

PLANNING COMMISSION BYLAWS

TRAVERSE CITY PLANNING COMMISSION

(Adopted December 13, 1988)
(Revised December 6, 1994)
(Revised August 9, 1995)
(Revised January 19, 2000)
(Revised August 23, 2000)
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(Revised September 28, 2016)
(Revised January 30, 2018)

PURPOSE:

These Planning Commission Bylaws are adopted pursuant to the Traverse City Code to acquaint the people of Traverse City and persons appearing before the Commission with the operation of the Commission so that matters coming before this body can be handled in an understanding, prompt and efficient manner.

I. AUTHORITY AND JURISDICTION:

The City Planning Commission derives its authority from the City Charter Section 160, which states The City Commission shall by ordinance establish and maintain a City Planning Commission having the powers and duties prescribed by State law; and the Traverse City Code (Chapter 1220). That these laws state that the City Planning Commission shall have the powers and duties authorized and directed by the City Charter, the Michigan Zoning Enabling Act of P.A. 12 of 2008 as amended, and the Michigan Planning Enabling Act of P.A. 33 of 2008 as amended. This section also provides for establishing the membership of the Commission, the meetings of the Commission and grants the authority to the Commission to adopt rules and procedures for the conduct of their business.

II. OFFICERS:

A. A Chairperson, Vice-Chairperson and Secretary shall be elected by majority vote of the members of the Commission every year at the first regular meeting in the month of January.

Such other officers as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Commission.

- B. The Chairperson shall preside at all meetings and shall appoint such committees as may be authorized by the Commission, and be an ex-officio member of such committees.

The Chairperson, subject to these rules, shall decide all points of order or procedure, subject to appeal by a member of the Commission, which shall be determined by a majority of the members of the Commission present. In the event an appeal is taken by any member from the ruling of the presiding officer, the Commissioner desiring to appeal shall state that a claim of appeal is being taken and shall state briefly what in that Commissioner's opinion the ruling should have been. If this appeal is seconded, the recording secretary shall state clearly the question at issue, and then shall call for the vote of the Commission on the question: "Shall the decision of the presiding officer be sustained?" Such decision shall be final and shall be binding on the presiding officer.

- C. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in his or her absence. Should neither the Chairperson, nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by a majority of the members present.
- D. The Secretary shall record the meeting minutes.
- E. In the event that an officer shall leave the Commission before the expiration of his or her term, an individual shall be appointed to the vacancy in the same manner for Planning Commission appointments as defined by City ordinance

III. MEETINGS:

- A. All Commission meetings shall be open to the public.
- B. The regular meetings of the Commission shall be held on the first Tuesday of each month, except when such Tuesday falls on a legal holiday or conflicts with the City Commission meeting schedule.
- C. A special meeting of the Commission may be called by the Planning Director, Chairperson, the Vice-Chairperson in the event the Chairperson is out of town, or any three members of the Commission. Each member of the Commission must receive at least eighteen (18) hours notice as to the time, place and purpose of the meeting in writing, delivered or served personally at his or her usual place of residence, except that the announcement of a special meeting at a time at which all members are present shall be sufficient notice of such meeting. In the event a request to call a Special Meeting is initiated by a member of the Commission other than the Chairperson, or Vice-Chairperson in the event the Chairperson is out of town, the initiating Commissioner shall submit a written request to the Planning Director requesting the Special Meeting. The request shall contain the item(s) to be considered. The Planning Director shall then forward the request within two business days to the Commission and request if there are two (2) additional Commissioners who would like to call the

Special Meeting; and any Commissioner who would like to join in making the request shall respond directly to the Planning Director.

- D. Study meetings may be held on the third Tuesday of the month, as called for by the Commission or Chairperson, except when such Tuesday falls on a legal holiday or conflicts with the City Commission meeting schedule.
- E. Meeting agendas shall be prepared by the Planning Director. The Planning Director and any member of the Commission may place items on the agenda; items to be placed on the agenda by a member of the Commission shall be submitted at least ten (10) calendar days in advance of the given meeting, unless for a Special Meeting called for a specific purpose in accordance with these Bylaws. The agenda shall be sent to the Commission no later than on the Thursday preceding the regularly scheduled meeting. The Commission shall only consider the items listed on the originally released agenda, unless seven (7) members of the Planning Commission, by affirmative vote, suspend this rule to add an item to the agenda.
- F. Consent Calendar
When the Planning Director determines that any item of business requires action by the Planning Commission but is of a routine and noncontroversial nature, the Planning Director may cause such item to be presented at a Regular Meeting of the Planning Commission as part of a Consent Calendar, subject to the following procedure:
- (a) On objection by any Planning Commissioner or any member of the public who is present to inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to the taking of a vote on the motion to approve the Consent Calendar. All such items shall be considered individually at a place on the agenda determined by the presiding officer.
 - (b) The Consent Calendar shall be introduced by a motion to approve the Consent Calendar and shall be considered by the Planning Commission as a single item.
 - (c) There shall be no debate or discussion by any member of the Planning Commission regarding any item on the Consent Calendar, beyond asking questions for simple clarification. A Commissioner may abstain from any item on the Consent Calendar by identifying the agenda item number and subject, stating the reason for the abstention, and that the Commissioner abstains from voting on that item. The abstention for that item shall be noted in the minutes.
 - (d) Approval of the motion to approve the Consent Calendar shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted up on individually.

