

PLANNING COMMISSION
BYLAWS AND RULES OF PROCEDURE

SAUGATUCK TOWNSHIP
PLANNING COMMISSION

The following Rules of Procedure are enacted by the Saugatuck Township Planning Commission to facilitate the performance of its duties as authorized by the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and to facilitate the duties for the administration of the Township Zoning Ordinance as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. These Rules of Procedure shall be applicable to the Saugatuck Township Planning Commission and its members; further, the conflict of interest provisions in Chapter V shall also apply to any committees created from the Planning Commission's membership. The Rules of Procedure exist to expediate the process and ensure fair and reasonable decisions with consistency and transparency.

CHAPTER I

OFFICERS AND ADVISORY COMMITTEES

1.1 Officers The Planning Commission shall elect a Chairperson, Vice Chairperson, and Secretary from its members and create and fill such other offices or committees as it may deem advisable. Such officers shall be elected annually at the first regular meeting of the Planning Commission in each fiscal year. Such officers shall be elected by and from the membership of the Planning Commission. The terms of all officers shall be for one (1) year.

1.2 Chairperson The Chairperson shall preside at the meetings of the Planning Commission. The Chairperson shall make nominations to the Planning Commission for the membership of all advisory committees, such nominations to then be subject to the approval of the Planning Commission. The Chairperson shall be an ex-officio member of all committees. The Chairperson shall maintain order and decorum at meetings and vote on all actions of the Planning Commission in the same manner as other Planning Commission members. The Chairperson is responsible for correspondence and certain notices pertaining to meetings and official acts of the Planning Commission. In the event the Secretary is absent from a meeting, the Chairperson shall appoint an Acting Secretary.

1.3 Vice-Chairperson If the office of Chairperson becomes vacant by death, resignation, or otherwise, the Vice Chairperson shall serve as Chairperson until a new Chairperson is elected. In the event of the absence or disability of the Chairperson, such duties shall, for the duration of such absence or disability, be discharged by the Vice Chairperson.

1.4 Secretary The Secretary is a member of the Planning Commission and shall perform the usual duties of the office of Secretary, and such other duties as the Planning Commission may direct. The Secretary shall call the roll at official meetings. The Secretary is responsible for signing the official minutes of Planning Commission meetings, once approved, and other legal documents as required. The Secretary shall be responsible for the minutes of each meeting if the

recording secretary is absent. The Secretary shall act for the Vice Chair in the Vice-Chair's absence.

1.5 Recording Secretary A recording secretary is selected by Township staff and is responsible for administrative support and drafting minutes of the Planning Commission meetings. The Recording Secretary maintains the official books and record of minutes, resolutions, transactions, findings, and determinations of the Planning Commission. The Recording Secretary is not a member of the Planning Commission.

1.6 Advisory Committees The Planning Commission may establish advisory committees to work on special projects related to the Master Plan, ordinances, and future vision of the Township. A member of the Planning Commission will serve as chairperson of an advisory committee, and committee membership will be composed of Township residents or persons with an interest or expertise in a specific area. Planning Commission members may serve on advisory committees as long as the membership does not constitute a quorum of the Planning Commission.

CHAPTER II

PLANNING COMMISSION MEETINGS

2.1 Meetings The Planning Commission shall hold not less than four (4) regular meetings each year, and by resolution at the beginning of each fiscal year, shall determine the time and place of regular meetings. A special meeting may be called by two (2) members upon written request to the Secretary (the Secretary may be one (1) of the two (2) requesting members) or by declaration of the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act. Notice to the members of the Planning Commission of the place, date, and time of any special meeting of the Planning Commission shall be served on each member at least forty eight (48) hours in advance of the time of the meeting. Service of notice may be made by telephone or by email. Notice of meetings will be posted on the Township website and outside the office entry. Packets for Commission members are available six (6) days in advance of regular meetings. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, as amended.

The Planning Commission may, at its option, schedule workshop meetings to discuss, formulate, and deliberate planning and zoning policies issues only. The intent of workshop meetings is to promote an informal, open dialogue on policy issues in an effort to seek consensus and resolution to policy matters. Formal rules of procedure for the conduct of business at workshop meetings shall be waived, except that the Chair shall serve as moderator. No formal action on any matter shall be made at workshop meetings, but shall be placed on a regular Planning Commission agenda for final disposition. Public notice of a working meeting shall be posted at least 48 hours prior to the scheduled starting time at the Township Hall and on the Township website.

