

Village of Lawton
REGULAR PLANNING COMMISSION
125 S. MAIN, LAWTON MI 49065 269.624.6407
Tuesday, August 3, 2021

AGENDA

- 1. Call to Order:**
- 2. Roll Call: (anyone attending remotely must state name and current location (city/state))**
- 3. Approval of Agenda:** Motion to approve the Planning Commission Agenda for August 3, 2021 as presented (or as amended with additions/changes/deletions).
- 4. Approval of Minutes:** Motion to approve the Planning Commission Minutes of May 4, 2021 as presented (or as amended with additions/changes/deletions)
- 5. Public Comment / Communications:** (related to agenda items only - limit 3 min/person)
- 6. Unfinished Business:**
 - a. Adopt Planning Commission By-Laws, as required by Redevelopment Ready Community Guidelines.....Discussion**
- 7. New Business:**
 - a. Consider adoption by reference of International Property Maintenance Code to zoning ordinance to assist with property maintenance issues.....Discussion**
- 8. Public Comment/ Hear from the Audience:** (Limit of 3 min/person for general comments)
- 9. Planning Commissioner Comments:**
- 10. Adjournment:**

Village of Lawton
REGULAR PLANNING COMMISSION
125 S. MAIN, LAWTON MI 49065 269.624.6407
TUESDAY, May 5, 2021
MINUTES

1. **Call to Order:** The meeting was called to order at 7:01 pm.
2. **Roll Call:** Present: Judy Peterson, PJ Chmiel, Mike Dudek, Connie Knapp, Kevin Hellman and Absent: Josh Doster.
3. **Approval of Agenda:** Chmiel supported by Knapp made a motion to approve the Planning Commission Agenda for May 5, 2021 as presented. Motion approved by unanimous voice vote.
4. **Approval of Minutes:** Knapp, supported by Dudek, made a motion to approve the Planning Commission Minutes of April 6, 2021 as presented. Motion approved by unanimous voice vote.
5. **Public Comment / Communications:** None.
6. **Unfinished Business:**
 - a. **M-40 2023 Road Reconstruction Project Update:** Staff invited the Planning Commission to attend a Town Hall Meeting on Tuesday, May 18th at 6:00 pm regarding proposed detours for the 2023 M-40 Reconstruction Project. There are two options for the detour – either a full detour that completely closes M-40, or a partial detour that will only close half of the street. The benefit of a full detour is that it would be that it would significantly reduce the construction time (est. 6 weeks) as well as construction safety and efficiency benefits.
 - b. **Redevelopment Ready Communities 2.0:** The Planning Commission’s 2 020 Annual Report, the Downtown “Road Map” Master Plan, and the Village of Lawton 2021 - 2025 Parks and Recreation Master Plan were approved for submittal to the RRC. The next Planning endeavor will be the Community Master Plan, which the Planning Commission will take up this fall, requesting the RRC to assist in funding the project.
7. **New Business:**
 - a. A zoning question regarding 828 N M-40 and Motycka’s property to the north of 828 N M40 was brought up. Both properties are currently zoned as R-1, while current use would be considered light industrial. Both properties are noted as industrial on the future land use plan. Staff will begin conversations with the owners on rezoning.
8. **Public Comment/ Hear from the Audience:** None.
9. **Planning Commissioner Comments:** Hellman offered to work with staff to help prepare the necessary information for the Master Plan consultants.
10. **Adjournment:** Chmiel, supported by Dudek and Peterson, made a motion to adjourn the meeting at 7:42. Motion approved by acclamation.

