

**ALLENDALE CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

April 3, 2023

7:00 p.m.

Allendale Township Public Meeting Room

1. Call the Meeting to Order
2. Roll Call
3. Communications and Correspondence:
4. Approval of the March 20, 2023 Planning Commission Minutes
5. Approval of the Agenda
6. Public Comments for *non-public hearing items*
7. Public Hearings:
8. Site Plan Review:
9. New Business:
10. Old Business:
 - A. Discussion of Text Amendments
 - Section 23.08F2ci & Section 23.08H – Removal of Topsoil, Sand, Gravel, or Other Materials
 - Outdoor Wood Boilers
 - Residential Planned Unit Development Open Space
 - Master Plan references
 - Section 2.01 – Purpose
 - Section 3.01 – Effect of Zoning
 - Section 12.06A & Section 12.06B – Development Requirements for PUD's with Residential Uses
 - B. Planning Commission By-laws
11. Public Comments
12. Township Board Reports
13. Commissioner and Staff Comments
14. Adjourn

Next meeting April 17, 2023 at 7:00 p.m.



**ALLENDALE CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

March 20, 2023

7:00 p.m.

Allendale Township Public Meeting Room

1. Call the Meeting to Order
2. Roll Call:
Present: Adams, Westerling, Nadda, Jacquot, Zeinstra
Absent: Zuniga, 1 vacant seat
Staff and Guests Present: Planner Greg Ransford, Bob Chapin
3. Communications and Correspondence: None
4. Motion by Jacquot to approve the March 6, 2023, Planning Commission Minutes as presented.
Seconded by Zeinstra. **Approved 5-0**
5. Motion by Adams to approve the March 20, 2023, Planning Commission Agenda as presented.
Seconded by Nadda. **Approved 5-0**
6. Public Comments for *non-public hearing item*:

Chairperson Adams opened the public comment section for non-public hearing items.

Bob Chapin, a resident of Allendale, listed some outdoor venues in the area outside of Allendale. Mr. Chapin also thanked the Planning Commission for putting this issue on the agenda for discussion.

Seeing no more comments, Chairperson Adams closed the public comment section.

7. Public Hearings: None
8. Site Plan Review: None
9. New Business:

A. Outdoor Venue discussion

Planner Ransford reviewed his memo regarding this discussion item.

Commissioners discussed the definition of an Outdoor Venue and if there are other townships that have ordinance language regarding Outdoor Venues. They also discussed the possible zone that this could go in, and whether to add it as a special use.

Commissioners directed Planner Ransford to begin to do research and bring sample language regarding Outdoor Venues.

B. Work Program

- Mining Operations
 - Consider requiring resulting lots to possess the ability to appropriately accommodate septic systems that will experience longevity
 - Minimum Provisions

Planner Ransford introduced the discussion.

Commissioners discussed the possibility of language regulating this, but State law regulates what the Planning Commission can do and require. Commissioners would like to see language to require sand mining applicants that show future use as residential to provide proof that the septic systems will be sustainable.

Planner Ransford was directed to draft language regarding the resulting septic systems after mining operations are complete, but the Commissioners also opined that he groups it with other zoning ordinance changes as time allows. Commissioners also directed Planner Ransford to look at language to regulate outdoor furnaces.

- Update Planning Commission Bylaws
 - Meeting date and time

Planner Ransford reviewed the reasoning behind updating the Bylaws.

Commissioners directed Planner Ransford to update the date and meeting time to state 1st and 3rd Mondays of the month and change the time to be 7:00 p.m.

The Commissioners also discussed removing items from the Bylaws such as taking out Section 3.10 Order of Business and Section 10 Public Hearing Procedure.

Commissioners directed Planner Ransford to go through the Bylaws and suggest revisions to the Commission.

C. Text Amendment Discussion

- Master Plan reference updates

Planner Ransford reviewed his memo regarding possible Zoning Ordinance amendments to align the Zoning Ordinance with the Master Plan.

Commissioners discussed Open Space requirements for developments and language for a minimum requirement for open space. Planner Ransford will provide sample language for regulating Open Space requirements and proceed with language for the Master Plan reference updates.

10. Old Business: None

11. Public Comments:

Chairperson Adams, seeing no public present, opened and closed the public comment section.

12. Township Board Reports:

Mr. Zeinstra reported that the Board approved the Final Preliminary Plat for Pearline Estates and the Site Plan for Hidden Shores West Phase 4. The Board also approved a new company that will allow the Township to collect payments with credit cards. He also stated that the Board discussed strategic planning and future park planning. Mr. Zeinstra also brought up the lights on the fire station and was told that someone will investigate.

13. Commissioner and Staff Comments:

Mr. Adams informed the Commission that there is fugitive dust coming from the new sand pit located at Pierce and 92nd.

