

ADOPTED: November 22, 2022

**CHARTER TOWNSHIP OF WATERFORD
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURE**

CHAPTER I- BYLAWS

ARTICLE I - NAME AND AUTHORITY

The name of this commission shall be the Waterford Township Planning Commission. These By-laws are adopted pursuant to the Michigan Planning Enabling Act, 2008 PA 33, as amended, MCL 125.3801 et. seq., and the Michigan Zoning Enabling Act 2006 PA 110, MCL 125.3101 et. seq.

ARTICLE II - DUTIES AND TERMS OF MEMBERSHIP

- Section 1.** The duties and terms of membership of the Planning Commission are as set forth in the Waterford Township Zoning Ordinance and in such duties assigned by resolution or general ordinance of the Township Board.
- Section 2.** Members are expected to serve until their term expires and a successor has been appointed and approved as provided in the Waterford Township Zoning Ordinance. Members who are unable or unwilling to serve the entire terms for which they were appointed or who do not wish to be considered for reappointment shall provide thirty (30) days advance written notice of that fact to the Township Supervisor and the Planning Commission Chairman so that a successor may be appointed and approved in a timely manner that does not require the Planning Commission to function with less than a full seven (7) member commission.
- Section 3.** The Township Board may remove a member for misfeasance, malfeasance or nonfeasance in office upon written charges after a public hearing.
- Section 4.** A member shall notify the Chairperson and the Superintendent of Planning and Zoning at least three (3) business days before a scheduled meeting that they are unable to attend the meeting. A member shall not have more than three (3) unexcused absences in a calendar year.
- Section 5.** The Planning Commission shall advise the Township Board on matters relating to the physical and environmental development of the Township. Its recommendations shall consider the impact which such development may have on the physical, social, economic and environmental condition of the Township.

Section 6. The Planning Commission shall furnish the Township Board with reports and recommendations on ordinances, ordinance amendments, annexations, zoning changes, subdivisions, resolutions, any other matters required by law, or any other matters requested by the Township Board or deemed important by the Planning Commission.

Section 7. The Planning Commission shall Prepare and update a Township Master Plan as a guide for development of the Township.

Section 8. The Planning Commission shall review and make decisions or recommendations on matters requiring such actions in accordance with the land use and development applications and procedures as provided by the Waterford Township Zoning Ordinance or Waterford Code of Ordinances.

Section 9. The Planning Commission shall Review and provide recommendations on proposed public parks, buildings and structures.

Section 10. The Planning Commission shall promote public understanding and awareness of planning, the Master Plan, and the other activities of the Commission.

Section 11. The Planning Commission shall make an annual written report to the Township Board concerning the Commission's operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

ARTICLE III - OFFICERS AND THEIR DUTIES

Section 1. The officers shall be a Chairperson, Vice Chairperson and Secretary. The officers shall be members of the Planning Commission. The Zoning Official or designee may assist the Secretary with recording and preparing minutes of proceedings, the issuance of notices, and other responsibilities of the Secretary.

Section 2. The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the powers and duties normally conferred by parliamentary usage on such officers.

Section 3. The Chairperson shall not be a member of the Township Board. The Chairperson may discuss all matters before the Planning Commission and vote thereon.

Section 4. The Vice Chairperson shall not be a member of the Township Board and shall act for the Chairperson in the Chairperson's absence.

Section 5. The Secretary shall perform such duties as the Planning Commission may determine or as provided by law, with the assistance of the Zoning Official or designee.

ARTICLE IV - ELECTION OF OFFICERS

Section 1. The election of officers shall be held at the December meeting of the Planning Commission to take office in January of the next calendar year.

Section 2. Nominations shall be made from the floor by any Planning Commissioner and the election shall be held immediately thereafter.

Section 3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve a term of one year.

Section 4. The Planning Commission may re-nominate and re-elect the same slate of officers to consecutive terms without limit.