BYLAWS
VILLAGE OF LAWTON, MICHIGAN
PLANNING COMMISSION

- ARTICLE I. Bylaws of the Village Planning Commission of the Village of Lawton, Michigan.
- Section 1.1 This document shall be known as the Bylaws of the Village Planning Commission of the Village of Lawton.
- Section 1.2 For simplicity of presentation the words Chairman, Vice-Chairman or his shall be representative of either gender.
- ARTICLE II. Purpose
- Section 2.1 The purpose of the Lawton Village Planning Commission shall be to oversee the orderly growth of the Village, and to perform the functions of a planning commission as set forth in Public Act No. 33 of 2008 and Public Act 110 of 2006, as amended, to perform other duties assigned to it by the Village Council from time to time. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter "the Planning Act."
- ARTICLE III. Membership
- Section 3.1 Membership: As provided in the state statute, the members of the Planning Commission shall be a member of the Council other than the Village President, to be designated by the Council and eight other persons who are not officers or employees of the Village, having the qualifications of elective officers set forth in the General Law Village Act 3 of 1895 and representing in so far as is possible different professions or occupations to be appointed by the Village President, subject to the confirmation of the Council.
- Section 3.2 Term of Office: The Planning Commission shall consist of nine (9) members. One (1) of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and eight (8) of whom shall be appointed by the Village President as provided in this subsection. An appointment by the Village President shall be subject to approval of the legislative body by majority vote. An appointed member shall not hold another municipal office, except that one (1) appointed member may be a member of the zoning board of appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the terms shall not exceed the member's term of office as a member of the legislative body. The term of each appointed member shall be three (3) years or until his or her successor takes office,
After a public hearing, a member other than the member selected by the legislative body may be removed by the Village President for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

There shall be compensation paid to each for a member of the planning commission. Reasonable expenses may also be allowed in case of necessity with prior approval of the Village council.

ARTICLE IV. Officers

- Section 4.1 Selection. At the regular meeting in November of each year, the Commission shall select from its membership a Chair, Vice-Chair, and Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Deputy Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Deputy Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.
- Section 4.2 Tenure. The Chair, Vice-Chair and Secretary shall take office January 1 following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- Section 4.3 The Chairperson shall preside at all meetings of the Planning Commission and shall appoint all committees.
- Section 4.4 The Vice-Chairperson shall assume the duties and authority of the Chairperson in his absence or incapacity. If the Chairperson resigns or is removed from the Planning Commission, the Vice-Chairperson shall assume the position of the Chairperson for the remainder of the Chairperson's term of office.
- Section 4.5 The Secretary shall keep the minutes and records, conduct correspondence and perform such other duties as may be assigned by the Chairperson.

ARTICLE V. Meetings

- Section 5.1 The Planning Commission shall hold its regular monthly meetings in the Village Council Chambers, located at 125 S Main St., Lawton, Michigan on the second Tuesday of each month. All meetings shall begin at 7:00 p.m. and must end at 9:00 p.m., unless adjournment is postponed by action of the majority of the Commissioners present. Additional meetings may be scheduled on the Village's annual calendar to reflect additional planning needs or conflicts with holidays and other meetings. The Planning Commission shall meet a minimum of four times per year. Notice of all meetings shall be posted at City Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.
- Section 5.2 Special meetings may be called by the Chairperson or by 2 other members of the Planning Commission. The Secretary shall send written notice of a special meeting of the planning Commission members not less than 48 hours in advance of the meeting.
- Section 5.3 An agenda for each meeting shall be prepared at the direction of the Chairperson or his/her designee and sent to each Commissioner to be delivered in a predetermined format not later than four (4) days before the meeting. This

agenda shall indicate any parcels of land for which any action of the Commission is contemplated.

Section 5.4 A quorum of five (5) Commissioners must be present to officially transact business at any regular or Special Meeting of the Commission. A simple majority of Commissioners present and constituting a quorum, shall decide all issues.

Section 5.5 Commissioner's attendance records shall be reviewed as needed with no less than one review completed in each calendar year. The Chairman or his/her designees shall prepare a report, said report to be submitted to the Village President and Commissioners. Action may be taken in accordance with state statute if attendance or duty becomes an issue of concern for the Chairman or the Village President and Village Council.

Section 5.6 Parliamentary procedure at all meetings of the Commission shall generally be in accordance with the Robert's Rules of Order.

