



CITY OF FLINT PLANNING COMMISSION BYLAWS

ARTICLE I. ENABLING AUTHORITY

The City of Flint Planning Commission (hereinafter “the Commission”) is established by Section 6-302 of the Flint City Charter; Chapter 2, Article VII of the Flint City Code; the Planning Enabling Act (Act 33 of 2008; MCL 125.3801 et seq.); and the Zoning Enabling Act (Act 110 of 2006; MCL 125.3101 et seq.), as amended.

ARTICLE II. PURPOSE

The purpose of the Commission is to carry out the powers and duties set forth in the enabling authority of Article I of these bylaws, and any other powers or duties established by state or local law. Such powers and duties include, but are not limited to:

- (a) Creating and adopting the Master Plan and Capital Improvement Plan;
- (b) Advising City Council on matters relating to the physical and environmental development of the City;
- (c) Furnishing reports and recommendations to City Council regarding ordinances, ordinance amendments, annexations, resolutions, and any other matters requested by City Council or deemed significant by the Commission for orderly development of the City;
- (d) Conducting public hearings for the implementation of the Master Plan and Capital Improvement Plan, and as otherwise required by state or local law.

ARTICLE III. GOALS

Consistent with the enabling authority of Article I of these bylaws, the goals of the Commission include, but are not limited to:

- (a) Preserving the existing rights of owners in residential, business, and industrial properties within the City;
- (b) Positively influencing planning and zoning efforts and projects affecting the City;
- (c) Promoting the physical, social, economic, and environmental future of the City through consistency and integration of development plans;
- (d) Ensuring meaningful citizen participation in City planning and zoning, and in implementation of the Master Plan and Capital Improvement Plan;
- (e) Making decisions and recommendations based on the needs, constraints, and diverse viewpoints of the City and the public.

ARTICLE IV. MEMBERSHIP AND OFFICERS

Section 1. Consistent with Sec. 6-302 of the Flint City Charter, and Sec. 2-28 of the Flint City Code:

- (a) The Commission shall consist of nine (9) members, one from each of the nine (9) wards of the City of Flint, who shall represent insofar as possible different professions or occupations. Such members shall take office only after appointment by the Mayor together with approval of the City Council.
- (b) The term of each member shall be for three (3) years. Pursuant to MCL 125.3815(2), members whose terms have expired shall hold over and continue to serve as Commission members until a successor has been appointed.
- (c) Vacancies occurring otherwise than through the expiration of the term shall be filled for the unexpired term as provided in Article IV, Section (a) of these bylaws.
- (d) All members of the Commission shall serve without compensation and shall hold no other municipal office.
- (e) Members may be removed for cause.

Section 2. The Commission shall elect one of its members as Chair, another member as Vice Chair, and another member as Secretary. The Commission shall also elect one of its members to serve as the Commission's representative on the Zoning Board of Appeals. Said officers shall be elected annually at the second regular April meeting of the Commission regardless of having no other business before the Commission.

Section 3. The Chair shall preside at meetings, but in the absence or disability of the Chair, the Vice Chair shall preside. If both said officers shall be absent, the Commission shall choose one of its appointed members as its presiding officer.

Section 4. The presiding officer shall designate members to serve on a committee as may be found necessary from time to time, unless otherwise directed by a majority of the members present, or as otherwise required by state or local law.

Section 5. The Secretary shall sign all plats, documents, and other instruments required by law. In the absence or disability of the Secretary, the Chair shall sign all plats, documents, and other instruments required by law. In the absence or disability of the Chair, the Vice Chair shall sign all plats, documents, and other instruments required by law.

Section 6. In addition to Section 1-602 of the Flint City Charter, all members shall abide by the following standards:

- (a) Participation. Free and open debate shall take place on issues before the Commission and only during open meetings of the Commission. The Chair shall act as spokesperson for the Commission and shall represent the

position reflected by the outcome of a vote. Requests for reconsideration must take place at an open meeting of the Commission.

