

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION BYLAWS**

Effective immediately as adopted November 9, 2009  
Amended April 13, 2015 (conflict of interest)

**ARTICLE 1: AUTHORITY**

These rules of procedure are adopted by the Genoa Charter Township Planning Commission (hereinafter referred to as the “Commission”), pursuant to Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et. seq.) to facilitate the duties of the Commission for administration of the Zoning Ordinance as outlined in Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et. seq.).

The rules of procedure adopted herein include matters unique to Genoa Charter Township as well as excerpts from the state statutes. The complete general rules and other matters covered by state statute are attached in Exhibit A.

**ARTICLE 2: PURPOSE**

The general purpose of the Genoa Charter Township Planning Commission shall be to guide and promote the efficient, coordinated development of the Township in a manner which will best promote the health, safety, and general welfare of its people, preserve and protect the Township, and to address the goals and recommendations of the Master Plan.

**ARTICLE 3: DUTIES OF THE COMMISSION**

In general, the Commission shall perform all acts required by law of a Planning Commission. More specifically, the Commission shall perform the following duties:

- (1) Draft, conduct hearings, and recommend a Zoning Ordinance, and subsequent amendments thereto, to the Township Board of Trustees.
- (2) Adopt a Master Plan, review the Plan regularly, and make necessary updates as required.
- (3) Prepare an Annual Report to the Township Board of Trustees.
- (4) Review and take action or recommend appropriate actions to the Township Board on site plan, special land use, and planned unit development requests.
- (5) Review Subdivision proposals and recommend appropriate actions to the Board of Trustees.
- (6) Prepare special studies and plans, as deemed necessary by the Commission or Board and for which appropriations of funds have been approved by the Township Board, as needed.
- (7) Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of the Commissioner, and for which appropriations of funds have been approved by the Township Board, as needed.
- (8) Perform other duties and responsibilities as may be requested by the Board of Trustees.

- (9) Members of the Commission may conduct such site visits as deemed necessary to evaluate the application and supporting material. Site visits shall be conducted individually unless otherwise scheduled by the Commission, obeying all requirements of the Open Meetings Act.

#### **ARTICLE 4: MEMBERSHIP**

**Section 4.1 Membership Requirements.** Membership of the Commission shall consist of 7 members appointed by Township Board of Trustees. Members of the Commission shall be residents of the Township.

**Section 4.2 Terms.** Each member, except the Board of Trustees representative, shall be appointed to hold office for a three (3) year term. Vacant positions shall be filled by the Board of Trustees for the unexpired term. The Board representative will serve at the discretion of the Board of Trustees.

#### **ARTICLE 5: OFFICERS**

**Section 5.1 Officers.** The officers of the Commission are elected members of the Commission and shall consist of the chairperson, vice-chairperson, and secretary. The Board representative may not serve as an officer.

**Section 5.2 Duties of the Chairperson.** The chair shall preside at all meetings, appoint committees; and perform such duties as may be delegated by the Commission or Board of Trustees. The Commission chairperson shall have the right to appoint new committee members at any time to fill a vacancy.

**Section 5.3 Duties of the Vice-Chairperson.** The vice-chairperson shall act in the capacity of the chairperson in his/her absence.

**Section 5.4 Duties of the Secretary.** The secretary shall serve as the liaison between the Commission and the Planning Director who is responsible for the execution of documents in the name of the Commission, performing the duties hereinafter listed below, and performing such duties as the Commission may determine.

- (1) Minutes. The Planning Director shall be responsible for the permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records.
- (2) Correspondence. The Planning Director shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the Commission. All communications, petitions, reports, or other written materials received by the Planning Director shall be brought to the attention of the Commission.
- (3) Attendance. The Planning Director shall be responsible for maintaining an attendance record for each Commission member.
- (4) Notices/Agendas. The Planning Director shall issue such notices and prepare the agendas for all meetings, as may be required by the Commission.

**Section 5.5 Duties of the Board of Trustees Representative.** The Board of Trustees representative to the Commission shall report the actions of the Commission to the Board and update the Commission on actions by the Board that relate to the function and duties of the Commission.

**Section 5.6 Duties of the Zoning Board of Appeals Representative.** The Zoning Board of Appeals (ZBA) representative to the Commission shall report the actions of the Commission to the ZBA and update the Commission on actions by the ZBA that relate to the functions and duties of the Commission.

**Section 5.7 Elections.**

- (1) At the first regular meeting of each calendar year, 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.
- (2) A candidate receiving a majority vote of the membership present shall be declared elected.
- (3) Newly elected officers will assume their office immediately after the election.

**Section 5.8 Vacancies.** Vacancies in offices shall be filled immediately by regular election procedure.

**ARTICLE 6: MEETINGS**

**Section 6.1 Regular Meetings.** Regular meetings of the Commission shall be held the second Monday of every month. The dates and times shall be posted at the Township Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted in the same manner as originally established. When a regular meeting 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.

