

City of Essexville, Michigan
PLANNING COMMISSION BYLAWS
Adopted November 24, 2008

Article 1 - Objectives and Purpose

The objectives and purpose of the City of Essexville Planning Commission (“the Commission”) are set forth 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” and P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling act, (M.C.L. 125.3101 *et seq*) hereinafter “the Zoning Act” and those powers delegated to the Commission by the City of Essexville City Charter and Code of Ordinances.

Article 2 - Membership

Section 2.1. Members of the Commission (“Commissioner”) are appointed by the City Council pursuant to the City Charter, as amended, and in accord with the Planning Act.

Article 3 - Officers and their Duties

Section 3.1. The offices of the Commission shall consist of a Chairperson, Vice Chairperson, and a Secretary.

Section 3.2. The Chairperson shall preside at all meeting and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers.

Section 3.3. The Chairperson shall have the privilege of discussion and vote on all matters before the Commission.

Section 3.4. The Vice Chairperson shall act as the Chairperson in his/her absence.

Section 3.5. The Secretary shall keep the minutes and records of the Commission, prepare the agenda of regular and special meetings with the Chairperson, provide notice of meetings to Commissioners, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a Secretary.

Section 3.6. The Chairperson and Secretary shall execute documents in the name of the Commission.

Article 4 – Elections of Officers

Section 4.1. Nomination of officers shall be made from the floor at the annual organization meeting which shall be held the first meeting of the calendar year, and the elections shall follow immediately thereafter.

Section 4.2. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and shall serve for one year or until his successor shall take office.

Section 4.3. Vacancies in offices shall be filled immediately by regular election procedure.

Article 5 – Meetings

Section 5.1. Regular meetings will be held on the 4th Monday of February, May, August and November at City Hall, 1107 Woodside Avenue, Essexville, MI 48732, commencing at 7 p.m.

When the regular meeting falls on a holiday, the meeting shall be held on such other day as determined by the Commission.

Section 5.2. A majority of the membership of the Commission shall constitute a quorum and the number of votes necessary to transact business shall be a majority of the entire membership of the Commission, except when a motion involves amending of the Master Plan, which shall require an affirmative vote of at least 2/3 of the membership.

Section 5.3. Voting shall be by voice vote as to Ayes or Nays, although a roll call vote may be demanded by any member of the Commission. A record of the roll call vote shall be kept as part of the Minutes.

Section 5.4. Special meetings may be called by the Chairperson or by a majority of the members of the Commission. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Commission. The secretary shall notify all members of the Commission in writing at least two days in advance of such special meeting.

Section 5.5. All meetings at which official action is taken and all records and accounts of such meetings shall be open to the general public.

Section 5.6. Absences of a commissioner of three (3) unexcused absences or five (5) excused absences in any calendar year shall constitute a basis for removal of the commissioner from the Commission.

Article 6 – Order of Business

Section 6.1. The order of business at regular meetings shall be:

- a. Roll Call
- b. Approval of Minutes
- c. Public Comment on Non-Agenda Items
- d. Public Hearings
- e. Unfinished Business
- f. New Business
- g. City Manager's or Staff Report
- h. Communications and Notices
- i. Adjournment

Section 6.2 - Parliamentary Procedures. Parliamentary procedure in Commission meeting shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised*, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Roberts Rules of Order*, then these Bylaws control.

Section 6.3 - Public Participation. All regular and special meetings, hearing, records, and accounts shall be open to the public.

Section 6.4 - Delivery of Agenda. The agenda and accompanying material shall be mailed or personally delivered to Commission members so it is reasonably expected to be received prior to the weekend to the regular meeting date.

Section 6.5 - Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings.

Section 6.6 – Retention. Commission records shall be preserved and kept on file according to the following schedule:

- a. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publication: Permanent.

Article 7 - Hearings

Section 7.1 - Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the (City Council), the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in a newspaper of general circulation.

Section 7.2 - Special Hearing. Notice of special hearings for the purpose of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to the person, or group representative most interested and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance.

Section 7.3 - Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

Section 7.4. In addition to the hearings required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Article 8 - Zoning Responsibilities

Section 8.1. The Planning Commission shall have those powers relating to the administration and execution of the zoning ordinance pursuant to M.C.L. 125.3301 of the Zoning Enabling Act.

Section 8.2 - Zoning Adoption or Amendment. The Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act including Planned Unit Development (“PUD”) zoning amendments. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the City Council.

Section 8.3 - Special Use Permit (including PUDs). The Commission shall review and act on all special use permits pursuant to the Zoning Act and zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing action shall be in the form of a motion which contain (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commissions’ action.

Section 8.4 - Site Plan Review. The Commission shall review and act on all those site plans for which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for the action, and the Commission’s action.

Section 8.5 – Appeals. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, or variance. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

Article 9 – Capital Improvements Program

Section 9.1. Annually, a capital improvement program (CIP) of public structures and improvement shall be adopted.

- a. The planning commission should establish a committee which includes the City Manager in this process.

Section 9.2. The committee shall cause to be requested from each agency or department of the local unit of government (with authority for public structures or improvements) for an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.

Section 9.3. The committee shall organize the proposed public structures and improvements in the general order of their priority, that in the committee's judgment will be needed or desired or can be undertaken in the ensuing 6-year period.

- a. In doing so, the committee may make use of expert advice and information.
- b. In doing so, the committee shall develop a formal set of criteria or use other techniques to use to organize the proposed public structures and improvements in order of importance.
- c. The proposed public structures and improvements in order of importance shall be considered a draft CIP, which shall be presented to the Commission.

Section 9.4. The Planning Commission shall review the CIP:

- a. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies, and the objectives and goals of the community.
- b. The review shall include an opportunity for agencies to present their arguments for why any given project should be included in the program and at what order of priority.
- c. Upon completion of the review a draft of the CIP shall be prepared.

Section 9.5 The Planning Commission shall hold a public hearing on the draft of the CIP and the Planning Commission shall then:

- a. Formally adopts the CIP in the form of a recommendation to the City Council for adoption; or
- b. Adopts an amended version of the CIP in the form of a recommendation to the City Council for adoption; or
- c. Does not approve, thus does not adopt the ranked listing/project priorities, and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.

Section 9.6. If the City Council refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications, and submit another version of the CIP to the City Council.

Article 10 – Annual Report

The Planning Commission shall, on or before March 1 of each year, make a written report to the City Council of the work of the Commission during the preceding year.

Article 11 – Employees / Professional Staff

Section 11.1. The Commission may employ a recording secretary to assist in the performance of his/her duties as may be assigned to him/her by the Chair of the Commission, subject to City Council approval.

Section 11.2. The Commission may employ such staff and/or experts as it sees fit to aid the Commission in its work. Appointment shall be made by a majority vote of the entire Commission membership, subject to City Council approval.

Article 12 – Amendments

Section 12.1. These by-Laws may be amended by at two-thirds vote of the entire membership of the Commission, provided notice of the proposed change is given at a previous meeting.

Article 13 – Adoption

These By-laws were adopted November 24, 2008 and will take immediate effect and supercede all previous bylaws.

/s/

Chairperson

/s/

Secretary