- (b) Attendance. Members shall make every effort to attend all regular and special meetings. Except in emergency or unforeseen circumstances, members shall notify Planning staff of an absence at least 48 hours before the scheduled meeting. Members may be removed from office if absent without being excused from three consecutive Commission meetings or six regularly scheduled meetings in a year.
- (c) Avoid Ex-Parte Contact. Members shall avoid *ex parte* contact whenever possible regarding any agenda item pending before the Commission. If *ex parte* communication is unavoidable, the member shall publicly report the nature and extent of the communication to the Commission, so that other members and the public are made aware of the same information.
- (d) Acceptance of Gifts. Members shall neither solicit nor accept gratuities, favors, gifts, or anything of monetary value from persons or entities in a position to benefit from a decision of the Commission.
- (e) Avoid Duplicate Voting. The Commission's representative on the Zoning Board of Appeals shall abstain from voting when a decision of the Commission is appealed to the Zoning Board of Appeals, unless the representative did not participate or vote in the original decision.

Section 7. The following provisions regarding conflicts of interest shall apply:

- (a) As used in these bylaws, "conflicts of interest" include, but are not limited to:
 - i. Issuing, deliberating on, voting on, or reviewing a case concerning a member;
 - ii. Issuing, deliberating on, voting on, or reviewing a case concerning development of land a member owns or which is adjacent to land a member owns;
 - iii. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or other entity in which a member is part owner or otherwise has a financial stake;
 - iv. Issuing, deliberating on, voting on, or reviewing a case concerning a member's spouse, children, step-children, grandchildren, parents, siblings, grandparents, parents-in-law, or someone with whom a member lives;
 - v. Issuing, deliberating on, voting on, or reviewing a case where a member's employee or employer is an applicant, agent of an applicant, or otherwise has a direct interest in the outcome.
- (b) Members shall complete an annual disclosure of employer and any other organization affiliations that reasonably could lead to a conflict of interest and shall update this disclosure in writing at any time during the year when such affiliations change.

(c) Members shall consult with and consider the advice of the Legal Department if concerned about a possible conflict of interest.

(d) Members shall disclose conflicts of interest, or potential conflicts of interest, prior to the presentation of the applicable agenda item. The Commission shall deliberate on the disclosure and determine whether a conflict of interest exists by a majority vote of remaining members present. If the Commission determines that a conflict of interest exists, the affected member shall cease to participate in discussion on the applicable agenda item and leave the room until the conclusion of that agenda item.

ARTICLE V. VOTING

Section 1. All matters requiring a vote shall be determined by a majority of members present. However, a concurring vote of two thirds (2/3) of members present shall be required for financial decisions or adoption of all or part of the Master Plan.

Section 2. Unless otherwise stated in these bylaws, voting shall be recorded as the number in support and number opposed. Abstentions for conflicts of interest shall also be recorded.

Section 3. Voting by proxy shall not occur.

Section 5. Adoption of the agenda or minutes shall be by voice vote of all in favor/all opposed.

Section 4. Site plan review and public hearings shall be a roll-call vote.

ARTICLE VI. MEETINGS

Section 1. In accordance with MCL 125.3801 et seq., the Commission shall hold bi-monthly meetings or at least one regular meeting each month. Bi-monthly meetings shall be held on the second and fourth Tuesday of each month, at a time to be designated in the public notice, in the City Council Chambers, City Hall, Flint, Michigan. The time and place of meetings may be changed by order of the Chair, with adequate notice to members and the public, or as otherwise permitted or required by law.

Section 2. Cancellation and/or rescheduling of one of the regular meetings may occur when deemed necessary by the Zoning Administrator or his/her designee, and by order of the Chair, with adequate notice to members and the public. Grounds for such occurrence include an absence of agenda items other than minutes or other house-keeping matters not requiring immediate attention.