**Section 6.2 Meeting Notices.** All meetings shall be posted at the Township Hall according to the Open Meetings Act. The notice shall include the date, time and place of the meeting.

**Section 6.3 Special Meetings.** A special meeting may be called by two members of the Commission upon written request to the secretary or by the chairperson. The business which the Commission may perform shall be conducted at a public meeting of the 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, and the secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.

**Section 6.4 Open Meetings.** All meetings of the Commission shall be opened to the public and held in a place available to the general public. All deliberations and decisions of the Commission shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the Commission under the rules established in Section 6.11, and to address

the Commission concerning non-hearing matters under the public comment portion of the agenda, as established in Section 6.9 to the extent that they are applicable. A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

**Section 6.5 Public Record.** All meetings, minutes, records, documents, correspondence, and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

**Section 6.6 Minutes.** Commission minutes shall be prepared by the recording secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on any action; and recording of attendance.

**Section 6.7 Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting shall occur. 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 scheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced at the meeting.

**Section 6.8 Voting.** An affirmative vote of the Commission members present 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 Commission members shall vote on every motion placed on the floor unless there is conflict of interest, as established in ARTICLE 7. Any member abstaining from a vote shall indicate their intention to abstain prior to any discussion on that item and shall not participate in the discussion of that item.

**Section 6.9 Agenda.** A written agenda for all regular meetings shall be prepared as followed. The required agenda items for all regular meetings shall be:

- (1) Call to order
- (2) Pledge of Allegiance
- (3) Worksession (if requested)
- (4) Approval of Agenda
- (5) Public comments and communications concerning items not on the Agenda
- (6) Scheduled public hearings
- (7) Administrative Business
- (8) Approval of Minutes
- (9) Adjournment

**Section 6.10 Rules of Order.** All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order”.

**Section 6.11 Public Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in ARTICLE 1. Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the established hearing procedures as follows.

- (1) **Announce Subject.** The chairperson announces each agenda item and describes the subject to be considered.
- (2) **Present Proposal.** The applicant provides a presentation of the proposal followed by a staff/consultant review. Reports prepared by staff or other officials shall be considered along with any presentations made. The Commission may ask questions of the applicant, staff, or consultants during this time.
- (3) **Open Public Hearing.** The chairperson summarizes the hearing rules and then opens the hearing to the floor.
- (4) **Close Public Hearing.** The chairperson should give ample opportunity for comment, including a “last call” for comments. The chairperson will then close the hearing.
- (5) **Deliberation.** Any action of the Planning Commission must be supported by reasonable findings, which will become part of the record through minutes, resolutions, staff reports, etc. All motions shall summarize these findings, or provide reasons for the suggested action. If a matter is tabled to a specific meeting date, it is not necessary to re-advertise the hearing.
- (6) **Action.** After deliberation, the Planning Commission may take any of the following actions:
  - Recommend approval or approve the proposal.
  - Recommend approval or approve the proposal with conditions.
  - Recommend denial or deny the proposal.
  - Table the proposal to a later date, in order to gather additional information or to prepare Findings of Fact, or if there are unresolved issues, or at the request of a petitioner.

## **ARTICLE 7: CONFLICT OF INTEREST**

**Section 7.1 Declaration of Conflict.** The Commission shall make a determination regarding the presence of a conflict of interest. Commission members shall declare a conflict of interest prior to any discussion on an item, when any one (1) or more of the following occur:

- (1) A relative or other family member is involved in any request for which the Commission is asked to make a decision.

- (2) The 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 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.
- (4) There is a reasonable appearance of a conflict of interest, as determined by the Commission.

**Section 7.2 Requirements.** Prior to discussion on a request, the Commission member shall announce a conflict of interest and state its general nature. If the Commission determines a conflict of interest exists, the Commission member shall:

- (1) Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
- (2) Absent himself/herself from the table in which the discussion and voting take place.

**Section 7.3 As Petitioner.** A Commission member or Trustee shall not be heard before the Commission as a petitioner, representative of a petitioner or as a party interested in a petition during the member's term of office.

## **ARTICLE 8: ABSENCES, REMOVALS, AND RESIGNATIONS**

**Section 8.1 Absences.** Members of the Commission shall notify the Planning Director at least twenty-four (24) hours in advance when they intend to be absent from the meeting.

**Section 8.2 Removal.** Members of the Commission may be removed by the Board of Trustees for nonperformance of duty, misconduct in office, or upon failure to declare a conflict of interest upon vote by the majority, after written charges have been prepared and a hearing conducted.

**Section 8.3 Resignation.** A member may resign from the Commission by sending a letter of resignation to the Board of Trustees or Township Supervisor.

## **ARTICLE 9: AMENDMENTS**

These rules may be amended by the Commission by a concurring vote pursuant to subsection 6.8, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

## Exhibit A