

Whitewater Township Planning Commission Bylaws

Adoption Date: December 3, 2025

The following rules of procedure are hereby adopted by the Whitewater Township Planning 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.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

SECTION 1: MEMBERSHIP

- A. **Membership Size** - The Planning Commission (PC) shall consist of seven (7) members.
- B. **Membership Terms of Office** – Members are appointed by the Township Supervisor for staggered three-year terms with the approval of the Township Board and expire December 31. Members are expected to take the Oath of Office and serve until their term expires and a successor has been appointed as provided above.
- C. **Membership Departure** - Members who are unable or unwilling to serve the entire terms for which they were appointed or who do not wish to be considered for reappointment shall provide sixty (60) days advance written notice of that fact to the Township Supervisor so that a successor may be appointed and approved in a timely manner that does not require the PC to function with less than the seven (7) members provided.
- D. **Membership Qualification** - All members shall be qualified electors of the Township of Whitewater, except that one member may be a non-qualified elector.
- E. **Membership Representation** - Membership shall be representative of the important segments of the community including:
 - 1. Agriculture
 - 2. Natural Resources/Environmental
 - 3. Recreation
 - 4. Education
 - 5. Public Health/Safety
 - 6. Government
 - 7. Transportation
 - 8. Industry
 - 9. Commerce
 - 10. Waterfront Owner
 - 11. Building Trades
 - 12. Resident at Large
- F. **Township Board Representation** – One member of the Township Board shall serve as a member of the PC. His/her term shall coincide with their term of office on the Whitewater Township Board of Trustees. The Township Supervisor is ineligible to serve in this capacity. As a Township Board representative, he or she shall prepare and share a report on PC activities at Board meetings, and shall act as a primary liaison between the PC and the Board. The Township Board representative shall also present proposed PC action items at Township Board

meetings for consideration. The Township Board representative may not serve as an officer of the PC. The Township Board representative shall also inform the PC of Township Board activities, actions, and goals.

- G. Zoning Board of Appeals Representation** – The Michigan Zoning Enabling Act requires Townships that enact a zoning ordinance to have a Zoning Board of Appeals (ZBA). The ZBA is responsible for ruling on appeals of administrative decisions and zoning ordinance requirements. The processes are explained in the ZBA handbook published by the Michigan Municipal League, and in the Whitewater Township Zoning Ordinance itself. One member of the PC shall be appointed by the supervisor to serve as a member of the (ZBA). His/her term shall coincide with their appointment to the PC. The PC chair shall provide the supervisor with a recommendation for appointment following consultation with the PC membership. The PC member reports to the ZBA on relevant PC actions, proposed ordinances and, developments etc..., and responds to questions regarding the spirit and intent of ordinances. The PC member reports back to the PC on ZBA decisions and any issues the ZBA would like assistance on.
- H. Meeting Participation** - The Township Attorney, Planner, Zoning Administrator and any township planning staff shall have the ability to participate in discussions of the PC as they deliberate on agenda items during meetings.
- I. Zoning Administrator** - The Zoning Administrator shall carry out all responsibilities associated with an employment contract, or job description (if an employee). Such responsibilities should include assisting with the development of the PC annual report, preparation of required legal notices and preparation of materials needed to support development-related PC action items.
- J. Planner** - Subject to applicable contractual terms, the Planner may assist with updates to the Master Plan and zoning ordinance amendments. The Planner may also assist with independent reviews of development-related PC action items (special use approvals, site plans, etc...).

SECTION 2: OFFICERS

- A. Selection and Tenure** - At the first regular meeting each January, the PC shall select a Chairperson, Vice Chairperson and Secretary. All officers shall serve a term of one year and shall be eligible for re-election for consecutive terms for the same office. The newly elected officers shall assume their responsibilities at the next regular meeting. If due to unforeseen circumstances, the PC is unable to elect officers at the January meeting, those officers whose terms as officers have expired and who remain as active members of the PC shall continue their services as officers until elections are held.
- B. Chairperson** - The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the PC, including recommending the ZBA Representative to the Township Board when a vacancy occurs. Other roles and responsibilities include:
 - 1. Preside at all meetings
 - 2. Appoint committees
 - 3. Agenda creation and submission
 - 4. Inform Clerk of any necessary meeting date and/or time changes within 48 hours of known change
 - 5. Create Action Item list and distribute within 72 business hours of meeting to PC members

- C. **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 PC shall select a successor to the office of Vice Chairperson for the unexpired term.
- D. **Secretary** - The Secretary shall execute documents in the name of the PC and shall perform such other duties as the PC may determine. The Secretary may be assisted by a Recording Secretary and/or the Zoning Administrator in the performance of his/her duties. Other roles and responsibilities include:
 - 1. Ensure hall setup is complete 5 minutes prior to meeting start time (mics checked, name tags, recording equipment, Zoom, chairs, tables, etc.)
 - 2. Conduct Roll Calls
 - 3. Monitor zoom & equipment
 - 4. Take notes
 - 5. Assist with meeting packet organization and posting in a timely manner.

