

**CITY OF ROCHESTER, MICHIGAN
PLANNING COMMISSION**

BY-LAWS AND RULES OF PROCEDURE

**ADOPTED
DECEMBER 6, 1993**

PLANNING COMMISSION

BY-LAWS AND RULES OF PROCEDURE

1. Authority

These By-laws and Rules of Procedure are adopted by the City of Rochester Planning Commission (hereinafter called the Commission) pursuant to Public Act 285 of 1931, as amended.

2. Officers

a. Selection

- i. The officers of the Planning Commission shall consist of Chairperson, Vice-Chairperson and Secretary selected from the general membership of the Commission.
- ii. The election of all officers shall occur at the Commission's first regular meeting in July each Year.
- iii. Any member nominated for an office on the Commission shall have served on the Commission for at least one year.
- iv. Nominations of members for an office shall be by a current member of the Commission during the meeting when elections are held.
- v. All nominations shall be seconded by another member of the Commission to be considered a valid nomination.
- vi. All elections shall be conducted by a roll call vote. If there is only 1 nominee for an office, that nominee shall be assumed to be unanimously elected.
- vii. To be elected to an office, a nominee must receive a majority of the votes of the full Planning Commission.
- viii. All terms of office shall be for one year.
- ix. A member of the Planning Commission may serve in the same office of the Commission for any number of terms, but not more than three consecutive terms.
- x. The City Manager or other administrative appointee shall not serve as the chairperson of the Commission.

b. Resignation of the Officers

- i. An officer may resign his/her office by submitting a letter to the Commission addressed to the Chairperson or Vice-Chairperson, as appropriate.
- ii. The resignation from office will not become effective until acted upon and accepted by the Commission at its next regularly scheduled meeting.

c. Duties of the Officers

i. The Chairperson shall:

1. Preside at all meetings and shall conduct all meetings in accordance with the Open Meetings Act, (Public Act 267 of 1976, as amended), and the rules provided herein.
2. Clearly state the issues before the Commission.
3. As appropriate, act as a liaison between the Commission and the planning staff, consultants and all other pertinent agencies or agents of the City of Rochester and, in so doing shall utilize proper administrative/management channels of authority.
4. Attend all City Council meetings which include a planning issue or send another member of the Commission as his/her representative. The councilperson appointed to the Planning Commission shall normally serve in the capacity, on behalf of the Chairperson.

ii. The Vice-Chairperson shall:

1. Act for the Chairperson when needed at Commission, City Council or other meetings.
2. Assist the Chairperson in recognizing members who may wish to speak.
3. Shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of Vice-Chairperson at the earliest practical time.

iii. The Secretary shall:

1. Act for the Chairperson in the absence of the Chairperson and Vice-Chairperson at the Commission, City Council and other meetings.
 2. Direct the Commission's recording secretary to summarize pertinent correspondence received by the Commission which deals with an issue for the Commission.
- d. The General Membership shall:
- i. Not speak until recognized by the Chairperson.
 - ii. Serve on special committees as appointed by the Chairperson.

3. Meetings

a. Meeting Notices

- i. All meetings of the Commission shall be posted at the City Hall according to the Open Meetings Act.
- ii. The notice shall include the date, time and place of the meeting.
- iii. Notice of any change in the date or time of a meeting shall be posted in the manner required by the Open Meetings Act at least 18 hours in advance.

b. Regular Meetings and Special Meetings

- i. Regular meetings of the Commission shall be held monthly on the first Monday of the month.
- ii. Special meetings of the Commission shall be held at the call of the Chairperson or upon written request by at least 3 Commission members.
- iii. When a regular meeting date or a special meeting date falls on or near a legal holiday, the Commission shall select a suitable alternate meeting date in the same month in accordance with the Open Meetings Act.

c. Quorum

- i. The presence of at least 5 members of the Commission shall constitute a quorum of the Commission.
- ii. If a quorum is not present, the members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting.
- iii. All public hearings without a quorum shall be continued to and scheduled for the next regular

or special meeting, notice of which shall be posted at least 18 hours in advance in the manner required by the Open Meetings Act. (MCL 15.265; MSA 4.1800 (15)).

d. Public Hearings

- i. Public hearings shall be scheduled and due notice given in accordance with the provisions of Section 1 of these By-laws and Rules of Procedure and the City Zoning Ordinance.
- ii. The order of presentation shall be as follows:
 1. Petitioner
 2. Commission Consultants/Planning Staff
 3. Correspondence
 4. Public Testimony
 5. Commission Discussion/Decision
- iii. The petitioner shall limit his/her remarks or presentation to 10 minutes.
 1. The Chairperson shall instruct the petitioner to sum up his/her remarks when the Chairperson or Commission members feel that he/she has strayed from the pertinent facts, has become repetitive or is being disrespectful to the Commission.
 2. If the petitioner has a spokesperson, that spokesperson may make the main presentation and the petitioner may also speak, but both speakers shall not exceed the time limit of this rule without permission of the Chairperson.
- iv. Any member of the public wishing to address the Commission during a public hearing shall give their name, address and position on the issue under discussion.
 1. The general public shall limit their remarks to 3 minutes each.
 2. All speakers shall address their remarks to the Chairperson only.
 3. No person shall be permitted to speak twice on the same issue until everyone wishing to be heard has had a chance to speak. Person will only be recognized a second time if they have something new to add that has not

already been brought to the Commission's attention.

