

# Village of Lake Isabella

## PLANNING COMMISSION By-Laws

**These rules of the Planning Commission of the Village of Lake Isabella, Isabella County, Michigan are adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008 as amended, which provides that “the planning commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions.”**

### **RULE 1 AUTHORIZATION**

The Planning Commission, hereinafter called the Commission, is has been established pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008 as amended, the Charter of the Village of Lake Isabella (Article VI, Sec. 6.08), and Chapter 1304 of the codified ordinances of the Village of Lake Isabella.

### **RULE 2 COMPOSITION, TERMS AND VACANCIES**

- 2.1 Appointment. The Commission shall consist of seven members appointed by the Village Council President with the advice and consent of a majority of the Village Council.
- 2.2 Composition. Members shall be residents of the Village and insofar as possible represent different occupations, professions and geographical locations.
- 2.3 Terms. Terms of office shall be for three years , except for the initial appointments in 1998 when three members were appointed for three years, two members for two years and two members for one year. Members shall hold office until their successors are appointed. No member shall hold any other Village office except that one appointed member may serve as a member of the Zoning Board of Appeals, and one as a member, with vote, of the Village Council.
- 2.4 Vacancies
  - a. Expired Terms. A successor shall be appointed by the Council President after the term of the preceding member has expired. A member whose term has expired is eligible for reappointment.
  - c. The Planning Commission may recommend names of suggested appointees to the Council President.

### **RULE 3      REMOVAL FROM OFFICE**

A member may be removed from office by the Council President for nonperformance of duty or misconduct in office.

### **RULE 4      OFFICERS**

**4.1** Selection. At the first regular meeting, following appointments by the Village Council President, the Commission shall select from its members a chairman, vice-chairman and a secretary.

**4.2** Terms. Term of office shall commence from date of selection for a period of one year, or until a successor has been selected. Officers shall be eligible for re-election, but shall not serve more than three successive full years in an office.

**4.3** Duties.

- a. The chairman shall preside at all meetings, appoint committees and official representatives to other groups with concurrence from the Commission, authorize calls for special meetings and perform such other duties as may be specified by the Commission.
- b. The vice-chairman shall act in the capacity of the chairman in the chairman's absence.
- c. In the event the office of chairman becomes vacant, the vice-chairman shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of vice-chairman for the unexpired term.
- d. The secretary shall record all official acts and resolutions of the commission and shall ensure that a public record of such information is submitted and filed with the appropriate individual or body.

### **RULE 5      COMMITTEES**

**5.1** Purpose. The Commission may establish committees necessary to assist it in fulfilling its responsibilities and goals.

**5.2** Appointment. Committee members shall be appointed by the chairman, with concurrence from the Commission.

**5.3** Assignment of Duties. The Commission shall define the purpose, functions, tenure, selection of chair, meeting and reporting requirements for its committees. A committee may be discharged from its responsibilities by the Commission.

- 5.4 Public Participation. Committees shall meet requirements for public participation and access to records as provided for in Rule 7.11 and 7.12 of these rules.

## **RULE 6 MEETINGS**

- 6.1 Regular Meetings. One regular meeting shall be held each month. The regular meeting day and time will be posted at the Village Office. In addition, work sessions may be scheduled for informal consideration of business, providing no official action or decisions are taken at these sessions.
- 6.2 Special Meetings. Special meetings may be called by the chairman. The chairman shall call a special meeting at the written request of three or more members of the Commission. The notice of the special meeting shall contain the purpose.
- 6.3 Meeting Schedule. A schedule of the Commission's regular meetings (and work sessions if known) shall be established for each calendar year. Notice of such schedule, including any known changes, shall be posted at the Village Office and made available to the public if requested.
- 6.4 Quorum. Four members shall constitute a quorum for the transaction of business at meetings unless otherwise specified in these rules. The Chairman may postpone or reschedule a meeting in the event a quorum will not be present.
- 6.5 Motions. All motions of a substantive nature may be made in writing or verbally. The name of the originator and seconder of the motion, the rational and finding of fact shall be stated in the minutes.
- 6.6 Voting. Voting shall be by voice except a roll call vote will be taken and recorded when requested by a member of the Commission.
- 6.7 Decisions. Providing a quorum is present, a simple majority of those present and voting shall be required for Commission action. Exceptions shall include:
- a. Adoption of the master plan, or any part thereof, including amendments, extensions or additions, all of which shall require the affirmative vote of at least five members.
  - b. Any other action which by law, Village ordinance or parliamentary authority requires otherwise.
- 6.8 Attendance. Members of the Commission who have unexcused absences for three (3) consecutive, regularly scheduled Commission meetings and work sessions or more than thirty (30) percent of the regularly scheduled Commission meetings and work sessions in a calendar year shall be subject to review and possible

recommendation for removal to the Village Council. Exceptions may be made if absences are due to the conduct of other authorized Commission business.

6.9 Conflict of Interest. A member who has a financial interest in property or more than a five (5) percent financial interest in a matter before the Commission shall not vote or participate in any consideration of that matter, and such action is to be recorded in the meeting record or minutes. Failure of a member to disqualify himself or herself shall constitute misconduct in office.