2.2 Quorum and Membership A majority of the full membership of the Planning Commission shall constitute a quorum for the transaction of Planning Commission business.

The Planning Commission shall consist of seven (7) members appointed by the Supervisor and approved by the Board. One (1) member of the Township Board shall serve as a member of the Planning Commission. At least all but one (1) member shall be qualified electors of the Township.

Members of the Planning Commission shall continue to hold office until their successors are appointed.

Membership of the Planning Commission shall follow the requirements of the Michigan Planning Enabling Act, Act 33 of 2008, as amended.

2.3 Meeting Rules For meetings of the Planning Commission and advisory committees, the Chairperson has the right and duty to regulate the proceedings of a meeting, including;

- a) deciding questions of order;
- b) making public declaration of votes cast;
- c) granting authority to persons to speak at a meeting;
- d) silencing those who may be out of order or disrupting a meeting;
- e) ordering any disorderly person out of a meeting; and
- f) regulating the time limit for each member of the public to speak at a meeting, unless the Planning Commission determines a different time limit.

2.4 Order of Business The Township Planner, in consultation with the Chair, shall be responsible for preparing an agenda for the Commission meetings. The recommended order of business for a regular Planning Commission meeting is the following:

- Call to order
- Roll call
- Pledge of Allegiance
- Approval of the agenda
- Approval of minutes
- Public comment, up to 3 minutes (5 minutes if speaking for a group) on agenda items that do not have a public hearing
- New business – including any public hearings
- Old business
- Public comment, up to 3 minutes (5 minutes if speaking for a group) on non-agenda items related to the Commission's business that do not have a public hearing
- Board update
- Staff reports/announcements
- Commissioner comments
- Adjournment

Although the above order of business is recommended, the Chairperson may, at their discretion and subject to the approval of the Planning Commission, change the order of business to suit the requirement of a meeting.

2.5 Agenda for Public Hearings The agenda for Planning Commission public hearings shall generally be as follows:

1. The Chairperson shall introduce the matter by announcing substantially a) or b) as follows:
 - a) This is the date, time, and place for a (regular or special) meeting of the Planning Commission held pursuant to notice, for the purpose of hearing, considering, and acting upon certain proposed applications or amendment(s) to the Zoning Chapter; or
 - b) This is a meeting of the Saugatuck Township Planning Commission. The duties of the Planning Commission are to consider matters of long range planning as well as questions of zoning. Thus, the Planning Commission functions as a planning commission as well as a zoning board. In its capacity as a zoning board, it makes recommendations to the Saugatuck Township Board. The final responsibility for any zoning amendment to the Zoning Chapter of the Saugatuck Township Code of Ordinances (the “Zoning Chapter”) is solely in the hands of the Saugatuck Township Board.
2. Notice of this public hearing has been given as required by law.
3. The Chairperson will request a formal introductory statement of the project from the Zoning and Planning Administrator, who will:
 - a) Introduce the project, providing the staff report(s) and recommendations;
 - b) Share or reference any correspondence received related to the project;
 - c) Introduce the project representative(s).
4. Project Presentation—by the project representative(s). The persons requesting the zone change or other Zoning Chapter approval (the “petitioners”), or their representatives, shall make their full presentation in support of their petition first, without interruption.
5. The Chairperson shall announce as follows: “The public hearing in this matter is now declared open. Any persons who wish to comment or address the Planning Commission or otherwise question or comment upon this matter will first be recognized by the Chairperson.” The Chairperson shall recognize any public joining the meeting via ZOOM for comment, if applicable. Procedural rules are as follow:

“Please (come to the podium) state your name and address, and record your name and address on the paperwork provided.” The Chairperson will explain that comments are limited to three minutes per speaker: exceptions may be granted by the Chairperson for a person representing a group or other legitimate reason. Project representatives are not subject to the time limit.

The Chairperson may state, “If you have something to add once you’re seated, which does happen, you are welcome to BRIEFLY add a comment once everyone in the audience has had an opportunity to speak, if first recognized by the Chairperson.”

The Chairperson then includes reference to all correspondence received regarding the agenda item and requests that it be entered into the record. Note the number of emails and correspondence related to the project.

6. Once everyone has spoken, the Chairperson closes the public hearing.

Point of Order: The hearing is expected and intended to proceed in an orderly manner. Cooperation of all in attendance is anticipated and is appreciated. Persons in attendance are invited to be heard on any petition that they may be interested in regardless of where they may live. All presentations, questions, comments, and replies are to be directed to the Chairperson.