4. No person, other than a Commission member, City consultant or City staff shall be allowed to address an issue for public hearing following the closing of that public hearing unless recognized by the Chairperson.

e. Motions

- i. All motions shall be restated or summarized by the Chairperson before a vote is taken.
- ii. The name of the maker and supporters of the motions shall be recorded.

f. Voting

- i. An affirmative vote of 5 Commission members shall be required for the approval of any requested action or motion placed before the Commission (except Master Plan decisions require 6 affirmative votes.)
- ii. Adoption of amendments to the Master Plan of the City of Rochester requires the affirmative vote of 6 members of the Commission.
- iii. Roll call votes shall be recorded.
- iv. Any members of the Commission shall be excused from discussing or voting on any issue in which that member has a financial interest other than the common public interest, or some other stated conflict of interest.
- v. Any member of the Commission shall be excused from voting on any issue concerning that member's conduct.
- vi. On all other issues, each member who is present is required to vote unless excused by the unanimous consent of the remaining members present.

g. Order of Business

- i. A written agenda for all members shall be prepared and followed. The general order of business shall be the following:
 1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MINUTES
 4. PUBLIC HEARINGS

5. MATTERS OF CONSIDERATION (ACTION ITEMS),
SUCH AS: NEW BUSINESS, OLD BUSINESS AND THE
LIKE.

6. MATTERS FOR DISCUSSION BY COMMISSIONERS

7. MISCELLANEOUS

8. ADJOURNMENT

ii. A written agenda for special meetings shall be prepared and followed, however the form as enumerated above shall not be necessary.

h. Public Comment on Items Not Scheduled For Public Hearing

i. During this portion of the agenda, a member of the audience may address the Commission on any issue that is not scheduled for a public hearing on that agenda.

ii. A member of the audience speaking during this portion of the agenda shall limit his/her remarks to 3 minutes.

i. Additions to the Agenda

i. No matters for consideration shall be accepted after the agenda packets have been delivered unless the Commission, by separate action, accepts the matter for discussion/action.

j. Rules of Order

i. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Order."

k. Beginning and Ending Times

i. All Commission meetings shall begin promptly at 7:30 P.M.

ii. Every effort should be made to conclude Commission meetings by 11:00 P.M. unless:

1. There are applicants remaining on the agenda
or,

2. Planning staff needs direction on a matter that cannot wait until the next meeting.

l. Site Plans

i. No site plan shall be considered by the Commission unless the following conditions have been met by the Monday preceding the meeting during which the site plan would normally be considered:

1. The site plan includes all of the information required by the City of Rochester Zoning Ordinance, as determined by the City Manager or his/her designated agent.
 2. All site plan application data shall be submitted in accordance with the procedures outlined in the Site Plan Review and Approval Standards at least 4 weeks before the Planning Commission meeting at which the applicant wishes to be heard.
 - ii. The Commission reserves the right to allow the City administration to limit its agenda. In this regard, a petitioner for site plan review has no right to be heard or to be placed on the agenda of the first possible Planning Commission meeting,
 - iii. No site plan will be considered during special meetings established for planning purposes only.
- m. Unnecessary Omission
- i. No matter for consideration which otherwise meets the requirements of these By-laws and Rules of Procedures may be omitted by the Planning Commission from the agenda for more than 1 meeting (excluding special meetings established for planning purposes only). That is, except through the fault of the petitioner, any item properly submitted for Planning Commission review must be noticed for and considered at the second meeting for which it is eligible.
 - ii. Zoning Ordinance Amendments
 1. All requests for zoning ordinance review and/or revision shall be addressed to the Planning Commission for determination and recommendation to the City Council.

4. Minutes

- a. The Commission minutes shall be prepared by the recording secretary.
- b. The minutes shall contain the following:
 - i. A synopsis of the discussion,

- ii. A complete restatement of all motions and resolutions, and a record of all transactions, findings and determinations,
 - iii. A record of the outcome of Commission voice votes and a recording of roll call votes,
 - iv. A summary of the conditions or recommendations made on any action, and
 - v. A record of attendance.
- c. The minutes of the Commission including all attached communications, actions and resolutions shall be deposited with the City Clerk. Proposed minutes shall be available for public inspection by eight business days after the meeting to which the minutes refer, and approved minutes shall be available by five business days after the meeting at which the minutes are approved. Corrections in the minutes shall be made not later than the next meeting after the meeting to which they refer and shall be made available no later than the next meeting after correction. (MCL 15.269; MSA 4.1800(19)).

5. Open Meetings and Freedom of Information Provisions

- a. All meetings of the Commission shall be open to the public and held in a place available to the general public, except for closed sessions involving ongoing litigation where an open session might jeopardize the City's position in the lawsuit.
- b. All deliberations and decisions of the Commission shall be made at a meeting open to the public, except decisions made at a closed session involving litigation, as noted in 5.a.
- c. A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.d and to address the Commission concerning non-hearing matters under the rules established in subsection 3.g and 3.h to the extent that they are applicable.
- d. A person shall not be excluded from a meeting of the Commission except for breach of the peace committed at the meeting or a closed session involving ongoing litigation as noted in 5.a.
- e. All records, files, publications, correspondences and other materials are available to the public for

reading, copying and other purposes as governed by the Freedom of Information Act, except for the records of closed sessions involving ongoing litigation, as noted in 5.a.

6. Amendments

- a. These By-laws and Rules of Procedure may be amended by the Commission by a concurring vote pursuant to subsection 3.f during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

THESE BY-LAWS AND RULES OF PROCEDURE ARE ADOPTED ON THIS _____ DAYS OF _____, 1993.

City of Rochester Planning Commission

Chairperson

Vice Chairperson

Secretary

Amendments: