

PLANNING COMMISSION RULES OF PROCEDURE

**City of Lathrup Village
Oakland County, Michigan**

**Adopted by the Planning Commission
On December 11, 2007
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ARTICLE I

GENERAL STATUTES, ORDINANCES, AND RULES OF PROCEDURE

The City of Lathrup Village Planning Commission, hereinafter referred to as “The Commission”, has been created by City Ordinance No. 387-07, pursuant to Michigan Zoning Enabling Act, MCL 125.3301 et seq. and shall be governed by all of the following statutes, ordinances, and rules:

1.1 APPLICABLE STATE STATUTES AND LOCAL ORDINANCES AND RULES

- a. State statutes applying generally to public Commissions, Commission members and officials, including:

Michigan Public Acts of 1976, No. 267, as amended (the Open Meetings Act)

Michigan Public Act of 1976, No. 442, as amended (the Freedom of Information Act)

- b. State statutes relating to activities of the Planning Commission including:

Michigan Public Act 110 of 2006, as amended (Michigan Zoning Enabling Act)

- c. Ordinances and rules of Lathrup Village generally affecting its local boards, Commissions and officials, including:

City of Lathrup Village, Ordinance No. 387-07

- d. The Zoning Ordinance of the City of Lathrup Village

- e. Roberts Rules of Order

- f. The rules of the Commission, as set forth herein.

1.2 REQUIREMENTS FOR FAMILIARITY WITH STATE STATUTES AND LOCAL ORDINANCES AND RULES AFFECTING THE COMMISSION

Upon taking office, all members of the Commission shall familiarize themselves with the relevant state statutes and local ordinances listed above, and, while in office, members shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

1.3 RULES OF COMMISSION TO BE AVAILABLE TO PUBLIC

The official copy of the rules of the Commission shall be kept current by the Recording Secretary for the Commission, and shall be made available to the public, upon request, at the office of the Recording Secretary.

1.4 LOCATION OF COMMISSION OFFICE

The office of the Commission is located at the City of Lathrup Village, 27400 Southfield Road, Lathrup Village, Michigan 48076, which shall be open for business from 8:00 a.m. to 4:30 p.m. each weekday, except Saturdays, Sundays and holidays or other hours specified by the City Council. All communications to the Commission shall be addressed to its Chairman through the office at the above address.

ARTICLE II COMMISSION POWERS AND MEMBERSHIP

2.1 POWERS OF THE COMMISSION

The Commission shall have all and only such powers as are delegated to it by state enabling legislation and by the Zoning Ordinance and shall exercise such powers only in the manner, for the purposes, and in accordance with the procedures set forth herein.

2.2 NUMBERS OF MEMBERS; APPOINTMENT; TERMS; PROCEDURE FOR REMOVAL; PROCEDURE FOR FILLING VACANCIES; AND TERMS OF MEMBERS APPOINTED TO FILL VACANCIES

The number of members, the method of appointments, qualifications, terms, compensation, procedure for removal, procedure for filling vacancies, and terms of members appointed to fill vacancies shall be as provided in the City Ordinance No. 387.07.

2.3 CAUSES FOR REMOVAL FROM COMMISSION

Causes for removal of members from the Commission and City Council shall include malfeasance, misfeasance and nonfeasance, (wrong doing, misconduct, and failure to perform a duty), generally, and removal shall be in accordance with City Ordinance No. 387-07 and/or state law.

2.4 RESIGNATION AND VACATION OF OFFICE

If feasible, a member wishing to resign shall give written or verbal notice of intent to the City Administrator and Chairman, in such a manner as to allow time for appointment of a replacement.

When a member dies or resigns, the Chairman shall promptly indicate to the City Administrator that a vacancy exists. When a member becomes unable to perform the duties of office permanently or for what appears to be a protracted period, or moves from the jurisdiction, or becomes no longer qualified for office for any other reason, and fails to resign, the Chairman shall notify the City Administrator of such relevant facts and request that appropriate investigation and action be taken.

2.5 ANNUAL BUDGET

The Commission shall annually prepare a proposed budget for submittal to the City Council for approval. Such budget shall address all expected expenditures and contracts necessary for the performance of the Commission's duties. If the Commission fails to prepare a budget, it shall abide by the budget prepared and adopted by the City Council.

ARTICLE III OFFICERS, COMMITTEES, EMPLOYEES, DUTIES

3.1 ELECTION AND TENURE OF CHAIRMAN, VICE-CHAIRMAN, SECRETARY

- A. Election. At the first regular meeting in January of each year, the Commission shall elect from its membership a Chairman, Vice-Chairman, and Secretary. All officers are eligible for re-election.
- B. Tenure. The Chairman, Vice-Chairman, and Secretary shall take office at the first meeting following the meeting at which their election occurred, and shall hold office for a term of one year or until their successors are elected and assume office.