Section 5. An officer may resign his/her office by submitting a letter to the Planning Commission Chairperson. The resignation shall not be effective until accepted by the Planning Commission at its next regularly scheduled meeting. Vacancies in office shall be filled immediately by regular election procedures outlined in Sections 2-3 above.

ARTICLE V - MEETINGS

Section 1. At the November meeting of each year, the Planning Commission shall establish a regular meeting schedule for the upcoming calendar year consisting of a minimum of four (4) regular meeting dates and up to a maximum of twenty-three (23) regular meeting dates.

Section 2. Regular meetings shall be held generally on the fourth Tuesdays of each month that the Planning Commission decides to schedule a meeting. If the Planning Commission determines that their workload requires more than one meeting per month, the second meeting in such months shall be scheduled generally for the second Tuesday of the month.

Section 3. In establishing their regular meeting schedule, the Planning Commission may schedule a meeting date for a day of the week other than Tuesday when a second or fourth Tuesday of a given month conflicts with an observed holiday.

Section 4. Special meetings may be called by the Chairperson or by two members upon written request to the Secretary. When authorized by the Planning Commission during calendar years when the regular meeting schedule consists of less than one regular meeting per month, the Zoning Official may arrange a special meeting for an applicant willing to pay for the full cost of holding the meeting in addition to the regular fees charged for the applicant's required review. For such special meetings, the Zoning Official shall communicate with each of the Planning Commissioners and arrange a meeting date and time convenient to at least a majority of the Planning Commission. The notice of a special meeting shall specify the purposes of the meeting and no other applications may be considered.

Section 5. The Secretary shall give written notice of all meetings, both regular and special, to all members of the Planning Commission at least 48 hours in advance of the meeting.

Section 6. A quorum shall consist of four (4) members. An affirmative vote of four (4) members shall be necessary to pass any motion (unless otherwise specified herein).

Section 7. Voting shall be by voice vote unless otherwise specified.

Section 8. A roll call vote on each question shall be taken by the Secretary of the Planning Commission. No member may abstain from voting unless excused by the Chairperson or unless there is a conflict of interest as defined in Article IX. Before casting a vote on a matter which a member has a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. A member is not required to publicly disclose the reason for the conflict. A member is disqualified from voting on a matter if they have a conflict of interest.

Section 9. All meetings of the Planning Commission, including special meetings, committee meetings and sub-committee meetings, shall be open to the public in accordance with the provisions of the Open Meetings Act, Public Act 266 of 1976, as amended. Closed sessions may be called for purposes listed in said Act if approved by a 2/3 roll call vote of the appointed and serving members.

Section 10. The Planning Commission shall consult Robert's Rules of Order where necessary, regarding parliamentary procedure. Final procedural decisions shall be decided by the Chairperson.

ARTICLE VI - MEETING AGENDA ORDER OF BUSINESS

Section 1. The order of business at each meeting shall be:

1. Call Meeting to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Consent Agenda
6. Old Business
7. Public Hearings
8. Development Reviews
9. Discussions
10. Public Comments
11. Other Business

Section 2. When no business is scheduled under an item above, the Secretary may remove the headings for such items from a meeting's agenda order of business.

ARTICLE VII - COMMITTEES

Section 1. Advisory committees may be appointed by the Chairperson, with the approval of the Planning Commission, for purposes and terms, which the Planning Commission approves and in accordance with the Waterford Township Planning Commission Duties, Policies, and Procedures.

Section 2. Advisory committees may include non-Planning Commission members such as individual citizens, groups or representatives of organizations to participate in the committee activities in a manner deemed most appropriate by the Planning Commission.

Section 3. Non-Commission committee members may participate with Planning Commissioners and Staff in developing plans or reports related to the committee's activities and unless approved by the Township Board, shall serve without compensation.

Section 4. Committees may prepare oral and/or written reviews of final staff recommended reports or plans regarding committee activities prior to final consideration by the Planning Commission.

ARTICLE VIII - HEARINGS

Section 1. In addition to those required by law, the Planning Commission may, at its discretion, hold such public hearings or conferences as it decides will be in the public interest.

