

**CITY OF ROCHESTER HILLS
PLANNING COMMISSION**

BY-LAWS AND RULES OF PROCEDURE

ARTICLE I: TITLE

Section 1.

The title of the Commission shall be “The Planning Commission for the City of Rochester Hills.”

ARTICLE II: MEMBERSHIP

Section 1.

It shall consist of nine (9) members. Eight (8) members shall be appointed by the Mayor subject to approval of the City Council. The ninth member shall be appointed by the City Council from its membership as an *ex officio* member.

Each member shall be appointed and serve for a term of three (3) years, except that the term of the *ex officio* member appointed by the City Council shall expire if the member is no longer a member of the City Council and otherwise shall be for the length of time stated in the resolution of appointment. In case of a vacancy, the Mayor, with approval of the City Council, shall appoint a member to serve the remainder of the unexpired term.

ARTICLE III: OBJECTIVES

Section 1.

The Commission shall have all the powers and assume all the duties provided by the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq, as amended.

Section 2.

In addition to the powers and duties of a city planning commission, this Commission shall take over and assume all the powers, duties and activities of the City of Rochester Hills Zoning Board that the City Council has transferred to this Commission. In its activities relating to zoning, the Commission shall be governed by the provisions of Act 110 of the Public Acts of Michigan for 2006, as amended.

ARTICLE IV: OFFICERS AND THEIR DUTIES

Section 1.

The Commission, at its first meeting in April of each year, shall elect a Chairperson, Vice-Chairperson and a Secretary from its members. Each shall serve until March 31 of the following year and until a successor is elected and assumes office. The *ex officio* member appointed by City Council to the Commission is not eligible to serve as Chairperson.

Section 2.

In the event an office becomes vacant by death, resignation or otherwise, the Commission shall elect an officer to serve the remainder of the term.

Section 3.

Chairperson

The Chairperson shall preside at all meetings of the Commission. He or she shall have all the powers granted in these rules and By-Laws. In addition, he or she shall have the powers and duties generally inherent in the office of president or chairperson of an assembly, and, specifically, the powers and duties outlined in the statute herein referred to and has authority to execute documents authorized by the Commission.

Section 4.

Vice-Chairperson

The Vice-Chairperson shall preside over meetings in the absence of the Chairperson, and at such times he or she shall have all the powers and be subject to all the duties of the Chairperson.

Section 5.

Secretary

The Commission shall elect a Secretary from the members of the Commission. The Secretary shall keep written records of all procedures, actions, and correspondence of the Commission. It shall be his or her duty to send notices of meetings together with information and material to the members. At the end of each year, he or she shall prepare a written report to the City Council describing in detail the actions of the Commission in relation to planning and zoning. When this report has been approved by the Commission, it shall be forwarded to the City Council.

ARTICLE V: MEETINGS

Section 1.

At the beginning of each year of its existence, the Commission shall set the date, time and place of the regular meetings of the Commission. The Commission shall hold at least one (1) regular meeting in each month.

Section 2.

Special meetings may be called at any time by the order of the Chairperson. Likewise, special meetings shall be called upon written request of two (2) members. When a special meeting is called, the Secretary shall send written notice of same to the members at least seven (7) days in advance of the meeting,

Section 3.

All meetings shall be open to the public in accordance with the Michigan Open Meetings Act, Act 266 of the Public Acts of 1976, as amended.

Section 4.

In parliamentary matters, Roberts Rules of Order shall govern.

ARTICLE: VI: ORDER OF BUSINESS

Section 1.

The order of business for meetings shall be:

1. Call to order by Chairperson
2. Roll call
3. Determination of a quorum
4. Approval of minutes of last preceding meeting
5. Communications
6. Old business
7. New and miscellaneous business
8. Adjournment.

ARTICLE VII. QUORUM AND VOTING

Section 1.

For the transaction of ordinary business at any regular meeting or special meeting, five (5) members shall constitute a quorum. An affirmative vote of at least a majority of the members of the Commission present shall be necessary in order to take action.

Section 2.

The adoption of a Master Land Use Plan, or any amendment, revision or extension, shall be by resolution of the Commission carried by the affirmative votes of not less than six (6) members of the Planning Commission. The adoption of any recommendation for approval or denial of a zoning or rezoning, shall be by the affirmative votes of at least five (5) members of the Planning Commission. If any recommendation relative to a zoning or rezoning fails to obtain five (5) votes and any member of the Planning Commission is absent, the request shall be tabled to the next regular scheduled meeting of the Commission or such other time as set by the Commission, and the recommendation for approval or denial shall be determined at such later meeting by a majority vote of the Commission members present at said later meeting.

Section 3.

It shall be the duty of each member of the Commission to vote on each issue presented to the Commission unless he or she has some personal, financial or property interest in result of the decision of the Commission, or unless the member is excused from voting by the majority of Commission members present.

ARTICLE VIII: COMMITTEES

Section 1.

The Commission may appoint such committees as it may deem advisable to expedite its work. The Commission may also appoint advisory committees composed of persons outside its membership. The Chairperson shall appoint members of committees with the approval of the Commission.

ARTICLE IX: HEARINGS

Section 1.

In addition to those required by law, the Commission may, from time to time, hold public hearings when such hearings are in the public interest or are required by law or ordinance.

Section 2.

Fifteen (15) days' notice of such public hearing shall be given in accordance with applicable state law.

Section 3.

The purpose for the public hearing shall be presented by the chairperson or someone so designated, and parties concerned shall have privileges of the floor.

Section 4.

A record shall be kept of those speaking before the Commission.

ARTICLE X: AMENDMENTS

Section 1.

These By-Laws may be changed or added to by the affirmative vote of six (6) of the nine (9) members. No change shall be made unless written notice to amend shall be filed with the Secretary at the regular meeting preceding the meeting at which time the motion to change is to be made.