7. Planning Commission Discussion

a) Planning Commission members can begin discussion with the project representatives. Commissioners should be individually recognized by the chair to begin their discussion.

- (1) Planning Commission members are asked to direct any questions they have on behalf of the petition to the presenters.
- (2) Planning Commission members can direct any question they have on behalf of those in support of or opposed to the petition to the petitioners.
- (3) Planning Commission members can request clarification, discussion, or questions of Planning Commission staff or Township Representatives.

b) Following this question/discussion period the Chair will ask the project representatives to address any concerns raised in the hearing. The project representatives may address any last minute thoughts or answer questions raised at the hearing.

Although the basic agenda set forth above for Planning Commission hearings on proposed zoning amendments and other Zoning Chapter applications is a recommended agenda, the Chairperson may change the agenda to suit the requirements of the hearing. In particular, the Chairperson may, with approval of the Planning Commission, require that a particular hearing be adjourned and continued to a time, place, and date certain, after any necessary notice, because of the length or complexity of any such hearing, or the need for additional information to be furnished, or for any other proper reason.

c) When all presentations, comments, and questions have been made, and when discussion is complete, the Planning Commission Chairperson should state as follows:

“If there is no further discussion at this time, is the commission prepared to entertain a motion? Is there a second?”

Once moved and seconded, the Chair states, “It has been moved by commissioner _____ and seconded by commissioner _____ to: (Restate the motion, including the decision,

the factors considered, the findings relative to the factors, and any conditions attached to a favorable decision).” Once again the Chair asks, “Is there any further discussion or clarification from commissioners?”

The Chairperson calls a roll call vote.

8. Possible Outcomes:

- a) Motion to Accept Proposal.
- b) Motion to Accept Proposal with stated conditions.
- c) Motion to Postpone the decision or table the decision to a specified date, with or without request for more information from project representatives.
- d) Motion to Deny the Proposal, with an explanation of why it should be denied. Explanation must be related to Zoning Ordinance (including factors stated in Zoning Ordinance) or the Master Plan.

9. Other Considerations for the Chairperson and Commissioners

- a) If there is no second to a motion, the Chair states, “Without a second the motion will not be considered.”
- b) If there is a tie vote the Chair states, “Without a majority vote, the motion fails.”
- c) When asking for a vote on a motion, the Chairperson should state: “All those in favor say AYE, then, those not in favor say NO,” rather than using the language of “opposed or same sign.”
- d) For an application requiring a public hearing, it is a best practice and the practice of the Township to call for a roll call vote.
- e) Commissioners may not vote by proxy, phone or email.
- f) Zoom or other electronic voting is not allowed unless allowed by law.
- g) Cell phone use is not permitted in meetings by Commissioners.
- h) Cell phone use and recording is permitted by the public, but people may be requested to turn cell phone ringers off.
- i) The Planning Commission has not taken action on a matter until it passes a motion.

10. Once a Planning Commission meeting has exceeded three (3) hours in length, any Commission member may raise a point of order to note the time and request consideration of a motion to adjourn. The Chair may direct that the agenda item then under review be completed, and then invite a motion to adjourn. No new agenda items shall be taken up unless the Commission decides by majority vote to reject the subsequent motion to adjourn the meeting.

CHAPTER III

FISCAL YEAR AND ANNUAL REPORT

3.1 Fiscal Year The fiscal year of the Planning Commission shall be the same as the fiscal year of the Township.

3.2 Annual Report The Zoning and Planning Administrator shall prepare a draft written annual report or summary of the operations of the Planning Commission for the previous year, including the status of planning activities, advisory committees, and actions taken or recommendations made by the Planning Commission, advisory committees, and the Township Board related to planning and development.

The Planning Administrator will provide this draft report to the Planning Commission for review and approval, prior to submitting it to the Township Board.

CHAPTER IV

PLANNING COMMISSION DUTIES

4.1 Required Duties The duties of the Planning Commission shall at a minimum include the following.

- a) The Planning Commission is responsible to make, adopt, and maintain the Township's Master Plan, including maps, and the necessary descriptive materials.
- b) The Planning Commission shall make reasonable restrictions on land that conforms with the Master Plan and provide for the best interests of the health, safety, and general welfare of the Township's residents.
- c) The Planning Commission shall make recommendations to the Township Board with regard to amendments to the Zoning Chapter.
- d) The Planning Commission shall review and take action on any site plans, special uses, planned unit developments, and other development proposals as required by the Zoning Ordinance.
- e) Each member is expected to attend and complete at least one (1) professional training during each full term served on the Planning Commission. Planning Commission members may attend additional planning and zoning education and training sessions, conferences or meetings as needed to properly carry out the duties of Planning Commissioner. Funds for training are approved by the Township Board. Education and training sessions considered appropriate include, but are not limited to, basic and advanced planning and zoning training programs such as the MSU Co-operative Extension Citizen Planner program; educational seminars sponsored by or sanctioned by the Michigan Townships Association, Michigan Municipal League, or Michigan

