

**CITY OF GAYLORD
PLANNING COMMISSION**

Bylaws

Adopted, effective immediately, _____

1. PURPOSE. These Bylaws are adopted to provide for the efficient and uniform administration of the City of Gaylord Planning Commission consistent with the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*

2. MEMBERSHIP.

2.1 Appointment. Members of the Planning Commission shall be appointed by the mayor subject to the approval by a majority vote of the members of the city council elected and serving. The Planning Commission shall be composed of five (5), seven (7), or nine (9) members as determined from time to time by the Gaylord City Council as provided in the Planning Commission Ordinance for the City of Gaylord . Members of the Planning Commission shall be qualified electors of the City of Gaylord except that two (2) members may be individuals who are not qualified electors of the City of Gaylord.

2.2 Ex Officio Members. The City Council may appoint the City Manager, the City Manager's designee, the Mayor, a City Council Member, or any combination, to the Planning Commission as an *ex officio* member, provided that *ex officio* members do not comprise more than one-third (1/3) of the Planning Commission.

2.1 Term. Each member other than *ex officio* members shall serve a three (3) year term. Terms shall be kept as nearly as possible such that the terms of one-third (1/3) of all the planning commission members will expire each year. The term of an *ex officio* member shall be:

(a) The term of the Mayor shall correspond to his or her term as chief elected official.

(b) The term of a City Manager shall expire with the term of the Mayor that appointed him or her as chief administrative official.

(c) The term of a City Council Member shall expire with his or her term on the City Council.

3. OFFICERS AND COMMITTEES

3.1 Officers. The Planning Commission shall elect a Chairperson and Vice-Chair from its members and create and fill other offices as it deems advisable. An

ex officio member of the Planning Commission is not eligible to serve as Chairperson. The term of each officer shall be one (1) year, with opportunity for re-election at the end of the term.

3.2 Chairperson. The Chairperson shall preside over all meetings of the Planning Commission.

3.3 Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.

3.4 Secretary. The Secretary shall assure that the minutes of all the Planning Commission meetings are properly recorded and that notices for all meetings are duly given. The Secretary shall also perform such other duties as may be assigned by the Chairperson or the Planning Commission. Unless the Planning Commission appoints a different secretary, the City's Zoning Administrator will serve as the Secretary.

3.5 Vacancies. Vacancies occurring on the Planning Commission shall be filled for the unexpired term through appointment by the mayor, subject to approval by a majority vote of the members of the City Council elected and serving. **4.**

MEETINGS

4.1 Regular Schedule. Unless a different schedule is approved by a majority of the members of the Planning Commission, regular meetings will be held on the first Wednesday of each month. The Planning Commission shall not hold less than four (4) regular meetings each year.

4.2 Special Meetings. Special meetings of the Planning Commission may be called by the Chairperson or by any two (2) members, upon written request to the Secretary. The Secretary shall send written notice of a special meeting to all Planning Commission members not less than forty-eight (48) hours before the meeting.

4.3 Place of Meeting. Meetings of the Planning Commission shall be held at the City Council Chambers at Gaylord City Hall. If for some reason the location needs to be changed, a notice will be prominently posted at City Hall so that it is visible outside and shall be published in a newspaper of general circulation in the city, if such publication can be accomplished prior to the meeting.

4.4 Time of Meetings. Meetings of the Planning Commission shall begin at 7:00 pm, unless the Planning Commission, by a vote of the majority of its members, specifies a different start time. The Planning Commission shall not begin considering any matter on the agenda after 9:30pm, except by unanimous consent of the members present. Matters on the agenda which have not been considered may be heard at an adjourned meeting, provided a motion specifies the time, date,

and place of the adjourned meeting, or shall be placed on the agenda of the next regular meeting, or on the agenda of a special meeting, if one is called.

4.5 Change in Schedule. Changes in the schedule of a regular meeting shall not be made except by a vote of a majority of the entire planning commission. Meetings may be cancelled when there is no business for the Planning Commission to conduct. If a quorum is not present at regular meeting, the meeting shall be rescheduled, and a notice of the rescheduled regular meeting shall be posted as required in Section 5.3.

5. PUBLIC NOTICE OF MEETINGS

5.1 Public Notice of Meetings. The Secretary or the Secretary's designee shall be responsible for providing the proper notice of all meetings of the Planning Commission. Notices shall comply with all applicable local ordinances and state law, as amended, including the Open Meetings Act, the Michigan Zoning Enabling Act, the Michigan Planning Enabling Act, the City of Gaylord Planning Commission Ordinance, and the City of Gaylord Zoning Ordinance.

