

BY-LAWS

SCIO TOWNSHIP PLANNING COMMISSION

ARTICLE I - TITLE

The name of this Commission shall be the Scio Township Planning Commission.

ARTICLE II - CREATION

In the Scio Township Zoning Ordinance, Section 2-IV-2 the township board confirmed the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., of the Scio Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321 et seq.

Section 2.0 Appointment. The Commission shall consist of seven (7) members who shall be appointed by the Supervisor, and subject to the approval by a majority vote of the Township Board. The membership of the Planning Commission shall be representative of important segments of the community as determined by the Board of Trustees pursuant to the Michigan Planning Act and the Michigan Planning Enabling Act. One such member shall be a member of the Township Board and one member of the Planning Commission shall also serve on the Zoning Board of Appeals.

Section 2.1 Term. The term of each member shall be three (3) years, but a member shall hold office until his or her successor is appointed. A successor shall be appointed not more than one (1) month after the term of the preceding Commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term. Members may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance, after written charges and after a public hearing. It is an expectation of appointment that each member will attend a minimum of one educational seminar each year related to the duties of the Planning Commission.

Section 2.2 Compensation. Members of the planning commission may be compensated for their services as provided by the Board of Trustees. Planning Commission members may be reimbursed for travel when engaged in the performance of activities authorized by the Board of Trustees, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.

ARTICLE III -- OFFICERS

At the first meeting after annual appointments have been made by the Supervisor and approved by the Board of Trustees, the Commission shall elect by a majority vote of its membership a Chairperson, Vice-Chairperson and Secretary. The term of each office shall be one (1) year. The Commissioner appointed from the membership of the Township

Board shall not serve as an officer of the Planning Commission. The Chairperson shall preside at all public meetings of the Commission, appoint committees, and perform other duties as may be ordered by the Planning Commission. The Vice-Chairperson shall preside at public meetings of the Commission in the absence of the Chairperson and act in the capacity of the chairperson in his or her absence. The Secretary, or designated representative, shall record all minutes of public meetings of the Commission. The Township Clerk shall be custodian of the records and files of the Commission.

ARTICLE IV -- DECISIONS

Section 4.0. Public Meetings. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Michigan Open Meetings Act, MCL 15.261, et seq., the Michigan Zoning Enabling Act, MCL 125.3101, et seq., and the Michigan Planning Enabling Act, MCL 125.3801, et seq. Public notice of the item, date, and place of a regular or special meeting shall be given in the manner required by the Michigan Open Meetings Act, Michigan Zoning Enabling Act and Michigan Planning Enabling Act as cited above.

Section 4.1 Quorum. **A quorum must be present before any business is transacted.** A majority of the members of the Commission shall constitute a quorum (four (4) members is a quorum) for the purposes of transacting the business of the Commission and the Open Meetings Act. Each member of the Commission shall have one (1) vote.

Section 4.2 Voting. An affirmative vote of the majority of the Commission members present at the time of a vote shall be required for the approval of any requested action or motion placed before the Commission, except an affirmative vote of not less than a majority of the members is required for approval of a master plan or amendment to a master plan. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last. **Abstentions have no effect on votes; passage requires a majority of votes, not abstentions. A tie will defeat a motion since a majority is required.**

ARTICLE V --DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall perform the following duties:

- A. Prepare, up-date, revise, amend, and supplement the Township Master Plan pursuant to the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act..
- 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 Master Plan as required;
- D. Prepare an annual report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development;
 - E. Prepare an annual work program and budget, to be included in the annual report, with the format supplied by the Township Board. The Township Board annually may appropriate and make available funds for carrying out the purposes and functions permitted under the Planning Enabling Act, and may match township funds with federal, state, county and other local government or private grants. The Township Board may accept and use gifts and grants for planning commission purposes;
 - F. Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended; and the Michigan Planning Enabling Act;
 - G. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board;
 - H. Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed;
 - I. Attend training sessions, conferences and/or meetings as needed to properly fulfill the duties of planning commissioner and for which appropriations of funds have been approved by the Township Board, as needed;
 - J. The Capital Improvement Plan (CIP) is prepared by the Township Board unless further instruction is provided to the Planning Commission to assist in preparation.
 - K. Perform other duties and responsibilities or respond as requested by any township board or commission.

The Planning Commission shall be assisted by the zoning administrator and planning consultant in performing the Planning Commission's duties.

ARTICLE VI - REGULAR MEETINGS

Section 6.0. Schedule. The Commission shall generally hold its regular meetings on the second and fourth Mondays of each month at the Scio Township Hall. However, the Planning Commission may provide for an alternative meeting schedule due to holidays and elections. The meeting schedule shall be adopted by the Planning Commission each year and shall determine the date, time and place of the meetings. The Planning Commission shall notify the Clerk of the annual meeting schedule so that it may be posted in accordance with the Open Meetings Act.

Section 6.1 Public Notice. A regular meeting of the Commission shall not be held

unless public notice is posted by the Chairperson, or designated representative, within ten (10) days after the first meeting of the Commission in each calendar or fiscal year of the Commission. All notices required by the Open Meetings Act, the Zoning Enabling Act, and Planning Enabling Act shall be posted in the Scio Township Hall located at 827 North Zeeb Road, Ann Arbor, Michigan.

Section 6.2 Change of Schedule. If there is a change in the schedule of a regular meeting, the Chairperson, or designated representative, shall post within three (3) days after the meeting at which the change is made, a public notice stating the new dates, times and places of its regular meetings. Notice for rescheduled regular meetings shall be posted in the Scio Township Hall at least eighteen (18) hours before the meeting. The cancellation or rescheduling of a meeting due to lack of agenda items, inclement weather or a similar Act of God shall be at the discretion of the Chairperson.

