

# VILLAGE OF PORT AUSTIN PLANNING COMMISSION BY-LAWS

(as amended by the Planning Commission at a regular meeting on June 18,2009)

## ARTICLE (1) MEMBERSHIP AND OFFICERS

- SECTION 1. In accordance with Public Act 33 of 2008 (Michigan Planning Enabling Act), paragraphs 125.3815, 125.3817 and 125.3819, the Planning Commission shall consist of five members. One member shall be selected from the membership of the Village Council by resolution of the Village Council to serve as a member ex-officio. The ex-officio member of the Planning Commission shall have full voting rights. The term of service of the ex-officio member shall be determined by the Village Council, but cannot exceed the member's term of office as a member of the Village Council. The resignation of the ex-officio member from the Village Council, prior to the expiration of his/her elective term of office, terminates said member's membership on the Planning Commission. The remaining four Planning Commission *Members at Large* shall be appointed by the Village President, subject to the approval of a majority of the Village Council. Members at Large of the Planning Commission shall be appointed for three (3) year staggered terms. Alternate or substitute members of the Planning Commission shall be prohibited.
- SECTION 2. The Commission shall elect one of its appointed members as Chairperson, another of its appointed members as Vice Chairperson and another of its members as Secretary. Said officers shall be elected to one (1) year terms. A secretarial assistant may be hired and compensated at the discretion of the Village Council.
- SECTION 3. The Chairperson shall preside at meetings, but in the absence or disability of the Chairperson, the Vice Chairperson shall preside. If both of said officers shall be absent, the Commission shall choose one of its appointed members as its presiding officer.
- SECTION 4. All matters requiring a vote shall be determined by a majority of the membership and voting with the following exceptions:
- a) Financial matters requiring a decision of the Planning Commission of which the affirmative vote of not less than four (4) members of the Planning Commission shall be required.

- b) Final approval of any proposed Subdivision Plats, Planned Unit Developments, Condominiums, or Site Condominium Projects, of which the affirmative vote of not less than four (4) members of the Planning Commission shall be required.
- c) Adoption of all or part of the Master Plan of which the affirmative vote of not less than four (4) members of the Planning Commission shall be required.

SECTION 5. The presiding officer shall designate the members of any committee as may be found necessary from time to time, unless otherwise directed by a majority of the Commission present.

SECTION 6. The Secretary of the Commission shall sign all Plats, Condominium Projects, documents, and other instruments required by law, and shall keep official minutes of the meetings and a record thereof and be responsible for all official correspondence of the Planning Commission. The Secretary will be responsible for the compilation of required maps, files and records from any application, which will be filed in the village office and with the assistance of the Village Clerk. The Secretary or secretarial assistant will be responsible for the clerical and other duties of the Village Planning Commission.

SECTION 7. In accordance with Public Act 33 of 2008 (Michigan Planning Enabling Act), the ex-officio member of the Planning Commission, appointed by the Village Council, shall be subject to removal from the Planning Commission by the Village Council for like cause. The members at large of the Planning Commission shall be subject to removal by the Village President, following a Public Hearing, for neglect of duty, inefficiency or malfeasance in office.

## ARTICLE (2) MEETINGS

SECTION 1. In accordance with Public Act 33 of 2008 (Michigan Planning Enabling Act) the Commission shall hold at least four (4) regular meetings each year, as scheduled by the Planning Commission.

SECTION 2. Cancellation and/or rescheduling of one of the regular meetings may occur when deemed necessary by the Village Clerk or the Planning Commission Chairperson. All cancellation recommendations are to be forwarded to and approved by the Planning Commission Chairperson. All cancellations and/or rescheduling may only be executed by the Planning Commission Chairperson, or his/her designated presiding officer; provided notice is given to the Commission and the public, as

required by law. Grounds for such occurrence include lack of a quorum of three (3) members, an absence of agenda items for the meeting, other than minutes, or other house-keeping matters not requiring immediate attention.

SECTION 3. Special meetings may be held at the call of the Chairperson, or at the request of not less than two (2) members of the Commission, provided that all members shall be properly notified at least 24 hours before the time set and meeting date being properly posted, as required by law.

SECTION 4. All meetings shall be open to the Public.

SECTION 5. A quorum of the Commission shall consist of any three (3) members present and voting.

SECTION 6. All meetings of the Commission shall be conducted in accordance with Roberts Rules of Order.

SECTION 7. Rehearing. An application asking for the same relief in connection with the same property that has previously been heard and acted upon shall not be received for one (1) year following denial of an application, except where a showing is made in the application that a substantial change in conditions has occurred since the previous hearing which justifies the Commission in treating the matter as a regular new application.

A "Substantial Change In Conditions" must include, but may not be limited to, one or more of the following: a zoning change, a land use change, a change in traffic patterns and/or a change in the Master Plan.

### ARTLICE (3) PUBLIC HEARING

SECTION 1. The Commission shall provide for the holding of all Public Hearings required by law, and the publication of notices thereof, and further, for any Public Hearing deemed by the Commission to be in the public interest.

SECTION 2. The conduct of the public hearing for the purpose of considering a requested zoning map amendment shall generally be:

- a) Presentation of request by the Zoning Inspector
- b) Comments by Petitioner
- c) Comments of proponents and opponents, and
- d) Discussion and/or action by Planning Commission

SECTION 3. All other public hearings shall be conducted at the discretion of the Planning Commission.

SECTION 4. Public Address. In order to allow all interested parties an opportunity to address the Commission and to provide for the orderly conduct of meetings, public address, insofar as possible, may be limited to five (5) minutes per person at the discretion of the Planning Commission Chairperson.

SECTION 5. Applicant request to adjourn. Upon the applicant's timely request for the adjournment of a public hearing, the Commission Chairperson shall grant the request; provided, however, the applicant agrees to cover the costs incurred to provide adequate public notice of the rescheduled hearing. Only one adjournment of a public hearing is allowed at the request of the applicant.

#### ARTICLE (4) ORDER OF BUSINESS

SECTION 1. The general order of business at a regular Planning Commission Meeting shall be as follows:

- a) Additions or changes to the agenda
- b) Approval of agenda
- c) Minutes of previous meetings and disposal
- d) Zoning Inspectors Report
- e) Public Hearing (if scheduled)
- f) Site Plan Review
- g) Old Business
- h) New Business
- i) Public Comments
- j) Commissioners Comments
- k) Adjournment

#### ARTICLE (5) AMENDMENT OF BY-LAWS

SECTION 1. Amendment of these By-Laws may be made by the Planning Commission at any meeting, provided that notice of said proposed amendment is given to all Commissioners in writing at least five (5) days prior to such meeting, and shall be adopted by an affirmative vote of at least four (4) members.