

**BYLAWS OF THE  
VILLAGE OF BEVERLY HILLS  
PLANNING COMMISSION**

**ARTICLE I – PREAMBLE**

**SECTION 1 – CREATION OF COMMISSION**

Pursuant to the Michigan Planning Enabling Act (Act 33 of the Public Acts of 2008, as amended) and the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended), the Beverly Hills Village Council created the Beverly Hills Planning Commission by Ordinance (Chapter 21 of the Village Code) with power to make, adopt, extend, add to, or otherwise amend, and to carry out plans for lands within the boundaries of the Village.

**SECTION 2 – TITLE OF COMMISSION**

The official title of this Commission shall be the Village of Beverly Hills Planning Commission, hereafter referred to as the "Planning Commission".

**ARTICLE II – AREA**

The area served by the Planning Commission shall include all lands legally within the corporate limits of the Village of Beverly Hills, Oakland County, Michigan, as now or hereafter established.

**ARTICLE III – DUTIES**

**SECTION 1 - AUTHORITY**

In accordance with Section 11 of the Michigan Planning Enabling Act, Act 33 of 2008, the Planning Commission has been designated to receive all powers, duties, and responsibilities provided by the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

**SECTION 2 – DUTIES**

The Planning Commission shall perform the following duties:

- A. Take such action on petitions, staff proposals, Village Council and Zoning Board of Appeals 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 Plan, as required.
- C. Prepare an Annual Report to the Village Council.
- D. Take such actions as are required by the Michigan Zoning Enabling Act, Act 110 of the Michigan Public Acts of 2006, as amended.
- E. Review development proposals and recommend appropriate actions to the Village Council.
- F. 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.
- G. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of Planning Commissioner and for which appropriations of funds have been approved by the Village Council, as needed.
- H. Hold an annual joint meeting with the Village Council, typically the 2<sup>nd</sup> Wednesday in February.

## **ARTICLE IV - MEMBERSHIP**

### **SECTION 1 - COMPOSITION**

- A. The Planning Commission shall be composed of nine (9) members appointed by the Village Council. All members shall be qualified electors of the Village of Beverly Hills.
- B. The Village President, Village Manager, and one or more members of the Village Council may be appointed as ex officio members, provided not more than one-third of the Commission members may be ex officio members.
- C. Members shall be appointed for a period of three (3) years from July 1<sup>st</sup> of the year in which the member is appointed.

### **SECTION 2 - VACANCY**

In the event of a vacancy on the Planning Commission, a successor shall be appointed by Village Council as soon as is reasonably possible. Vacancies for unexpired terms shall be filled for the remainder of the term.

### **SECTION 3 – ABSENCES, REMOVAL, RESIGNATION**

- A. In order to be excused, members of the Planning Commission shall notify the Planning Commission Chairperson, or other Planning Commission member when they intend to be absent from the following meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members of the Planning Commission may be removed by the Village Council, after a public hearing, for misfeasance, nonfeasance or malfeasance. Failure to disclose a conflict of interest shall constitute malfeasance in office.
- C. A member may resign from the Planning Commission by sending a letter of resignation to the Village President, Village Council, the Planning Commission Chairperson, or the Village Manager.

### **SECTION 4 – PROFESSIONAL CONSULTANTS**

- A. The Planning Commission shall be assisted by the Planning and Zoning Administrator and such consultants as it may deem necessary, including, but not limited to, those for Planning, Engineering, and Legal assistance, in the performance of the duties of the Planning Commission, as noted in Article III.
- B. The Planning and Zoning Administrator and consultants shall be responsible for the professional and administrative work in coordinating the functions of the Planning Commission.
- C. The Planning and Zoning Administrator shall:
  - (1) Supervise and review the work of consultants and other Village staff.
  - (2) Accept applications for matters to be reviewed by the Planning Commission and ensure that such applications are complete.
  - (3) Forward agenda packets to the Planning Commission approximately one (1) week prior to the meeting at which such matters will be considered.
  - (4) Inform the Planning Commission of administrative and enforcement actions taken on behalf of the Village related to the Zoning Ordinance or other appropriate Ordinance, as needed.
- D. Consultants shall perform the following duties, as directed by the Planning and Zoning Administrator, Planning Commission, Village Council, or Village Manager:
  - (1) Attend Planning Commission meetings as requested.

- (2) Consult with the Planning Commission, Planning and Zoning Administrator, and other Village officials concerning interpretation, procedural questions, and other matters arising from the Zoning Ordinance.
- (3) Prepare amendments to the Zoning Ordinance as directed by the Planning Commission.
- (4) Prepare and forward to the Planning and Zoning Administrator written reviews and recommendations, if appropriate, for requests and development proposals to be considered by the Planning Commission.
- (5) Meet with applicants, their representatives, and/or Village officials, as needed to properly perform project reviews.
- (6) Perform other duties as directed by the Village.

## **SECTION 5 – TRAINING**

Each new member shall complete an introductory planning and zoning course, offered by the Michigan Association of Planning, Michigan State University Extension or other qualified provider, within 6 months of appointment.

## **ARTICLE V – OFFICERS**

### **SECTION 1 – ELECTION**

At its first regularly scheduled meeting in the month of July, the Planning Commission shall elect from its members, a Chairperson, Vice-Chairperson, and Secretary.

The term of all officers shall be (1) one year, beginning in July, and each officer shall be eligible for reelection. Officers shall be elected by a majority vote of the membership of the Planning Commission following a nomination accepted by that member.