5.2 Schedule Change. Whenever the Planning Commission changes its schedule of regular meetings, the Secretary or the Secretary's designee shall, within three (3) days after the regular meeting at which the change was made, post at the City Hall so that it is visible from outside a public notice stating the dates, times, and places of the new schedule of regular meetings.

5.3 Special Meetings. No less than eighteen (18) hours before any scheduled special meeting, the Secretary or the Secretary's designee shall post at the City Hall so that it is visible from the outside a notice of the special meeting, including the purpose for which the special meeting is called.

6. QUORUM AND VOTING

6.1 Quorum. A majority of the members of the Planning Commission shall constitute a quorum for the transaction of business at all meetings of the Planning Commission.

6.2 Voting. An affirmative vote of a majority of the entire Planning Commission shall be necessary to approve the city master plan and any amendment to the master plan. Unless otherwise provided in these bylaws or unless the City of Gaylord Zoning Ordinance requires otherwise, an affirmative vote of a majority of the Planning Commission present shall be necessary to decide

in favor of the applicant on any other matter before the Planning Commission and to make all other decisions.

6.3 Conflict of Interests. A member of the Planning Commission shall declare a conflict of interest in connection with a matter pending before the Planning Commission and shall disqualify himself or herself from deliberating and voting on the matter.

6.4 Ex Parte Contact. Whenever possible, members should avoid *ex parte* contact with individuals who have a case pending that seeks an administrative decision from the Planning Commission

7. REGULAR MEETING AGENDA

7.1 Regular Meeting Agenda. The agenda for the regular meeting of the Planning Commission shall be as follows:

- a) Call to Order
- b) Pledge of Allegiance
- c) Roll Call
- d) Corrections, Deletions, or Amendments to the Agenda
- e) Approval of Minutes
- f) Communications
- g) Public Hearings/Site Plan Presentation and Resolution
- h) Public Comment by Citizens
- i) Unfinished Business
- j) New Business
- k) Adjournment

The Planning Commission reserves the right to alter the agenda by a majority vote of the members present at the meeting.

7.2 Special Meeting Agenda. Whenever the Planning Commission meets in a special meeting, the matters to be considered shall be stated in the notice of the special meeting. No other matters shall be considered, except when all members of the Planning Commission are present and concur.

8. CONDUCT OF MEETINGS

8.1 Public Hearing Procedures The procedure for a public hearing of the Planning Commission shall be as follows:

- a) The Chairperson shall open the public hearing by announcing the matter to be heard and by summarizing the standards or other regulations of the zoning ordinance on which the Planning Commission's decision must be based.
- b) One or more persons representing the applicant shall be given an opportunity to speak about the proposal to be considered, including a review of any proposed site/development
- c) The Zoning Administrator will review any report from the City's engineers and provide the commission members an opportunity to question the applicant or the applicant's agent on the application, the site/development proposal, and the relief requested.
- d) After the Planning Commission reviews each application scheduled for Public Hearing at that session, members of the public may speak on any topic, including support or opposition to an application, a site/development proposal, or the relief requested. .
- e) At the conclusion of these deliberations, the commission will move onto unfinished business. The Chairperson shall close the public hearing immediately prior to the Planning Commission deliberating on the proposal to be considered.

8.2 Members of the Public. Members of the public wishing to address the Planning Commission during the meeting or during a public hearing shall first be recognized by the Chairperson, and each person who speaks shall state their name and address. All comments shall be addressed to the Chairperson, and not to other members of the public or applicants, unless approved by the Chairperson.

8.3 Time Limit for Public Comment. During any public comment period (both during public hearings and outside of public hearings) each member of the public that addresses the Planning Commission shall be limited to three (3) minutes, unless extended in the discretion of the Chairperson. Members of the general public may transfer allotted time to another individual, who may act as a spokesperson for a group. The time limitation imposed pursuant to this section, however, shall not apply to the applicant or the applicant's attorney or other agents, since the applicant has the burden of proof on the matter before the Planning Commission.

8.4 Written Statements Submitted by the Public. There shall be a "correspondence" section of the agenda during which time written correspondence shall be discussed. At this time, all written correspondence will be summarized and read aloud to the members of the Planning Commission.