SECTION 3: MEETINGS

The business the PC may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The PC may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. **Regular Meetings** – Meetings of the PC shall be held on the First Wednesday of each month. All meetings shall take place at Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690 at 7:00 P.M. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the PC shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular PC meetings shall be posted at Township Hall each year in accordance with the Open Meetings Act and on the township website.

- B. **Special Meetings** - Special meetings may be called by the Chairperson or upon written request to the secretary by at least two members of the PC. Notice of special meetings shall be given to the members of the PC at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.
- C. **Notice** - Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land Division Act, or other applicable statute. All PC agendas and notices will be posted on the Township website, whitewatertownship.org. and in all other Township designated locations.
- D. **Public Hearings** – Public Hearings must be held with required notice as part of a regularly scheduled PC meeting or may be held as part of a special meeting of the PC. Public hearings required by the Zoning Ordinance as part of the approval process (i.e., Special Use, Major Home Occupations, etc.) may be scheduled by the Zoning Administrator to occur at regularly scheduled PC meeting with required notice.
- E. **Agenda** – Per, Section 2B above, the chairperson is responsible for preparing a tentative agenda, with assistance from the Zoning Administrator and/or Recording Secretary, if requested. The agenda may be modified by quorum of the PC. The PC may only take action on items that appear on the agenda.

- F. Quorum** - Four (4) members of the PC shall constitute a quorum for transacting business and taking official action for all matters with the exception of Master Plan adoption or amendments (see G below).
- G. Voting** - An affirmative vote of 2/3 of the members of the PC is required to recommend approval of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the PC may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any PC member or directed by the chairperson. Except in the case of conflict of interest, all PC members, including the Chairperson and ex officio member, shall vote on all matters.
- H. Public Records** - All meetings, minutes, records, documents, correspondence and other materials of the PC shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- I. Parliamentary Procedure** – Parliamentary procedure in PC meetings shall be governed by Roberts Rules of Order.
- J. Subcommittees** - The PC may establish subcommittees to aid in conducting business as described below. All subcommittees are advisory in nature and only capable of making recommendations to the full PC.
1. **Executive Subcommittee:** An Executive Committee consisting of the Chair, Vice-Chair, and Secretary of the PC may consider matters related to budgets, contracts, and similar administrative items and draft a report containing recommendations as to those items. The report shall be presented to the entire PC, who may amend, adopt, or veto the recommendation contained therein.
 2. **Ad Hoc Subcommittees:** The PC may establish and appoint members and other individuals to ad hoc subcommittees for purposes related to the duties of the PC. A new subcommittee may be formed when the PC identifies an issue that needs attention, substantial discussion, or investigation. Each subcommittee shall be titled to ensure notices, agendas, packets, payments, and documentation can be easily identified. This will also help delineate if the subcommittee is advisory and only capable of making recommendations concerning a particular subject matter.
 - a. **Chair and Report:** Each subcommittee shall appoint a chair, who shall be responsible for drafting and submitting a report to the PC included in the PC Regular Meeting packet, summarizing the subcommittee's findings and recommendations. The subcommittee chair must be a member of the PC. All subcommittees serve the entire PC, and the recommendations offered to the PC are subject to review, amendment, or veto.
 - b. **Ad Hoc Membership:** The size of a subcommittee can vary as the PC deems fit. Subcommittees can be made up of both PC members and individuals who are not PC members. However, at no time shall a quorum of PC members serve on an ad hoc subcommittee.
- 3. Subcommittee Operation:**
- a. The subcommittee chairperson shall conduct the meeting, and a quorum shall consist of at least half of the total membership of the subcommittee.

- b. Subcommittee meetings are not “meetings” under the Michigan Open Meetings Act, MCL 15.261 et seq.
- c. Motions are adopted by a majority vote of the members present and voting with a quorum present. Only subcommittee members physically present at a meeting are eligible to cast a vote.
- d. If any subcommittee member is absent for three consecutively scheduled meetings, the PC may remove such member from the subcommittee.
- e. Minutes of meetings shall be prepared in the same format used by the PC and filed in the same manner as PC minutes.
- f. Subcommittee meetings are open meetings for public attendance and participation, and minutes of the meetings are to be available for public inspection. Subcommittee meetings may be open for public attendance and participation via videoconference software, such as Zoom.
- g. Subcommittee members, including residents, may be paid according to the salary and wage schedule adopted by the Township Board. Non-PC members on a subcommittee must complete payroll paperwork with the Clerk before payments are processed.

