



PLANNING COMMISSION BYLAWS

ARTICLE I – PURPOSE

- A. **Planning Act.** These bylaws are adopted by the Planning Commission to facilitate the performance of its duties as outlined 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." The adoption or amendment of the *Master Plan* shall follow the procedures established in the Planning Act and Chapter 62 Planning Commission of the Code of the City of Grand Rapids, as amended.
- B. **Zoning Act.** These bylaws are also adopted to facilitate the duties of the Planning Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act." The adoption or amendment of Chapter 61 Zoning Ordinance of the Code of the City of Grand Rapids, as amended, shall follow the procedures established in the Zoning Act.

ARTICLE II – MEMBERSHIP

- A. **Appointment of Members.** The Planning Commission shall consist of nine (9) members, who shall be qualified electors of the City of Grand Rapids, except as provided in the Planning Act. An elected officer or employee of the City of Grand Rapids is not eligible for appointment.
 - 1. Appointment. Members shall be appointed by the Mayor, subject to the approval of the City Commission.
 - 2. Term of Office. The term of each member shall be three (3) years and shall expire on the first Monday in January on the third year succeeding his or her appointment or until his or her successor takes office.
 - 3. Compensation. Members shall serve without compensation.
- B. **Representation.** The membership of the Planning Commission shall be representative of the three (3) wards of the City of Grand Rapids to the extent practicable. Each Planning Commission member shall represent and advocate for what is best for the City of Grand Rapids as a whole, without regard to personal or special interests. In making its appointments, the Mayor and City Commission shall select members who are knowledgeable about important segments of the community, as required under the Planning Act.
- C. **Committees.** The Chair or Planning Commission may establish and appoint committees of the Planning Commission and advisory committees, as deemed necessary. Membership on advisory committees may include members of the Planning Commission, provided a quorum is not present, as well as others who are more knowledgeable on the particular issue and/or better represent various interest groups.

D. Conflict of Interest. Each member of the Planning Commission shall avoid conflicts of interest.

1. Definition. A conflict of interest may include, but is not necessarily limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, 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.
 - c. Issuing, 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.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a financial benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, or members of his or her household.
 - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - (i) An applicant or agent for an applicant or
 - (ii) Has a direct interest in the outcome.
2. Consultation with City Attorney. Whenever a Planning Commissioner is uncertain whether he or she has a possible conflict of interest, the Planning Commissioner shall consult with and consider the advice of the Assistant City Attorney assigned by the City Attorney as the legal advisor to the Planning Commission.
3. Disclosure of Possible Conflict. Each Planning Commissioner shall disclose a conflict of interest as defined in 0.1. above, or other potential conflict of interest, prior to the presentation of the applicable agenda item. In all cases, the Planning Commission shall deliberate on the disclosure and by a majority vote of the remaining members present, shall determine whether a conflict of interest exists.
4. Conflict of Interest Exists. Where a conflict of interest is determined to exist, the affected member shall cease to participate in discussion on the subject item and shall leave the room until that agenda item is concluded.
5. No Conflict of Interest Exists. Where no conflict of interest is determined to exist, the affected member shall participate in discussion and shall vote on the agenda item. It is not permissible for a Planning Commissioner to abstain on any matter, except where there is a conflict of interest.
6. Voting with Conflict of Interest. Knowingly voting on any matter in which a member has a conflict of interest shall constitute malfeasance of office.

E. Removal from Planning Commission. The City Commission may remove a member of the Planning Commission from office, for any of the following reasons:

1. Malfeasance, Misfeasance, or Nonfeasance of Office. If any member of the Planning Commission performs a lawful act in a wrongful manner (malfeasance), performs a

wrongful or unlawful act as a public official (misfeasance), or fails to act when a duty to act existed (nonfeasance). Any of these shall be grounds for the City Commission to remove a member of the Planning Commission, upon written charges and after a public hearing.

2. **Deficient Attendance.** If any member of the Planning Commission is absent from three (3) consecutive regularly scheduled meetings or five (5) absences during a rolling 12-month period measured backward from the date of the last absence, then that member shall be considered delinquent. Delinquency shall be grounds for the City Commission to remove a member from the Planning Commission, upon written charges and following a public hearing.

ARTICLE III - ORGANIZATION AND DUTIES

A. Election of Officers. At the first regular meeting in July of each year, the Planning Commission shall select from its membership a Chair, Vice Chair, and Secretary. The Chair, Vice Chair, and Secretary shall take office at the first meeting in January of the following year and shall hold office for a term of one (1) year or until successors are selected and assume office.