6.10 Agenda.

- a. An agenda shall be established for each meeting of the Commission by the Chairman and/or designated Village staff, and shall be made available to Commission members and the public one week in advance of the meeting, if at all possible. The Chairman shall determine the order of business.
- b. Agenda items to be considered at a special meeting shall be limited to those included in the special meeting notice, unless all members are present and vote otherwise.
- c. Proposals for consideration shall be deemed officially received at the first meeting they are listed as Regular Business or New Business on the agenda.
- d. No more than two (2) public hearings may be scheduled during a regular meeting of the Commission. The chairman may approve exceptions when this rule would cause substantial backlog in Commission business, or cause an undue hardship as determined by a majority of the members.

6.11 Public Participation.

- a. All regular and special meetings shall be open to the public.
- b. Opportunity shall be provided for public comment at meetings in accordance with established Commission and Village Council policies and rules of procedure.
- c. The Chairman may call to order any person who disrupts the orderly conduct of a meeting and prohibit such person from further participation or attendance at such meeting.

6.12 Records. Designated Village staff shall be responsible for maintaining minutes and other official records of all Commission meetings and actions, including supporting documentation. Notice of Meetings, minutes and records shall be available to the public in accordance with the Freedom of Information Act (P.A. 442, 1976 as amended) and Open Meetings Act (P.A. 267, 1976 as amended).

6.13 Reporting Requirements. The Commission shall provide for the timely transmission of any reports or recommendations as are required by State Law, Village Ordinance or Village Council policy.

## **RULE 7 PUBLIC HEARINGS**

### 7.1 - Purpose and Time Limits

- a. Public hearings shall be held:
  - 1. Prior to the adoption of any part of the comprehensive master plan or any portion, modification or amendment thereof.
  - 2. Prior to recommending approval by the Village Council of any amendment to the Village Zoning Ordinance or of other zoning requests.
  - 3. For consideration of special use permits.
- b. At the discretion of the Commission, public hearings may also be held for informational purposes. Examples of this could include the following
  - 1. To provide additional time to give all interested parties an adequate chance to present evidence if it was determined that the initial hearing time was too short.
  - 2. To provide additional time required because of the complexity of the proposal or issues.
  - 3. To provide for public comment as a result of making major changes in a proposal following an initial hearing.
  - 4. To introduce and discuss new evidence, affecting changes in a proposal, not available at the time of the initial hearing.
  - 5. To seek citizen input on any appropriate subject.
  - 6. To educate the citizens on selected issues or proposed actions related to planning and development and enhance public understanding of acceptance.

7.2 - Notice. Notice of public hearings, including time, place and purpose shall be made in conformance with requirements of the Open Meetings Act and the Michigan Zoning Enabling Act.

7.3 - Format. Public Hearings, when required, shall be part of regular Commission meetings and shall be conducted according to the following procedures:

- a. Introduction by the Chairman (announcement of procedures to be followed, time limits and protocols for public participation, applicants and defendants.)
- b. Summary of the subject matter.
- c. Presentation by the petitioner (applicant) or their designated representative(s).
- d. Presentation by interested members of the public.
- e. Discussion and questioning by Commission members.
- f. Final remarks by applicant.
- g. Adjournment of the hearing.

7.4 - Decisions

- a. A decision on a special use permit, zoning request or ordinance change will normally not be made on the date of the public hearing unless a motion is made, seconded and passed by a majority of the Commission members in attendance.
- b. Written notice of a Commission decision will be sent to the parties directly concerned with the purpose of the hearing, including the petitioners or originators of the request for the hearing.

**RULE 8 RECONSIDERATION**

Reconsideration of actions taken by the Commission shall be in accordance with Robert's Rules of Order, Newly Revised. In the event that a request for reconsideration on a Commission action is submitted by the Village Council, the matter shall either be reassigned to the original Commission subcommittee , if any , or considered by the full Commission.

**RULE 9 APPEALS**

9.1 Administrative Decisions. A person aggrieved by the action of the Village official initially reviewing a Site Plan Review may appeal in writing to the Commission within ten (10) days after the date of such action.

- a. The Commission shall hold a hearing on the appeal, following prior notification to the public as required in the Open Meetings Act (P.A. 267, 1976 as amended).
- b. Parties to the complaint shall confine their participation to the issues specified in the appeal.

- c. The Commission shall notify the appellant in writing of its decision and rationale within twenty-one (21) days after the hearing.

9.2 Commission Decisions. A person aggrieved by an action of the Commission may appeal such action in writing to the Village Council within ten (10) days after the date of such action.

**RULE 10 AMENDMENT AND SUSPENSION OF RULES**

10.1 Amendment. Rules not required by state or federal law, or by Village ordinance may be amended by a two-thirds (5 Members) vote of the Commission, provided fifteen days posted notice and an opportunity for comment is given to the public at a regular commission meeting.

10.2 Suspension. A rule may be suspended by a two-thirds vote of Commission member present and voting at a meeting, provided said action is in accordance with established state or federal law, Village ordinance and parliamentary authority.