

City of Stanton

PLANNING COMMISSION BY-LAWS



These rules of the Planning Commission of the City of Stanton, Montcalm County, State of 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 City of Stanton (Article VII, Sec. 67.1), and Chapter10-01 of the ordinances of the City of Stanton.

RULE 2 COMPOSITION, TERMS AND VACANCIES

2.1 Appointment. The Commission shall consist of seven members appointed by the mayor with the advice and consent of a majority of the City Commission.

2.2 Composition.

a. Members of the Commission shall be residents of the City except as noted herein. Three members shall be ex officio members who shall include a member of the City Commission, the chief administrative official or a person designated by him or her and one member who lives outside the boundaries of the City but who owns property or operates a business within the City or otherwise has a vested interest in the City.

b. The membership of the Planning Commission shall, to the extent that is practical, be representative of important segments of the City such as the economic, governmental, educational, and social development of the City, in accordance with the major interests as they exist in the City such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, commerce, and housing. The membership of the Planning Commission shall also, to the extent that it is practical, be representative of the entire geography of the City.

c. With the exception of the ex officio members of the Planning Commission and the member of the Planning Commission serving on the Zoning Board of Appeals, no member of the Planning Commission shall hold any other board or committee position with the City of Stanton, and no member of the Planning Commission may be employed by the City of Stanton.

2.3 Terms. Terms of office shall be for three years, Members shall hold office until their successors are appointed.

2.4 Vacancies

a. Expired Terms. A successor shall be appointed by the City Mayor with the consent of the City Commission after the term of the preceding member has expired. A member whose term has expired is eligible for reappointment.

- b. The Planning Commission may recommend names of suggested appointees to the City Mayor.

RULE 3 REMOVAL FROM OFFICE

- 3.1 A member of the Planning Commission may be removed from the membership of the Planning Commission for malfeasance, misfeasance, or nonfeasance in office only upon the recommendation of the City Mayor and by majority vote of the City Commission, after a public hearing has been held.

RULE 4 OFFICERS

- 4.1 Selection. At the first regular meeting of the calendar year, the Commission shall select from its members a Chairperson, vice-Chairperson 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.
- 4.3 Duties.
 - a. The Chairperson 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-Chairperson shall act in the capacity of the Chairperson in the Chairperson's absence. In the absence of both the Chairperson and Vice-Chairperson, the Commission member with the longest continual term of service shall preside at meetings excluding any ex-office member of the City Commission.
 - c. In the event the office of Chairperson becomes vacant, the vice-Chairperson shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of vice-Chairperson 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. In the event the Secretary is absent or unable, the Chairperson or acting chairperson shall appoint a temporary secretary for such meeting. In the event of a vacancy in the office of secretary the Commission shall elect a successor at the earliest possible time.

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 Chairperson, 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 by the Open Meetings Act (Public Act 267 of 1976, as amended).

RULE 6 MEETINGS

- 6.1 Regular Meetings. Regular meetings of the Commission shall be held once per month as necessary. The regular meeting day and time will be posted at the City Hall. In addition to regular and special meetings, 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 Zoning Administrator with the concurrence of the Chairperson. A special meeting shall be held 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 City Hall 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 Chairperson may postpone or reschedule a meeting in the event a quorum will not be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.
- 6.5 Motions. All motions of a substantive nature may be made in writing or verbally. The name of the maker and supporters of the motions shall be recorded along with the rationale 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. All members of the Commission including the chairperson shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting only if that person has a conflict of interest as defined in Section 6.9 herein. Any member not in favor of the vote should be specifically recorded in the minutes.

For a vote on a motion which results in a tie the following procedure shall be followed:

- a. If the motion is for a matter which requires a final decision by the City Commission, the minutes of the meeting including public hearing comments and the results of the Planning Commission vote shall be forwarded to the City Commission.
 - b. For all matters for which a final decision is required by the Planning Commission, a motion which results in a tie vote shall be considered a non-decision. In this event, the Commission may direct the applicant to revise the project for further consideration and action by the Commission, or further motions may be offered by Commissioners.
- 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, City ordinance or parliamentary authority requires otherwise.
- 6.8 Absences. Any member of the Planning Commission who is absent without being excused by the affirmative vote of the Planning Commission for three consecutive meetings, or a total of

30% of the regular meetings of the Planning Commission during a twelve-month period, shall be deemed to have vacated his or her membership on the Planning Commission.

In the event that a Commissioner cannot attend a meeting he/she shall notify the Chairperson or City offices. The Commissioner upon this notification will receive an excused absence for the involved scheduled meeting.

6.9 Conflict of Interest

Members of the Planning Commission shall have a duty to vote on all items of business considered by the Planning Commission except for those items of business where a member has been excused for having a conflict of interest. If a member of the Planning Commission feels that he or she may have a conflict of interest on any particular item of business, that member shall publicly state the reason for the conflict and request to be excluded from action and/or discussion for that particular item of business by a majority vote of the remaining members of the Planning Commission. However, if a member casts a vote on the matter for which they have declared a conflict of interest the vote shall not be counted.