SECTION 4: DUTIES OF THE PC

The PC shall perform the following duties:

- A.** Prepare, review, and update a master plan as a guide for development within the Township’s planning jurisdiction.
- 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.** At the beginning of each year the Chairperson shall appoint one member of the PC to prepare an annual written report of the PC’s accomplishments, development and planning activities for the Township Board. As required by the Michigan Planning Enabling Act, this report will include the status of planning activities, including recommendations regarding actions by the Township Board. This report will be presented to the PC for approval before presentation to the Township Board.
- E.** Take such actions as authorized or required by the Michigan Planning Enabling Act.
- F.** Take such actions as authorized or required by the Michigan Zoning Enabling Act, and Whitewater Township Zoning Ordinance.
- G.** Review, approve and submit an annual budget to the Supervisor, on or before the first Township Board meeting in January of each year.
- H.** Perform other duties and responsibilities or respond as requested by any Township Board or Commission.

SECTION 5: ABSENCES AND REMOVALS

- A.** To be excused, members of the PC shall notify the PC Chairperson, or Township Staff when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B.** Members may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C.** Following three consecutive absences or six within any 12-month period, the PC Chairperson shall present to the Township Board a recommendation for dismissal or continued service of a member.

SECTION 6: CONFLICT OF INTEREST

During the Declaration of Conflict of Interest portion of the agenda, PC member(s) shall disclose the potential conflict of interest to the full PC membership. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

Conflict of interest is defined as, and a PC member shall declare a conflict of interest and abstain from participating in PC deliberations and voting on a request, when:

- A.** An immediate family member is involved in any request for which the PC is asked to make a decision. "Immediate family member" is defined as a spouse, mother, father, sister, brother, son, or daughter, including an adopted child.
- B.** The PC 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.
- C.** The PC member owns, or has a financial interest in, property that is required to receive a notice of a public hearing as required by the Whitewater Township Zoning Ordinance on an application under consideration by the PC. A financial interest is herein defined as an ownership stake in an equity security or debt security issued by an entity, including the rights and obligations to acquire such an interest.
- D.** These guidelines shall be superseded when the "rule of necessity"¹ is invoked.

If there is a question whether a conflict of interest exists or not, the question shall be put before the PC. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the PC.

In the event that a conflict is declared, the member shall remove themselves from the meeting table until the agenda item is concluded.

¹ A common-law rule under which a judge even though s/he has an interest in the case has a duty to hear and decide the case if it cannot otherwise be heard. In short, this rule allows a judge or planning commission member to hear a case despite bias or conflict of interest when disqualification would result in a lack of any competent court or tribunal to take action. This is necessary as otherwise some litigants may be denied their right to a forum or resolution of the crucial matter. Source: American Bar Association; Comment on Rule 2.11 (3).

SECTION 7: COMPENSATION

PC members will receive compensation on a per meeting basis as determined by the Township of Whitewater Board of Trustees. PC members may receive reimbursement for travel and expenses with recommendation by the PC and approval by the Township Board.

SECTION 8: EDUCATION

- A. New Members within the first year must complete the following training.
 - 1. Citizen Planner
- B. New members within the first year make themselves familiar with the following publications that will be provided
 - 1. Whitewater Township Planning Commission By-Laws
 - 2. The Michigan Planning Enabling Act (33 PA 2008, MCL 125.3801 et seq.)
 - 3. Authorities and Responsibilities of Michigan Townships
 - 4. The Township Guide to Planning & Zoning
 - 5. Township Planning & Zoning Decision-making
 - 6. Current Whitewater Township Master Plan
 - 7. Whitewater Township Planning Commission Ordinances
 - 8. Whitewater Township Zoning Ordinance as amended
 - 9. Development-related Whitewater Township General Ordinances such as Gen. Ord., 42 –
 - 10. Whitewater Township Planning Commission and Gen. Ord. 26 - Land Division Ordinance.
- C. Continuing education. Training may be provided when available at regular meetings. Additional training from professional or educational organizations is also encouraged.
 - 1. Members shall complete one training/educational program each year. (not including the training for new members)

SECTION 9: ORDER OF BUSINESS

The order of business shall be as follows:

- 1. Mic Check, Call to Order/Pledge of Allegiance
- 2. Roll Call of PC Members
- 3. Set/Adjust Meeting Agenda
- 4. Declaration of Conflict of Interest pertinent to agenda items
- 5. Public Comment – Any person shall be permitted to address a meeting of the PC. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the PC, with questions directed to the Chair.
 - b. Any person wishing to address the PC shall speak from the lectern (or use raise hand feature if Zoom is being utilized) and state his/her name and address.
 - c. Persons may address the PC on matters that are relevant to Township planning and zoning issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer a PC members' questions.

