

**HOLLAND CHARTER TOWNSHIP
PLANNING COMMISSION
RULES OF PROCEDURE**

PREAMBLE

These Rules of Procedure were adopted by the Holland Charter Township Planning Commission (the "Planning Commission") on the _____ day of _____, 2014, pursuant to Section 19(1) of Act 33 of the Michigan Public Acts of 2008, as amended ("Act 33"), after being mailed to current members of the Planning Commission at least 15 days in advance.

**ARTICLE I
AREA**

The geographic area served by the Planning Commission shall include the unincorporated area legally within the boundaries of Holland Charter Township (the "Township") as such boundaries exist at any given time.

**ARTICLE II
PURPOSE**

SECTION 1. The authority, purposes and functions of the Planning Commission shall be described in this Article, as well as any other authority, purposes and functions provided by law.

SECTION 2. The Planning Commission shall prepare a plan to guide the physical development of the Township. The purpose of this plan shall be to promote public health, safety and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation, and other public improvements; and to consider the character of the Township and its suitability for particular uses judged in terms of such factors as the trend in land and population development.

SECTION 3. The Planning Commission shall promote the adoption, execution and updating of plans to guide the physical development of the Township by the Township, school, county and other governments and agencies responsible for making public or other improvements in the Township.

SECTION 4. The Planning Commission shall effect economies in the Township through the recommendation of a wise expenditure of funds to provide for sound development.

SECTION 5. The Planning Commission shall encourage and assist public and private agencies in improving the attractiveness of the Township.

SECTION 6. The Planning Commission shall work toward a "planned community" for the Township by officially adopting a plan to guide the physical development of the Township.

SECTION 7. The Planning Commission shall exercise the powers, duties and responsibilities of zoning boards as provided by the Michigan Zoning Enabling Act (Act 110 of the Michigan Public Acts of 2006, as amended).

SECTION 8. The Planning Commission shall review proposals for public streets, squares, parks, ways, ground, spaces, buildings or structures as provided in Act 33.

SECTION 9. The Planning Commission shall review plats or other matters of land development, recommend regulations governing the subdivision of land and perform such other duties as the Township Board shall from time to time assign to the Planning Commission, all as provided in Act 33.

SECTION 10. The Planning Commission shall have such other authority and perform such other duties and responsibilities as provided by Act 33 or as provided otherwise by law.

SECTION 11. The Planning Commission shall further cooperation between governmental and private agencies toward the purposes and functions described in this Article.

ARTICLE III
MEMBERSHIP, REPRESENTATION, QUALIFICATIONS,
APPOINTMENT, TERM AND VACANCIES

SECTION 1. The Planning Commission shall consist of seven members, who shall be representative of major interests as they exist in the Township. All members shall be qualified electors of the Township, except that one member need not be. One member of the Township Board shall be a member of the Planning Commission.

SECTION 2. All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. Members may be removed by the Township Board, after a hearing on written charges.

SECTION 3. The term of each member shall be for three years. The Planning Commission member from the Township Board shall serve according to the person's term on the Township Board, unless properly removed from the Planning Commission. A successor shall be appointed not more than 60 days after the term of the preceding Planning Commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of the terms. Members of the Planning Commission shall continue to hold office until their successors are appointed.

ARTICLE IV
COMPENSATION, BUDGET, GIFTS AND EXPENDITURES

Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and Township employees when engaged in the performance of activities authorized by the Planning Commission, including attendance at conferences and meetings. The Planning Commission may prepare a detailed budget and submit it to the Township Board for approval or disapproval. The Township Board annually may appropriate and make available funds in a Planning Commission General Budget Fund for carrying out the purposes and functions permitted under Act 33 and may match Township funds with federal, state, county or other local government or private grants.

ARTICLE V
OFFICERS AND THEIR DUTIES AND ADVISORY COMMITTEES

SECTION 1. The Planning Commission shall elect a Chairperson, Vice-Chairperson and Secretary from its members, and shall create and fill such other offices or committees as it may consider advisable. The officers shall be elected annually at the first regular meeting of the Planning Commission in each calendar year. The officers shall be elected by and from among the membership of the Planning Commission by not less than four affirmative votes. The Planning Commission may appoint persons outside of its membership to serve on such advisory committees as it may establish. The terms of all officers shall be one year or until a successor is elected.

SECTION 2.

A. The Chairperson shall be the chief executive officer of the Planning Commission and shall preside at all meetings of the Planning Commission. The Chairperson shall appoint all committees established by the Planning Commission and shall be an ex-officio member of all committees. The Chairperson shall have a vote on all resolutions as a Planning Commissioner. The Chairperson shall sign any contracts or legal documents which the Planning Commission is authorized to enter into and which are approved by the Planning Commission.

B. As designated by the Township Board, one member of the Planning Commission shall be a member of the Zoning Board of Appeals.

SECTION 3.

A. In the event that the office of the Chairperson becomes vacant by death, resignation or otherwise, the Vice Chairperson shall serve as a Chairperson until a new Chairperson is elected.

B. In the event of the absence or disability of the Chairperson, the duties shall, for the time being, be discharged by the Vice Chairperson.

SECTION 4. The Secretary shall perform the usual duties of the office and such other duties as the Planning Commission may direct, including the following.

A. The Secretary shall have custody of and be responsible for the official minute books and records of the Planning Commission.

B. The Secretary shall be responsible for all correspondence and notices pertaining to meetings and official acts of the Planning Commission.

C. The Secretary shall verify with the County Planning Commission, after one has been established, that a copy of the Township Zoning Ordinance and all amendments to it have been filed.

ARTICLE VI

PLANNING COMMISSION MEETINGS

SECTION 1.

A. The Planning Commission shall hold not less than four regular meetings each year, and by resolution shall determine the time and place of the meetings. A special meeting may be called by the Chairperson upon written request. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with Act 267 of the Michigan Public Acts of 1976, as amended. Public notice of the time, date and place of a regular or special meeting shall be given in the manner required by Act 267 of the Michigan Public Acts of 1976, as amended. Notice to the members of the Planning Commission of the place, day and hour of any special meeting of the Planning Commission shall be served on each member at least 18 hours in advance of the time of the meeting. Service of the notice may be made personally, by telephone, by electronic mail, or by first-class mailing such notice, postage prepaid, plainly addressed to the member at the member's current mailing address. However, notice by first-class mail of a special meeting of the Planning Commission may only be given if the mailing occurs at least 48 hours in advance of the meeting.

B. Four members of the Planning Commission shall constitute a quorum to take action at any meeting.

C. For meetings of the Planning Commission and any advisory committees, the rules of parliamentary practice as set forth in "Robert's Rules of Parliamentary Procedure" shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Planning Commission and not contrary to any existing laws of the State of Michigan. The Chairperson of any Planning Commission meeting has the right and duty to regulate the proceedings of the meeting, including deciding questions of order, making public declaration of votes cast, granting authority to

persons to speak at the meeting, silencing those who may be out of order or disrupting the meeting, and ordering any disorderly person out of the meeting, if necessary.

D. The recommended order of business for a regular Planning Commission meeting is the following:

- Call to Order
- Roll Call
- Review Meeting Minutes From Previous Meeting(s)
- Public Hearing(s)
- Old Business
- Other Business
- Public Comment for Non-Public Hearing Matters
- Adjournment.

Although the above order is a recommended order of business, the Chairperson may, at the Chairperson's discretion, change the order of business to suit the requirements of the meeting.

The Planning Commission should adhere to principles that provide fair and equitable treatment of matters of business regardless of their origin. When possible, every effort should be made to process business through the Planning Commission in the order in which it was received.

SECTION 2. The basic agenda for Planning Commission public hearings shall normally be as follows.

- A. The Chairperson shall introduce the matter by announcing substantially as follows.
1. This is a meeting of the Holland Charter Township Planning Commission. The duties of the Planning Commission are to consider matters of long range planning as well as questions of zoning. Thus, the Planning Commission functions as a planning commission as well as a zoning board. In its capacities as a zoning board, it makes recommendations to the Holland Charter Township Board. The final responsibility for any zoning amendment to the Zoning Ordinance is solely in the hands of the Holland Charter Township Board.
 2. This is the date, time and place for a (regular or special) meeting of the Planning Commission, held pursuant to notice, for the purpose of hearing, considering and acting upon certain proposed amendment(s) to the Zoning Ordinance and/or acting upon an application for a special use permit or a planned unit development.
 3. Notice of this hearing has been given as required by law.

