for the remainder of the unexpired term of the position being filled. Members terms shall be for three years and until their successor is appointed and has been qualified.
- E. A member having three unexcused absences within a twelve month period, shall be deemed guilty of misfeasance and subject to removal from the planning commission by the township board under section 5B hereof.

SECTION 6: CONFLICT OF INTEREST

- A. Planning commission members shall acknowledge and declare a conflict of interest and abstain from participating in a hearing or deliberations on a decision of the

planning commission in which the conflict exists. Such a conflict exists under the following circumstances:

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 statute; or
 4. There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such conflict or by a majority of the remaining planning commission members.
- 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. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. If he or she decides not to abstain and a vote of the remaining members of the commission is called for by a planning commission member, a majority vote of such remainder shall determine whether or not the conflict is sufficient to require abstention. A member thus abstaining should remove himself or herself from the council table during the discussion and vote on the issue. A representative of the abstaining member could, however, present facts to the commission concerning said issue.
- C.** A planning commission member who has previously voted on the issue as a member of the township's planning commission shall not again vote on the matter before the township's zoning board of appeals.

SECTION 7: AMENDMENTS

These bylaws may be amended at any meeting of the planning commission by a majority vote of the membership of said commission. The proposed amendment shall be included on the agenda for the meeting at which it is to be discussed and decided which agenda shall include a summary of the content of such amendment.

CERTIFICATION

The foregoing bylaws were adopted by the Kalamazoo Township Planning Commission at a regular meeting of said Commission held _____, 2008 by a majority vote of said planning commission membership.

KALAMAZOO TOWNSHIP PLANNING COMMISSION

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