



City of Petoskey

Office of City Planner

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500

BY-LAWS OF THE PETOSKEY PLANNING COMMISSION

- I. Purpose – The general purpose of the Petoskey Planning Commission shall be to guide and promote the efficient, coordinated development of the City of Petoskey in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect its natural resources; and address the goals and recommendations of the Master Plan.
- II. Duties of the Commission – The Commission shall perform the following duties:
 - A. Draft, conduct hearings, and recommend a Zoning Ordinance, and subsequent amendments thereto, to the City Council.
 - B. Adopt a Master Plan, review the Plan regularly, and make necessary updates as required.
 - C. Submit an Annual Report to the City Council.
 - D. Review and take action on site plan, special land use requests or recommend appropriate actions to the City Council on zoning ordinance and map amendments.
 - E. Review Subdivisions proposals and recommend appropriate action to the City Council.
 - F. Prepare special studies and plans, as deemed necessary by the Commission or City Council.
 - G. Perform other duties and responsibilities as may be requested by the City Council.
- III. Regular Meeting Date and Place – The regular Commission meeting shall be the third Wednesday of each month at 6:00 P.M. in City Hall.
- IV. Election of Officers – The Chairperson, Vice-Chairperson/Secretary shall be elected in September of each year for a one-year term. Vacancies in offices shall be filled immediately by regular election procedure with the term expiring in September of the following year.
- V. Duties of Officers
 - A. Chairperson – The chair shall preside at all meetings, appoint committees; and perform such duties as may be delegated by the Commission or City Council. The chair may establish committees from the commission membership as needed and shall have the right to appoint new committee members at any time to fill a vacancy.

B. Vice-Chairperson/Secretary – The vice-chairperson/secretary shall act in the capacity of the chairperson in his/her absence and shall serve as a liaison between the commission and the designated staff member responsible for the execution of documents in the name of the commission.

VI. Minutes of the Meeting – A written record of the Planning Commission regular and special meetings shall be retained and available for public review at the City Offices.

VII. Quorum and Majority – A quorum of the Commission shall consist of at least five members. A majority of the quorum present shall be required to pass a particular motion. In the case of adoption of a municipal master plan, a minimum vote of approval of six members of the Commission shall be necessary to adopt the master plan.

VIII. Attendance – Members who miss consecutive regular meetings shall provide adequate notice or reason for their absences to staff or the Chairperson. Consistent absence from meetings by a member may warrant the Chairperson to request review of the membership by the Mayor.

IX. Conflict of Interest

A. 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:

1. Deliberating on, voting on, or reviewing a case concerning him or her.
2. Deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
3. Deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
4. Deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
5. Deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
6. Deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - (a) An applicant or agent for an applicant, or
 - (b) Has a direct interest in the outcome.

B. 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.

C. 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:

1. Declare a conflict exists at the next meeting of the Commission or committee;
2. Cease to participate as a member of the Commission at the Commission or committee meetings, and
3. During deliberation of the agenda item before the Commission or committee, leave the meeting until that agenda item is concluded.

X. Incompatibility of Office – If a member of the Commission is appointed to another office, which is an incompatible office with his or her 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 his or her 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.

XI. Representation of the Commission – No Planning Commissioner shall claim to represent the Planning Commission to an individual or organization unless authorized at the direction of the Chairperson, or by Planning Commission resolution.

XII. Motions

- A. Motions shall be restated by the Chair before a vote is taken.
- B. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.
 - a. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - b. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - c. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

XIII. Open Meetings and Freedom of Information Provisions – Deliberations and decisions of the Commission are governed by the Michigan Open Meetings Act being notices shall comply with Act 267 of the Michigan Public Acts of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

Persons shall be permitted to address the Commission by first receiving permission from the Chairperson or Acting Chairperson. The Chairperson may limit the time for each individual speaking in order to encourage participants to be succinct in their comments. An individual who is speaking on behalf of others in attendance at the meeting may be given additional time.

Records, files, correspondence, and other materials pertaining to Planning Commission agenda topics are available to the public for reading, copying, and other valid purposes as governed by Act 442 of the Michigan Public Acts of 1976, as amended.

- XIV. Notification and Public Hearing Requirements – The City shall provide for due notification of public hearings, which shall be scheduled by motion of the Planning Commission, in local newspapers and by direct mailings as required for rezonings, special condition uses, or other such actions, in accordance with Act 110 of the Michigan Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter “the Zoning Act.”

A public hearing shall initially be held only at an evening meeting or weekend meeting. In the event of adjournment or tabling of a public hearing, public notice of the time and place of the public hearing shall be provided by posting written notice at the City offices. A rescheduled public hearing shall meet all requirements for notification and scheduling of an initial public hearing.

Persons shall be permitted to address the Commission by first receiving permission from the Chairperson or Acting Chairperson. The Chairperson may limit the time for each individual speaking in order to encourage participants to be succinct in their comments. An individual who is speaking on behalf of others in attendance at the meeting may be given additional time.

- XV. Conditions for Submitting Project Plans – All required plans and materials for review at a regular meeting of the Planning Commission shall be submitted to the City staff no later than 5:00 P.M. on the designated deadline as stated on the annual meeting schedule. Plans and materials for review at a special meeting shall be submitted no less than five (5) calendar days prior to the date of the special meeting. (120 hours, for example: a meeting at noon on a Monday, plans are due at noon of the prior Wednesday)

Any plan drawings and materials submitted shall include all information as required in the Petoskey Zoning Ordinance and/or the Sign Ordinance. Required fees and signed copies of required forms shall also be provided at this time.

A petitioner whose plan requires a variance in order to comply with ordinance requirements must obtain the variance from the Zoning Board of Appeals prior to consideration by the Planning Commission.

- XVI. Special Meetings – Special meetings may be scheduled by the Commission Chairperson or by any two Commission members in consultation with City staff.

At a special meeting, the Commission shall only consider those agenda items identified in the public notice. Written public notice of the time, place and purpose of any special meeting shall be posted at the City offices at least 48 hours prior to the meeting. If a public hearing is to be conducted at the special meeting, then the meeting shall be scheduled at a time and place to provide for an adequate and proper public notice as required in Article XIII of these Bylaws.

- XVII. Training – Appointed members of the Commission shall attend a minimum of four (4) hours per year of educational programs designed for training members of Michigan planning commissions if the adopted City of Petoskey budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the City Council. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend

training, which shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

Any member who attends training not attended by all Commissioners will provide a summary of the training and how it relates to the functioning of the Commission, to issues being discussed by the Commission, or to issues that should be considered by the Commission. If permission is given, handouts from the training will be shared as well.

XVIII. Rules of Order – All meetings of the commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Roberts Rules of Order.”

XIX. Authority – These rules of procedure are adopted by the Petoskey Planning Commission pursuant to Public Act 33 of 2008 and the Open Meetings Act. The Commission may amend these bylaws as needed by a majority vote.

ADOPTED AND EFFECTIVE THIS 16th day of March 2023