- B. The Secretary shall read the notice of public hearing.
- C. The Chairperson may then announce as follows, as necessary.
1. The public hearing in this matter is declared open.
 2. The procedures and rules to be followed by all persons during this hearing are as follows.
 - (a) No person shall address the Planning Commission or otherwise question or comment upon any matter without first being recognized by the Chairperson.
 - (b) Once recognized by the Chairperson, all persons shall give their names and addresses before addressing the Planning Commission or otherwise questioning or commenting upon any matter.
 - (c) The petitioners in this matter, or their representatives, shall make their full presentation in support of their petition first, without interruption.
 - (d) Following the presentation on behalf of the petitioners, Planning Commission members may direct any comments or questions they may have to the petitioners.
 - (e) Any persons or groups, or their representatives, in opposition to the petition may make their presentation next, without interruption.
 - (f) Following any presentation on behalf of opponents, Planning Commission members may direct any comments or questions they may have to the opponents.
 - (g) Next, any comments or questions the petitioners may have in response to any presentation by any opponents may be made.
 - (h) Next, any other comments or questions any opponents may have of the petitioners may be made.
 - (i) Finally, any other persons, whether in support of the petition, in opposition to the petition, or otherwise, may make their comments and ask their questions when recognized by the Chairperson.

- (j) The hearing is expected and intended to proceed in an orderly manner. Your cooperation is anticipated and will be appreciated. You are invited to be heard on any petition that you may be interested in regardless of where you may live. A tablet is being circulated/has been placed on the table for you to clearly print your name and address if you wish to be recognized and allowed to speak during the public hearing. All presentations, questions, comments and replies are to be directed to the Chairperson.

D. The Chairperson shall then call upon the petitioners (or their representatives) to make their presentation in support of their petition.

E. The Chairperson shall then call for any comments or questions Planning Commission members may have of the petitioners.

F. The Chairperson shall then call upon any persons or groups in opposition to the petition to make their representation.

G. The Chairperson shall then call for any comments or questions Planning Commission members may have of the opponents.

H. The Chairperson shall then call for any further response, comments or questions by the petitioners.

I. The Chairperson shall then call for any further response, comments or questions by the opponents.

J. The Chairperson shall then call for any other comments or questions, whether in support of the petition, in opposition to the petition or otherwise.

K. When all presentations, comments and questions have been made, and when there is no one else desiring to be heard, and when there are no further inquiries from Planning Commission members, the Chairperson shall state as follows:

There being no further comment nor anyone else desiring to be heard,
I'll entertain a motion from the Planning Commission that the public
hearing portion of this meeting be closed.

L. After motion to close the public hearing carries, one of the following motions should be made and acted upon:

- 1. Motion to take the matter under advisement for recommendation at a later date; or

2. Motion to recommend approval or disapproval of the petition, or to recommend approval in part and disapproval in part, etc.; or
3. Any other motion as may be proper or appropriate.

M. Although the basic agenda set forth above for Planning Commission hearings on proposed zoning amendments is a recommended agenda, the Chairperson may, at the Chairperson's discretion, change the agenda to suit the requirements of the hearing. In particular, the Chairperson may, with approval of the Planning Commission, require that a particular hearing be adjourned and continued to a time, place and certain date, because of the length or complexity of any such hearing, the need for additional information to be furnished, or for any other proper reason.

SECTION 3. Notwithstanding the provisions of Section 2 of this Article, no proposed Zoning Ordinance amendment initiated by petition of a property owner or other party in interest shall be considered or processed by the Planning Commission until:

A. A suitable petition in proper form has been completed and filed in triplicate with the Township in accordance with all applicable provisions of the Zoning Ordinance; and

B. The required fees in connection with the petition, to be used toward defraying the cost of the Zoning Ordinance amendment proceedings, have been deposited with the Township; and

C. The petition has been referred to the Planning Commission for processing under and in accordance with the Michigan Zoning Enabling Act.

ARTICLE VII

PLANNING STAFF CONSULTANTS

SECTION 1. The Township Board upon recommendation of the Planning Commission may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

SECTION 2. These planning persons shall have those powers and duties as may be delegated to them from time to time by the Planning Commission in accordance with applicable law.

ARTICLE VIII

FISCAL YEAR AND ANNUAL REPORT WITH BUDGET

SECTION 1. The fiscal year of the Planning Commission shall be the same as the Township's fiscal year.

SECTION 2. The Planning Commission shall, generally, before the first day of the last month of each fiscal year, submit to the Township Board a written report of its activities during that fiscal year, indicating the status of planning activities including recommendations regarding actions by the Township Board related to planning and development. Any recommended budget from the Planning Commission is to be part of this report.