Section 3. Special meetings may be held at the call of the Chair, or at the request of not less than four (4) members of the Commission, provided that each member shall be properly notified at least twenty-four (24) hours before the time set and meeting date properly posted as required by law.

Section 4. In accordance with the Open Meetings Act (Act 267 of 1976; MCL 15.261 et seq.), all meetings shall be open to the public. Meetings may be held electronically when permitted or required by law or order. Instructions for public access to electronic meetings shall be included in the public notice and posted on

the City website. Special accommodations, including a sign language interpreter, shall be made for persons with disabilities, if requested at least two (2) business days in advance.

Section 5. A quorum of the Commission shall consist of five (5) members, or a majority of all members of the Commission.

Section 6. Members may attend meetings remotely by telecommunication, web conference, or interactive videoconference, provided that members attending remotely will only be counted towards a quorum and be permitted to vote if a minimum of four (4) members are present in person. This Section does not apply to the extent it conflicts with law or order.

Section 7. The general order of business for regular Commission meetings shall be as follows:

- (a) Roll Call
- (b) Additions or changes to the Agenda
- (c) Adoption of the Agenda
- (d) Minutes of the previous meeting and disposal
- (e) Public Forum
- (f) Public Hearing
- (g) Site Plan Review
- (h) Case Review
- (i) Reports
- (j) Resolutions
- (k) Old Business
- (l) New Business
- (m) Adjournment

Section 8. All meetings shall be conducted in accordance with these bylaws and *Roberts Rules of Order Newly Revised Latest Addition*.

Section 9. During Commission meetings, members shall refrain from engaging in private communications (including email, text messages, social media messaging, live streaming, etc.) with other members, applicants, or members of the public regarding Commission business.

Section 10. When a meeting has been in session for three (3) or more hours, the Chair may suspend Commission business and evaluate the remaining items on the agenda. The Commission may then decide to finish the meeting or postpone some or all of the remaining agenda items to the next regularly scheduled meeting or to schedule a special meeting.

Section 11. The following rules regarding rehearings shall apply:

- (a) The Commission shall hold no rehearings.
- (b) Except as provided in Subsection (c), an application requesting the same relief in connection with the same property that the Commission has previously heard and acted upon shall not be considered for one year following denial of an application.

- (c) Where a showing is made in the application that a substantial change in conditions has occurred, the Commission may consider the application as a regular, new application, within one year of the previous hearing. A “substantial change in conditions” must include, but may not be limited to, one or more of the following, a zoning change, a land use change, a change in traffic patterns, and/or a change in the Master Plan, Capital Improvement Plan, or Neighborhood Plan.

Section 12. After a motion has been decided, any member voting with the prevailing side may move for reconsideration of the motion. The motion for reconsideration must be made and seconded at the same meeting as the original motion, but may be debated and voted upon at a subsequent meeting.

Section 13. The following rules regarding public forums shall apply:

- (a) Members of the public may address the Commission on any agenda item—provided, however, that the Chair may reserve comment on a public hearing until the time designated for the public hearing.
- (b) Speakers shall address and direct all comments to the Commission.
- (c) Speakers shall refrain from the use of profanity or personal attacks.
- (d) Speakers shall be limited to three (3) minutes.
- (e) Failure to comply with any of the above rules shall result in the speaker being ruled out-of-order and informed that his or her time is up.

Section 14. Article VI, Section 13 of these bylaws shall be included with all Commission agendas.

ARTICLE VII. PUBLIC HEARINGS

Section 1. The Commission shall provide for the holding of all public hearings required by law, and those otherwise held at the discretion of the Commission and deemed to be in the public interest, along with proper legal notice as to time and location of public hearings.

Section 2. The general order of business for a public hearing shall be as follows:

- (a) Presentation of the request by planning staff;
- (b) Comments by petitioner/applicant;
- (c) Questions by Commission members;
- (d) Comments by the public; and,
- (e) Discussion and/or action by the Commission.

Section 3. During public hearings, the subject matter shall be limited to the topic under consideration. Member responses to public comments shall be confined to clarification of the presented facts.