### **SECTION 2 – CHAIRPERSON DUTIES**

The Chairperson shall preside at all meetings of the Planning Commission and shall conduct all meetings in accordance with the bylaws adopted herein. The Chairperson shall recognize members of the audience during the audience comments and during public hearings, and may also recognize members of the audience during other agenda items at the Chairperson's discretion.

### **SECTION 3 – VICE-CHAIRPERSON DUTIES**

In the absence of the Chairperson, or in the event of a conflict of interest, the Vice-Chairperson shall preside and otherwise carry out the duties of the Chairperson in the Chairperson's absence and shall succeed to the office of Chairperson in the event of a vacancy in the office. In which case, the Planning Commission shall select a successor to the office of Vice-Chairperson at the earliest practical time. In the absence of both the Chairperson and Vice-Chairperson, the Secretary shall preside.

### **SECTION 4 – SECRETARY DUTIES**

The Secretary shall attend all meetings of the Planning Commission and shall be responsible for the review of minutes pertaining to meetings. In the event the Secretary is absent from a meeting, the Chairperson shall review the minutes.

### **SECTION 5 – TERM OF OFFICE**

The officers shall take office at the meeting of their election.

## **ARTICLE VI - MEETINGS**

### **SECTION 1 – MEETING DATES**

Regular meetings shall be held on the fourth Wednesday of each month, unless a date falls on or near a holiday.

The Planning Commission shall determine alternate dates for regular meetings that conflict with a holiday. Notice of all meetings shall be posted at Village Offices. Meeting notices shall include the date, time, and place of all regularly scheduled meetings. Any changes in the date, time, or location of the regular meetings shall be posted in a like manner as above.

### **SECTION 2 – ORDER OF BUSINESS**

The order of business for regular meetings shall be:

1. Call to order by the Chairperson
2. Roll call
3. Approval of the agenda
4. Approval of the minutes of the previous meeting(s)
5. Public comments on non-agenda items
6. Public hearings
7. Old business
8. New business
9. Additional opportunity for public comment
10. Council liaison comments
11. Administration comments
12. Commissioner comments
13. Adjournment

This order of business may be revised by a majority vote of the members present.

### **SECTION 4 – QUORUM**

In order for the Planning Commission to conduct business or take any official action, a quorum consisting of at least five (5) members shall be present. When a quorum is not present, no official action, except for rescheduling and closing of the meeting, may take place. The members of the Planning Commission may discuss matters of interest without a quorum, but may not take any action. Public hearings without a quorum may be rescheduled for the next regular or special meeting in compliance with the Michigan Open Meetings Act.

### **SECTION 5 – PUBLIC HEARINGS**

- A. Hearings shall be scheduled, and due notice given in accordance with the provisions of the acts and ordinances cited in Article 1, Section 1, above.
- B. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion.
- C. Unless otherwise stated by the Chairperson prior to opening a public hearing, speakers shall be limited to presentations of not more than 5 minutes per person. Audience members may not distribute their allotted time to another. The Chairperson may allow an audience member to speak a second time only after all other audience members have been given the opportunity to speak.

## **SECTION 6 – MOTIONS**

Motions may be restated by the Chairperson or designated person, at the request of any member of the Planning Commission, before a vote is taken. The name of the maker and supporter of the motion, as well as the corresponding votes shall be recorded.

## **SECTION 7 – DECISIONS**

Upon request, a written notice containing the decision of the Planning Commission will be sent by the Village Clerk's office to petitioner(s) and originator(s) of any request.

## **ARTICLE VII – CONFLICT OF INTEREST**

- A. Planning Commission members shall declare a Conflict of Interest 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 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 when;
  - (4) there is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring the conflict.
- B. Planning Commission members declaring a conflict shall not make any presentations to the Planning Commission, either as a representative of the proposal or as an individual citizen.
- C. When declaring a conflict, the Planning Commission member shall:
- (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; and
  - (3) recuse her/himself from the room in which the discussion takes place.

## **ARTICLE VIII – MINUTES**

Planning Commission minutes shall include, but not be limited to, the requirements of the Open Meetings Act.

## **ARTICLE IX - OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS**

- A. All meetings shall be held in accordance with the requirements of the State Open Meetings Act.
- B. Any person shall be permitted to address the Planning Commission concerning non-agenda matters, during public hearings, and/or after the conclusion of business items.
- C. All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

## **ARTICLE X - FISCAL YEAR**

The fiscal year of the Planning Commission shall be the same as that of the Village of Beverly Hills.

### **ARTICLE XI – AMENDMENTS**

The bylaws may be amended, by an affirmative vote of five (5) members of the Planning Commission at any regular meeting provided that notice of the proposed amendment shall be delivered to all members of the Planning Commission at least seven (7) days before the regular meeting at which they are to be considered.

### **ARTICLE XII - PARLIAMENTARY PRACTICE**

For meetings of the Planning Commission and the advisory committees, the rules of parliamentary practice as set forth in the most current edition of "Roberts' Rules of Order" shall govern in all cases in which they are not inconsistent with these bylaws and not contrary to any existing laws of the State of Michigan.

### **ARTICLE XIII - EFFECTIVE DATE**

Adopted the 22 day of August, 2018.

Motion by Borowski, second by Westerlund, to adopt the foregoing bylaws.

Ayes: 8

Nays: 0

Members Absent: 1