

PLANNING COMMISSION BYLAWS

I. Character of the Commission.

A. Name

1. The name of this Commission shall be the "Marquette City Planning Commission" (hereinafter called "the Commission").

B. Object

1. The Commission is formed pursuant to Public Act 285 PA 1931 (Municipal Planning Commission Act) as amended and shall have all powers and responsibilities granted by that Act.
2. The Commission shall also have all powers and responsibilities granted by Public Act 110 of 2006 (Michigan Zoning Enabling Act) as amended and all other applicable public laws.

C. Members

1. The members of the Commission are appointed by the City Commission, after an application process that is administered by the City Manager's staff.
2. The term of appointment of each member shall be three years.
3. A member whose term has reached or exceeded six (6) years shall not be reappointed until one year has elapsed.
4. The terms of three members shall expire each year on February 15th unless new appointments have not been made.
5. A member of the Planning Commission shall also be a member of the Zoning Board of Appeals in accordance with the provisions of Public Act 110 of 2006, as amended.
6. *Ex parte* contact:
 - a. Members shall seek to avoid unilateral contacts with a party that is seeking application approval from the Planning Commission (PC) when an administrative decision is pending. The legal term for these improper contacts from applicants is called *Ex parte* contact.
 - b. Despite one's best efforts it is not always possible to avoid *Ex parte* contact. If it happens the member should inform the applicant party that they are required to report the contact and then take notes on what was said, and report what was said to the Planning Commission at a public meeting or hearing, so that every member and other interested parties are made aware of what was said.
7. Site Inspections
 - a. Site inspections may be done by PC members, but permission to access private property should be acquired prior to entering the subject property, and only one PC member should conduct a site visit at a time, unless a public meeting is held on a site which would allow for a quorum to be present.

D. Officers

1. The officers of the Commission shall be a Chairman, and a Vice-Chairman.
2. The officers of the Commission shall be elected at the first March meeting of each year. Special elections may be held to fill vacancies.
3. The terms of office of the Commission's Officers shall be one year. Officers may be

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- reelected.
4. The City Planner/Zoning Administrator shall serve as the Secretary/Staff Liaison to the Planning Commission or designate the Zoning Official or another staff member to serve as Liaison in his/her absence.
 5. In the case there are no officers present at a meeting, the members present shall select an acting chair in accordance with Roberts Rules of Order.

II. Meetings

- A. All meetings of the Commission shall be open to the public.
- B. Regular meetings of the Commission shall be held in the City Commission Chambers at 6:00 p.m. on the first and third Tuesday of each month.
 1. When a regular meeting date falls on a holiday or a city election day, the meeting shall be held at the regular time on the subsequent Tuesday.
 2. When an agenda does not include a public hearing, site plan review, public project review (i.e. street reconstruction projects) or any other "business" that is timely, the presentation of development project information or other concerns by members of the public that do not require action by the Planning Commission may be added to the agenda after the submission deadline only by approval of the Chair, or Vice-Chair in absence of the Chair.
- C. Special meetings may be requested by a member of the public for a fee, or by request of the City Commission, and called for by the Staff Liaison upon written confirmation of availability of no less than four Commissioners. No agenda item other than those identified in the call for the special meeting will be considered.
- D. A majority of the members of the Commission in office shall constitute a quorum for the transaction of business at all Commission meetings.
- E. A simple majority shall be one more than half of the members present. A two-thirds majority shall consist of 2/3 of the Commission members present.
- F. Conflict of Interest
 1. A Commission member is expected to declare a conflict of interest if one exists. If The member does not declare a conflict, and another member, or a member of the public feels there is a conflict, said member or person shall raise the issue prior to the Commission discussion on the matter where the potential conflict exists.
 2. As a general rule, the following situations indicate a potential conflict of interest. This list is not intended to include all possible situations, nor do all situations listed here necessarily constitute a conflict:
 - a. Where a Commission member has a direct financial interest in the outcome of the matter before the Commission.
 - b. Where a Commission member has shared financial interests with the person or people who will be directly affected by the outcome of the matter before

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the Commission.

- c. Where a Commission member has a close family tie with the person or people who will be directly affected by the outcome of the matter before the Commission.
 - d. Where the Commission member owns property, which will be directly affected by the outcome of the matter before the Commission (other than decisions that will affect all or large groups of property in the City).
 - e. Where it appears that a Commission member may have a conflict of interest for any given reason.
3. Questions regarding a conflict of interest shall be resolved in the following manner:
- a. If any Commission member/members or member of the public believes there may be a conflict, that person shall so declare the conflict to the Commission.
 - b. The Commission shall ~~discuss~~ declare whether or not a conflict may exist and if a potential or certain conflict is found shall excuse the conflicted Commission member(s) from.