Mr. Jacquot had a question regarding the house that is going to be removed from the Centennial Farms property and when that would happen.

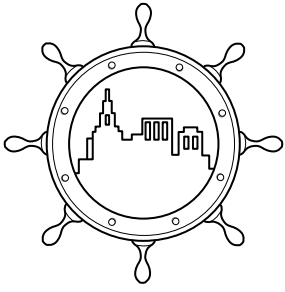
Mr. Nadda asked about any updates for the Aldi or Tommy's projects. Mr. Ransford said that they are moving forward.

Mr. Ransford noted that he would be away for the next meeting and that Mr. Yeomans will be attending in his place.

14. Chairperson Adams adjourned the meeting at 8:50 p.m.

Next meeting April 3, 2023, at 7:00 p.m.

Minutes respectfully submitted by Kelli McGovern



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MEMORANDUM

To: Allendale Charter Township Planning Commission
From: Gregory L. Ransford, MPA 
Date: March 28, 2023
Re: Zoning Ordinance Text Amendment Discussion

Pursuant to your direction at your March 20, 2023 meeting, attached are draft revisions to various sections of the Allendale Charter Township Zoning Ordinance (ACTZO) pursuant to your Work Program and our recommendation to update the ACTZO regarding Master Plan references. In addition, attached are examples of ordinance language for residential open space in Planned Unit Developments (PUD) and Outdoor Wood Boilers.

As you will recall, you directed us to perform the following. These are presented in the order they appear within the revisions document.

- Section 23.08 – Require evidence that the intended end use is viable on the resulting soils following completion of the mining activity
- Outdoor Wood Boilers – While the sample language for Outdoor Wood Boilers is from Tallmadge Charter Township and you had not yet reviewed the same, we added language to their provisions, as directed by you, to prohibit Outdoor Wood Boilers in traditional neighborhoods so that you could review how the language might read.
- Residential Open Space in PUDs – No revisions were requested since you had not yet seen the language.
- Master Plan References – revise as shown within our previous memorandum.
 - Section 12.06 – Revision details were not provided within our previous memorandum, however, we believe the proposed revisions are self-explanatory

Outdoor Venues

Unfortunately, our research regarding Outdoor Venue language has led to little sample language to provide for you review. We suspect this is because such a use is rare and/or communities do not create language specific to such a use other than the zoning district(s) in which it is permitted.

Given our research limitations, we have reached out to our West Michigan colleagues as well to inquire whether any of their communities have language in this regard. Doing so has delayed returning this matter to your agenda. We anticipate having that information for your next meeting.

For all of the draft language, proposed additions are shown in bold text and proposed deletions are shown in strikethrough text. The draft revisions have been scheduled as a discussion item at your March 20, 2023 meeting. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Adam Elenbaas, Supervisor

Section 23.08 – Removal of Topsoil, Sand, Gravel, or Other Minerals

F2ci (Provide a separate reclamation plan which illustrates:)

The condition of the site after completion of all mining activities demonstrating that it can be used for its intended purpose as recommended in the Township Master Plan or as currently zoned. **This demonstration shall include evidence that the resulting soils can support the necessary infrastructure to create buildable lots pursuant to the zoning district or Master Plan Classification identified for the site.**

H. Compliance with reclamation plan.

Upon the expiration of the mineral mining special land use permit the applicant shall provide to the Township Zoning Administrator a certification from a registered civil engineer, landscape architect or registered land surveyor that the site has been restored in conformance with the approved reclamation plan and may consult with the Township Engineer. Any costs incurred by the Township for such engineering services shall be paid for by the applicant.

If the reclamation of the site is determined to comply with the approved reclamation plan the Zoning Administrator shall issue a letter of approval to the applicant and void the letter of credit or performance bond as required by Section 23.08.G.5 herein.

If the reclamation of the site is not in accordance with the approved reclamation plan the Zoning Administrator shall require the applicant to take the necessary measures to achieve compliance or the Zoning Administrator shall have the right to use the security proceeds to the extent necessary to reclaim the property and to comply with all other Ordinance requirements. The applicant may request approval from the Planning Commission for a modification of the reclamation plan.

The Commission may approve the modification if it determines that the proposed modification substantially complies with the approved reclamation plan or that circumstances relating to the physical features of the site prevented compliance with the approved reclamation plan but that the modified reclamation plan still allows the site to be used **in accordance with the uses recommended by the Township Master Plan.**

Outdoor Wood Boiler – Tallmadge Charter Township [EXAMPLE]

Definitions

Green wood – any branch, trunk, limb, or other component of a tree that has not been cut and then seasoned in a stack accessible to air and dried for a period of at least nine (9) months; does not have a gray, weathered appearance; does not have cracks in the ends; and does not have a moisture content below twenty-five percent (25%).

Outdoor wood boiler (OWB) – any equipment or device which is installed or established outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

Regulating Language

Section 5 Outdoor Wood Boilers.

- 5.1 No person shall erect or install any outdoor wood boiler (OWB) on any residentially or agriculturally used property, according to the Tallmadge Charter Township Zoning Ordinance (the “Zoning Ordinance”), without obtaining any permits required by any other State law or ordinance including, but not limited to, mechanical permit, zoning permit, etc. OWBs are prohibited on commercially or industrially used or zoned properties according to the Zoning Ordinance. **Further OWBs are prohibited within a residential Planned Unit Development, or on any lot within a residential plat, site condominium, or condominium.**
- 5.2 OWBs shall have a minimum smoke stack, chimney, or exhaust pipe height of at least two (2) feet above the highest intake vent or window, whichever is higher, of any dwelling that is within one hundred fifty (150) feet of the OWB and is located on a separate lot.
- 5.3 All OWBs shall be limited to use only natural untreated wood products or corn pellets as fuel. Further, the following are strictly prohibited to be used as fuel:
- a. Processed wood products and other non-wood products not permitted by the OWB manufacturer;
 - b. Garbage, trash, or other waste material;
 - c. Painted or treated wood, particle board, plywood, railroad ties, telephone poles, or pressure treated wood;
 - d. Material treated with or containing petroleum products, preservatives, resins, or glue;
 - e. Shingles, tires, insulation, wiring, rubber or any type of construction waste;
 - f. Gasoline or other petroleum products;
 - g. Plastics including, but not limited to, nylon, PVC, ABS, polystyrene or urethane, foam, plastic films, plastic containers and synthetic fabrics;
 - h. Leaves or yard waste;
 - i. Green wood;
 - j. Paper products and cardboard;
 - k. Any other material that may cause offensive or noxious odors, smoke, airborne ash, or debris; and
 - l. Hazardous substances, including but not limited to batteries, chemicals, pesticides, paints, varnishes, and solvents.
- Section 6 Smoke. No OWB, and no other burning device, whether located indoors or outdoors, shall emit or create smoke that fails to dissipate or becomes a nuisance or hazard to the public or threatens the health, safety, and welfare of pedestrians or motorists.
- 6.1 No smoke emitted by the OWB or other burning device may hover above or on any right-of-way that would impair the vision and ability of motorists to safely operate their vehicles within

the right-of-way.

- 6.2 No smoke emitted by the OWB or other burning device may hover above or on any right-of-way that would impair the vision and ability of a bicyclist, pedestrian, or any other person to safely travel within the right-of-way.
- 6.3 No smoke emitted by the OWB or other burning device may hover above or on any building located upon any other lot within the Township.

Planned Unit Development Open Space (and Density Bonus) – Tallmadge Charter Township [EXAMPLE]

(j) Density Bonus

1. Single Family and Two (2) Family Developments

- a. In order to preserve the maximum amount of open space, the regulation of single family and two (2) family residential PUDs provides for an increase in the number of dwelling units above the base density established with the parallel plan. All single family and two (2) family residential PUDs shall contain a minimum of ten percent (10%) open space.
- b. The density bonus shall be based on a total of one (1) or more of the following elements, provided the total density bonus shall not exceed a maximum of fifty percent (50%).
 - i. Ten percent (10%) open space: twenty percent (20%) density bonus.
 - ii. Fifteen percent (15%) open space: twenty-five percent (25%) density bonus.
 - iii. Twenty percent (20%) open space: thirty percent (30%) density bonus.
 - iv. Twenty-five percent (25%) open space: thirty-five percent (35%) density bonus.
 - v. Thirty percent (30%) or more open space: forty percent (40%) density bonus.
 - vi. Construction of public water supply system or public sanitary sewer system: five percent (5%) density bonus.
 - vii. Construction of public water supply system and public sanitary sewer system: fifteen percent (15%) density bonus.
 - viii. Construction of active recreational facilities, such as a golf course, baseball diamond, tennis court, basketball court or community clubhouse, of at least one (1) acre in size: five percent (5%) density bonus.
 - ix. If the PUD requires a minimum setback for any building envelope of at least one hundred (100) feet from any public street right-of-way not constructed as part of the PUD: five percent (5%) density bonus. No native or natural

vegetation shall be removed from the one hundred (100) foot setback, nor shall any grading or changes in topography occur, except that necessary for entrance streets into the PUD.

- x. Any other rural character mechanism found by the Planning Commission during site plan review to be reasonable and consistent with the intent of this Ordinance: five percent (5%) density bonus.