B. Chair's Duties. The Chair retains his or her ability to participate and vote on matters before the Planning Commission, as governed by *Webster's New World Robert's Rules of Order Simplified and Applied*. The Chair shall:

1. Preside at all meetings with all powers under *Webster's New World Robert's Rules of Order Simplified and Applied*.
2. Rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs or similar topics; profanity; or other remarks which are not about the topic before the Planning Commission.
3. Appoint committees, and act as ex-officio member of all committees of the Planning Commission.
4. Call special meetings as needed.
5. Appoint an Acting Secretary in the event the Secretary is absent from a Planning Commission meeting.
6. Perform other duties as may be ordered by the Planning Commission.

C. Vice Chair's Duties. The Vice Chair shall:

1. Act in the capacity of Chair in the Chair's absence.
2. Perform other duties as may be ordered by the Planning Commission.

D. Secretary's Duties. The Secretary shall:

1. Execute documents in the name of the Planning Commission.

2. Be responsible for the minutes of each meeting if the recording secretary is absent.
3. Conduct all official correspondence at the direction of the Chair, and with the assistance of the Planning Director as needed.
4. Perform other duties as may be ordered by the Planning Commission.

E. Duties of All Members. All members shall abide by the following standards.

1. Member Participation. Free and open debate should take place on issues before the Planning Commission. Such debate shall only take place at meetings of the Planning Commission. The Chair shall act as spokesperson for the Planning Commission and shall represent the position reflected by the outcome of the vote. Requests for reconsideration may take place only at an open meeting of the Planning Commission.
2. Attendance. Members shall make every effort to attend all regular and special meetings of the Planning Commission. Except in emergency or unforeseen circumstances, members shall notify the Planning Department of an absence at least forty eight (48) hours before the scheduled meeting.
3. Avoid Ex Parte Contact. Members shall avoid *ex parte* contact regarding any pending agenda item before the Planning Commission whenever possible. If it is not possible to avoid *ex parte* contact, the member shall publicly report to the Planning Commission what was said and by whom, so that other members and interested persons are made aware of the same information.
4. Acceptance of Gifts.
 - a. Members shall not accept gifts from anyone connected with an agenda item before the Planning Commission. As used here, a gift shall mean cash, any tangible item or service, regardless of value; and food valued over \$10.
 - b. The provision of food in connection with meetings, member training costs, and the reimbursement for mileage and similar expenses by the City of Grand Rapids shall not be considered gifts.
 - c. The Planning Commission may accept grants or contributions for Planning Commission purposes (e.g. special planning study). Money so accepted shall be deposited with the City of Grand Rapids Treasurer into a special fund for the purpose designated by the donor or Planning Commission.
5. Not Vote on Same Issue Twice. When an appeal of a decision of the Planning Commission is heard before the Board of Zoning Appeals, and a member of the Planning Commission also is a member of the Board of Zoning Appeals, that member shall not sit in judgment nor vote on a decision in which he or she had a part in making.

F. Recording Secretary's Duties. The Recording Secretary shall not be a member of the Planning Commission or any of its committees, and shall:

1. Take notes for minutes and prepare a first draft of minutes for review and signature by the Secretary.

2. Perform other duties as may be ordered by the Planning Commission or Planning Director.
- G. **City Attorney.** The Assistant City Attorney assigned to the Planning Commission by the City Attorney shall be the legal advisor for the Planning Commission and shall provide appropriate advice on matters of procedure and law.
- H. **Annual Budget.** The Planning Director shall present the annual budget of the Planning Department as approved by the City Commission, prior to the start of each fiscal year.
- I. **Annual Report to the City Commission.** The City Planning Commission shall submit an annual report in August of each year to the City Commission concerning its operations, its membership composition, the status of planning activities, and recommendations to the City Commission related to planning and development issues.