- e. Public comment shall be limited to 3 minutes per person.
 - f. In order to avoid unscheduled debates, the PC generally will not comment or respond to public comment. Silence or non-response from the PC should not be interpreted as disinterest.
6. Public Hearing
- a. Open public hearing/ state time.
 - b. Request those attending sign attendance sheet.
 - c. State date of public hearing notice publication and newspaper published in.
 - d. State purpose of public hearing.
 - e. Brief Introductory Presentation (Zoning Admin. Planner, Applicant/Agent, etc.).
 - f. Read any written comments received.
 - g. Receive public comment.
 - h. Close public hearing/state time.

Questions shall be addressed through the Chair during the public hearing. PC discussion and action shall take place after the public hearing is closed. Action may also take place at a subsequent PC meeting.

- 7. Approval of Minutes of Previous Meeting(s)
- 8. Correspondence
- 9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator
 - b. Chair
 - c. Township Board Representative
 - d. ZBA Representative
 - e. Committee Reports
 - f. Additional Items
- 10. Unfinished Business
- 11. New Business
- 12. Next Meeting Agenda (Review action items, due dates, meeting date/time)
- 13. Public Comment
- 14. PC Discussion/Comments
- 15. Continuing Education (5-15 minutes at each meeting)
- 16. Adjournment

SECTION 10: EX-PARTE COMMUNICATIONS

Pursuant to the Open Meetings Act, a “meeting” is any gathering of a quorum of members of a governmental body to discuss, or take action on, official business or policy. The term “meeting” also applies to information-gathering and fact-finding sessions at any location where a quorum of members is present and discussions include a public business item. All meetings must be properly noticed and advertised pursuant to the Open Meetings Act.

Members of the PC may not email, text or engage in other forms of electronic communication during, or outside of formal meetings for the purpose of sharing information or asking questions related to any

action item. Additionally, it is the policy of the PC to not take part in meetings of three or more PC members at any location with an applicant to discuss a pending action item. Such communication may constitute deliberations toward decision-making or an actual decision.

SECTION 11: SUBMITTAL DEADLINES

To facilitate timely action on agenda items, it is the policy of the PC to require complete applications, applicable fees and related supporting material to be submitted to the Zoning Administrator no less than ten working days before a scheduled PC meeting. This provides time to review material, determine its completeness, place it on the meeting agenda and include all relevant materials in the meeting packet. If changes, updates, or additional information related to application for an action item is provided less than ten working days before a PC meeting, the PC reserves the right to defer consideration of such additional or updated material to a subsequent meeting.

SECTION 12: MEETING PACKETS

To ensure that PC members and the public have adequate time to review the agenda, and supporting materials for an upcoming meeting, the PC will aim toward making meeting packets available by the close of business on the day that is one week before the meeting. Pursuant to Section 3A above, the packet should be available by 5 PM on the prior Wednesday.

SECTION 13: AMENDMENTS

These bylaws may be amended at any time following a recommendation of the majority of the membership of the PC and subsequent notification to the Township Board. It is the policy of the PC to review these by-laws in January of each year and thereafter, make necessary changes to maintain a relevant and useful set of rules of conduct and practice.

By-Laws Change Record

12-03-2025 PC Meeting

FROM:

- D. Public Hearings** - All public hearings held by the PC must be held as part of a regular or special meeting of the PC.
1. Public Hearings that will result in the consideration of amending the Zoning Ordinance text or map shall be set by motion of the PC.
 2. Public Hearings that are required for site plan and/or special use consideration may be set in accordance with the PC regular schedule by the Zoning Administrator.

TO:

- D. Public Hearings** – Public Hearings must be held with required notice as part of a regularly scheduled PC meeting or may be held as part of a special meeting of the PC. Public hearings required by the Zoning Ordinance as part of the approval process (i.e., Special Use, Major Home Occupations, etc.) may be scheduled by the Zoning Administrator to occur at regularly scheduled PC meeting with required notice.