2. Multiple Family Developments

- a. In order to preserve the maximum amount of open space, the regulation of multiple family residential PUDs provides for an increase in the number of dwelling units above the base density established with the parallel plan. All multiple family residential PUDs shall contain public water and public sanitary sewer systems and a minimum of twenty percent (20%) open space.
- b. The density bonus shall be based on a total of one (1) or more of the following elements, provided the total density bonus shall not exceed a maximum of twenty-five percent (25%).
 - i. Twenty percent (20%) open space: eight percent (8%) density bonus.
 - ii. Twenty-five percent (25%) open space: twelve percent (12%) density bonus.
 - iii. Thirty percent (30%) open space: sixteen percent (16%) density bonus.
 - iv. Thirty-five percent (35%) open space: twenty percent (20%) density bonus.
 - v. Forty percent (40%) or more open space: twenty-five percent (25%) density bonus.
 - vi. Construction of active recreational facilities, such as a golf course, baseball diamond, tennis court, basketball court or community clubhouse, of at least one (1) acre in size: ten percent (10%) density bonus.
 - vii. If the PUD requires a minimum setback for any building envelope of at least two hundred (200) feet from any public street right-of-way not constructed as part of the PUD: five percent (5%) density bonus. No native or natural vegetation shall be removed from the two hundred (200) foot setback, nor shall any grading or changes in topography occur, except that necessary for entrance streets into the PUD.
 - viii. Inclusion of an integrated mixture of housing types, such as detached housing with attached housing or accessory single family dwellings or the inclusion of uses in accordance with Section 14.04(c): five percent (5%) density bonus.
 - ix. Any other rural character mechanism found by the Planning Commission during site plan review to be reasonable and consistent with the intent of this Ordinance: five percent (5%) density bonus.

(k) Lot and Yard Requirements

1. Single Family Developments. The minimum area and yard requirements for any lot or building area in a PUD designated for single family residential use shall be determined by the following chart. All living area and building height regulations shall conform to the R-1 District requirements.

Services Provided	Lot Requirements		Yard Requirements		
	Area	Width	Front	Sides	Rear
On-Site Septic	1 acre	165 ft.	40 ft.	20 ft.	25 ft.
Public Sanitary Sewer	10,000 sq. ft.*	80 ft.*	25 ft.	10 ft.	25 ft.

* The above lot requirements for a PUD served by a public sanitary sewer system may be reduced if the Township Board determines that the reduction is consistent with the intent and purpose of this Ordinance; and that the public health, safety and welfare are still protected; and that there are sufficient area and yards to provide for air, light, ventilation, fire break, access and sufficient buildable area to accommodate all proposed construction.

2. Two (2) Family and Multiple Family Developments. The minimum area and yard requirements for any lot or building area in a PUD designated for two (2) family or multiple family residential use shall be determined by the Township Board based on any applicable density bonuses. All living area and building height regulations shall conform to the R-2 District for two (2) family developments and the R-3 District for multiple family developments.

Zoning Ordinance Master Plan Terminology Updates

Sec. 2.01. PURPOSE.

This ordinance shall affect the use and occupancy of all land and every building in the Charter Township. This ordinance has been made in accordance with a **Land Use Plan** and is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, with a view to conserving property values, encouraging the most appropriate use of land and to be in keeping with the general trend and character of population and building development.

Section 3.01 – Effect of Zoning

D. Unclassified Uses. Where a proposed use of land or use of building is not contemplated or specified herein or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Board of Zoning Appeals. If the Board of Zoning Appeals determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, then the Board may permit such use in the district in which it is proposed to be placed, only after it determines that the proposed use will not adversely effect adjacent property, that the use is similar to other uses in the district, and that the spirit, purpose and intent of the zoning ordinance and **land use plan** are not impaired by permitting such use at the proposed location.

Section 12.06 – Development Requirements for PUD’s with Residential Uses

For Planned Unit Developments which will devote all or a portion of the site to residential use the following requirements shall apply in addition to the requirements of Section 12.05.

A. Determination of Number of Dwellings

The maximum average density for a PUD shall be the density generally recommended by the **following density table** ~~Township Master Plan in effect~~ at the time of the application for the PUD approval is submitted to the Township. The allowed number of dwellings for the proposed PUD shall be based on the density recommendations for dwellings or bedrooms as set forth in the following density table. The Planning Commission shall have the discretion to recommend to the Township Board the density and number of dwellings or the number of bedrooms that should be permitted in the PUD based upon the Master Plan ~~category~~ **classification** recommended for that area. The Planning Commission shall base its recommendation on the following standards:

1. The impact that the number of occupants allowed by either of the density options will have on nearby existing land uses, roads, public utilities and services.
2. A determination regarding which of the density options and the number of dwellings or bedrooms allowed by that option is most compatible with the ~~future land use~~ recommendations for the nearby area as set forth in the Master Plan.

The Township Board, after receiving a recommendation from the Planning Commission, may choose to allow fewer dwellings or bedrooms than recommended by the Planning Commission if, in the opinion of the Township Board, a reduction in the number of dwellings or bedrooms recommended would better achieve the intent and standards of this Article. In making this determination the Township Board shall also consider the standards (1) and (2) utilized by the Planning Commission contained in this sub-section.

