



Planning Commission Bylaws

Planning and Economic Development Department

November 2024



BY-LAWS AND RULES OF PROCEDURE

ARTICLE I: TITLE

Section 1.

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

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ARTICLE II: MEMBERSHIP

Section 1.

The Commission 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. Members of the Planning Commission may hold no other municipal office, except that one (1) member may be a member of the Zoning Board of Appeals.

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Section 2

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.

Section 3

A member may, after written charges and a public hearing, be removed from the Commission by the City Council for misfeasance, malfeasance or nonfeasance in office.

Section 4

Except as may be modified by City Charter, City Ordinance, or these Bylaws, membership on the Planning Commission shall be consistent with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq. as amended.

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 Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq.

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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 membership. If due to an excessive number of absences or a lack of quorum, the Commission may postpone the election of officers until the next regular meeting where a quorum or greater number of members are in attendance. Officers shall be nominated and voted upon by a voice vote of the membership present at such meeting. Each officer 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 an officer of the Commission.

Deleted: 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 vacated 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 to 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.

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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. In the absence of the Chairperson and Vice-Chairperson, the Secretary shall serve as the Chairperson. 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.

Section 6.

In the absence of the Chairperson, Vice Chairperson, and Secretary, the remaining Planning Commission members shall elect a Chair by voice vote.

Section 7

In the absence of the Secretary at a specific meeting, the Chair may appoint an acting Secretary, as necessary.

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 schedule at least one (1) regular meeting in each month, unless there is no business to be conducted.

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 Planning Department shall send electronic notice of same to the members at least seven (7) days in advance of the meeting unless a greater number of days is required to satisfy a public hearing requirement. Special meetings will generally be held on the first Tuesday of each month.

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Section 3.

All meetings shall be open to the public in accordance with Act 267 of the Public Acts of 1976, as amended, the Michigan Open Meetings Act,

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Section 4.

In parliamentary matters, Roberts Rules of Order shall govern unless otherwise specifically modified by the Bylaws.



ARTICLE VI: NOTICE

Public notice of the time, date and place of the meetings of the Planning Commission, shall be given in the manner required by Act 267 of the Public Acts of 1976, as amended, the Michigan Open Meetings Act.

Deleted: Study Committee

ARTICLE VII: ORDER OF BUSINESS

Section 1.

The order of business for meetings shall be:

1. Call to Order by Chairperson
2. Roll call
3. Approval of minutes of last preceding meeting(s)
4. Communications
5. Public Comment (those items not otherwise on the agenda)
6. Old business
7. New Business
8. Any Other Business
9. Next Meeting Date
10. Adjournment.

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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 five (5) 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.

Section 3.

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.

Deleted: 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 4.

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It shall be the duty of each member of the Commission to vote on each issue presented to the Commission unless he or she, and any member of their immediate family, 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.

With regard to conflicts of interest, it is every Commissioner's responsibility to identify the conflict. A conflict of interest occurs when the sole obligation of the Planning Commissioner to serve the best interest of the community in the manner prescribed by State and local laws is threatened to be compromised by an interest which the Commissioner does not share with the community as a whole. Further, a conflict of interest shall include a situation where a Commissioner has a direct financial interest in the outcome of the proposal or project before the Commission. No Commission member shall participate in the discussion or vote upon any question where such Commission member has a private interest by association because of employment, kinship or a financial interest other than as a citizen of the City generally.

Section 5.

The vote on motions and resolutions shall be recorded by roll call vote for all site plans, site condominium developments, subdivisions, conditional uses, rezonings, planned unit developments, tree removal permits, wetland permit recommendations and natural feature setback modifications, unless otherwise directed by the Chair. Any Commissioner may request a roll call vote on any motion.

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 and Section 138-1.203 of the City of Rochester Hills Zoning Ordinance.



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: ANNUAL REPORT

The Planning Commission shall, at the end of each calendar year approve and submit to the City Council a written report of its activities covering the previous calendar year.

ARTICLE XI: AMENDMENTS

Section 1.

These By-Laws may be amended by the affirmative vote of six (6) of the nine (9) members. No change shall be made unless the proposed amendment is presented at the regular meeting preceding the meeting at which time the motion to amend is to be made.

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Adopted at the February 7, 2012 Regular Planning Commission
Proposed Amendments November 19, 2024