Section 5.7 Order of Business. The secretary or his designate shall prepare an agenda for each meeting and the order of business therein shall be as follows:

- A. Call to order.
- B. Roll call.
- C. Approval of agenda.
- D. Approval of minutes from previous meeting.
- E. Election of officers, if necessary.
- F. Public comments (not related to an agenda item).
- G. Public hearings. The Chairman will declare a public hearing open and state its purpose.
 - 1) The Chairman shall summarize, provide copies, or conspicuously post the procedure for public hearing as outlined in Sections 5.7, and 5.8 of these Bylaws for any members of the public in attendance.
 - 2) Case Number _____ (numbered by year and sequence).
 - i) The Planning Director presents the petitioner's request and factual information concerning the general location area of the case and section of the zoning ordinance that pertain to the petition for rezoning.
 - ii) The applicant, through himself or his agent, may present his case, including presenting witnesses on his behalf. No time limit will be imposed on the petitioner.
 - iii) The Chairman will then open the floor to public comments or questions. Based on nature of the hearing or number of those in attendance, the Chairman may allow comments freely or direct an orderly approach through any means that expands the ability of all who are interested in expressing their opinion or asking questions. Comments Out of Order. The Chairman shall rule out of order: any irrelevant remarks, which are personal about another's race, religion, sex, physical condition, ethnic background, beliefs,
 - iv)

- v) or similar topics; profanity; or any other remarks which are not pertinent to the petition. Rebuttal. Anyone may ask the Chairman questions on presentations or information given at this hearing. The Chairman will seek an answer to this question. No discussion shall take place between any two or more people except between the Chairman and the individual who has the floor.
- vi) Close the public hearing. At this point all public participation on the issue ends.
- vii) Members of the Planning Commission may question or request clarification with any interested party on any matter related to the case.

H. Business section of case

- 1) Discussion: Commissioners review facts based on all information presented. Discussion continues until a member is confident enough to propose a motion that includes a “finding of fact” with those conclusions that are reached. The findings of fact, at a minimum shall answer the following questions as they may pertain to the petition:
 - i) What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?
 - ii) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
 - iii) What is the impact of the amendment on the ability of the Village and other agencies to provide adequate public services and facilities that might reasonably be required in the future if the petition is approved?
 - iv) Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
 - v) Does the petitioned zoning change generally comply with adopted Future Master Plan for the Village of Lawton?
 - 2) Motion is proposed on the findings of facts. (Recess option – see Section 5.8) Support of the motion is required.
 - 3) Discussion on the motion.
 - 4) Action on the motion.
- I. Site plan reviews. The Planning Commission shall consider site plan reviews after all public hearings and associated actions on those hearings. If members of the public other than the applicant for the site plan review are in attendance, those people may approach the Commission as provided for in the public hearing format. The Commission and Planning Director shall also follow their respective roles to maintain order during the meeting. The motion to pass on a site plan review must make a finding of conformance to all Village ordinances and may attach conditions as provided for in the zoning

ordinance. A site plan review may be postponed for cause without the necessity of public posting as required in a public hearing format.

- J. Items of business. This section of the meeting shall consider all items unrelated to elections, rezoning petitions, and site plan reviews.
- K. Commissioner/Citizen comments.
- L. Adjournment.

Section 5.8 Recesses. The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

ARTICLE VI. General Provisions

Section 6.1 Ethical Principles for Public Planning Officials: The following statement of ethics applies to the practices of Lawton public planning officials.

1. Serve the Public Interest. The primary obligation of planners and public planning officials is to serve the public interest.
2. Support Citizen Participation in Planning. Because the definition of the public interest is continuously modified, the planner and public planning official must recognize the right of citizens to influence planning decisions that affect their well being. They should advocate a forum for meaningful citizen participation and expression in the planning process and assist in the clarification of community goals, objectives, and policies in plan-making.
3. Recognize the Comprehensive and Long-range Nature of Planning Decisions. The planner and public planning official must recognize and have special concern for the comprehensive and long-range nature of planning decisions. The planner and official must balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. The planner and official must continuously gather and consider all relevant facts, alternatives, and means of accomplishing them. The planner and official should explicitly evaluate all consequences before making a recommendation or decision.