They type and placement of the dwellings proposed, however, shall be subject to the approval of the Township Board after receiving a recommendation from the Planning Commission. ~~During~~ the review of the PUD site plan.

Residential Density Table ~~Based upon the Township Master Plan~~

<u>Master Plan Category/Classification</u>	<u>Maximum Average Density</u>
Agricultural and Residential Estate	1 dwelling unit per acre
Low Density Residential (LDR)	2.9 dwelling units/acre
Moderate Density Residential (MOD)	<p style="text-align: center;"><u>For single family detached dwellings</u></p> <ul style="list-style-type: none"> • 4.35 d.u./acre with public sanitary sewer • 2.9 d.u./acre w/o sanitary sewer
Medium Density Residential (MDR)	<p style="text-align: center;"><u>For two family dwellings</u></p> <ul style="list-style-type: none"> • 12,000 sq. ft./two family dwelling regardless of bedrooms per dwelling unit Public sanitary sewer & water required <p style="text-align: center;"><u>For Multiple Family Dwellings</u></p> <ul style="list-style-type: none"> • 20 bedrooms/acre Public sanitary sewer & water required
High Density Residential (HDR)	<p style="text-align: center;"><u>For two family dwellings</u></p>

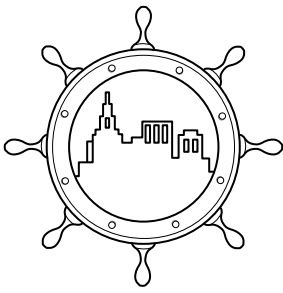
	<ul style="list-style-type: none"> • 12,000 sq. ft./two family dwelling regardless of bedrooms per dwelling unit Public sanitary sewer & water required <u>For Multiple Family Dwellings</u> • 36 bedrooms/acre Public water & sewer required
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B. Formula to Determine Number of Dwellings.

[B1 through B6 omitted]

7 If the property requested for PUD rezoning ~~or~~ has more than one Master Plan **Classification within the Master Plan Map land use recommendation**, the number of dwelling units or bedrooms allowed for each zone or Master Plan area shall be computed separately using the above formula to determine the total number of dwellings or bedrooms allowed for the entire proposed PUD site. The placement of the dwellings shall be subject to the approval of the Township Board following a recommendation from the Planning Commission during review of the PUD site plan.

[C through J omitted]



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MEMORANDUM

To: Allendale Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: March 28, 2023
Re: Planning Commission Bylaws

Pursuant to your direction at your March 20, 2023 meeting, attached are our recommended revisions to the Allendale Charter Township Planning Commission Bylaws. Given my absence from your upcoming meeting, further below is an explanation of the recommended revisions. Prior to that explanation, it is important to note that the Michigan Planning Enabling Act (MPEA), in which you are required to adopt bylaws, does not provide significant detail regarding the content of those Bylaws. Specifically, the MPEA only requires that a Planning Commission adopts bylaws “for the transaction of business, and shall keep a record of its resolutions, transactions, findings, and determinations.” As a result, some of our suggested deletions within the Bylaws are to simplify its purpose, particularly because State Acts dictate certain processes and therefore it is not necessary to repeat those processes in your Bylaws.

- Section 2 – Officers
 - Section 2.1 – Given that you hold two regular meetings each month, we revised the language to “match” your schedule accordingly.
 - We additionally performed grammatical corrections throughout the section.
- Section 3 – Meetings
 - Section 3.2 – We updated your meeting days and time.
 - Section 3.5 – Given that the authority to remove a member regardless of attendance is held by the Allendale Charter Township Board of Trustees, the second paragraph of this section does not serve any purpose and is proposed for deletion.
 - Section 3.6 – Given that it is impossible to schedule a public hearing at the immediately proceeding meeting due to notification requirements and the frequency of your meetings, we recommend that the term “available” be inserted to relax that requirement. Further, we recommend that the public hearing is re-noticed accordingly. While the Michigan Zoning Enabling Act (MZEZA) is silent on a rehearing in the situation described within your Bylaws, we believe it is appropriate to re-notice as a matter of a transparent process.
 - Section 3.7 – No ordinance is identified in Section 1 of the Bylaws nor does an Appendix A exist. Given this, both are proposed to be deleted. The “generally accepted parliamentary” language we added is consistent with Section 3.11 of the Bylaws.
 - Section 3.8 – We revised this section to allow the Chairperson the option to restate a motion rather than mandate the restatement. We always err on the side of caution to reduce the amount of opportunity for someone to contest your process or a decision on a technicality (i.e. if the Chairperson did not restate the motion when required to do so, and the decision is challenged and potentially delayed or voided as a result.)
 - Section 3.10 – We added the term “generally” so that the outline identified therein did not have to always be followed (reference our Section 3.8 comment above regarding caution).
 - Section 3.12 [Deleted] – We recommend deletion of this language because it is not a requirement of the MPEA or the MZEZA. (Again, reference our Section 3.8 comment above regarding caution.)

