

Village of Beulah Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Village of Beulah Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and PA 267 of 1976, as amended, the Open Meetings Act.

SECTION 1: Membership

Members of the planning commission are appointed by the Village Council of Beulah pursuant to the Village of Beulah Planning Commission Ordinance of December 9, 2010, as amended. Each member shall represent and advocate what is best for the Village of Beulah as a whole, putting aside personal or special interests. In addition, each member shall represent a separate important segment of the community, as appointed by the Village Council of Beulah. The Commission shall be comprised of five (5) individuals.

SECTION 2: Officers

- A. Selection and Tenure**—At the first regular meeting each January, the planning commission shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in B and C, below. All officers shall be eligible for re-election for consecutive terms.
- B. Chairperson**—The chairperson shall preside at all meetings, appoint committees, as needed, and perform such other duties as may be ordered by the planning commission. It is the responsibility of the Chairperson to bring the agenda forward to each meeting; the Commission will vote to approve the agenda at the beginning of each meeting.
- C. Vice Chairperson**—The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of 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 unexpired term.
- D. Secretary**—The secretary shall execute documents in the name of the planning commission and shall perform such other duties as the planning commission may determine.
 - 1. Minutes** – The Secretary or Recording Secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the Village Clerk in the event that any Freedom of Information Act (FOIA) requests are received. The minutes shall contain 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. Minutes shall be available for public inspection as provided by the Michigan Open Meetings Act.

2. Correspondence – The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the planning commission.

3. Attendance - The secretary shall be responsible for maintaining an attendance record for each planning commission member and report those records annually to the planning commission for inclusion in the annual report to the Village Council.

4. Notices – The secretary shall issue such notices as may be required by the planning commission.

E. Village Council Representative – The Village Council Representative shall present the recommendations of the planning commission as required by the zoning ordinance, subdivision ordinance or other ordinance to the Village Council prior to their consideration of such request. In the absence of the chairperson, the Village Council Representative is not permitted to chair the meeting.

F. Recording Secretary

1. A recording secretary, if appointed, shall assume those duties of the secretary delegated by the commission.
2. The recording secretary shall be appointed by the Village Council.

SECTION 3: 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.

A. Regular Meetings – The planning commission shall meet on the third Tuesday of each month at 4:00 p.m. at the Village of Beulah Office, 7228 Commercial Street, Beulah, MI 49617. Other meetings may be held as necessary and will be at the discretion of the planning commission. 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 alternative meeting date in the same month as the originally scheduled meeting.

Notice of regular planning commission meetings shall be posted at the Village of Beulah office and on the website within 10 days after the planning commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

The chairperson shall be responsible for cancelling a scheduled meeting due to extraordinary circumstances such as weather. Such meetings shall be

rescheduled at the discretion of the chairperson and posted in accordance with the Open Meetings Act covering Special Meetings.

- B. Special Meetings** – Special meetings may only be called by the chairperson of the planning commission. Notice of special meetings shall be given to the members of the planning commission at least 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.
- C. 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. All public records are maintained by the Village Clerk.
- D. Quorum** – Three (3) members of a five-member planning commission shall constitute a quorum for transacting business and taking official action for all matters. No official action of the commission may be taken without a quorum present.
- E. Voting** – An affirmative vote of two-thirds (2/3) of the planning commission membership is required to adopt any part of the master plan or amendments to the plan. Unless required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. All planning commission members, 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 bonafide conflict of interest as recognized by the majority of the remaining members of the commission. Any member abstaining from a vote shall not participate in the discussion of that item.

The Village Council Representative is barred from voting twice on any matter that may come before both the planning commission and the Village Council.

- F. Agenda** – The Chairperson or designee shall be responsible for preparing an agenda for planning commission meetings. The agenda and all other meeting materials will be sent electronically to members of the planning commission approximately one week prior to the meeting. The order of business for meetings shall be as follows:
 - 1. Call to Order and Pledge of Allegiance
 - 2. Roll Call and Recognition of Visitors
 - 3. Approval of Minutes
 - 4. Consideration (Additions or Deletions) and Approval of Agenda
 - 5. Conflicts of Interest
 - 6. Scheduled Public Hearing (when applicable)

7. Correspondence Received
8. Comments from Planning Commissioners and Zoning Administrator
9. Public Comment
10. New Business
 - a. Setting Public Hearing Dates
 - b. Other New Business
11. Old Business
12. Public Comment
13. Adjournment

G. Communications to the Commission – An individual who wishes to address the planning commission, but is unable to attend a commission meeting, may do so in writing.

H. 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; this is at the discretion of the Village Council.

- 1. Master Plan and Zoning Hearings** – Before the adoption of any part of the Master Plan, or any amendment to the Master Plan, or recommending approval of an amendment to the zoning ordinance to the Village Council, the commission shall hold a public hearing on the matter. The secretary shall follow the notice requirements in accordance with the Open Meetings Act.
- 2. Special Hearings** – Notice of special hearings for the purpose of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties shall follow the notice requirements in accordance with the Open Meetings Act.
- 3. Notice of Decision** – A written notice containing the decision of the planning commission will be sent to petitioners and originators of the request. Any approved plans should be filed with the Village Council.
- 4. Rules of procedure** – The following rules of procedure shall apply to public hearings held by the planning commission:
 - a. Chairperson opens the public hearing and announces the subject.
 - b. Chairperson summarizes the procedures/rules to be followed during the hearing.
 - c. Applicant presents the main points of the application.
 - d. Zoning Administrator discussion with applicant.
 - e. Public Comment
 - f. Applicant response to Public Comment
 - g. Chairperson closes the public hearing and returns to the regular/special meeting.
 - h. Village staff and other consultants present their report and recommendation.
 - i. Zoning Administrator – Review of Findings of Fact
 - j. Planning commission begins deliberations/consideration

- k. Motion by planning commission to approve, approve with conditions, or deny application per Village of Beulah Bylaws, Section 3(H)(4), if applicable.