3.2 SUCCESSION OF OFFICE

If the Chairman resigns his/her office or becomes no longer a member of the Commission, the Vice-Chairman shall succeed him/her in office for the remainder of the term. If the Vice-Chairman resigns his/her office, becomes no longer a member of the Commission, or succeeds to the office of the Chairman, the Secretary shall succeed him/her in office for the remainder of the term. If the Secretary resigns his/her office, becomes no longer a member of the Commission, or succeeds to the office of Vice-Chairman, a special election shall be held at the next regular meeting of the Commission to elect a Secretary to complete the unexpired term.

3.3 DUTIES OF CHAIRMAN AND VICE CHAIRMAN; APPOINTMENT OF TEMPORARY CHAIRMAN TO PRESIDE AT MEETINGS

- A. Presiding at Meetings. The Chairman shall preside at all meetings and hearings of the Planning Commission. If the Chairman is absent or unable to preside, the Vice-Chairman shall preside. If both are absent or unable to preside, the remaining present shall appoint a temporary Chairman to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order and may, at any time, change the order of business at his/her discretion, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The Chairman shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons.

B. Other Responsibilities and Duties of Chairman; Delegation to Vice-Chairman. The Chairman shall have further duties and responsibilities, as indicated below. He/she may delegate any or all duties to the Vice-Chairman as necessary to insure Commission functions are performed in a timely manner. The Vice-Chairman shall perform all duties so delegated, and in the case of absence or incapacity of the Chairman, on approval by majority of the Commission, shall perform any or all duties of the Chairman, whether or not delegated.

- 1) Managerial Responsibilities. The Chairman shall direct the official business of the Commission, request needed legal or staff assistance, and perform other duties as may be ordered by the Commission.
- 2) Appointment of Committee. The Chairman shall appoint such committees as may be found necessary for the proper conduct of business and as provided for in Section 3.5.
- 3) Reporting to the Commission. The Chairman shall report to the Commission on any transactions which have not otherwise come to the attention of the Commission. The Chairman shall also make or cause to be made any reports concerning the affairs of the Commission required or requested by the City Administrator or City Council.

3.4 DUTIES OF THE SECRETARY

A. Duties. The Secretary is the recording officer responsible for maintaining the records of the Commission and shall, with the assistance from staff or consultants, attend to all correspondence of the Commission; prepare, send-out and/or cause to be published all notices required; maintain the Commission records and minutes of meetings; maintain a list of all standing and special committees in existence; and generally perform or supervise all clerical work of the Commission. The Secretary shall also perform the following duties, with assistance from the staff or consultants:

- 1) Agenda. The Secretary, with the assistance of staff, shall prepare an agenda, prior to each meeting, giving the order of business and showing the exact order of what is necessary to come before the Commission as specified in Section 6.7. Each Commission member shall receive a copy of the agenda prior to the meeting.

The Secretary through delegation to staff shall be responsible for the posting of the Agenda as a public notice stating the date, time and place of a Commission meeting in accordance with MCL 15.265.

- 2) Maintain Official Minutes. The Secretary delegates the duties of maintaining official minutes to the City Clerk.

The City clerk shall maintain the official minutes of all Commission meetings. The minutes shall record the Commission's proceedings, showing attendance and absences and indicate whether the absences were excused or unexcused by the Chairman, and disqualified members, the record of the proceedings and all official actions, and the vote of each member voting on every question. The minutes of the Commission shall be a public record, kept in the office of the City Clerk.

- 3) Rules of Procedure. The Secretary shall maintain a book for the Planning Commission Rules of Procedure which shall be kept current. All amendments shall refer to the date and page of the minutes where recorded.
- 4) Submittal of recommendations. The Secretary shall submit all Commission recommendations to the City Clerk

3.5 COMMITTEES

All committees that may be deemed necessary and advisable for the proper conduct of business, shall be appointed by the Chairman, unless otherwise provided for by the Commission.

- A. Standing Committees. Standing committees consisting of no more than three (3) Commission members may be appointed for specific purposes or to address specific issues. Vacancies shall be filled immediately by the Chairman. The following committees may be desirable in accomplishing the various functions of the Commission:

- 1) Comprehensive Plan
- 2) Budget and Finance
- 3) Subdivision
- 4) Zoning
- 5) Legal
- 6) Public Relations
- 7) Capital Improvements

- B. Special Committees. Special committees may be appointed by the Chairman for purposes and terms which the Commission approves.

3.6 EMPLOYEES

- A. Recording Secretary. The Commission may employ, with the approval of the City Council, a Recording Secretary to assist the Planning Commission Secretary and to perform such other duties as may be assigned to him/her by the Chairman.
- B. Other Staff. The Commission may employ, with the approval of the City Council, such staff and/or experts as it deems fit to aid the Commission in performing its duties. Appointments shall be by majority vote of the entire Commission membership.