- Section 4 [Existing] – Minutes
 - We propose deletion of this section because the minutes should be taken however the author chooses to write them and because they are ultimately approved by the Planning Commission. In particular, this language indicates that the minutes shall be “a brief synopsis” and instances exist where being brief may not be the most appropriate. (Again, reference our Section 3.8 comment above regarding caution.)
- Section 5 [Existing] – Open Meetings and Freedom of Information Provisions
 - Given that the Planning Commission shall comply with the Open Meetings Act and the Freedom of Information Act, this provision is unnecessary and therefore proposed for deletion.
- Section 6 [Existing] – We propose to delete but relocate this language to a new Section 7 to better organize the Bylaws language.
- Section 4 [Proposed, was Section 7] – Conflicts of Interest
 - Section 4.4 – The second half of this language is proposed for deletion because it does not serve any purpose.
- Section 6 [Proposed, was Section 9] – Annual Report and Work Program
 - Section 6.1 – We recommend revising the “due date” from a specific meeting to allow for flexibility in scheduling related to your workload.
 - Section 6.2 – We recommend revising the “due date” from a specific meeting to allow for flexibility in scheduling related to your workload.
- Section 7 [Proposed] – Amendments
 - This language was relocated to this section from the existing Section 6, as aforementioned. In addition, the adoption provision from the very end of the existing Bylaws was relocated and reworded to this section.
- Section 10 [Existing] – We proposed deletion of this section because it is not necessary and your exact actions can legal vary from case to case.

Your Bylaws have been scheduled as a discussion item at your April 3, 2023 meeting. If you have any questions, please let us know.

GLR
Planner

Attachment

cc: Adam Elenbaas, Supervisor

ALLENDALE CHARTER TOWNSHIP PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURE
Approved by the Allendale Township Planning Commission
_____, 2023

1. AUTHORITY

These rules of procedures are adopted by the Allendale Charter Township, Planning Commission (hereinafter referred to as the Commission) of Ottawa County, pursuant to Public Act 33 of 2008 of the Michigan Public Acts, as amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

2.1. Selection.

At ~~the~~a January regular meeting, the Commission shall elect from its membership a Chairperson, Vice-chairperson and secretary who shall serve for the twelve month period and who shall be eligible for re-election.

2.2. Duties.

A Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein.

2.2.1. The Vice-chairperson shall act in the capacity of the Chairperson in the absence of the eChairperson and shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Commission shall elect a successor to the office of Vice-chairperson at the earliest possible time.

2.2.2. The Secretary, or the Secretary's designated agent, shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Commission operations. In the event the Secretary is absent, the Chairperson or acting Chairperson shall appoint a temporary Secretary for such meeting. In the event of a vacancy in the office of Secretary the Commission shall elect a successor at the earliest possible time.

2.3. Tenure. The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

3.1. Meeting Notices. All meetings shall be noticed in accordance with the Open Meetings Act. The notice shall include the date, time and location of the meeting.

3.2. Regular Meetings. Regular meetings of the Commission shall be held monthly in the Allendale Township Hall on the first ~~Tuesday~~ and third Monday of each month at 7:~~03~~0 p.m. with the meeting schedule set at the beginning of each year. The dates and times shall be posted at the Allendale Charter Township Hall. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.

3.3. Special Meetings or Sub-Committee Meetings. A special or sub-committee meeting may be called by the Chairperson or two Commissioners by request to the Secretary. The business which the Planning Commission may perform shall be conducted at a public meeting in compliance with the Open Meetings Act. Public notice of the time, date, and location of the special meeting or sub-committee meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary shall send written notice of a special meeting or sub-committee meeting to Commissioners not less than 48 hours in advance of the meeting.

3.4 Meeting Cancellations. Any meetings can be cancelled by the Chairperson or designated agent. Proper notice of the cancellation shall be posted in accordance to all applicable rules and regulations.

3.5 Absences. In the event that a Commissioner cannot attend a meeting he/she shall notify the Chairperson and Township offices. The Commissioner upon this notification will receive an excused absence for the involved scheduled meeting.

~~There will be a limit of three consecutive excused absences or two consecutive unexcused absences for any member of the Planning Commission. If any Commissioner exceeds the above criteria for absences from consecutive scheduled regular meetings, the Commissioner may be subject to removal by the Township Board. The removal process may be initiated at the request of the Planning Commission, Zoning Administrator, or Township Board for the above reasons or any other reasons allowed by law.~~

3.6 Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of a majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next available regular or special meeting. ~~and no additional public notice is required provided the date, time and place is announced at the meeting.~~

3.7 Hearing. Hearings shall be scheduled and due notice given in accordance with the provisions of the acts ~~and ordinance~~ cited in Section 11. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion in accordance with ~~Appendix A of these generally accepted parliamentary rules of~~ procedure.