Association of Planners; and specialized planning and zoning educational programs sponsored directly by the Township, Allegan County, or nearby units of government when conducted by planning and legal professionals. The Township Manager is responsible for approving education requests and costs for Commissioners. The Township Clerk will assist with registration.

f) Other legally permitted duties assigned to the Planning Commission by the Township Board from time to time shall be completed.

4.2 Optional Responsibilities On its own initiative the Planning Commission may perform the following additional duties:

a) The Planning Chairperson and the Township Manager may annually prepare a detailed budget for submission to the Township Board for approval, revision, or rejection.

b) If exempted by the Township Board from the mandatory task of completing a capital improvements program, the Planning Commission may recommend to the appropriate public officials programs for public structures and improvements and for their financing.

CHAPTER V

CONFLICT OF INTEREST

5.1 Conflicts and Incompatibility All members of the Planning Commission shall avoid situations which include a conflict of interest or the appearance of a conflict or an incompatibility of offices. A conflict of interest shall at a minimum include, but not necessarily be limited to, the following actions by a Planning Commission member when acting as a member of the Planning Commission:

a) Issuing, deliberating on, voting on, or reviewing an application to the Planning Commission from that Planning Commission member;

b) Issuing, deliberating on, voting on, or reviewing a case concerning an application to the Planning Commission regarding property owned by that Planning Commission member, or regarding property for which the Planning Commission member is entitled to notice pursuant to Section 103 of the Michigan Zoning Enabling Act, as amended;

c) Issuing, deliberating on, voting on, or reviewing an application to the Planning Commission from a corporation, company, partnership, or any other entity in which the Planning Commissioner has an ownership interest or otherwise would incur a financial impact if the application is approved or denied;

d) Issuing, deliberating on, voting on, or reviewing a case concerning an application to the Planning Commission from the Planning Commission member's spouse, children, step-children, grandchildren, parents, siblings, siblings in-law, grandparents, parents in-law, grandparents in-law, or members of the Planning Commission member's household;

e) Issuing, deliberating on, voting on, or reviewing a case concerning an application to the Planning Commission in which the Planning Commission member's employer or employee:

1. is an applicant or agent for an applicant; or
2. has a financial interest in the outcome of the application; or

f) Issuing, deliberating on, voting on, or reviewing a case concerning an application to the Planning Commission which creates any other type of conflict of interest or appearance of a conflict of interest for the Planning Commission member.

5.2 Determination of Conflict of Interest or Appearance of Conflict of Interest If there is a question whether a conflict of interest exists or not, or if there is an appearance of a conflict of interest, the question or issue shall be put before the Planning Commission. Whether a conflict of interest or an appearance of conflict of interest exists or not, and the question of whether a member should be disqualified from voting shall be determined by the remaining members of the Planning Commission. In the absence of a majority of the full membership of the Planning Commission finding the existence of a conflict of interest, the member in question is not disqualified and shall be required to participate in the vote.

5.3 Remedies When a conflict of interest or an appearance of conflict of interest exists the affected Planning Commission member shall do all of the following immediately:

- a) declare a conflict or appearance of conflict exists; and
- b) cease to participate on the case as a member of the Planning Commission, during meetings or in any other manner, or to represent one's self before the Planning Commission, its staff, or others, unless otherwise allowed by Michigan law; and
- c) during deliberation of the agenda item before the Planning Commission, remove one's self from the table where members of the Planning Commission sit or leave the meeting until that agenda item is concluded. (Note this shall not be construed as requiring a Planning Commission member to disregard the member's personal interests or forego the member's statutory or constitutional rights when the floor is open to general public comment.)

5.4 Other Prohibitions Planning Commission members shall not provide private consultation or similar services for the development of sites within the Township for clients who are or may be applicants before the Planning Commission. This is not intended to prevent a Planning Commission member from assisting residents, municipalities, or others seeking help from the Planning Commission, which is normally part of a Planning Commission member's duties.