Section 4. The following rules regarding postponements shall apply:

- (a) Public hearings may be postponed at the discretion of the Chair or by a majority vote of members present.

- (b) Upon a written, timely request, an applicant shall be permitted one postponement of a public hearing:
 - a. If the request is submitted twenty (20) calendar days or more prior to the scheduled public hearing, no cost will be assessed to the applicant.
 - b. If the request is submitted seven (7) to nineteen (19) calendar days prior to the scheduled public hearing, the cost of additional public notifications will be assessed to the applicant.
 - c. Requests to postpone six (6) or fewer calendar days prior to the scheduled public hearing will be denied.
 - d. Requests submitted at 5:00 PM or later will be deemed submitted the following calendar day.
- (c) Following a postponement, and unless otherwise agreed to by the applicant and Commission, the rescheduled public hearing shall be held within ninety (90) calendar days of the originally scheduled meeting.
- (d) Consistent with Article VII, Section 6 of these bylaws, members of the public who wish to comment on a postponed public hearing may do so at the originally scheduled meeting. Such comments shall be preserved until the rescheduled public hearing occurs, at which time such comments shall be made part of the record and considered by the Commission along with any new public comments.

Section 5. The following rules regarding public comments during a public hearing shall apply:

- (a) Speakers shall address and direct all comments to the Commission.
- (b) Each speaker may comment once for each public hearing on the agenda.
- (c) Public comments shall be limited, insofar as possible, to three (3) minutes per speaker.
- (d) If several members of the public have selected a spokesperson to speak on their behalf, the Commission shall have discretion to grant the spokesperson additional time.
- (e) Speakers shall refrain from the use of profanity or personal attacks.
- (f) Failure to comply with any of the above rules shall result in the speaker being ruled out-of-order and requested to sit down.

Section 6. Article VII, Section 5 of these bylaws shall be included with all Commission agendas.

ARTICLE VIII. RECORDS, REPORTS, AND PUBLICATIONS

Section 1. In conjunction with Planning staff, the Commission shall maintain files and records which fairly and adequately reflect the Commission's decisions, actions, findings, and determinations.

Section 2. Planning staff shall keep minutes of all regular and special meetings of the Commission, which at a minimum, shall include the following:

- (a) A concise summary of agenda items heard, members present and not present, topics discussed, and any other relevant material;
- (b) Identifying information, insomuch as provided, of all persons addressing the Commission, including applicants and speakers from the public;
- (c) For each agenda item heard, a resolution to approve, deny, or postpone, as applicable, along with any findings of or conditions imposed by the Commission, and any promises or commitments made by the applicant;
- (d) Applicant submissions, including but not limited to, application forms, project descriptions, site plans, evaluations, and other relevant material;
- (e) Staff reports presented to the Commission;
- (f) Comments from the public regarding agenda items.

Section 3. Planning staff shall prepare and deliver to the Commission an annual report consistent with the yearly reporting and budgetary procedures of the Capital Improvement Plan.

Section 4. Commission records shall be open and available to the public, unless otherwise dictated by law.

ARTICLE IX. AMENDMENT OF BYLAWS

Section 1. The Commission may amend these bylaws at any Commission meeting, provided that notice of proposed amendments shall appear on the agenda of the meeting at which the amendments are to be considered.

Section 2. An affirmative vote of at least two thirds (2/3) of Commission members shall be required for adoption of amended bylaws.

ARTICLE X. CONSISTENCY WITH OTHER LAWS

Section 1. Should any provisions of these bylaws be inconsistent with the provisions of state law referred to herein, as amended, or any other applicable law, the provisions of such law shall prevail.

Amended: *June 8, 1976; September 28, 1982; June, 1985; July 9, 1991; March 9, 1993; November 23, 1993; June 10, 2003; September 12, 2006; December 12, 2006; April 22, 2008; June 9, 2015; November 10, 2020*