3.8 Motions. Motions ~~may shall~~ be restated by the Chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

3.9 Voting. An affirmative vote of the majority of the Commission present 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.

All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting only if that person has a conflict of interest as defined in Section 7 herein.

A vote on a motion which results in a tie is considered to be a non-decision. In this event the Commission may take whatever action it deems appropriate including allowing the applicant to request at that same meeting that the matter be tabled to another meeting and a new vote taken at that time. At the subsequent meeting a new motion must be made on the matter. If the tie vote occurs at a public hearing the Commission may decide if a new public hearing should be held.

3.10 Order of Business.

A written agenda for all regular meetings shall be prepared and followed. At a minimum the agenda shall generally include the following items:

- 1) Call to order
- 2) Roll Call
- 3) Received for Information
- 4) Approval of minutes
- 5) Approval of the Agenda
- 6) Public comments and communications for items not on the agenda. (Three minute time limit per person)
- 7) Public hearings
- 8) Site plan review
- 9) Old business
- 10) New business
- 11) Township Board reports
- 12) Public comments and communications for items not on the agenda. (Three minute time limit per person)
- 13) Commissioner & Staff comments
- 14) Adjourn.
- 15) Date, time and location for next meeting

A written agenda for special meetings shall be prepared and followed, however the form as enumerated above shall not be necessary.

Minutes shall be prepared by the Secretary as soon as practicable and mailed to Commission members before the next meeting.

3.11 Rules of Order.

All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure.

~~3.12 Notice of Decision.~~

~~A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request. This may be accomplished by a copy of the minutes of the meeting.~~

~~4. — MINUTES~~

~~4.1. — Commission minutes shall be prepared by the Secretary of the Commission or a designated agent appointed by the secretary. The 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; the essential point of fact finding; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be annually deposited with the Township Clerk.~~

~~5. — OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS~~

~~5.1. — All meetings of the Commission shall be open to the public and held in a place available to the general public.~~

~~5.2. — All deliberations and decisions of the Commission shall be made at a meeting open to the public.~~

~~5.3. — A person shall be permitted to address a hearing of the Commission and to address the Commission concerning non-hearing matters.~~

~~5.4. — A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.~~

~~5.5. — All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes and are governed by the Freedom of Information Act.~~

~~6. — AMENDMENTS~~

~~These rules may be amended by the Commission by a concurring vote pursuant to subsection 3.9, during any regular meeting, provided that all Commissioners have received an advance copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.~~

7.4. CONFLICT OF INTEREST

A Commissioner shall vote on all matters unless there is a legitimate conflict of interest. Commissioners shall be guided by the following in determining if a legitimate conflict of interest exists:

47.1. Commissioners shall declare a conflict of interest and shall abstain from participating in a hearing or deliberations of a request when:

- A. A relative or other family member has a business or financial interest in any request for which the Planning Commission is asked to make a decision.
- B. The Commissioner has 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, or is an employer, employee, or business partner of the applicant or;
- C. There is a reasonable appearance of a conflict of interest, as determined by the Commissioner declaring such conflict.

47.2 The Commissioner declaring a conflict of interest should state the nature of the conflict and abstain from voting on the matter. However, the remaining Commissioners may determine that a conflict does not exist and may vote unanimously to allow the Commissioner who declared the conflict to vote.

47.3. The Commissioner declaring a conflict may, but need not, leave the room in which the discussion takes place but should excuse himself or herself from the Commission table until the matter is decided by the Commission.

47.4 A Commissioner shall have the right to address any matter before the Commission as a private citizen and may represent a project or oppose a project before the Commission. ~~In-Prior to~~ doing so the Commissioner must excuse him or herself from the Commission table and address the Commission from the floor.

~~However, this may be seen as placing undue pressure on fellow Commissioners in their consideration of the project. Such action on the part of a Commissioner should be carefully considered in order to avoid the appearance of a conflict of interest.~~

58. Powers and Duties—POWERS AND DUTIES

The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*). In addition, duties shall include the following:

58.1 Take such action on petitions, staff proposals and Township Board requests for amendments to the zoning ordinance as required.

58.2 Take such action on petitions, staff proposals and Township Board requests for amendments to the master plan as required.

58.3 Prepare and adopt bylaws for the transaction of business, and keep a public record of its resolutions, transactions, findings and determinations.-

58.4 The Planning Commission, assisted by Township Staff, may prepare an annual Capital Improvements Program (CIP) if so directed by the Township Board as part of the Township budget process. The CIP shall show those public structures and improvements in their general order of priority that will be needed or desirable and can be undertaken within the ensuing six year period. The CIP shall be forwarded as a recommendation to the Township Board if prepared by the Planning Commission.