- G. A quorum of five (5) members must be present to constitute an official meeting of the Commission.
- H. All regular meetings shall begin at 7:00 p.m. and no new items requiring action shall be taken after 10:00 p.m. unless otherwise determined at the meeting by a majority of the Commission present.
- I. The conduct of the Planning Commission business shall be governed by the current edition of Robert's Rules of Order unless otherwise modified by law, ordinance, or these rules of the Planning Commission.

IV. VOTES:

The concurring vote of a majority of members present at a regular or special meeting shall be necessary to pass on any matter referred to them. The adoption of a master plan, or of any such part, amendment, extension or addition shall require the concurring vote of six (6) members of the Commission.

V. CONFLICT OF INTEREST:

Upon disclosure of a conflict of interest the member may recuse themselves from voting on the issue or participating in the making of a decision. .

- A. Appearance of Conflict. An appearance of a conflict exists when a reasonable person would believe that because of certain facts a Planning Commissioner's participation in a proceeding would create an appearance of impropriety, partiality, bias or lack of fairness.
- B. Contractual Conflicts of Interest. The conduct of City officials and employees in relation to conflicts of interest involving contracts shall be as established by State law.
- C. Financial Conflict of Interest. An official or employee who has a financial interest, direct or indirect, in any matter to be decided by the Planning Commission, other than with respect to a contract, shall make that interest known and shall refrain from voting upon or otherwise participating in the making of the decision. Violation of this subsection with the knowledge, express or implied, of the person or corporation dealing with the Planning Commission shall render the decision voidable by the City Manager or the City Commission. Any official or employee violating the provisions of this subsection shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit office. A financial conflict of interest may be waived by the City Commission after full disclosure of such conflict to the Commission. Unless otherwise provided by law or ordinance, the remaining members of the Commission in a unanimous vote may rule that the best interests of the City are to be served by removing the prohibition on voting and participating in the matter.

VI. PROCEDURE:

- A. All inquiries, applications or matters requiring official action by the Commission which is not specifically mentioned below shall be submitted in writing at the offices of the Planning Department. This must be done at least fourteen (14) days prior to the meeting of the Commission at which consideration is requested.
- B. Requests for rezoning, subdivision approvals, Special Land Use Permits and Planned Unit Developments shall be filed on application forms obtained from the Planning Department.
- C. Rezoning, Special Land Use Permit, Planned Unit Development, subdivision approval, lot split and alley and street vacationing requests shall be submitted at least fourteen (14) days prior to the meeting for introduction before the Commission. If the Commission finds the submission complete, then a public hearing date shall be scheduled to consider the request.
- D. The Commission and/or the Planning Director may require such surveys, plans or other information as may be reasonably required by said Commission for the proper evaluation or consideration of the matter. Written documentation from the petitioner should be presented to the Commission which will give full information as to the intentions of the petitioner, as well as a legal and informal description of the property in question.
- E. All proceedings, decisions and resolutions of the Commission shall be initiated by motion. The vote upon motions and resolutions may be recorded by roll-call vote. All members, including the Chairperson, shall vote on each motion unless they have stated there is a conflict of interest, or the appearance of a conflict of interest, as defined in these bylaws.
- F. In the event a petitioner requests that his or her item be tabled, after it has been published, noticed and scheduled, the public hearing may be held to allow interested citizens an opportunity to speak to the request, then tabled to a specific future meeting and scheduled in sequence on the agenda.
- G. Whenever there is an administrative decision to be made by the Commission, members of the Commission shall avoid ex parte contact. An administrative decision is when there is an applicant for a decision to be made by the Planning Commission, such as a rezoning, a Special Land Use Permit or a Planned Unit Development. Ex parte contact is contact with the applicant outside of a Planning Commission meeting when there is a pending administrative decision, regardless of means, such as a telephone conversation, email, in-person conversation. In the event such contact is

made, the member of the Commission shall submit a document to the Planning Director outlining the nature of the contact, what was said, and the Planning Director shall provide the document to the members of the Commission and include the document in the next meeting packet, and feature it on the agenda as a "report."