4. Expand Choice and Opportunity for All Persons. The planner and public planning official must strive to expand choice and opportunity for all persons, recognize a special responsibility to plan for the needs of disadvantaged people, and urge changing policies, institutions, and decisions that restrict their choices and opportunities.
5. Facilitate Coordination Through the Planning Process. The planner and public planning official must facilitate coordination. The planning process should enable all those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interest. The planner and official must ensure that individuals and public and private agencies possibly affected by a prospective planning decision receive adequate information far enough in advance of the decision.
6. Avoid Conflict of Interest and Incompatibility of Office.
 1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning the member.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the member or which is adjacent to land owned by the member.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where they may stand to have a financial gain or loss.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to the member.
 - e. Issuing, deliberating on, voting on, or reviewing a case where the member's employee or employer is:
 - i. an applicant or agent for an applicant, or
 - ii. has a direct interest in the outcome.
 2. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
 3. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - a. declare a conflict exists at the next meeting of the Commission or committee:

- b. cease to participate at the Commission or committee meetings, or in any other manner, or represent oneself before the Commission, its staff, or others, and
 - c. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove oneself from the front table where members of the Commission sit, until that agenda item is concluded.
 4. If a member of the Commission is appointed to another office, which is an incompatible office with their membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with their membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office
7. Render Thorough and Diligent Planning Service. The planner and public planning official must render thorough and diligent planning service. Should the planner or official believe s/he can no longer render such service in a thorough and diligent manner, s/he should resign from the position. If the official has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the official must not participate in that decision.
8. Not Seek or Offer Favors. The public sector planner and public planning official must seek no favor. The planner and official must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be of their duties or was intended as a reward for any recommendation or decision on their part.
9. Not Disclose or Improperly Use Confidential Information for Financial Gain. The planner and public planning official must not disclose or improperly use confidential information for financial gain. The planner and official must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, or (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the planner or official has verified the facts and issues involved, has exhausted efforts to obtain reconsideration of the matter and has sought separate opinions on the issue from other planners or officials.
10. Ensure Access to Public Planning Reports and Studies on an Equal Basis. The public planning official must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to the official must be made available in the same form to the public in a timely manner at reasonable or no cost.
11. Ensure Full Disclosure at Public Hearings. The public planning official must ensure that the presentation of information on behalf of any party to a

planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question received in the mail or by telephone or other communication part of the public record.

12. Maintain Public Confidence. The public planning official must conduct himself/herself publicly so as to maintain public confidence in the public planning body, the official's unit of government, and the official's performance of the public trust.
13. Respect Professional Codes of Ethics and Conduct. The planner and public planning official must respect the professional codes of ethics and conduct established by the American Institute of Certified Planners (AICP) Commission and by several professions related to the practice of planning. Professional codes commonly establish standards of professional conduct and include provisions that protect the integrity of professional judgment and describe and professional's responsibility to the public, clients, employers, and colleagues.
14. Annual Report. The Commission shall, before the 31st day of March of each year, submit to the City Council, a written report of its activities covering the previous year, indicating the status of planning activities including recommendations regarding actions by the City Council related to planning and zoning.

ARTICLE VII. Adoption and Amendments

Section 7.1 These Bylaws are to be adopted by a simple majority of a quorum of the Commission at a regularly scheduled meeting of the Commission. The proposed Bylaws must be presented to the full membership at least five (5) days prior to the meeting when adoption is scheduled on the agenda. Amendments of the original Bylaws may take place at the meeting(s) of their original adoption; thereafter amendments must follow the procedures outlined in Section 7.2 herein.

Section 7.2 These Bylaws must be amended by a majority affirmative vote of the quorum of Commissioners present at a regular or special meeting of the Commission. Proposed amendments must be mailed to all Commission members to be delivered at their address not later than five (5) days before the meeting of the Commission.