3.7 LEGAL COUNSEL

Whenever necessary, the Planning Commission shall seek legal advice from the City Attorney or other designated special counsel on matters under its jurisdiction. Advice of counsel shall be received and entered in the record before a decision on any question or matter requiring legal interpretation or advice.

ARTICLE IV CONDUCT OF COMMISSION MEMBERS AND STAFF

4.1 REPRESENTATION OF APPLICANTS

No member of the Commission shall represent applicants on matters on which the Commission is to make determinations.

4.2 CONFLICT OF INTEREST

No member of the Commission shall participate in any case which he/she has financial or personal interest in the property or action concerned, or will be directly affected by the decision, or has or believes he/she has any other conflict of interest as defined by the applicable law. No member of the staff or of any agency serving the Commission shall prepare or present arguments or reports, or attempt to influence decisions of the Commission in any case in which the staff member or agency has similar interest.

As soon as any Commission member, staff member, or any agency serving the Commission, becomes aware of a potential conflict of interest in any case to come before the Commission, he/she shall notify the Chairman or acting Chairman. Where the Chairman finds that conflict exists or could exist, the Chairman shall excuse or disqualify the Commission member, staff member or agency from acting in the case and cause the Secretary to enter the circumstances in the record.

Where the Chairman or acting Chairman has reasonable doubt as to whether the facts and applicable law indicate a degree of conflict justifying disqualification or excuse from service, he/she shall seek advise from legal Counsel to the Commission. If Counsel

advises that a conflict appears to exist based on circumstances reported and applicable law, the Chairman shall proceed to excuse or disqualify as provided above.

4.3 IMPROPER INFLUENCE – GROUNDS FOR DISQUALIFICATION

A member may disqualify himself/herself from voting whenever any applicant, or his/her agent, has sought to influence the vote of the member outside of a public meeting.

4.4 EXPRESSIONS OF BIAS, PREJUDICE, OR INDIVIDUAL OPINION

Commission members may seek information from other members, or staff serving the Commission prior to a public meeting but no member shall discuss the case with any other parties thereto prior to a public meeting, or express any bias, prejudice, or individual opinion regarding the case outside of a public meeting. Additionally, it shall not be appropriate for a member to express any bias or prejudice at any time during a public meeting.

ARTICLE V APPLICATIONS

5.1 APPLICATIONS

All requests requiring Commission consideration or approval shall be filed with ten (10) copies with the City Clerk in accordance with procedures and requirements set forth in the Zoning Ordinance. In the absence of specific requirements in the Zoning Ordinance, all such requests shall be submitted to the City at least thirty (30) days prior to the meeting, and shall contain in the following information at a minimum: names and addresses of applicant and property owner, identification of the specific parcels of land (if applicable), detailed information concerning circumstances of the case and action requested, the date of filing, and other information deemed necessary by the Planning Commission to make an informed decision.

5.2 DEFICIENCIES IN INFORMATION

The Commission may require such surveys, plans or other information necessary for proper evaluation or consideration of a matter. When applications are submitted, they shall be examined by the City Planner or other City staff person as directed by the Chairman for completeness and accuracy, and to determine whether all information necessary to make an informed decision has been supplied. Where information is lacking or inadequate at time of submission and the deficiency cannot be remedied immediately, the Commission shall table the matter until such time as the required information has been furnished.

5.3 PLACEMENT OF APPLICATIONS ON THE AGENDA

Completed applications shall be considered at the next available meeting date and may be decided at the same meeting, at another regular meeting of the Commission, or at a special meeting.

Items shall be placed on the agenda according to the date and time the completed application has been received, although the Secretary may change the order of the agenda for the purposes of efficiency and expediency or convenience of the public.

5.4 PUBLIC HEARINGS

Where a public hearing is required by the Zoning Ordinance and/or state enabling legislation, the Commission shall cause a notice of the public hearing to be issued. The timing and manner of publication of public notice for such public hearing items shall be as provided in the Zoning Ordinance and state enabling legislation.

ARTICLE VI MEETINGS

6.1 REGULAR MEETINGS

Regular meetings of the Commission shall be held at 7:00 p.m. in the City Hall, 27400 Southfield Road, Lathrup Village, Michigan, on the third Tuesday of the month or in accordance with the annual calendar adopted by the Commission, provided that such meetings are held and proper notice is given in compliance with the Open Meetings Act.

6.2 SPECIAL MEETINGS

Special meetings for any purpose may be held at the call of the Chairman, or upon request of two (2) or more members of the Commission. At least 48 hours written notice of the time and place of any special meeting shall be given by the Secretary in accordance with the Open Meetings Act.