If the Township Board exempts the Planning Commission from preparing the CIP then the Township Board, after the master plan is adopted, shall prepare or cause to be prepared by the Supervisor or by a designated non-elected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period.

85.5 Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.

58.6 Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.

58.7 Attend training sessions, conferences, or meetings as needed and as recommended by the Township Board or the Chair of the Commission to properly fulfill the duties of a Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.

69 **ANNUAL REPORT and WORK PROGRAM**

69.1 Annual Report. The Commission shall, ~~at the beginning before the 31st of January~~ of each year, submit to the Township Board a written report of its activities covering the previous year, indicating the status of planning activities including recommendations regarding actions by the Township Board related to planning and zoning.

69.2 Annual Work Program. The Commission shall, ~~before the 31st of January~~ at the beginning of each year, prepare and approve a program outlining the tasks to be undertaken by the Commission for the upcoming calendar year. This work program shall be in written form and a copy forwarded to the Township Board.

7. **AMENDMENTS**

These rules may be amended by the Commission by a concurring vote pursuant to subsection 3.9, during any regular meeting, provided that all Commissioners have received an advance copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

Adopted by the Allendale Charter Township Planning Commission at a regular meeting on the [insert day] of [insert month and year].

~~10. PUBLIC HEARING PROCEDURE~~

~~The usual order of procedure for a public hearing shall be as follows:-~~

- ~~1. — Chairperson summarizes procedures to the public-~~
- ~~2. — Chairperson identifies the agenda item and opens the public hearing.-~~
- ~~3. — Applicant or designee presents the request and answers questions from the Commission and staff.-~~
- ~~4. — Planning Commission staff or planning consultant presents their report.~~
- ~~5. — Chairperson directs that all persons in the audience who wish to speak shall stand and identify themselves by name. All comments and questions shall be directed to the Chairperson and comments and questions from individuals should be limited to three minutes. The Chairperson shall then close the public hearing.-~~
- ~~6. — Questions from the Commission.-~~
- ~~7. — The Commission shall then discuss the agenda item and take action on the item.-~~

~~PUBLIC HEARING PROCEDURE - COMMISSION ACTIONS~~

~~1. Fact Finding:-~~

~~A. — Staff Reports and Agency Reports.-~~

~~Information that is pertinent to making a conclusion.-~~

~~Important sources:-~~

- ~~1. — The application.-~~
- ~~2. — Ordinance requirements.-~~
- ~~3. — Physical characteristics of the lot and adjacent properties.-~~
- ~~4. — Staff reports and agency reports regarding impacts on:-~~
 - ~~(a) — Public services-~~
 - ~~(b) — Natural Resources-~~
 - ~~(c) — Character of Area~~
 - ~~(d) — Streets, parking and traffic-~~

~~5. Public Comments. (Special attention shall be given to relevancy and factual information.)~~

~~6. Site visit. (Say so at the hearing and what was observed. Should become part of the public record.)~~

~~2. Discussion:~~

~~Purpose is to review pertinent facts from all information presented and to seek a majority viewpoint. In doing so remember:~~

~~a. All discussion must be in public.~~

~~b. The public should not be involved in this discussion unless absolutely necessary. (Not a good idea opens up again to everyone.)~~

~~c. Should focus on important facts and insuring conformance with ordinance standards.~~

~~d. The discussion should proceed long enough for someone to feel confident in proposing a complete motion that embodies most of the important findings.~~

~~3. The Planning Commission at this point could table the request and ask for a staff recommendation.~~

~~4. Conditions: (not on rezonings with the exception given to PUD's)~~

~~May be imposed providing:~~

~~a. They are designed to protect natural resources, the health, safety and welfare, and the social and economic well being of people.~~

~~b. They are related to a valid exercise of the police power.~~

~~c. They are necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.~~

~~5. Motion:~~

~~a. The motion to approve, table, deny or approve with conditions should state the determination and the rationale for the determination. That is, it should indicate how the facts support the motion that was moved.~~

~~b. Ordinance amendments and zoning map amendments are recommendations to the Township Board.~~

~~c. Decisions of the Planning Commission on site plan reviews are final.~~

~~d. Decisions of the Planning Commission on a special land use are final, unless appealed to the Township Board within 15 days.~~

e. ~~Approval of a preliminary or final plat or condominium developments are recommendations to the Township Board.~~



~~THESE BY LAWS AND RULES OF PROCEDURES ARE ADOPTED THIS 17TH DAY OF FEBRUARY 2014 BY THE ALLENDALE CHARTER TOWNSHIP PLANNING COMMISSION.~~