G. Agenda.

1. All items to be placed on the Agenda must be submitted to the appropriate official not less than ten days prior to the meeting except applications for rezoning, street vacations, zoning ordinance amendments, special land use permits, site plan reviews, developmental plans, and items that require a public hearing for which the procedure is outlined in Sec. III. The Commission will not accept or consider any support material which is submitted less than ten (10) days prior to a meeting except support materials pertaining to applications for rezoning, street vacations, zoning ordinance amendments, conditional use permits, site plan reviews, development plans, and items which require a public hearing for which the procedure is outlined in Section III. This shall pertain to material submitted by a petitioner or applicant, or anyone employed or hired by a petitioner or applicant. The official receiving such material shall endorse the date of receipt on the face of the material.
2. The order of the agenda shall be as follows:
 - a. Roll call.
 - b. Approval of Agenda.
 - c. Minutes of the previous meeting.
 - d. Conflict of Interest Declaration.
 - e. Public Hearings.
 - f. Public comment (reserved for agenda items only or may request time to speak later when agenda item is presented).
 - g. Old business.
 - h. New business.
 - i. Public comment for non-agenda or agenda items.
 - j. Correspondence, Reports, Minutes of other boards/committees.
 - k. Work session on reports, ordinance or plans.
 - l. Commissioner and staff comments.

H. The Rules governing all meetings shall be Robert's Rules of Order.

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1. Voting. The Chair may vote on a motion that has been seconded, but shall be the last member to cast a vote.
 2. Motions. The Chair may make a motion, but it is best practice for the chair to make motions only in situations in which the other members have failed to make a motion that is carried or withhold making a motion to reach a decision.
- I. A member of the audience speaking during the public comment portion of the agenda shall limit his/her remarks to 3 minutes.

III. Procedures.

- A. Rezoning, streets vacations, zoning ordinance amendments, special land use permits, and other items requiring public hearings:
1. Deadline for applications shall be twenty (20) business days prior to the first Tuesday of each month. Applications shall be submitted to the Planning and Zoning division of the Community Development Department and must be found to be complete prior to being placed upon a Planning Commission agenda.
 2. The Staff Liaison (or his/her designee) shall place the application on the agenda for the appropriate meeting unless the petition deals with a site or portion of a site for which a similar application was considered during the previous six months. When the petition deals with a previously considered site, it shall be forwarded to the Commission at the next meeting. The Commission may refuse to schedule the hearing if they determine that conditions have not significantly changed, and such requests must be presented to the Commission by staff for a vote to approve or deny the request.
 3. Notice of hearing shall be provided so that 15 full days notice is given between the mailing and/or publishing date and the actual hearing date, per statute, and in accordance with Article 54.1406 of the Land Development Code.
 - a. All persons to whom real property is assessed (including condominiums) and the occupants of all structures within 300 feet of the site shall be notified by mail, per statute.
 - b. A legal advertisement shall be placed in a newspaper of general circulation.
 4. The order of presentation for a public hearing shall be as follows:
 - a. Commission Consultants/City Staff
 - b. Applicant
 - c. Correspondence
 - d. Public Testimony
 - e. Commission Discussion
 - i. If the Chair wishes to allow the applicant or a member of the public speak during Commission discussion, he/she may allow it, but this is not required and should not become common practice. Only the Chair can act for the Commission in this regard.

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5. Following the hearing the Commission shall take action within two months.
 6. Recommendations shall be forwarded to the City Commission within 8 working days.
- B. Pursuant to Section 7.2.b. of the City Charter and Public Act 33 of 2008 as amended, the Commission shall review the City's six-year capital outlay budget as presented by the City Manager.
- C. The Community Development Department shall prepare any necessary or recommended revisions to the City's Master Plan. The Commission may consider such revisions at its convenience but, prior to adoption of any revisions, the Commission shall follow the procedures provided in Public Act 33 of 2008 as amended and shall coordinate with the City Commission prior to the adoption of any such revisions.

IV. Amendments.

- A. Amendments to the Bylaws shall be governed by Robert's Rules of Order.

Adopted May 3, 1977
Amended March 19, 1985
Amended April 2, 1985
Amended July 16, 1996
Amended December 17, 2002
Amended September 16, 2003
Amended December 6, 2005
Amended December 19, 2006

Amended March 6, 2007
Amended July 3, 2007
Amended April 16, 2013
Amended November 12, 2013
Amended April 2, 2014
Amended March 19, 2019
Amended December 21, 2021