

## **TYRONE TOWNSHIP PLANNING COMMISSION BYLAWS**

The following rules of procedure are hereby adopted by the Planning Commission of Tyrone Township, Livingston County, MI, to facilitate the performance of its duties as outlined in the Michigan Planning Act, PA 33 of 2008, as amended, and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

### **SECTION 0.00 – MEMBERS OF THE PLANNING COMMISSION**

The Planning Commission shall consist of seven (7) members. Six (6) of those members shall be appointed by the Tyrone Township Supervisor and approved by the Tyrone Township Board. One (1) member shall be appointed by the Township Board to serve as the Board's representative (ex-officio) on the Planning Commission. The terms of these appointments shall be determined by the Township Board. The Planning Commission may utilize a Planning Commission representative to perform daily duties as required at the township hall. This position shall be an employee of the Township Clerk.

### **SECTION 1.00 – DUTIES OF THE PLANNING COMMISSION**

The Planning Commission shall perform the following duties:

- A. Prepare, review, and update a master plan as a guide for development within the township's planning jurisdiction.
- B. Take such action on petitions, staff proposals and Township Board requests for amendments to the zoning ordinance as required.
- C. Take such action on petitions, staff proposals and Township Board requests for amendments to the future land use plan as required.
- D. Prepare an annual written report to the Township Board of the Planning Commission's operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.
- E. Take such actions as authorized or required by the Michigan Planning Act.
- F. Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G. Review subdivision proposals and recommend appropriate actions to the Township Board.
- H. Perform other duties and responsibilities or respond as requested by any Township board or commission.

### **SECTION 2.00 – OFFICERS**

- 2.01 Selection.** At the regular meeting in November of each year, the Planning Commission shall select from its membership a Chairperson, Vice-Chairperson, and Secretary. The ex-officio member shall not be Chairperson.
- 2.02 Tenure.** The Chairperson, Vice-Chairperson, and Secretary shall take office immediately following their selection and shall hold office for a term of one (1) year or until their successors are selected and assume office. All officers are eligible for re-election to consecutive terms.

### **SECTION 3.00 - DUTIES OF THE OFFICERS**

- 3.01 Duties of the Chairperson.** The Chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Planning Commission.
- 3.02 Duties of the Vice-Chairperson.** The Vice-Chairperson shall act as chairperson in the absence of the chair. In the event the office of the 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 remainder of the unexpired term.

**3.03 Duties of the Secretary.** The Secretary shall execute documents in the name of the Planning Commission, perform the duties hereafter listed, and shall perform such other duties as the Planning Commission may determine. All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the Secretary or the Secretary's designated representative. The Secretary may appoint an assistant or utilize the Planning Commission representative to aid in the accomplishment of these duties.

- A. Minutes.** The Secretary shall be responsible for the minutes of each meeting and shall provide approved minutes to the township clerk for permanent record retention. Minutes shall contain a record of each member attending, a synopsis of the items discussed, findings of fact, a statement of any motion, a record of the vote, and any conditions associated with the motion.
- B. Communications, Petitions, Reports.** All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the Secretary. All normal and formal written correspondence and notices directed by the Planning Commission shall be prepared by the Secretary.
- C. Agenda Applications.** The Planning Commission Secretary shall review all agenda applications. No application may be accepted for consideration by the Planning Commission unless all application requirements of the Tyrone Township Zoning Ordinance have been met.

#### **SECTION 4.00 – MEETINGS**

The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Planning Commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- 4.01 Regular Meetings.** Meetings of the Planning Commission shall be held the second Tuesday of the month at 7:00 p. m. in the township hall. Other meetings may be scheduled by the membership as required. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate date within the same month. The Planning Commission shall hold not less than four (4) regular meetings per year.
- 4.02 Special Meetings.** Special meetings shall be called at the request of the Chairperson, or at the written request to the Secretary by any two (2) members of the Planning Commission. Notice of the special meeting shall be posted at the township hall in accordance with the Open Meetings Act, and shall be given by the Secretary to the members of the Planning Commission at least 48 hours prior to such a meeting and shall state the purpose, location, and time of the meeting. The Chairperson may designate special meetings as required to discuss any business that may lawfully come before the Planning Commission.
- 4.03 Posting of Meeting Notices for the Public.** Meeting notices shall be posted as set forth by the Open Meetings Act. It shall be the policy of the Planning Commission to post all meeting notices on the Township's website and on the entrance doors not less than 5 days prior to the meeting date, whenever possible.
- 4.04 Public Meetings and 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.
- 4.05 Quorum.** A majority of the total number of members shall constitute a quorum for the transaction of business and the taking of official action.
- 4.06 Motions.** Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of the motion shall be recorded.

**4.07 Voting.** Voting shall be by voice and shall be recorded by ayes and nays. Roll call votes will be recorded only upon request by a member of the Planning Commission. Except in the case of a conflict of interest, all Planning Commission members present, including the Chairperson and ex officio member, shall vote on all matters.

**4.08 Affirmative Vote.** Official action may be taken by a majority of the quorum present and voting during the meeting. Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting or may hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless, or until, ratified and confirmed at a subsequent meeting at which a quorum is present.