Section 2. A citizen or group wishing to address the Planning Commission may do so in accord with the provisions of the Waterford Township Planning Commission Duties, Policies and Procedures.

ARTICLE IX - CONFLICT OF INTEREST

Section 1. A conflict of interest shall, at a minimum, include the following:

- a) Issuing, deliberating on, voting on, or reviewing a case concerning the member.
- b) Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the member or which is adjacent to land owned by the member.
- c) Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.

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- d) Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a financial benefit to the member.
- e) Issuing, deliberating on, voting on, or reviewing a case concerning the member's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent in-law, grandparents' in-law, or members of his or her household.
- f) Issuing, deliberating on, voting on, or reviewing a case where the member's employee or employer is:
 - i) An applicant or agent for an applicant; or
 - ii) Has a direct interest in the outcome.

Section 2. A Commissioner who has a conflict of interest as defined above shall:

- a) Disclose the apparent conflict as soon as possible to the Chairperson , and request the Chair to excuse him or her from participation;
- b) During the deliberation of the question or case, leave the meeting room until the agenda item is concluded; and
- c) Refrain from all participation in the matter.

Section 3. If a member believes that another member has a conflict of interest but has not asked to be excused from voting, the question shall be put before the Planning Commission for a vote. Whether a conflict exists shall be determined by a majority vote of the remaining members of the Planning Commission.

Section 4. The following will not generally be deemed a conflict of interest:

- a) Relationship as officer or member of board of directors of a:
 - (i) Professional, fraternal, civic, or public service organization.
 - (ii) Neighborhood association.
 - (iii) Community organization.
 - (iv) Nonprofit corporation.
- b) Holding personal accounts, commercial accounts, or lines of credit in a financial institution.
- c) Election or appointment to public office or as a member of a public body, unless otherwise prohibited by law.
- d) Personal, non-family relationship.
- e) Residing or owning property in the neighborhood.

ARTICLE X - EX PARTE COMMUNICATIONS

Communications between members and applicants outside of a hearing or public meeting regarding a matter pending or that is to come before the Planning Commission shall be avoided unless unavoidable. In addition, such communications with neighbors of applicants, citizen groups or other parties outside of a hearing or public meeting on

a pending matter shall be avoided unless unavoidable. If Planning Commissioners receive or participate in any such communications, the time, identity of the persons who participated, and a description of the content of the communication should be disclosed at the commencement of the next Planning Commission hearing or discussion on that item. Any written communication accepted by a Planning Commissioner shall be immediately provided to the Planning Commission Secretary or staff for distribution to the full Planning Commission.

CHAPTER II PLANNING COMMISSION POLICIES, AND PROCEDURES

ARTICLE I - PLANNING COMMISSION POLICIES AND PROCEDURES

Section 1. The Commission shall meet in regular session at Township Hall, or as otherwise designated by the Commission. The starting time of such meetings shall be identified by the Commission as part of the regular meeting schedule established each calendar year in accordance with the Commission's By-laws. All meetings of the Commission which will include public hearings may, upon the decision of the Chairperson, begin one half hour prior to the regular meeting time to provide time for a Planning Commission Public Hearing Case Review. The Planning Commission shall hold a pre-meeting session one hour prior to the scheduled meeting time.

Section 2. The Planning Commission, by policy, intends to limit the length of meetings to a reasonable time. Therefore, no agenda item will be taken up by the Planning Commission three (3) hours after the starting time of the regular meeting, except by consent of four (4) Planning Commissioners present. In those cases where agenda items are not completed, they will be placed as an Old Business item on the agenda for the next regular meeting of the Planning Commission.

Section 3. Special meetings may be called by the Planning Commission subject to the provisions of the Planning Commission's By-laws. Land use and development review procedures requiring Planning Commission review and approval, or recommendation, in accordance with the Zoning Ordinance or the Waterford Code of Ordinances are not considered cause for calling a special meeting except where provided by the Planning Commission's By-laws.