8.5 Disorderly Conduct at Meetings. The Chairperson may call out of order any person who is being disorderly by speaking or otherwise disrupting the

meeting, failing to germane, speaking longer than the allotted time, yelling, shouting or speaking vulgarities. Such person shall thereupon be seated until the Chairperson determines whether the person is in order. If a person is called out of order, he or she shall not be permitted to continue to speak at the same meeting or public hearing, except by a majority vote of the Planning Commission members present. If the person continues to be disorderly to the extent that the Planning Commission cannot continue to conduct business, the Chairperson shall consider the person to be in breach of the peace and may request the assistance of a law enforcement officer to remove the person from the meeting. The Planning Commission shall have the right to adjourn the meeting if it is interrupted due to disorderly conduct of any person. No person shall be removed from a public meeting, except for an actual breach of peace at the meeting.

8.6 Rehearings.

1. A decision of the Planning Commission shall be final, unless an exception exists under the City of Gaylord Zoning Ordinance, or unless the Planning Commission, in its discretion, grants a rehearing under exceptional circumstances. Exceptional circumstances shall mean any of the following:
 - a. The Applicant who brought the matter before the Planning Commission made misrepresentations concerning a material issue which was relied upon by the Planning Commission in reaching its decision.
 - b. There has been a material change in circumstances regarding the Planning Commission's findings of fact which occurred after the public hearing.
 - c. The city attorney, by a written opinion, states that in the attorney's professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous.
2. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission on its own motion, pursuant to the following procedure:
 - a. A request for a rehearing which is made by an applicant or the Zoning Administrator must be made within twenty-one (21) days from the date of approval of the Planning Commission's minutes regarding the decision for which the hearing was requested.

- b. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission on its own motion may be granted any time as long as the applicant has not been prejudiced by any delay.
- c. The Planning Commission will consider any request at its next regularly scheduled meeting.
- d. Whenever the Planning Commission considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission holds a hearing at which it considers whether to grant a rehearing.
- e. If the Planning Commission grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

8.7 Robert's Rules of Order. The Rules of Parliamentary Practice, in Robert's Rules of Order, shall govern the Planning Commission in all cases to which they are applicable, provided they are not in conflict with these rules, state law, or with the City Charter or City ordinances.

9. RECORDING OF MEETINGS.

9.1 Recording Responsibility. The Secretary or their designee shall be responsible for maintaining the official records and minutes of each meeting of the Planning Commission. The minutes shall include all of the actions of the Planning Commission with respect to motions. The minutes shall include the names of the Planning Commission members who present motions and Planning Commission members who second motions as well as the vote of the Planning Commission on such motions. If a roll call vote is taken, the record shall show the "yes" and "no" votes. However, if all members vote "yes" or "no", the minutes may then reflect motion carried or defeated by unanimous vote.

9.2 Voting. Whenever a question is put by the Chairperson, every Planning Commission member present shall vote on the question. If a member has a conflict of interest, such conflict of interest shall be fully stated on the record. If a question exists whether the circumstances actually present a conflict of interest, the

Planning Commission may, by a majority vote of the members present, adjourn the case to specific time, date, and place in order to obtain a written opinion from the city attorney. Once the conflict of interest is declared and confirmed, the Planning Commission member with the conflict of interest shall abstain from participating and voting in the case.

9.3 Requests for Remarks to be Included. Any Planning Commission member may request to have their comments printed as part of the minutes. If there are no objections by any Planning Commission member, the comments may be included. If there is an objection to including the requested comments in the minutes, the Planning Commission shall decide the matter by a majority vote of the Planning Commission members present.

9.4 Public Access to Meeting Records. The Secretary or their designee shall make available to the public the minutes of official meetings in accordance with the Freedom of Information Act. Minutes Prepared by the Secretary or their designee but not approved by the Planning Commission shall be available for public inspection not more the eight (8) business days following the meeting. Minutes approved by the Planning Commission shall be available within five (5) business days after the meeting at which they were approved.

10. AMENDMENTS. These Bylaws may be amended or repealed in whole or in part. Proposed changes to these bylaws must be submitted in writing to the members of the Planning Commission at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entirety of the Planning Commission members shall be required to amend these bylaws.

11. SEVERABILITY. If any portion of these Bylaws or the application of any portion to any person or circumstance shall be found invalid, such invalidity shall not effect any remaining portion or application of these Bylaws which can be given effect without the invalid portion or application.