

**VILLAGE OF ELK RAPIDS**  
**PLANNING COMMISSION BYLAWS**

**PURPOSE:**

- A. These Bylaws are adopted by the Village of Elk Rapids 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", and §152.04 of the Village of Elk Rapids Zoning and Unified Development Code.
- B. 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".

**ARTICLE I: MEMBERSHIP**

- A. The membership of the Planning Commission, as well as the manner of appointment, terms of office, attendance requirements and methods for removal of Planning Commission members are described in §701., of the Village of Elk Rapids Zoning and Unified Development Code, as amended.
- B. Liaisons: The purpose of liaisons is to provide certain Village of Elk Rapids officials and quasi-officials the ability to participate in discussions with the Planning Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with the attendance requirement pursuant to these Bylaws. Liaisons include, but are not necessarily limited to the following:
  - 1. Planning and Zoning Department staff, and their agents and consultants.
  - 2. Planning Commission consultants.
  - 3. The Village Legal Counsel.
  - 4. Village Department of Public Works, Police and other similar department heads.
  - 5. The Village Manager or Assistant Manager.
  - 6. The Village President.
  - 7. All Antrim County Department heads or their representatives as well as other State and Federal officials.

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- C. Attendance: Regular attendance at scheduled meetings of the Commission by members is recognized as being essential to the duties and functions of the entire Commission. Therefore, failure to repeatedly attend Planning Commission meetings shall be considered nonfeasance in office and subject to removal from the Commission pursuant to §701.B.6.b., of the Ordinance.
- D. Training: With the exception of the appointed Village Council representative, each member shall have completed the requirements for certification as "Citizen Planner", offered as continuing education through Michigan State University and MSU Extension during the member's first full term of office. Members shall then attend training in planning and zoning related topics as authorized by the Village Council in the adopted budget.
- E. Conflict of Interest, Incompatibility of Office:
1. Each member of the Planning 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:
    - Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
    - Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by, or which is adjacent to land owned by him or her.
    - 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 with a corporation, company, partnership, or any other entity where he or she may stand to have a financial gain or loss.
    - Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a financial, fiscal or economic benefit to him or her.
    - Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, grandparent's in-law, or members of his or her household.

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- Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is (1) an applicant or agent for an applicant, or (2) has a direct interest in the outcome.
  - Issuing, deliberating on, voting on, or reviewing a case in which, due to particular circumstances, when the member believes there may be even the appearance of improper bias that could taint the outcome if the member participates.
2. When, in a member's sole discretion, a conflict of interest exists, the member of the Commission, or committee, shall, upon first knowledge of the case and determining that a conflict exists:
- Declare a conflict exists at the meeting of the Commission or committee and briefly explain the nature of the conflict to the Commission.
  - Cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
  - During deliberation of the agenda item before the Commission or committee, remove one's self from the front table where members of the Commission sit and leave the meeting until that agenda item is concluded.
3. If any member has a question whether a conflict of interest exists or not, that member should put the question 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 in attendance at the meeting.
4. Incompatibility of Office: If a member of the Commission is elected or appointed to another Village office, it shall result in an automatic resignation from the Planning Commission on the effective date of the appointment to the other office.

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F. Duties of all members:

1. Ex Parte Contact:

- Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the Commission whenever possible.
- Despite one's best efforts, it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
- Site Inspections: Where site inspections are a part of a resolution of the issue before the Commission, each member of the Commission shall visit the site to gain information pertinent to the issue before the Commission. No more than one member of the Commission at any given time shall be on the site inspection.

2. Not voting on the same issue twice: Any member of the Commission that is a representative of or to another Board or Commission, shall not vote on any administrative decision (i.e. approval of permits, site plans, review of zoning amendments) where they have final approval authority on an administrative decision at a second Board or Commission level.

**ARTICLE II: OFFICERS**

- A. At its first regular meeting in May of each year, the Commission shall elect from its membership a Chair and Vice-Chair and shall appoint a Recording Secretary as determined by a majority of its members. All officers are eligible for re-election. The Chair, Vice-Chair and Recording Secretary shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected and assume office. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term.
- B. Duties of the Chair shall be to preside at all meetings, appoint committees, call special meetings pursuant to these Bylaws, act as an ex-officio member of all sub-committees of the Planning Commission, present to the Village Council the annual report of Planning Commission activities and perform such other duties as may be required by the office.

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- C. Duties of the Vice-Chair shall be to act in the capacity of Chair with all the powers and duties of that office in the absence of the Chair.
- D. Duties of the Recording Secretary or Acting Recording Secretary, shall be to execute documents in the name of the Planning Commission, record minutes of each meeting and submit them for approval to the Planning Commission.

### ARTICLE III: HEARINGS AND MEETINGS

- A. Meetings of the Planning Commission shall be scheduled on the fourth (4th) Tuesday of each month at 7:00 P.M. at the Elk Rapids Community Governmental Center, 315 Bridge St. When the regular meeting day falls on a legal holiday or other conflicting date, the Commission shall select a suitable alternate day in the same month or at such other time as may be selected by the Commission.
- B. All hearings and meetings shall be noticed and conducted in accordance with the Public Act 267 of 1976, as amended, that being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.* and §155.02 of the Village of Elk Rapids Zoning and Unified Development Code.
- C. Special meetings may be called at the discretion of the Chair, by any two members of the Planning Commission, or by the Chair at the request of any non-member of the Commission upon payment of a non-refundable fee to cover costs of the special meeting.
- D. Notice of special meetings shall be given by the Secretary or Village Staff to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, date, time, and location of the meeting. Special meetings called for discussion or work session purposes require no formal agenda.
- E. Recess: The Planning Commission shall not begin consideration of any matter on the agenda not yet under consideration by the hour of 10:00 p.m. except by unanimous consent of the members present. Matters on the agenda not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting, if one is called.
- F. Quorum: More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business. Whenever a quorum is not present the meeting shall be adjourned to another day.

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- G. Motions: Motions shall be restated by the Chair or by the Secretary before a vote is taken. All motions related to actions taken in an administrative capacity by the Planning Commission shall be based on Findings of Fact that shall include each of the following parts:
1. 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.
  2. Conclusions based on the finding of fact for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance to standards.
  3. The Commission's action; recommendation, approval, approval with conditions, or denial.
- H. Voting: Voting shall be by roll call vote and recorded by "yes" or "no". A member may be excused from voting only if that member has a conflict of interest pursuant to Article I (e) of these Bylaws. Determination of grounds for abstention shall be made prior to discussion of the item. In all roll call votes, the names of the members of the Board shall be called in rotation order as seated and the names to be called first shall be advanced one position in rotation in each successive roll call vote. Members must be present to cast a vote. Voting by proxy is not permitted. The affirmative vote of a majority of the members of the Commission present shall be necessary for the approval, approval with conditions, denial, or recommendation of any administrative decision pursuant to their authority under the Ordinance. No action by the Planning Commission on any matter for which a Public Hearing is held shall be taken until the Public Hearing has been concluded and announced closed by the Chair.
- I. Parliamentary Procedure: Parliamentary procedure during Planning Commission meetings shall be governed by Robert's Rules of Order, Newly Revised Edition, for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws shall control.
- J. Order of Business: The Planning and Zoning Administrator, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
1. Call to order, Pledge of Allegiance and Roll Call.
  2. Approval of minutes of the last meeting.

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3. Conflict of Interest: Any Commission member who believes that he or she has a conflict of interest regarding any item on this agenda, shall so state that conflict at this time. Does any member believe they have a conflict of interest at this time?
4. Citizens Comments: Any citizen who wishes to address the Commission on a matter not listed on the agenda may speak at this time. The Chair shall recognize the citizen before speaking. A five-minute limitation applies unless extended by the Chair. Citizens wishing to speak on matters listed on the agenda will be permitted, under the same limitations, to speak when the matter is brought before the Commission.
5. Public Hearing: The procedure for each application shall be as follows:
  - The Chair will declare the Public Hearing open, state its purpose, and summarize the procedure to be followed.
  - Planning and Zoning Administration Staff will present the main points of the matter under consideration, a Staff report, and if appropriate, a Staff recommendation.
  - The Petitioner, their representative or a proponent of the action will make a presentation about the matter under consideration.
  - Comments by the Public – Individual citizens, groups or organizational representatives speaking in support of the matter will make presentations followed by individual citizens, groups or organizational representatives speaking in opposition to the matter under consideration.
  - Related Correspondence from interested citizens or their representatives is read into the proceeding record.
  - There being no further public comment or until the Chair determines that a state of redundancy or diminishing returns has set in, the Chair will close the Public Hearing.
  - The Planning Commission will enter into Executive Session for discussion and action on the matter under consideration.
6. Old Business
7. New Business

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8. Staff Reports
9. Calendar Review
10. Adjournment

K. The Agenda:

1. The agenda and accompanying materials shall be mailed or delivered to Commission members one week prior to the meeting date, if possible.
2. The Planning and Zoning Department shall be the Office of Record for the Planning Commission. The Planning and Zoning Administrator may receive agenda items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting. Items received less than eight business days prior to the next regular scheduled meeting shall be set aside to be placed on the Agenda for the next regularly scheduled meeting of the Planning Commission.

Items of a major nature, i.e. items normally receiving staff review, analysis, or recommendation, shall be postponed until the subsequent regular or special Commission meeting. Items of a minor nature may be included on the agenda at the discretion of the Planning and Zoning Administrator, the Chair, or the Secretary.

L. Minutes and Record. The Planning Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which, shall at a minimum include an indication of the following:

1. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*
2. Copy of the minutes and all its attachments which shall include a summary of the meeting in chronological sequence of occurrence.
3. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes. Planning Commission records related to minutes, bonds, oaths of officials, zoning ordinances, master plans, other records of decisions, Commission publications and all correspondence related to the foregoing, shall be permanently kept.



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**ARTICLE IV: ADOPTION, REPEAL, AND AMENDMENTS**

- A. These Bylaws shall become effective immediately upon their adoption by the Planning Commission and all previous Bylaws are hereby repealed.
  
- B. These Bylaws may be amended at any regular or special meeting by the affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies exist or not, provided, that all members shall have been furnished a copy of the proposed amendment at least three days prior to that meeting.

Adopted by the Planning Commission on this the **28<sup>TH</sup>** day of **February, 2017**.

Wallace Hibbard  
Chair, Planning Commission

Steven J. Ravezzani  
Planning and Zoning Administrator