



Planning Commission Rules of Procedure – By-Laws

These Planning Commission Rules of Procedure and policies are adopted to acquaint the people of Kingsley Village and persons appearing before the Commission with the operation of the Planning Commission so that matters coming before the Commission can be handled in an understanding, prompt and efficient manner.

SECTION 1 Authority and Jurisdiction:

The Village Planning Commission is established pursuant to the requirement of act 33 of 2008, being the Michigan Planning Enabling Act, as amended, P.A. 285 of 1931, as amended, and the Village of Kingsley Council Resolution which established the Village of Kingsley Planning Commission which will consist of seven members, to be appointed by the Village Council. The Michigan Zoning Enabling Act P.A. 110 of 2006, as amended, provides for county, township, city and village planning, the creation, organization, power and duties of Planning Commission; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act.

SECTION 2 Officers:

A Chairperson, Vice-Chairperson and Secretary shall be elected by majority vote of the members of the Commission every year at the first regular meeting in the month of January and shall hold office for a term of one year or until their successors are selected and assume office.

- A. The Chairperson shall preside at all meetings and shall recommend such committees approved by the Commission as may be authorized by the Commission, and be an ex-officio member of all such committees.

The Chairperson, subject to these rules, shall decide all points of order or procedure unless otherwise directed by a majority vote of the Commission in the session at that time.

- B. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in his or her absence. Should neither the Chairperson nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by a majority vote of the members present.
- C. The secretary shall perform the duties customarily devolving upon such office, including preparation of the agenda, note of meeting, tracking attendance, and keeping the meeting minutes. Copies of minutes shall be distributed to each member of the Planning Commission seven (7) in advance of the next meeting of the Planning Commission. All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the Secretary.

E. Term of office for members other than those holding an office is three years from the date of appointment to office. A request for reappointment must be submitted to the village council by the December meeting prior to the end of the term.

SECTION 3 Meetings:

- A. All regular and special Planning Commission meetings shall be open to the public and comply with the Open Meetings Act.
 - 1. Regular monthly meetings of the Planning Commission will be held the fourth Wednesday at 6:00 p.m. in the Village Community Room.
 - 2. Holiday. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate day in the same month.
- B. Attendance. If any member of the Planning Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Village Council to remove any member for nonperformance of duty. The elected secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Village Council whenever any member of the Planning Commission is absent from three consecutive regularly scheduled meetings, so the Village Council can consider further action allowed under law.
- C. Special Meetings. Special meetings will be held in accord with the provisions of the Open Meetings Act and can be called by the Chairman or a majority of existing members.
- D. Meeting Agenda. Meeting agenda shall be drafted by the Secretary and approved by the Chairperson. The agenda shall be sent to the Commission seven (7) days preceding the meeting. In unusual circumstances, items may be added to the agenda by the Chairperson prior to the approval of the agenda.
- E. Quorum. A quorum of the majority of existing members must be present to constitute an official meeting of the Commission. Public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting. However, public input can be taken from persons attending and written comments recorded with the secretary.
- F. Hearings. All hearings shall be scheduled at the hour the meeting is scheduled to be.

SECTION 4 Votes:

The concurring vote of a majority of members present at a regular or special meeting shall be necessary to pass on any matter referred to them. The adoption of a Master Plan, or of any such part, amendment, extension or addition shall require the concurring vote of the majority of current members of the Planning Commission.

SECTION 5 Procedures:

- A. All inquiries, applications or matters requiring official action by the Commission which is not specifically mentioned below shall be submitted in writing at the Village Office. This must be done at least seven (7) days prior to the meeting of the Commission at which consideration is requested.
- B. Re-zoning, Special Land Use Permit, site plan review, Planned Unit Development, subdivision approval, lot split and alley and street vacationing requests shall be submitted at