A conflict of interest shall include:

- a. The Planning Commission member or an immediate family member is involved in a request for which the Planning Commission is asked to make a decision. "Immediate family member" is defined as the Planning Commission member's spouse, the member's or the member's spouse's children (including adopted) and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, grandparents, parent's in-law, grandparent's in-law, or any person residing in the Planning Commission member's household.
- b. The Planning Commission member has a business or financial interest in the property that is the subject of the request or has a business or financial interest in the applicant's company, agency or association.
- c. The Planning Commission member owns or has a financial interest in any property immediately adjoining the property involved in the request.
- d. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict or by the remaining members of the Planning Commission.

6.10 Agenda.

- a. An agenda shall be established for each meeting of the Commission by the Zoning Administrator and shall be made available to Commission members and the public one week in advance of the meeting, if at all possible. The order of business shall be as shown in Appendix A.
- b. Agenda items to be considered at a special meeting shall be limited to those included in the special meeting notice.
- 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.

- 6.11 Public Participation.
- a. All meetings shall be open to the public.
 - b. Opportunity shall be provided for public comment at all meetings. Individual members of the public shall be allowed a maximum of three minutes per Public Comment Period.
 - c. The Chairperson 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 City 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 Minutes. Commission minutes shall be prepared by the Secretary of the Commission or a designated agent appointed by the secretary. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; the essential point of fact finding; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be annually deposited with the City Clerk.
- 6.14 Reporting Requirements. The Commission shall provide for the timely transmission of any reports or recommendations as are required by State Law, City Ordinance or City Commission policy.

RULE 7 PUBLIC HEARINGS

- 7.1 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. The Zoning Administrator shall set the date for public hearings.
- 7.2 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 Chairperson (announcement of procedures to be followed, time limits and protocols for public participation.)
 - b. Summary of the subject matter by the Chairperson.
 - c. Presentation by the petitioner (applicant) or their designated representative(s).
 - d. Planning Commission staff or planning consultant presents their report.
 - e. Chairperson opens the public hearing and directs that all persons in the audience who wish to speak shall stand and identify themselves by name. All comments and questions shall be directed to the Chairperson and comments and questions from individuals should be limited to three minutes. The Chairperson shall then close the public hearing.
 - f. Discussion and questioning by Commission members.
 - g. Final remarks by applicant.
 - h. Chairperson closes the hearing.

7.3 Decisions

- a. A decision on a special use permit, zoning request or ordinance change may be made on the date of the public hearing. Action on the item under consideration at a public hearing shall be taken before additional business is considered.
- 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 RULES OF ORDER.

8.1 All meetings of the Commission shall be conducted in accordance with Robert's Rule of Order, latest edition.

RULE 9 POWERS AND DUTIES

The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*). In addition, duties shall include the following

- 9.1 To prepare an annual report to the City Commission that highlights the Planning Commission's operations, the status of planning activity, goals and other information that the Planning Commission deems appropriate.
- 9.2 To prepare and recommend to the City Commission for approval a Master Plan for the development of the City of Stanton, and to review and potentially update such plan at least once every five years.
- 9.3 To make recommendations to the City Commission on all proposed zoning ordinances and zoning matters.
- 9.4 To review and approve any of the following capital improvement projects in an area of the City covered by the Master Plan; the creation of, or widening of, any public street; the construction or authorization of any new public building or structure; the creation or expansion of any public park or open space.
 - a. If the Planning Commission does not act upon a proposed capital improvement project as outlined in 9.4 within sixty (60) days, the proposed project will be deemed to have been approved.
 - b. If the Planning Commission does not approve a capital improvement project as outlined in subsection 9.4a, the City Commission, or other public body that has financing authority over such project, may overrule the Planning Commission upon a 2/3 vote of the members of the City Commission or other such body with financing authority.
- 9.5 Review and make a recommendation for approval, modification, or disapproval of proposed plats.
- 9.6 Approve or disapprove site plans as provided for in Chapter 13 of the Zoning Ordinance or Code of the City of Stanton.

9.7 Approve, approve with conditions, or disapprove of special land use applications.

9.8 Recommend to the City Commission fees and charges to be charged to cover City expenses to applicants for various planning and zoning applications.

9.9 Other duties and functions as may be specifically prescribed by statute, City Charter, ordinance, or resolution.

RULE 10 TRAINING

10. Each member shall have attended at least four hours per term of training in planning and zoning during the member's current term of office. If so, provided in the ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, American Planning Association, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, Michigan Downtowns Association, Michigan Association of Counties, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

RULE 11 AMENDMENT AND SUSPENSION OF RULES

11.1 Amendment. These rules may be amended by the Commission by a concurring vote pursuant to subsection 6.6, during any regular meeting, provided that all Commissioners have received an advance copy of the proposed amendments at least seven days prior to the meeting at which such amendments are to be considered and a notice of the meeting has been published in a newspaper of general circulation within the City.

11.2 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, City ordinance and parliamentary authority.

RULE 12 ACCEPTING GIFTS

12.1 Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value and food valued over \$10.

THESE BY-LAWS AND RULES OF PROCEDURES ARE ADOPTED THIS 5th DAY OF MARCH,
2024 BY THE CITY OF STANTON PLANNING COMMISSION.

Secretary
Stanton Planning Commission

Appendix A

Planning Commission Agenda

- 1 Call to Order
 2. Pledge of Allegiance
 3. Roll Call of Members
 - 4 Agenda Approval
 - 5 Approval of Minutes
 6. Public Comments for Items Not on the Agenda
 7. Reports
 8. Public Hearings
 9. Old Business
 10. New Business
 11. Commissioner and Staff Comments
 12. Adjournment
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