An affirmative vote of a majority of the total number of Planning Commission members shall be necessary for adoption of a comprehensive plan or any part of a master plan. (MCL 125.3843)

**4.09 Conflict of Interest.** Planning Commission members shall declare a conflict of interest and abstain from participating in any hearing, deliberations, discussion, or vote on a request when:

- A. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
- B. 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;
- C. The Planning Commission member owns or has a financial interest in neighboring property. For the purposes of this section, a neighboring property shall include all property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance or state statute;
- D. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict;
- E. The majority of the members of the Planning Commission present vote in the affirmative that they believe a member has a conflict of interest in the matter before them.

Failure of a member to disclose a potential conflict of interest as required by these Bylaws shall constitute malfeasance in office.

For **4.09.D** above, the Planning Commission member declaring a conflict of interest shall state the nature of the conflict, and whether he or she believes he or she could impartially consider the request before the commission. He or she shall individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may ask the other Planning Commission members to decide if he or she should abstain. The member declaring a conflict may remove himself/herself from the table or the room in which the discussion takes place. The member declaring a conflict shall not make any presentations to the Planning Commission as a representative of the proposal.

**4.10 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 may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office 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 Township Board.
- D. Vacancies shall be filled by the Township Supervisor, with the approval of the Township Board. Successors shall serve out the unexpired term of the member being replaced.

**4.11 Order of Business: Agenda.** The Chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the Commission. The order of business therein shall be as follows:

Call to Order  
Pledge of Allegiance  
Call to the Public  
Approval of Agenda (Additions/Deletions)  
Approval of Minutes  
Correspondence  
Subcommittee Report  
Old Business  
New Business  
Other Business from Members  
Zoning Administrator's Report  
ZBA Report  
Township Board Report  
Adjournment

**4.12 Commission Action.** Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

**4.13 Notice of Decision.** A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request for the Planning Commission to study a special problem.

**4.14 Parliamentary procedure.** Parliamentary procedure during Planning Commission meetings shall be governed by Robert's Rules of Order, except when state statute or local ordinances direct otherwise.

#### **SECTION 5.00 - HEARINGS**

**5.01 Master Plan Hearings.** Before the adoption or amendment of any part of the Township Master Plan, the Planning Commission shall hold a public hearing on the matter. Consistent with the requirements of Section 43 of the Michigan Planning Act, PA 33 of 2008, as amended, notice of the time and place of the hearing shall be published once in a newspaper of general circulation not less than 15 days before the date of the hearing. The Planning Commission shall also submit notice of the public hearing to the planning commission of each municipality located within or contiguous to the Township, the Livingston County Planning Commission, each public utility company, each public transportation agency, and each railroad company owning or operating a public utility, railroad or public transportation system within the Township and any government entity that registers its name and mailing address for this purpose with the Planning Commission

**5.02 Zoning Ordinance Hearings.** Notice of public hearings for the purposes of presenting proposed amendments to the Zoning Ordinance or Zoning Map; obtaining public opinion on a variance, special approval use, planned unit development, private road, shared driveway, subdivision plat, or other development request requiring a public hearing; or discussion of a particular problem with interested parties as required under provisions of the Zoning Ordinance shall require notification not more than sixty (60) days nor less than that consistent with the requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Notice of the time and location of the hearing shall be given not more than sixty (60) days nor less than fifteen (15) days prior to the meeting. Notice shall be published in a paper of general circulation and mailed to the person(s) filing the request. If the application is based on a particular location, the notice shall be mailed to all property owners within 300 feet of the site, and notice shall also be mailed to all occupants of all properties within 300 feet of the site. If the name of the occupant(s) is not known, the mailing may be addressed to "Occupant". The notice shall describe the nature of the request, indicate the location of the request (by street address unless unavailable), and when and where written comments will be received. The requirement to provide the location of the request shall not be required for rezoning applications involving 11 or more parcels.

## **SECTION 6.00 - AMENDMENTS**

**6.01 Amendment of the Bylaws.** These bylaws may be amended at any regular or special meeting of the Planning Commission by a two-thirds vote of the Planning Commission membership.

## **SECTION 7.00 – REVISION LOG**

24 March 1998 - Amendment: 2.03.C

24 March 1998 - Amendment: 3.01

11 September 2001 - Amendment: 3.06

24 October 2006 – Amendment 3.07

09 October 2007 – Amendment: 3.01 (start time)

14 April 2010 - Amendment: 3.01 (meeting frequency and week)

14 June 2011 - Amendment: General amendment throughout, MI Planning Act, new Section 0.00

### **Definitions:**

*Malfeasance* is the act of doing something which one should not do or which one is prohibited from doing by a legal or moral obligation, with an intention to do wrong.

*Misfeasance* is the unintended, accidental errors, mistakes taken place while managing the business, office or other responsibilities entrusted on a person, causing loss or damage or unfortunate situations out of such mistakes. A misfeasance becomes a malfeasance when the act was performed with an intention to cause loss.

*Nonfeasance* is failure or refusal to perform a task that ought to be performed. It is different from "misfeasance" meaning improper performance or "malfeasance" meaning illegal or misconduct of performance.