- a) *Ex Parte Contact*. Planning Commission members shall avoid whenever possible Ex Parte contact with applicants concerning their matters pending before the Planning

Commission. Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the Planning Commission member must take detailed notes on what is said and report to the Planning Commission at a public meeting what was said, so that every member and other interested parties are made aware of the information.

b) *Not Voting On the Same Issue Twice.* Members of the Planning Commission shall not sit in judgment and vote on an application which is an appeal from a decision in which the Planning Commission members already voted. This prohibition does not apply to a member of the Planning Commission who also sits on the Township Board and thus will participate with the Township Board when acting on recommendations from the Planning Commission according to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

c) *Acceptance of Gifts.*

1. Gifts of any kind shall not be accepted by a member of the Planning Commission or any liaison of that member, from anyone connected with an application to the Planning Commission, or from anyone seeking to influence a decision by the Planning Commission.

2. Members of the Planning Commission shall comply with the acceptance of gifts regulations in the Township's code of ethics or personnel manual.

d) *Planning Commission Procedural Rules.*

1. Free and open debate shall take place on issues before the Planning Commission. Such debate shall only occur at meetings of the Planning Commission held in compliance with the Michigan Open Meetings Act, Public Act 267 of 1976, as amended.

2. Once a vote is taken and an issue is decided by the Planning Commission, the duty of each member of the Planning Commission is to fairly represent the Planning Commission position reflected by the outcome. Minority reports may be given and requests for reconsideration may occur only at an open meeting of the Planning Commission.

3. From time-to-time or on a specific issue the Planning Commission may appoint a spokesperson for the Planning Commission to represent the Planning Commission and decisions it has made.

CHAPTER VI

DUTIES OF THE PLANNING/ ZONING ADMINISTRATOR AND PLANNING CONSULTANT

6.1 Planning Commission Assistance The Planning Commission may be assisted by the Planning/Zoning Administrator, or a planning consultant, or both, in performing the Planning Commission's duties.

a) If authorized by the Township Board and when directed by the Planning Commission, the Planning/ Zoning Administrator may perform the following functions (this is not an exhaustive list):

1. Advise applicants of relevant Township ordinances;
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 six days 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 zoning or other appropriate ordinances;
5. Attend Planning Commission meetings, as directed
6. Enforce the Zoning Ordinance, as directed
7. Conduct site inspections prior to Certificate of Occupancy; and
8. Perform other duties as directed.

b) If authorized by the Township Board and if requested by the Planning Commission, the Planning Consultant may perform the following functions (this is not an exhaustive list):

1. Attend Planning Commission meetings;
2. Consult with the Planning Commission, Planning/Zoning Administrator, and other Township officials concerning the interpretation of, procedural questions concerning, and other matters arising from the Zoning Ordinance;
3. Prepare or help prepare proposed amendments to the Zoning Ordinance as directed by the Planning Commission;

4. Prepare and forward to the Planning/Zoning Administrator and Planning Commission written reviews and recommendations, if appropriate, for requests and development proposals and proposed ordinances to be considered by the Planning Commission;
5. Meet with applicants, their representatives, community representatives, community stakeholders, and Township officials as needed to properly perform requested reviews;
6. Perform site visits and inspections related to inquiries, applications, enforcement, or issuance of Certificate of Occupancy;
7. Prepare the annual report; and
8. Perform other duties as directed.

c) The Planning Commission may be assisted by other professionals or Township staff as needed, including the Building Inspector, Township Attorney, Township Engineer, Police and Fire Services, Health Department, and other persons or agencies as authorized by the Township Board.

CHAPTER VII

MISCELLANEOUS

7.1 Amendment These Bylaws and Rules of Procedure, in whole or in part, may be amended, added to, restated, or repealed upon the affirmative vote of a majority of the full membership of the Planning Commission at any regular or special meeting.

Notice of the proposed amendment, addition, restatement, or repeal must be sent by electronic mail or be available in person to all members of the Planning Commission, the Planning and Zoning Administrator, and the Township Manager at least fifteen (15) days before a regular or special meeting of the Planning Commission at which it is to be considered. The Bylaws and Rules of Procedure and any revisions to them do not require Township Board approval.

7.2 Inconsistent Provisions Insofar as any provisions of these Bylaws and Rules of Procedure conflict with any Michigan law, the provisions of such Michigan law shall govern and control.

7.3 Records All written records of the Planning Commission shall be filed in the office of the Township Clerk and shall be public records as required by Michigan and federal law.

7.4 Recordings If a meeting of the Planning Commission is recorded, the recording shall be retained for at least one (1) year after the meeting.

As adopted, 12.12.22