VII. PUBLIC HEARINGS:

- A. The primary function of the public hearing process is the gathering of information through public testimony and written documentation. The nature of the evidence received during this process will in many cases require further careful consideration to assure a logical and just decision. The Commission shall therefore determine at each public hearing the meeting date at which a decision will be rendered.
- B. The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the request. If the applicant or agent is not present, the request may be tabled until the next meeting or dismissed at the discretion of the Commission.
- C. The Commission shall hold a public hearing on any proposed amendment to the zoning ordinance or zoning map. Official notice for the Commission public hearings shall comply with the requirements and procedures established by Section 1320.04 of the City Code of Ordinances. The Commission shall recommend approval or denial of the amendment, and shall transmit, in writing, its recommendation to the City Commission for official action.
- D. The Commission shall hold a public hearing on any proposed City Commission authorized Special Land Use Permit. The official notice of public hearing shall comply with Section 1364.04, of the City Code of Ordinances. The Commission may recommend denial, approval or approval with conditions after said hearing and notification as provided herein. Its recommendation shall be incorporated in a statement of conclusions specifying the basis for the recommendation and any conditions imposed, which statement shall be transmitted to the City Commission for official hearing and action.
- E. The Commission may hold a public hearing with such notice as it deems advisable for Planned Unit Developments. After review by the Commission, it shall submit a written recommendation to the City Commission.
- F. In the case of lots splits for unusual or unique circumstances as described in Section 1244.05(f) of the Traverse City Code of Ordinances, the Commission may in its discretion hold a public hearing on the matter and make a recommendation to the City Commission for appropriate action.

- F. The Commission may hold a public hearing with such notice as is deemed advisable for public street and alley vacations and openings. After review by the Commission, it shall submit a written recommendation to the City Commission.
- G. The Commission will not reconsider any request on which a negative decision has been rendered within one (1) year from the date of the Commission's decision on the request unless it can be shown by the petitioner that substantial new information affecting the request which was not presented to the Commission at the previous hearing(s) is now available and would affect the original decision rendered. Said substantial new information shall be described in writing by the applicant at the time of application. Before re-hearing the request, the Commission shall decide whether there is substantial new information allowing the new hearing.

VIII. PUBLIC COMMENT AT REGULAR AND SPECIAL MEETINGS. The Planning Commission welcomes public comment and has prescribed the following to facilitate the conduct of public business.

- A. Public Comment during Agenda Items. Any interested person wishing to address the Planning Commission regarding an Agenda Item may do so during discussion of an agenda item prior to action recognized by the presiding officer or upon request of any Commissioner. All persons are encouraged to identify themselves and their address and direct their comments to the Commission. The comment of any member of the public or any special interest group may be limited in time to five minutes except as provided in subsection (D). As part of its deliberation, the Planning Commission may clarify, answer questions and ask questions as a result of public comment.
- B. Public Comment during the designated Public Comment Section - General. Any interested person wishing to address the Planning Commission regarding other matters may do so under the designated Public Comment section. All persons are encouraged to identify themselves and their address and direct their comments to the Commission. The comment of any member of the public or any special interest group may be limited in time to five minutes except as provided in subsection (D). Questions posed may be answered at the meeting or may be referred to staff for response at a later time.
- C. Public Comment during the designated Public Comment Section - Planning Commissioners. Planning Commissioners interested in making a public comment may do so under the designated Public Comment section. Further, Planning Commissioners may briefly respond for clarification purposes as a result of public comment.
- D. Order and Duration of any Public Comment. The presiding officer shall control the

order and duration of any public comment subject to appeal. The presiding officer shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive, or impedes the orderly progress of the meeting. Items not appearing on the agenda will not be acted upon by the Planning Commission except in accordance with these rules.

IX. AMENDMENTS:

- A. These bylaws may be amended or modified provided that such amendment or modification is presented in writing at a meeting, and that favorable action is taken thereon at a subsequent meeting.

- B. Six (6) members of the Commission by due motion and recorded vote may suspend or vary the application of these rules to a particular application, case, problem or proceeding pending before the Commission.

I hereby certify that the above document was adopted by the Traverse City Planning Commission at their March 6, 2018 regular meeting.



Heather Shaw, Secretary
Traverse City Planning Commission