Section 4. For all meetings of the Planning Commission, the following shall be observed:

- a. The public shall receive proper legal notice as to time and location of public hearings as required by law.
- b. The agenda for all meetings shall be published on the Township's

website forty-eight (48) hours prior to the meetings.

- c. The Planning Commission shall develop and maintain participation guidelines for their meetings. The Planning Commission Participation Guidelines shall be made available at each meeting of the Planning Commission.
- d. All subject matter shall be limited to the topic under consideration and shall be in accordance with the "Planning Commission Participation Guidelines".
- e. Planning Commission response to public and petitioner comments shall be confined to clarification of presented facts.
- f. At the discretion of the Chairperson, or majority of members present, public hearings may be continued to another date.
- g. Planning Commission meetings shall be conducted in accordance with the Planning Commission's By-laws and these Duties, Policies and Procedures.
- h. By a written showing of reasonable cause received by the Zoning Official by 4:00 p.m. before a scheduled meeting, an applicant may request postponement of a case. Upon finding the cause given to be reasonable, the Zoning Official shall remove the case from the agenda and reschedule the case to the next regular meeting. If the Zoning Official does not find the cause given is reasonable, or a longer postponement is requested, Planning Commission approval is required. Applicants must confirm whether the Zoning Official has approved a postponement. No more than two postponements may be requested and approved.
- i. The Planning Commission may hear and decide any case that is not postponed, and except for unforeseen emergencies and/or unique situations, will hear and decide cases no later than the 3rd meeting for which they are scheduled, with or without the applicant present. In its discretion, the Planning Commission may decide the case on the merits or may dismiss the case for lack of progress/presentation.
- j. By requesting postponement, an applicant agrees to pay postponement fees based on costs of republication, renotification, copying and other expenditures of time, money and materials by the Township that result from rescheduling. Applicants whose cases are dismissed for lack of progress/presentation shall receive no credit or refund of fees paid in connection with that case.

Section 5. The consent agenda section of the Planning Commission's meeting agenda order of business is intended to provide the Planning Commission with summary information from the Zoning Official on all administrative planning reviews. The Planning Commission may accept the consent agenda as submitted, it may accept a portion of the consent agenda as submitted and instruct the Zoning Official that the Planning Commission wishes to conduct a Planning Commission review and approval of the remaining consent

agenda item(s), or the Planning Commission may accept the consent agenda with stipulations for the Zoning Official to incorporate into the final administrative review actions.

Section 6. Persons wishing to address written communications to the Planning Commission or Zoning Official are invited to do so. All written communications regarding items before the Commission should be directed to the Zoning Official, seven (7) days prior to the public meeting date for distribution of the communications to the Planning Commission. Commissioners may request that the contents of certain communications be read before the Planning Commission and any such communication will be considered a public record subject to disclosure.

Section 7. The provision of time for the public to address the Planning Commission on specific planning-related topics shall be established on the agenda in accordance with the Commission's By-laws. The Commission through its Chairperson may limit remarks to no more than three (3) minutes per person.

Section 8. Agendas, files and related information on items before the Planning Commission shall be available to the public at the office of the Zoning Official during normal business hours.

Section 9. Whenever possible, the Zoning Official shall advise applicants of any changes in the order of the agenda which occur after preparation of the agenda.

Section 10. Except by unanimous consent of the members present, the Planning Commission shall not take any action on matters not appearing on the Planning Commission's prepared agenda.

Section 11. On matters requiring public hearing, the Planning Commission may take action during the same meeting, or the matter may be deferred by a majority of the members present to the next Planning Commission meeting or to when the applicant has all required information available.

Section 12. The Planning Commission shall maintain public records of its resolutions, transactions, findings, determinations, decisions and meetings. Files, minutes and records shall be located in the office of the Zoning Official and open to the public during normal business hours, except for closed session minutes.

Section 13. The Planning Commission requires constructive, periodic reports regarding the status of planning matters under consideration from the Zoning Official.

Section 14. The Planning Commission expects the Zoning Official to communicate its positions to the Township Board and to provide assistance to the Commission at other times as requested.