5. Rules for Speakers During Public Comment

- To ensure everyone has the opportunity to speak, the chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows.
- The chairperson may encourage groups to designate one or more individuals to speak on their behalf to avoid cumulative comments.
- The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments.
- Unless specific permission is granted by a majority vote of the Commission members, speakers shall be required to verbally identify themselves and their primary residence address each time they address the Commission.
- The chairperson shall not permit personal attacks upon any individual employee or Commission member during Commission meetings.
- Although speakers may ask questions of the applicant during their time to speak, response by the applicant will not be allowed during the speaker's time limit.
- Speakers may ask questions of the Commission, but at the discretion of the chairperson, responses to those questions may or may not be given during the public comment portion of the meeting.
- Comments by the public during non-public comment portions of the agenda are not allowed, except at the discretion of the chairperson.

- I. **Chairperson Pro-Tem** – When both the Chairperson and Vice-Chairperson are both absent from any meeting, the commissioners present shall select a Chairperson Pro-Tem by simple majority vote for that meeting. In the absence of the chairperson, the Village Council Representative is not permitted to chair the meeting.

SECTION 4: Duties of the Planning Commission

The planning commission shall perform the following duties:

- A. Take such action on petitions, staff proposals and Village Council requests for amendments to the zoning ordinance as required.
- B. Take such action on petitions, staff proposals and Village Council requests for amendments to the master land use plan as required.
- C. Prepare an annual report to the Village Council concerning its operations and the status of its planning activities, including any pertinent recommendations.
- D. Prepare an annual work program and budget, to be included in the annual report.

- E. Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- F. Review subdivision and condominium 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 appropriations of funds have been approved by the Village Council, as needed.
- H. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of a planning commissioner and for which appropriations of funds have been approved by the Village Council, if needed.
- I. Perform other duties and responsibilities or respond as requested by any township board or commission.
- J. Ensure that no ex parte discussions take place. When a matter is before the planning commission, there shall be no outside discussion with members of the public or among planning commission members so that the Open Meetings Act is not violated.
- K. Vote on which member of the planning commission will serve as the official spokesperson for the Commission. The role of spokesperson may change depending on the matter before the planning commission for which comment is being sought.
- L. Members of the planning commission will not accept gifts of any kind; this includes cash, any tangible item, or service, regardless of the value. If there is any question as to a gift that is presented to the planning commission, the Village Council will make the final determination as to whether the gift is acceptable.

SECTION 5: Duties of the Zoning Administrator/Planner

- A. The planning commission shall be assisted by the zoning administrator in performing the planning commission's duties, as noted in Section 3.
- B. The zoning administrator shall be responsible for the professional and administrative work in coordinating the functions of the planning commission.
- C. The zoning administrator shall;
 - 1. Supervise and review the work of the Recording Secretary.
 - 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 one week 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 village related to the zoning or other appropriate ordinance.
- D. The planning commission may be assisted by other professional or village staff as needed, including, but not limited to, the building inspector, village attorney, village engineer or other person or agency.

SECTION 6: Absences, Removals, Resignations, and Vacancies

- A. To be excused, members of the planning commission shall notify the President of the Village Council, 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. If a member is absent from a planning commission meeting, they may send in their comments electronically; these comments will be shared at the meeting. However, a member who is absent may not vote on any planning commission business. A vote on any matter may be deferred until all Commissioners are present.
- C. Members may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- D. A member may resign from the planning commission by sending a letter of resignation to the President of the Village Council, Village Council or planning commission chairperson. In lieu of a hard copy letter, an email resignation is acceptable; however, resignation via text message is unacceptable.
- E. Vacancies shall be filled by the Village Council within one month of 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 declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
 - 1. An immediate family member or other family member is involved in any request for which the planning commission is asked to make a decision. “Immediate family member” is defined as an individual’s father, mother, son, daughter, brother, sister, and spouse and a relative of any degree.
 - 2. 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;
 - 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, or
 - 4. There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such conflict. The member must keep in mind that conflict of interest can be either actual or perceived.
- B. The planning commission member declaring a conflict of interest should 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 should 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 absent him/herself from the room in which the discussion takes place, unless doing so would violate his or

her constitutionally protected rights to participate. He or she should not make any presentations to the planning commission as a representative of the proposal.

- C. A vote of a majority of the planning commission shall also be taken to declare a conflict of interest on the part of a member. The vote shall not include the member who is the subject of the potential conflict.

SECTION 8: Amendments

These Bylaws may be amended at any meeting by a two-thirds (2/3) vote of the members present subject to Village Council approval.

Approved 6/13/2023 by unanimous vote of the Village Council