

**SOUTHFIELD TOWNSHIP
PLANNING COMMISSION/ZONING BOARD
BYLAWS- 5/20/09 REVISED 10/24/23**

AUTHORITY

Adopted - 9/9/09
Revised - 10/24/23

The following rules of procedure (Bylaws) are hereby adopted by the Southfield Township Planning Commission/Zoning Board hereinafter to be called "the 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.*, as amended and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*, as amended.

COMMISSION MEMBERSHIP

The Commission shall consist of seven (7) members, to be appointed by the Township Supervisor, subject to the approval by a majority vote of the members of the Township Board, pursuant to the Planning Enabling Act

OFFICERS - ELECTION

Selection:

At the first regular meeting of each year, the Commission shall select from its membership a Chairperson, Vice-Chairperson and Secretary. All officers are eligible for re-election.

Tenure:

The Chairperson, Vice-Chairperson and Secretary shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

Duties:

Chairperson

The Chairperson shall preside at all meetings, hearings and is authorized to call for special meetings of the Commission. If the Chair is absent or unable to preside, the Vice-Chair shall preside. If both are absent or unable to preside, the remaining members present shall appoint a temporary Chair to preside. An ex officio (i.e., the Township Board member) member of the Commission shall not serve as Chairperson.

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 Commission shall select a successor to the office of Vice Chairperson for the unexpired term.

Secretary

The Secretary shall execute documents in the name of the Commission and shall perform such other duties as the Commission may determine.

MEETINGS

The Commission shall schedule not less than four (4) regular meetings each year and by resolution shall determine the time and place of such meetings. Other legally called meetings may be held as necessary. Said meetings shall comply with Michigan Public Act 267 of 1976, as amended (the "Michigan Open Meetings Act").

Notice of regular Commission meetings shall be posted at the Township Hall within 10 days after the Commission's first meeting in each fiscal year in accordance with the Michigan Open Meetings Act.

Special Meetings

Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the Commission. Written notice of special meetings shall be given to the members of the Commission at least forty-eight (48) hours prior to the meetings. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Michigan Open Meetings Act.

Public Hearings

All public hearings held by the Commission must be held as part of a regular or special meeting of the Commission. The following rules of procedure shall apply to public hearings held by the Commission.

- Chairperson opens the public hearing and announces the subject.
- Applicant presents the main points of the application.
- Persons speaking in support/opposition of the application are recognized.
- Chairperson closes the public hearing and returns to the regular/special meeting.
- Planning commission begins deliberation and arrives at a decision.

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 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.

All comments by the public shall be directed to the chairperson.

A written notice containing the decision of the planning commission will be sent to petitioners and originators of the request. Copy of notice to be attached to minutes.

Minutes

A recording secretary, whose position shall be a nonvoting one in order to record accurate minutes of the proceedings, shall be provided by the Township for all Commission meetings.

The Commission 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; and record of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records will be maintained by the Township Clerk.

Public Records

All meetings, minutes, records, documents, correspondence and other materials of the Commission shall be open to public inspection in accordance with Michigan Public Act 442 of 1976 (the "Michigan Freedom of Information Act"), as amended except as may otherwise be provided by law.

Recess or Adjournment

Any regular or special meeting may be recessed or adjourned from time to time, or to the time of any previously announced regular or special meeting. If such recess or adjournment to a specific time and place is for less than a 36-hour period, additional public notice shall not be required. If there is cause to change the specified time or place, however, the required provisions for public notice shall be met.

Cancellation

If no business is scheduled a meeting may be cancelled by the Chair by giving notice to all members at least 18 hours before the time set for such meeting. A meeting can be cancelled if there are insufficient members to achieve a quorum.

Quorum

A simple majority (4) of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a simple majority of the Commission members in attendance at such meeting where a quorum is present.

Voting

An affirmative vote of the majority of the Commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any commission member or directed by the Chairperson. Any member may be excused from voting if that person has a conflict of interest as recognized by the majority of the members of the Commission. Any member abstaining from a vote shall not participate in the discussion of that item.

Conflict of Interest

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

- A relative or other family member is involved in any request for which the Commission is asked to make a decision.
- The 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.
- There is a reasonable appearance of a conflict of interest, as determined by the Commission member declaring such conflict; or
- Any member of the Commission that believes or thinks he/she may have a conflict of interest, but is not sure, shall contact the chairman in sufficient time of the meeting to allow for consultation with township legal counsel if necessary.

- The Commission member declaring a conflict of interest should state the nature of the conflict and whether he/she believes he/she could impartially consider the request before the Commission. The member declaring a conflict may leave the table and room in which the discussion takes place, unless doing so would violate his/her constitutionally protected rights to participate. He/she should not make any presentations to the Commission as a representative of the proposal.

No Conflict of Interest Exists: - Where no conflict of interest is determined to exist, the affected member shall participate in discussion and shall vote on the agenda item. It is not permissible for a Commissioner to abstain on any matter, except where it is determined a conflict of interest exists.

WITHDRAWAL OF APPLICATIONS AND TABLING CONSIDERATION

Withdrawal of Application

On written request from the applicant or the applicant's authorized agent, an application may be withdrawn at any time before the Commission makes its decision in the case, except that a verbal request may be made at the scheduled public meeting.

Tabling Consideration

On its own motion, or on approval of requests by an applicant or an applicant's authorized agent, the Commission may table consideration of cases. Unless scheduled for the next meeting, the time and place when the case will be reconsidered must be stated in the motion to table and a new public notice shall be required.

REPORT TO THE TOWNSHIP BOARD

The Commission shall keep the Township Board apprised of its proceedings by forwarding copies of all approved minutes.

The Commission may make an annual written report concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning, development and Master Plan review or amendments.