- least thirty (30) days prior to the meeting at which consideration is requested. The Secretary at his or her discretion may accept requests with less than 30-day notice, if there is sufficient staff time and if legal notice requirements can be met.
- C. Requests for re-zoning, subdivision approvals, Special Land Use Permits and Planned Unit Developments shall be filed on application forms obtained from the Zoning Administrator.
 - D. All proceedings, decisions and resolutions of the Commission shall be initiated by motion. The vote upon motions, and resolutions may be recorded by roll-call vote. All members, including the Chairperson, may vote on each motion.
 - E. The Planning Commission and/or the Zoning Administrator may require such surveys, plans or other information as may be reasonably required by said Commission for the proper evaluation or consideration of the matter. A letter from the petitioner should be presented to the Commission, which will give full information as to the intentions of the petitioner, as well as a legal and informal description of the property in question.
 - F. In the event that sufficient data has not been furnished, the Commission shall postpone the matter until such time as the required information has been furnished.
 - G. In the event a petitioner requests that his or her item be postponed, after it has been published, noticed and scheduled, the public hearing may be held to allow interested citizens an opportunity to speak to the request, then postponed to a specific future meeting and scheduled in sequence on the agenda.

SECTION 6 Public Hearings:

- A. The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the request. If the applicant or agent is not present, the request may be postponed until the next meeting or dismissed at the discretion of the Commission.
- B. The Planning Commission shall hold a public hearing on any proposed amendment to the Zoning Ordinance or Zoning Map. Official notice for the Planning Commission public hearing shall comply with the requirements and procedures established by the Open Meetings Act and the Zoning Enabling Act P.A. 110 of 2006, as amended.

The Planning Commission shall recommend approval or denial of the amendment, and shall transmit, in writing, this recommendation to the Village Council for official action.
- C. The Planning Commission shall hold a public hearing on any proposed Special Land Use Permit. The official notice of public hearing shall comply with all State and local ordinances. The Planning Commission may recommend denial, approval or approval with conditions after said hearing and notification as provided herein. It's recommendation shall be incorporated in a statement of findings and conclusions specifying the basis for the recommendation and any conditions imposed, which statement shall be transmitted to Village Council for official action.
- D. The chairperson shall call for vote to recess the regular meeting and open the public hearing. At the conclusion of the public hearing, the chairperson shall call for a vote to adjourn the public hearing and open the regular meeting and return to the agenda.
- E. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinance cited in Section 1. Public hearings conducted by the Commission shall be run in an orderly and timely fashion. The following rules of procedure shall apply to the public hearings held by the Commission:

1. Chairperson opens hearing and announces subject.
 2. Chairperson summarizes the procedures/rules to be followed during the hearing.
 3. Applicant presents the main points of application.
 4. Persons speaking in support of the application are recognized.
 5. Persons speaking in opposition to the application are recognized.
 6. Chairperson closes the public hearing and returns to regular/special meeting.
 7. If applicable, the Township Planner/Engineer/ or other consultant presents their report and recommendation.
 8. Commission may ask questions for clarification if necessary.
- F. The Planning Commission will not reconsider any request on which a negative decision has been rendered within one (1) year from the date of the Planning Commission's decision on the request unless it can be shown by the petitioner that substantial new information affecting the request which was not presented to the Commission at the previous hearing(s) is now available and would affect the original decision rendered. Said substantial new information shall be described in writing by the applicant at the time of application. Before re-hearing the request, the Commission shall decide whether there is substantial new information allowing the new hearing.

Section 7 Conflict of Interest:

A. Declaration of Conflict. Commission members shall declare a conflict of interest when any one (1) or more of the following occur:

- (1) A relative or other family member is involved in any request for which the commission is asked to make a decision.
- (2) 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.
- (3) The 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. The Commission shall make a determination by vote regarding the presence of a conflict of interest.
- (4) There is a reasonable appearance of a conflict of interest, as determined by the Commission member declaring such conflict.

B. Requirements. When declaring a conflict, the Commission member shall do all of the following:

- (1) Announce a conflict of interest and state its general nature.
- (2) Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
- (3) Absent himself/herself from the room in which the discussion takes place.

SECTION 8 Amendments:

- A. These rules may be amended or modified provided that such amendment or modification is presented in writing at a meeting and that favorable action by the full membership is taken thereon at a subsequent meeting.
- B. A quorum of the Planning Commission, by due motion and recorded vote, may suspend or vary the application of these rules to a particular application, case, problem, or proceeding pending before the Planning Commission.

These revised Rules of Procedure were adopted at the Regular Meeting for the Planning Commission on September 25th, 2019.