

# Village of Pinckney

## Planning Commission Bylaws

The Village of Pinckney Village Council created the Village of Pinckney Planning Commission by resolution with power to make, adopt, extend, add to, or otherwise amend, and to carry out plans for lands within the Village limits. The following rules of procedure are hereby adopted by the Village of Pinckney Planning Commission to facilitate the performance of its duties and responsibilities as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 *et. seq.*, as amended, the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 *et. seq.*, as amended, and the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, as amended.

### **SECTION 1: Title**

The official title of this Commission shall be the Village of Pinckney Planning Commission, hereafter referred to as the “Planning Commission.”

### **SECTION 2: Membership**

- A. The Planning Commission shall be composed of seven (7) members appointed by the Village President subject to the approval of a majority vote of the members of the Village Council.
- B. All members, other than the ex officio member, shall be appointed for three (3) year terms. The term of the ex officio member shall expire with his/her term on the Village Council.
- C. A vacancy on the Planning Commission shall be filled for the remainder of the unexpired term. The Planning Commission shall notify the Zoning Administrator of any vacancies. Publication of the vacancy and solicitation of applications may occur as needed.
- D. Village Council Representative. One (1) member of the Village of Pinckney Village Council may serve as the ex officio member to the Planning Commission. Said member cannot be Chairperson of the Planning Commission.

### **SECTION 3: Officers**

- A. Selection and Tenure. At the first regular meeting each May, the Planning Commission shall select from its membership a Chairperson and Secretary. Such officers shall be elected by a majority vote of the membership of the Planning Commission, and shall take office immediately following their election. All officers shall serve a term of one (1) year, or until their successors are selected and assume office, except as noted in B. and C., below. In the event that a vacancy occurs, a replacement will be elected at the next regular meeting. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson. The Chairperson shall preside at all meetings of the Planning Commission, and shall conduct all meetings in accordance with rules adopted herein. The Chairperson, with assistance from the Planning Commission Secretary and the Zoning Administrator, shall set the agenda and compile meeting packets.
- C. Secretary. The Secretary shall perform such duties as the Planning Commission may determine, including providing sufficient information from which to prepare the minutes of each meeting. The meeting minutes shall contain, but not be limited to, 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. A recording secretary may be utilized subject to the approval of Village Council; however, the Planning Commission Secretary is ultimately responsible for the state of the minutes. All pertinent documentation regarding Planning Commission proceedings are also the responsibility of the Secretary.

### **SECTION 4: Meetings**

- A. Open Meetings Act Compliance. All meetings of the Planning Commission shall comply with the requirements of the Open Meetings Act.
- B. Regular Meetings. The Planning Commission shall hold not less than four (4) regular meetings each year. Regular meetings of the Planning Commission will be held on the first Monday of each month beginning at 7:00 p.m. in the Village Hall unless otherwise rescheduled by resolution of the Planning Commission. 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. For a regular Planning Commission meeting that is rescheduled, a public notice stating the date, time, and place of the meeting shall be posted at the Village offices at least eighteen (18) hours before the meeting.

The date, time, and place of all regularly scheduled meetings of the Planning Commission shall be established at a regularly-scheduled meeting each December, and be posted at the Village Hall within ten (10) days after such meeting in accordance with the Open Meetings Act.

- C. The Chairperson shall be responsible for enforcing the rules of procedure and for enforcing orderly conduct at meetings. The Chairperson is ordinarily the presiding officer; however, in the absence of the Chairperson, the Planning Commission shall appoint one of its members as pro tempore by simple majority vote, who shall preside over the meeting.
- D. **Special Meetings.** Special meetings may be called by the Chairperson or upon written request to the Secretary by at least two (2) 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. No official action shall be taken at any special meeting of the Planning Commission unless the item has been stated in the notice of such meeting.

The Planning Commission Secretary shall provide notice of special meetings at least forty-eight (48) 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.

- E. **Study Sessions.** Upon the call of the Chairperson or the Planning Commission and with appropriate notice to the Planning Commission members and the public, the Planning Commission may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Planning Commission member enter into a formal commitment with another member regarding a vote to be taken subsequently. However, Planning Commission members may express their opinions and indicate their probable votes because of the discussion.
- F. **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.
- G. A copy of the draft minutes of each regular or special Planning Commission meeting shall be available for the public inspection at the Village offices during regular business hours within 72 hours of date of meeting. Minutes may be approved and amended, if needed, at the next regular meeting.
- H. **Quorum.** Four (4) members of the 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.