ARTICLE IX
MASTER PLAN ORIGIN, ADOPTION AND AMENDMENT

SECTION 1. The Planning Commission shall make and adopt a Master Plan as a guide for the development of unincorporated portions of the Township. As a basis for the plan, the Planning Commission is to (1) make inquiries, investigations and surveys of all the resources of the Township and (2) assemble and analyze data and formulate plans for the proper conservation and uses of all resources, including a determination of the extent of probable future need for the most advantageous designation of lands having various use potentials and for services, facilities and utilities required to equip such lands. The Planning Commission shall consult, in respect to its planning, with representatives of adjacent townships; with the County Planning Commission, if any; with any representatives of incorporated municipalities within the Township; and with the Regional Planning Commission, if any. The Planning Commission may make use of expert advice and information which may be furnished by appropriate federal, state, county and municipal officials, departments and agencies having information, maps and data pertinent to township planning.

SECTION 2.

A. The Master Plan shall include maps, charts and descriptive, explanatory and other related matter and shall show the Planning Commission's recommendations for the physical development of the unincorporated area of the Township.

B. The Master Plan shall include those of the following subjects which reasonably can be considered as pertinent to the future development of the Township;

1. A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residence, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forest, wild life refuges and other uses and purposes;
2. The general location, character and extent of streets, roads, highways, railroads, bridges, waterways and waterfront developments; flood prevention works, drainage, sanitary sewers and water supply systems, works for preventing pollution and works for maintaining water levels; and public utilities and structures;

3. Recommendations as to the general character, extent and layout for the redevelopment or rehabilitation of blighted districts and slum areas; and the removal, relocation, widening, narrowing, vacating, abandonment, changes or use or extension of ways, grounds, open spaces, buildings, utilities or other facilities;
4. A zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises, including an explanation of how the land use categories on the future land use map related to the districts on the zoning map; and
5. Recommendations for implementing any of its proposals.

SECTION 3. The Planning Commission shall consider and adopt or recommend for adoption the Master Plan in accordance with all applicable requirements of the Michigan Zoning Enabling Act, as amended, and Act 33.

ARTICLE X

CONFLICT OF INTEREST

SECTION 1. All members of the Planning Commission shall avoid situations which involve a conflict of interest or an incompatibility of offices. A conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- A. Issuing, deliberating on, voting on, or reviewing a case concerning the Planning Commission member;
- B. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by, or which is adjacent to, or whose statutory notice area under the Michigan Zoning Enabling Act includes, land owned by the Planning Commission member;
- C. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which the Planning Commissioner is a part owner, or has any other relationship where the Planning Commissioner may stand to have a financial gain or loss;
- D. Issuing, deliberating on, voting on, or reviewing a case which results in a pecuniary benefit to the Planning Commission member;
- E. Issuing, deliberating on, voting on, or reviewing a case concerning the Planning Commission member's spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of the Planning Commissioner's household;

F. Issuing, deliberating on, voting on, or reviewing a case where the Planning Commission member's employee or employer is:

1. an applicant or agent for an applicant, or
2. has a direct interest in the outcome.

SECTION 2. When a conflict of interest exists the affected Planning Commission member shall do all of the following immediately, upon first review of the case and determining a conflict exists:

- A. declare a conflict exists; and
- B. cease to process the case any further, unless otherwise allowed by Michigan law.

SECTION 3. If a Planning Commission member is alleged to have a conflict of interest, but the affected Planning Commission member claims no such conflict exists, then the existence of or lack of a conflict of interest should be determined by the remaining members of the Planning Commission.

SECTION 4. Planning Commission members shall not provide private consultation services, or similar services, for the development of sites within the Township for clients who are or may be applicants before the Planning Commission. This is not intended to prevent a Planning Commission member from assisting residents, municipalities, or others seeking help from the Planning Commission, which is normally part of a Planning Commission member's duties.

ARTICLE XI

AMENDMENT OF RULES OF PROCEDURE

SECTION 1. These Rules of Procedure, in whole or in part, may be altered, amended, added to or repealed upon the affirmative vote of four or more members of the Planning Commission at any regular or special meeting. Notice of the proposed alteration, amendment, addition or repeal shall be submitted in writing by first-class mail or electronic mail or hand-delivery to all members of the Planning Commission at least 15 days before the regular or special meeting of the Planning Commission at which it is to be considered.

SECTION 2.

A. The article or articles of the Rules of Procedure being amended must be properly recorded in the minutes of the Planning Commission along with the amended article or articles.

B. Any amended replacement page or pages must be prepared for the Rules of Procedure, indicating any previous adoption or revision dates in addition to the current revision date.