ARTICLE IV – MEETINGS

- A. **Regular Meetings.** Regular meetings of the Planning Commission shall be scheduled on the second and fourth Thursdays of the month at 12:30 p.m. When a regular meeting falls on a legal holiday, the Planning Commission shall reschedule or cancel the meeting. Meetings shall be held in either Room 303 or in Room 201 Public Hearing Room at 1120 Monroe Avenue N.W. or in Room 901 or the City Commission Chambers in City Hall at 300 Monroe Avenue N.W. or at such location as the City Manager shall provide as the meeting place for the Planning Commission. The Planning Director may cancel regular meetings when there are insufficient agenda items or when a quorum will not be present.
- B. **Special Meetings.** Special meetings may be called at the request of the Chair or at least two (2) members of the Planning Commission provided the Secretary, with the assistance of the Planning Director, has sufficient time to issue a written notice to Planning Commissioners at least forty eight (48) hours before the meeting. The request for a special meeting shall indicate the purpose of the meeting, and may be made at a Planning Commission meeting, by telephone, or in writing (email is acceptable.)
- C. **Workshop Meetings.** The Planning Commission, may at its option, schedule workshop meetings to discuss, formulate, and deliberate planning and zoning policies issues only. The intent of workshop meetings is to promote an informal, open dialogue on policy issues in an effort to seek consensus and resolution to policy matters. Formal rules of procedure for the conduct of business at workshop meetings shall be waived, except that the Chair shall serve as moderator. No formal action on any matter shall be made at workshop meetings, but shall be placed on a regular Planning Commission agenda for final disposition.
- D. **Public Notice.** All regular, special and workshop meetings shall be open to the public, and proper notice shall be given to the public pursuant to the Michigan Open Meetings Act, as amended (Act 267 of 1976, MCL 15.261. *et seq.*).
- E. **Robert's Rules of Order.** *Webster's New World Robert's Rules of Order Simplified and Applied* shall be followed for issues not specifically covered by these bylaws. Where these bylaws conflict or are different than *Robert's Rules*, then these bylaws shall govern.

- F. Quorum.** A quorum of the Planning Commission shall consist of five (5) members, even when the Planning Commission may be comprised of fewer than nine (9) members. No action shall be taken in the absence of a quorum, except to receive information reports or presentations not requiring action by the Commission, to schedule matters for public hearings, and to adjourn the meeting to a subsequent date.
- G. Agenda.** The order of business for all regular meetings shall generally be as follows, except as determined by the Planning Director or Chair.
1. 12:30 p.m. - Call Meeting to Order, Roll Call.
 2. Review and Approval of Minutes.
 3. Planning Director's Report.
 4. Conflict of Interest.
 5. 1:00 p.m. - Public Hearings. (See ARTICLE V for detail.)
 6. Petitions and Communications (See ARTICLE VI for detail.)
 7. Committee and Staff Reports.
 8. Planning Commission Discussion.
 9. Public Comment. (See ARTICLE VI for detail.)
 10. Adjournment.
- H. Voting.** Voting shall be by voice and shall be recorded as the number in support and the number in opposition. Abstentions for conflicts of interest shall be noted. Roll call votes shall only be recorded upon request by a member of the Planning Commission and shall be recorded by "yes" or "no." Members must be present to cast a vote. Voting by proxy shall not occur.
1. Simple Majority. Provided a quorum of five (5) or more members is present, a majority vote of those members present shall be necessary to approve any motion, resolution or recommendation, other than to adopt or amend the Master Plan or as otherwise required under State law, City ordinance or *Webster's New World Robert's Rules of Order Simplified and Applied*. However, the adoption of a subplan, as defined and described in the Michigan Planning Enabling Act and in Chapter 62 of the City Code, shall be carried by the affirmative vote of not less than five (5) members of the Planning Commission.
 2. Two-Thirds Majority. The adoption of a Master Plan or any such part or amendment or extension or addition to the Master Plan, shall be carried by the affirmative vote of not less than six (6) members of the Planning Commission.
- I. Recess.** When the meeting has been in session for three (3) hours, the Chair may suspend the Planning Commission's business and evaluate the remaining items on the agenda. The Planning Commission shall then decide to finish the meeting's agenda or postpone

some or all of the remaining agenda items to the next regular meeting or to schedule a special meeting.

J. Records of Meeting. The Planning Director shall keep a public record of Planning Commission meetings, which at a minimum, shall include the following:

1. Meeting minutes for all regular and special meetings of the Planning Commission.
2. A Resolution to Approve, Deny, or Table, as applicable, for each agenda item heard, as approved and executed by the Secretary of the Planning Commission.
3. Applicant's submission, including but not limited to, the application form, description of the project, site plans, elevations, and other relevant material.
4. Staff report presented to the Planning Commission.
5. Written comments from the public regarding agenda items.

K. Motion to Renew. A motion to renew a defeated item may be requested by a minimum of three (3) members of the Planning Commission no later than the second regular meeting following the subject vote. No vote shall be taken at that meeting. The Planning Director shall schedule the item for Planning Commission reconsideration as soon as practicable, in accordance with standard procedures for public notice normally required for the type of application being reviewed. At the scheduled meeting, the Planning Commission shall reconsider the defeated item and shall vote to approve, approve with conditions, or deny the request. If denied, no additional motions to renew the subject item shall be permitted.