- I. Voting. The approval of the proposed master plan or amendments to the master plan shall be by resolution of the Planning Commission carried by affirmative votes of not less than 2/3 of the members of the Planning Commission. 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 Planning Commission member or directed by the Chairperson with the Chairperson voting last. Voting by proxy is not permitted. Motions shall be restated by the Secretary or designated appointee, at the request of any member of the Planning Commission, before a vote is taken. All Planning Commission members, including the Chairperson, shall vote on all matters, unless a conflict of interest exists as defined by Section 7. The name of the maker and supporter of the motion shall be recorded. The Chairperson shall declare the result of all votes taken by the Planning Commission.

It shall be in order for any Planning Commission member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Planning Commission. When a motion to reconsider fails, it cannot be renewed.

- J. 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
  3. Pledge of Allegiance
  4. Approval of Agenda
  5. Approval of Minutes
  6. Reports
  7. Public Forum
  8. Public Hearing (if scheduled)
  9. Agenda
  10. Public Forum
  11. Member Discussion
  12. Adjournment

This order of business may be revised by a majority vote of the members present. A written agenda for special meetings shall be prepared and followed; however, the form as enumerated above shall not be necessary. Special meeting agendas may only be revised by a 2/3 majority of the entire Planning Commission (or 5 members).

Meeting packets shall be distributed to Commissioners on the Wednesday before the meeting, if possible and shall include all items necessary for decisions on agenda items. If necessary documents are not included in the packets, the agenda item may be tabled.

- K. Public Comment. A person shall be permitted to address the Planning Commission during a Planning Commission Public Forum or public hearing with a time limit of five (5) minutes per individual presentation. Those representing a group may be permitted additional time (all those in the group must identify themselves by a show of hands at the beginning of the speaker's presentation) at the discretion of the Chairperson. The Secretary will maintain the official time and notify the speakers when their time is up.

When persons address the Planning Commission, they shall state their name and their home address. They should confine discussion to the question at hand and to its merits. Speakers should address their remarks to the Chairperson and maintain a courteous tone. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on the subject have the opportunity to speak.

- L. 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. Applicant presents the main points of the application.
4. Staff and/or consultants present review of the application.
5. Persons having comments on the application are recognized.
6. Chairperson closes the public hearing and returns to the regular/special meeting.

No action shall be taken on the topic of the public hearing at the same meeting unless a motion is made and approved unanimously to consider taking action on the topic of the public hearing at the same meeting.

To ensure everyone has the opportunity to speak, the Chairperson may limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows.

- M. Parliamentary Practice. The rules of parliamentary practice as contained in the latest edition of Roberts Rules of Order shall govern the Planning Commission in all cases to which they are applicable, provided they are not in conflict with these rules, the ordinances of the Village of Pinckney, or state statutes applicable to the Village of Pinckney.

The Chair shall preserve order and decorum and may speak to points of order in preference to other Planning Commission members. The Chair shall decide all questions arising under this parliamentary authority and shall be subject to appeal, which shall be determined by a majority of the Planning Commission members present.

Any Planning Commission member may appeal to the Planning Commission from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be "Shall the decision of the Chair be sustained?" If the majority of the members present vote yes, the ruling of the Chair is sustained; otherwise, it is overruled.

The presiding officer may call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, through disorderly conduct, failure to be germane, speaking longer than the allotted time, or speaking vulgarities. Such person shall cease speaking until the chair determines whether the person is in order.

If the person so engaged in presentation shall be called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the Planning Commission. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the person to leave the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

With regard to Planning Commission discussion on an agenda item, the following order shall prevail:

1. Agenda item is read or explained by Chairperson;
2. Testimony by the person(s) causing the item to be before Planning Commission is given;
3. Input from staff (planners, engineers, Zoning Administrator);

4. Chairperson shall open discussion for questions to each Planning Commission member;
5. Motion;
6. Second;
7. Vote; and
8. Chairperson shall announce result of vote

During the Planning Commission discussion and debate, members shall speak in an orderly fashion; the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order raised by another member. Speakers should address their remarks to the Chairperson and maintain a courteous tone.

No member shall speak more than once on the same question unless every member desiring to speak to that question has had the opportunity to do so.

The Chairperson, at his or her discretion, may permit any person from the public to address the Planning Commission during its deliberations. Before speaking to the Planning Commission, said person shall provide their full name and their home address. They are subject to the requirements of Section 4, paragraph K. of these Bylaws unless otherwise modified by the Chairperson.

A vote on all recommendations shall be taken by a roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or Village Ordinance.

## **SECTION 5: Duties of the Planning Commission**

The Planning Commission shall perform the following duties:

- A. Prepare and periodically update a Village Master Plan as required by law.
- B. Take action on petitions, staff proposals, and Village Council requests for amendments to the zoning ordinance.
- C. Take action on petitions, staff proposals, and Village Council requests for amendments to the master land use plan.
- D. Prepare an annual report to the Village Council on the administration of the zoning ordinance and recommendations for amendments or supplements to the ordinance.