Adopted:
Amended:
Amended:
Amended:
Amended: _____

Publication Summary of Property Maintenance Code

The Village of Lawton hereby adopts the Property Maintenance Code (the “Code”), which will be effective twenty (20) days from the date of its publication. The code is based upon the International Property Maintenance Code published by the International Code Council, Inc. A copy of the entire code may be viewed, or a copy purchased, at the office of the Village Clerk, 125 S Main St, Lawton MI 49065. Violations of the code are a municipal civil infraction punishable by a fine of up to \$250 plus costs. The following is a brief summary of the provisions of the Code.

The Code:

- Provides standards for the maintenance of property, structures and equipment located in the city.
- Provides notice to owners, occupants or other responsible parties of violations and requirements to correct violations.
- Provides for the appointments and outlines the duties and responsibilities of the enforcement official (building inspector).
- Authorizes the closing of structures that are not fit for occupancy, the posting of notice of closing and prohibits occupancy of such structures.
- Authorizes the building inspector to take emergency action when there is a dangerous condition.
- Upon notice by the building inspector, requires owners or persons in control of unsafe or unsanitary structures to repair or remove the structure; allows the city to remove such structure in the event that the owner or person in control fails to do so; and authorizes the city to place a lien upon the property to recover the costs of demolition.
- Designates a board of appeals and provides the procedure for an appeal of a decision or order of the building inspector.
- Requires owners of property to maintain the exterior of such property:
 - in a safe, sanitary and clean condition.
 - graded to prevent erosion or accumulation of water.
 - free of weeds or plant growth over 8 inches in height.
 - by preventing discharge of smoke, odor or gases to adjacent properties.
 - by limiting or prohibiting unregistered vehicles.
 - by prohibiting outside storage of vehicles in disrepair.
 - by requiring the display of house numbers.
 - by maintaining windows and doors in good repair and operable condition.
- Requires owners to maintain the interior of structures, including interior surfaces and structural members.
- Requires owners and occupants to keep exteriors and interiors neat and clean, free of accumulation of garbage or rubbish, except in approved containers. Requires owners and occupants to keep property free of rodents.

- Requires adequate interior and exterior lighting by windows and/or artificial lighting.
- Requires adequate ventilation by windows or mechanical exhaust systems.
- Provides for minimum dimensions of rooms in dwellings and lodging units, egress from bedrooms, accessibility to bathrooms and provides for maximum numbers of occupants in a dwelling unit.
- Requires owners to provide and maintain adequate plumbing, including required bathroom and drinking facilities for dwellings and lodging units.
- Requires adequate sanitary water supply system for all plumbing fixtures and specifies location and operation of water heaters.
- Requires all plumbing fixtures to be connected to public sanitary sewer or other approved private sewer system.
- Prohibits storm drainage that creates a public nuisance.
- Requires owners to install adequate mechanical facilities and maintain the facilities in good working order, including:
 - heating facilities in dwellings and indoor workspaces.
 - fireplaces and stoves.
 - cooking facilities.
- Requires owners to maintain electrical systems in compliance with the specifications of the code and the state electrical code, free of hazards and requires laundry and bathroom receptacles to be grounded.
- Requires elevators and escalators to be properly maintained.
- Requires owners to be responsible for fire safety by:
 - providing and maintaining unobstructed and adequate means of exit from any building.
 - providing and maintaining barriers to resist movement of smoke in certain circumstances.
 - providing and maintaining handrails for stairs with more than four steps and on porches or decks of greater than 30 inches above adjoining grade.
 - providing and maintaining proper signage of floor numbers and exits for certain buildings.
 - providing and maintaining an emergency exit from sleeping rooms.
 - prohibiting storage of combustibles, explosive, or hazardous materials except in accordance with fire codes.
 - installing and maintaining fire doors and fire-resistant materials as required.
 - installing and maintaining required fire suppression systems.
 - installing and maintaining smoke detectors in sleeping areas in residences and group homes.