ARTICLE V - PROCEDURES FOR PUBLIC HEARINGS

A. Public Hearings. The following procedures shall be followed for required public hearings for applications pending before the Planning Commission. Where it appears necessary to maintain the efficient conduct of the Planning Commission's business and to give all interested citizens an opportunity to be heard, the Chair may establish time limits for persons appearing before the Planning Commission.

1. Staff Presentation. The Planning Director or his or her designee shall present a description of the proposal, its location, its relationship to surrounding properties, and the nature of the request. The presentation shall also include a brief summary of written public comment received by the Planning Department.
2. Applicant Presentation. The Applicant may present his or her proposal. Suggested time limit: six (6) minutes.
3. Public Comment Begins. The Chair shall announce that public comment will be taken.
4. Public Comments. Individuals who wish to speak shall be asked to state their name and address for the public record, but shall not be required to do so. Comments must be relevant to the proposed project. Suggested time limits:
 - a. Six (6) minutes for a spokesperson appearing in favor or in opposition to the proposal, or

- b. Three (3) minutes for each person speaking in favor or in opposition to the proposal.
 - 5. Applicant Response. The Applicant shall be allowed to respond to the public comments. Suggested time limit: three (3) minutes.
 - 6. Public Comment Ends. The Chair shall announce that the public comment period is closed and no further comment will be taken.
 - 7. Questions. Regardless of the procedures stated above, any member of the Planning Commission may, during the public hearing, ask questions or seek additional information from any person appearing before the Commission.
- B. Deliberation and Decision.** Following the presentations and public comment period, the Planning Commission shall deliberate in public on the agenda item. A motion to approve, deny or table the matter shall be made, seconded and voted upon at this time.
- C. Postponed Public Hearing.** In the event a scheduled public hearing has to be postponed, the Planning Commission may, but is not required to, take the comments of persons desiring to provide comment so that they do not have to appear at the rescheduled public hearing. In such event, the minutes of those comments shall be made available to and considered by the Planning Commission at the rescheduled public hearing and shall be made a part of the official record of the matter under consideration.

ARTICLE VI - PROCEDURES FOR OTHER PUBLIC COMMENT

- A. Petitions and Communications.** On each individual petition or communication for which a public hearing is not required to be held, but on which the Planning Commission will be required to act, after the staff presentation of the item is made but before Planning Commission discussion, the Applicant shall be permitted to speak for a maximum of six (6) minutes. It shall be at the Planning Commission's discretion as to whether or not public comment is taken on Site Plan Review applications. If allowed, any other interested person will be permitted to speak regarding the item for a maximum of three (3) minutes each.
- B. Public Comment Before Adjournment.** At the conclusion of each meeting, prior to adjournment, anyone wishing to address the Planning Commission on any other matter relevant to its functions and responsibilities, on which the public has not been afforded an opportunity to speak earlier in the meeting, shall be permitted to speak up to a maximum of three (3) minutes.
- C. Other Public Comment.**
- 1. Chair's Discretion. At the discretion of the Chair, a person may be permitted to speak at any time on any matter for any length of time deemed appropriate by the Chair (even for periods longer than otherwise permitted by these rules) when the Chair or other Commissioner determines the Planning Commission may benefit from such presentation.
 - 2. Limit on Redundant Presentations. Notwithstanding the foregoing, whenever circumstances warrant, due to the length of a meeting agenda, the unusual number of people wishing to speak, or other similar reason, the Chair shall have the right

to limit redundant presentations. In no event, however, shall a person otherwise entitled to speak be deprived of the opportunity to give his or her name and address, whether they are in favor of or opposed to an item, and very briefly their reasons (for the same reasons as a previous identified speaker shall be sufficient).

ARTICLE VII - AMENDMENTS

These bylaws may be amended at any meeting of the Planning Commission provided that notice of the proposed amendment shall appear on the agenda of the meeting at which the amendments are to be considered.

ARTICLE VIII - CONSISTENCY WITH OTHER ACTS

Should any provisions of these bylaws be inconsistent with the provisions of Public Acts which are referred to herein, as amended, or any other applicable law, the provisions of said Acts or law shall prevail.

THESE BYLAWS WERE DULY ADOPTED BY THE CITY OF GRAND RAPIDS PLANNING COMMISSION DURING ITS REGULAR MEETING HELD ON MARCH 26, 2009.

YEAS: 5
NAYS: 0



Adopted: 03/26/2009
Amended: 04/12/2018
Amended 08/09/2018

Secretary