Section 6.3 Reconvened Meetings. A public meeting of the Commission which is recessed for more than thirty-six (36) hours shall be reconvened only after public notice is posted at least eighteen (18) hours before the meeting.

Section 6.4 Meeting Cancellation Procedures. Meetings cancelled due to lack of agenda items or due to inclement weather will be posted on the Township website in advance of the meeting.

Section 6.5 Remote Meeting Procedures: Hybrid in-person and virtual meetings will be held by the Planning Commission in accordance with Township policy. However, if remote participation is unavailable due to technical difficulties, the Planning Commission may proceed with any meeting lawfully noticed under the Open Meetings Act.

ARTICLE VII - SPECIAL MEETINGS

Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairperson. The Chairperson, or designated representative, shall send written notice of a special meeting to Commission members not less than forty-eight (48) hours in advance of the meeting.

Public notice of a special meeting must state the date, time and place of a public meeting of the Commission and shall be posted by the Chairperson, or designated representative, in the Scio Township Hall at least eighteen (18) hours before the special meeting.

ARTICLE VIII - ADDRESSES OF THE PUBLIC

Section 8.0. Speaking: Limitations. Unless otherwise provided by resolution of the Commission, members of the public may address the Commission during the Citizen Participation portion of the public meeting, subject to the following limitations which may be modified by resolution of the Commission. All persons addressing the Commission may give their name for the record. A person addressing the Commission shall have three (3)

minutes to address the Commission. A person addressing the Commission as a representative or spokesperson of an organization shall have five (5) minutes to address the Commission.

Section 8.1. Exclusion. A person shall not be excluded from a public meeting except for a breach of peace actually committed at the meeting whether virtually or in-person. In the event of such a breach, the Chairperson of the Commission shall be authorized to exclude the person(s) from the public meeting.

ARTICLE IX - AGENDA

Unless otherwise modified by resolution of the Commission, the agenda of a public meeting of the Commission shall be as follows:

1. Call to order
2. Roll call
3. Adoption of Agenda
4. Communications/correspondence
5. Presentations requested by the Planning Commission
6. Public comment
7. Approval of minutes
8. Business session;
 - a. Public Hearings
 - b. Unfinished business
 - c. New business
9. Reports/Commission activity
10. Public Comment
11. Adjournment

Staff may place specific items on the agenda after consultation with the Commission Chairperson. The Commission Chairperson has sole discretion to limit the number of agenda items for a specific meeting, based upon considerations of complexity and time.

ARTICLE X - PUBLIC HEARINGS

The Commission shall conduct required public hearings as follows, unless otherwise modified by the Commission:

1. Chairperson opens the public hearing and announces the subject of the hearing;
2. The public hearing procedures are summarized by the Chairperson or his or her designee. At the discretion of the Chairperson, the following opening statement may be made:

As Chairperson of the Scio Township Planning Commission I declare this public hearing opened. This public hearing which was legally advertised, is convened to consider:

_____ - In order to conduct the hearing within a reasonable time and to keep the subject at hand, you are asked to observe the following rules:

All present will be provided the opportunity to speak on this (these) matter(s) but the meeting must be conducted in an orderly manner. No one is to be interrupted during his or her presentation, comments or questions. All remarks must be addressed to the Chairperson, and not to any other individuals. Remarks must be confined to the matters before the Commission, avoiding irrelevant and off-the-subject comments.

- A. The applicant or an authorized representative of said applicant will state his or her case fully and furnish the Planning Commission with pertinent information concerning the application.
- B. The planning consultant will present the planning review of the proposal.
- C. The hearing will then be opened to the public for comments or questions. Any member of the public wishing to address the matter in question shall first be recognized by the Chair. Members of the public shall each be given one opportunity to address the Commission. If a large number of the public wish to address the Commission, the duration of such comments may be limited by the Commission so as to expedite the hearing and grant everyone the opportunity to comment. If there is an organization or group wishing to make its position known, one spokesperson should make the presentation identifying the group represented, so as to have the opportunity of speaking for a reasonable length of time, and of presenting a complete case.

Although we cannot help but have some repetition, please try to avoid reiterating the same points which were made by the previous speakers, and please do not involve personalities. Be as factual as possible.

- D. The Planning Commission members may then make direct inquiries of the applicant.

The Planning Commission will not take formal action on this (these) matters at this meeting. This (these) matter(s) will be placed on the agenda, for formal action, at the next regular meeting on _____, or the applicant may seek a special meeting, notice of which would be posted in the Township Hall as required. Written comments are encouraged and will be accepted by the Planning Commission at the Township Office.

It is noted that the Planning Commission is bound by rules and laws and that these are the determinates when weighing the case. Further, the Planning Commission is a recommending body to the Township Board. The Township Board will make the final decision as to whether this (these) applicant(s) shall be approved.

ARTICLE XI-- CONFLICT OF INTEREST

Section 11.0. Planning Commission members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:

1. A relative or other family member is involved in any request for which the planning commission is asked to make a decision;
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 or by the remaining members of the Planning Commission as provided below.

Section 11.1 The Planning Commission member should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. Alternatively, the member declaring a conflict, **or a member of the public**, may ask the **remaining** planning commission members to decide if **the commissioner in question** should abstain. Abstention is required if 60% of the **remaining** planning commissioners agree that the commission member may be reasonably considered to have a conflict of interest, or if there is a reasonable appearance of a conflict of interest. The

member declaring or determined to have a conflict must 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.

ARTICLE XII - AMENDMENTS

The By-laws may be amended, added to, or repealed by a majority vote of the Commission at a regular meeting provided that notice of the proposed amendment, revision or repeal is given to each member of the Commission in writing at least seven (7) days prior to the regular meeting at which the amendment is intended to be acted upon.