

# Clearwater Township Planning Commission By-laws

Adopted Monday, October 20, 2008 - Amended Thursday, March 5, 2009; Monday, October 22, 2012;  
Monday, November 2, 2015; Monday, September 10, 2018

The following rules of procedure are hereby adopted by the Clearwater Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801, *et seq.*

## SECTION 1: Officers

- A. Selection and Tenure – At the first regular meeting each December, 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 re-election 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 or 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 maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records 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 record of attendance.
  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 maintaining an attendance record for each Planning Commission member and report those records annually to the Planning Commission for inclusion in the annual report to the Township Board.
4. Notices – The Secretary shall issue such notices as may be required by the Planning Commission. In the event of cancelation of a public hearing, the Secretary shall advise the person or persons on whose behalf the public hearing was scheduled of the cancelation and the reason for the cancelation.  
[Amended November 2, 2015.]
- E. Township Board Representative – The Township Board representative shall present the recommendations of the Planning Commission, as required by the Zoning Ordinance, to the Township Board prior to that Board's consideration of such request.
- 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.

## **SECTION 2: Meetings**

- A. Regular Meetings – The Planning Commission shall hold no fewer 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.

- 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 – Three members of Clearwater Township's five-member Planning Commission shall constitute a quorum for transacting business and taking official action for all matters. Whenever 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, or hold the meeting to consider the matters on the agenda. No action shall be taken at a meeting at which a quorum is not present.
- 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 (MCL 125.328). 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, but the Chairperson shall vote last.
- 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 with the Pledge of Allegiance
  - 2. Roll Call and Recognition of Visitors
  - 3. Approval of Agenda  
[Amended March 5, 2009]
  - 4. Call for disclosure of conflict of interests  
[Amended October 22, 2012]
  - 5. Approval of Minutes
  - 6. Comment for Matters not on the Agenda
    - 1) Public
    - 2) Commissioners
    - 3) Correspondence [Amended September 10, 2018]
  - 7. Ongoing Business [Amended September 10, 2018]
  - 8. Scheduled Public Hearings
  - 9. Old Business
  - 10. Report of Planning Commission Chair
  - 11. Report of Township Board Representative
  - 12. Report of Zoning Board of Appeals Representative

13. Report of Zoning Administrator
  14. New Business
  15. Public Comment
  16. Adjournment with Statement of Next Meeting Time
- G. Public Hearings – All public hearings held by the Planning Commission must be held as part of a regular or special meeting of the Planning Commission. The following rules of procedure shall apply to public hearings held by the Planning Commission:
1. Chairperson opens the public hearing and announces the subject.
  2. Chairperson summarizes the procedures/rules to be followed during the hearing.
  3. Township Zoning Administrator presents his/her report.
  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.

*Note: To ensure everyone has the opportunity to speak, the Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments.*

*All comments by the public, staff and the Planning Commission shall be directed to the Chairperson. All comments shall be related to the land use request; unrelated comments shall be ruled out of order.*

*Within ninety days of the decision, a written notice containing the decision of the Planning Commission will be sent to petitioners and originators of the request; this notice will be in the form of the approved minutes of the particular meeting at which the decision was adopted.*

### **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, including at a minimum, an annual work program and budget, and attendance records.
- D. Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- E. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
- F. 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.
- G. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
- H. Prepare a capital improvements plan.
- I. Perform other duties and responsibilities or respond as requested by the Township Board.

#### **SECTION 4: Duties of the Zoning Administrator**

- A. The Planning Commission shall be assisted by the Zoning Administrator in performing the Planning Commission's duties, as outlined in Section 3.
- B. The Zoning Administrator shall be responsible for the professional and administrative work in coordinating the functions of the Planning Commission.
- C. The Zoning Administrator's duties include: [Amended September 10, 2018]
  - 1. Review the work of the planning consultant, if any.
  - 2. Accept applications for matters to be reviewed by the Planning Commission and ensure that such applications are complete.
  - 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.
- D. The Planning Commission may be assisted by other professional or township staff as needed, including the building inspector, Township attorney, Township engineer or other person or agency.

#### **SECTION 5: Absences, Removals, Resignations and Vacancies**

- A. To be excused, members of the Planning Commission shall notify the 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 in accordance with MCL 125.3815(9): “The legislative body may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.”  
[Amended September 10, 2018]
- 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.
- D. Vacancies shall be filled by the Township supervisor, with the approval of the Township Board, within one month of resignation or removal of a Planning Commission member. Successors shall serve out the unexpired term of the member being replaced.

#### **SECTION 6: Conflict of Interests**

The Planning Commission defines a conflict of Interests to exist whenever there exists a conflict between a person’s private interests and public obligations. For the purposes of this Planning Commission, that means whenever a member of the Commission is involved in multiple interests, one of which could possibly corrupt the motivation for an act in another.

Public officials are expected to put service to the public and their constituents ahead of their personal interests. Conflict of interests rules are intended to prevent officials from making decisions in circumstances that could reasonably be perceived as violating this duty of office. Any conflict between personal profit, of any kind, and public duty must be scrupulously avoided.

- A. Planning Commission members shall declare a conflict of interests and abstain from participating in a hearing or deliberations on a request when:
  - 1. A relative or 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
  - 4. There is a reasonable appearance of a conflict of interests, as determined by the Planning Commission member declaring such conflict.

**Section 7: Amendments**

These bylaws may be amended at any meeting by a vote of four members of the Planning Commission.

Adopted by the Clearwater Township Planning Commission at a special meeting held for that purpose on October 20, 2008.