- E. Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 *et. seq.*, as amended, and the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 *et. seq.*, as amended.
- F. Review subdivision proposals and recommend appropriate actions to the Village Council.
- G. Prepare special studies and plans, as deemed necessary by the Planning Commission or Village Council and for which funds have been appropriated and approved by the Village Council.
- H. Attend training sessions, conferences, or meetings to properly fulfill the duties of Planning Commissioner and for which funds have been appropriated and approved by the Village Council, as needed.
- I. Perform other duties, responsibilities, or respond as requested by the Village Council or other appropriate commission or entity.

#### **SECTION 6: Attendance, Removals, Resignations, and Vacancies**

- A. Appointment to the Planning Commission is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Planning Commission activities, represent the residents of the Village and the long-term interests of the Village.

The Commission may excuse absences for cause. If a Commissioner has more than three unexcused absences for regular or special meetings of the Planning Commission in a calendar year, the Commission may enact a resolution of reprimand. In the event that the member's absences continue for more than three regular or special meetings of the Commission, the Commission may enact a resolution of reprimand, or request the commissioner's resignation, or both.

- B. Members of the Planning Commission may be removed from office by the Village Council for misfeasance, malfeasance, or nonfeasance, upon written charges and after a public hearing.
- C. A member may resign from the Planning Commission by sending a letter of resignation to the Village President, Village Council, or Planning Commission Chairperson.
- D. Vacancies shall be appointed promptly by the Village President, with the approval of the Village Council, upon the resignation or removal of a Planning Commission member. Successors shall serve out the unexpired term of the member being replaced.



## **SECTION 7: Conflict of Interest**

- A. Planning Commission members shall disclose that a potential conflict of interest may be present. A conflict of interest exists when a member has a “personal or financial interest” in the outcome of the proposed action. This is a factual question, the answer to which depends upon the circumstances of each particular case. The following outline where conflicts of interest may arise:
1. With regard to whether a “financial” interest exists, a member would be disqualified where the member’s decision would directly or indirectly work to the member’s private pecuniary advantage.
  2. A “personal” interest is one that is different from that which the member holds in common with other members of the public. Put slightly differently, where a member’s interest in the outcome is the same as that of any other citizen, he or she should not be disqualified from voting.
  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. The affected Planning Commissioner shall disclose the ownership of financial interest in neighboring property as defined in this section. In accordance with Section 7 B., the Planning Commission shall then determine whether a conflict of interest exists.
  4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.
- B. The Planning Commission member disclosing the potential for a conflict of interest should state the nature of the potential conflict (unless subject to a confidential relationship) and whether he or she believes he or she could impartially consider the request before the Planning Commission. Without further action or consideration by the Planning Commission, the member may decide to abstain from any discussion or vote on any matter, which is the subject of a conflict of interest. Should the member disclosing the potential conflict of interest not voluntarily remove him/herself from participation, the remaining members of the Planning Commission shall evaluate the nature of the potential conflict and determine by a simple majority vote whether the member should abstain from any discussion or vote on any matter, which is the subject of a conflict of interest. In the event that a Planning Commissioner abstains from any discussion or vote on any matter, which is the subject of a conflict of interest, whether of their own volition or by a vote of the Planning Commission, they shall not participate in the

discussion or deliberation and shall remove themselves from the dais or table where the Planning Commission members would ordinarily be situated. He or she should not make any presentations to the Planning Commission as a representative of the proposal.

**SECTION 8: Fiscal Year**

The fiscal year of the Planning Commission shall be the same as that of the Village of Pinckney.

**SECTION 9: Compensation**

Members of the Planning Commission may be compensated for their services as provided by resolution of the Village Council.

**SECTION 10: Adoption, Amendments**

These Bylaws of the Planning Commission will be reviewed and adopted by a majority vote at the first meeting of the Planning Commission following the seating of the Village Council members elected in November. A copy of the Bylaws adopted shall be distributed to each Planning Commission member.

These bylaws may be amended at any meeting by a vote of five (5) members of the Planning Commission at any regular meeting, if notice of the proposed amendment shall be delivered to all members of the Planning Commission at least seven (7) days before the regular meeting at which they are to be considered.

All bylaws and parts thereof which conflict with any of the terms of these bylaws are hereby rescinded. Where a conflict exists between these bylaws and State laws, or Village Ordinances governing Village zoning and planning, such laws and/or ordinances shall govern.

The rules were adopted following a motion by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_.

Dated: \_\_\_\_\_, 2009

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Chairperson, Planning Commission

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Secretary, Planning Commission