Section 15. The Zoning Official is expected to prepare studies, reports and reviews as necessary to adequately address issues before the Planning Commission or

anticipated for Planning Commission review or action.

Section 16. The Zoning Official shall ensure that all applicants submitting requests to be considered by the Planning Commission will grant temporary access to the subject property during the time period that the request is being considered to allow the Planning Commissioners to review and inspect the subject property in person prior to a decision being made by the Planning Commission.

ARTICLE II - PLANNING COMMISSION BEHAVIOR AND ETHICS

Section 1. Members of the Planning Commission are appointed by the Supervisor with the approval of the Township Board. Membership on the Planning Commission shall be accepted as a public service.

Section 2. Planning Commission members shall receive a per diem, as determined by the Township Board, for attending meetings of the Planning Commission.

Section 3. The Commission recognizes that in the performance of its duties, matters will be presented and considered upon which one or more members may have or perceive that they have a conflict of interest due to economic, personal or other reasons. Chapter I By-laws Article IX shall be reviewed for conflict of interest requirements.

Section 4. A Commission member shall not personally appear before the Commission as a petitioner or as a representative of a petitioner during the member's term of office.

Section 5. A Planning Commission member shall not indicate representation of the Planning Commission when speaking to individuals, groups or organizations on general Commission matters unless authorized by the Planning Commission to do so. When speaking for personal purposes, the Planning Commission member shall indicate that the stated opinions and beliefs are not necessarily the opinions and beliefs of the Planning Commission as a whole.

Section 6. The Planning Commission, or its individual members, shall not intrude into the management of the offices of the Zoning Official, Township Engineer, Building Official, or into those matters which are handled administratively within the various departments of the Township government. Any concerns that the Planning Commission may have over management practices in such offices as they relate to matters relating to the physical and environmental development of the Township shall be transmitted in writing to the Township Supervisor.

Section 7. Planning Commission members shall conduct themselves at Planning Commission meetings in a fair, courteous, and understanding manner. Planning Commission members shall avoid interchanges involving

personality differences and communications attempting to influence a vote.

ARTICLE III - REQUIRED TRAINING

Section 1. The Zoning Official shall provide all Planning Commission members with a binder or electronic document containing the following information:

- a) The By-laws and Rules of Procedure.
- b) Zoning Ordinance
- c) Zoning Map
- d) Copy of the Michigan Planning Enabling Act as amended
- e) Copy of the Michigan Zoning Enabling Act as amended

Section 2. New Planning Commission members shall be required to take the Planning and Zoning Essentials Class offered by the Michigan Association of Planning within the six (6) months of their appointment.

Section 3. After serving on the Planning Commission for one (1) year, and every year thereafter, Planning Commission members shall be required to take one credit hour of continuing education provided by the Michigan Association of Planning.

CHAPTER III AMENDMENT AND REVIEW OF BY-LAWS AND RULES OF PROCEDURE AND INCONSISTENCY WITH ACTS

ARTICLE I - AMENDMENT AND REVIEW OF BY-LAWS AND RULES OF PROCEDURE

Section 1. The By-laws and Rules of Procedure shall be reviewed every five (5) years but may be reviewed sooner if requested by a majority of the Planning Commission or the Zoning Official. Notice of proposed changes shall be provided to all Planning Commission members at least fifteen (15) days prior to the meeting to review the changes.

Section 2. If changes to the By-laws and/or Rules of Procedure are proposed after a review conducted in accordance with Section 1 above, these By-laws and Rules of Procedure may be amended or altered to incorporate such changes at the following regular meeting by a majority of the members of the Planning Commission. Proposed changes that have not been discussed during a By-laws and Rules of Procedure review at a preceding regular meeting cannot be voted on until a subsequent regular meeting.

ARTICLE II - INCONSISTENCY WITH ACTS

Section 1. Should any provisions of these By-laws and Rules of Procedure be inconsistent with the provisions of applicable Public Acts of the State of Michigan, as amended, or any other applicable law, the provisions of said Acts or law will prevail.