6.3 RECESS OR ADJOURNMENT

Any regular or special meeting may be recessed or adjourned from time to time, day to day, or the time of any previously announced regular or special meeting. If such recess or adjournment or a specific time and place is for less than a 36 hour period, additional public notice shall not be required. If there is cause to change the specified time or place, however, the required provisions for public notice shall be met.

6.4 CANCELLATION

If no business is scheduled or if there are insufficient members to achieve quorum, a meeting may be canceled by the Chairman by giving notice to all members at least eighteen (18) hours before the time set for such meeting.

6.5 QUORUM

A simple majority (four) of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a simple majority of the Commission members in attendance at such meeting where a quorum is present.

6.6 PUBLIC MEETINGS OF THE COMMISSION; NOTICE; OTHER ACTIVITIES OF THE COMMISSION; SCHEDULE

All meetings of the Commission involving official action shall be open to the general public, with formal notice as required by law.

6.7 AGENDA, ORDER OF BUSINESS

The Secretary shall prepare an agenda for each Commission meeting. Order of business shall generally be as follows:

- a. Call to order and roll call, with recording members present and absent and indications as to whether absences are excused or unexcused with consent of the Chairman.
- b. Agenda review and approval.
- c. Action on minutes of previous meeting(s).
- d. Comments from the public on items not on the agenda.
- e. Public hearings.
- f. Old business and tabled items.
- g. New business.
- h. Cases involving requests for advice or input from Planning Commission.
- i. Update on unfinished items including date of latest Planning Commission action.
- j. Other matters for discussion.
- k. General communications.

I. Adjournment.

Tabled and continued items shall be given priority over new items except where the Chairman finds that circumstances of the tabled item require a different order, in which event he/she may change the order so as to conclude the tabled item as soon as is reasonably possible.

6.8 ROBERT'S RULES OF ORDER

Except as otherwise specified by these Rules, parliamentary procedures of the Commission during the meetings shall be in accord with Robert's Rules of Order.

**ARTICLE VII
PROCEDURES AT PUBLIC MEETINGS**

7.1 APPLICANT REPRESENTATION

At meetings and/or hearings, any applicant or person may appear or be represented by authorized agents. Such agents shall, upon request, present evidence of their authorization to act on behalf of the application or other person. If the applicant or authorized agent is not present at a meeting, the Planning Commission may refuse to hear or take action on the case unless required because of public hearing or public notice has been given. This section shall not preclude the Commission from setting a public hearing or taking other ministerial action on a case if the applicant or authorized agent is not present.

7.2 CONDUCT DURING MEETINGS

The Chair, Commission members, or staff may direct any questions to the applicant or any person from the audience, to bring out pertinent facts. The Chair or Commission members may call for pertinent facts from the staff, or make appropriate comments pertinent to the case. No Commission member should debate or argue with persons in the audience.

7.3 ORDER FOR PRESENTING INDIVIDUAL CASES

The Chairman shall recognize individuals presenting information and comments on individual cases. If a group of individuals wish to speak on the same item, the Chairman may require that a spokesman for the group be chosen to represent the group. All comments shall be directed to the Chair. The general order for presenting information shall be as follows:

- a. The Chairman introduces and describes the nature of the case.
- b. The City planning staff presents a detailed report.

- c. The applicant responds to staff comment and provides any additional information.
- d. Commission questions and discussion.
- e. Public comments shall be limited to no more than three minutes per speaker. An individual representing a large group of people such as a subdivision may be granted five minutes to speak in place of individual members of the group addressing the same issue.
- f. Commission questions and discussion, additional information may be solicited from planning staff, applicant, and public.
- g. Motion.
- h. Motion discussed and voted upon.

7.4 MAXIMUM TIME LIMIT FOR EACH CASE

In the interest of allocating their review time fairly and uniformly to all applicants, the Planning Commission may establish a maximum length of time that each case may be considered at each meeting. The time limit shall be based upon evaluation of the total number and complexity of cases on the agenda, with the objective of not allowing any meeting to extend beyond three (3) hours.

The maximum time limit may be established by a vote of a majority of the Planning Commission, following a proper motion by any Commissioner.

ARTICLE VIII RECORDS OF COMMISSION DECISIONS

All decisions of the Commission shall be recorded in the Commission minutes. Such minutes shall show the basis for the determination, with a summary of the information introduced, and the findings made by the Commission. The minutes shall also record all those speaking before the Commission on an individual case.

A draft of proposed minutes shall be transmitted to each Commission member in advance of the meeting at which they are to be considered for approval. Following approval, as submitted or as amended, the minutes shall be filed in the official minute book by the Secretary.

**ARTICLE IX
WITHDRAWAL OF APPLICATION AND TABLING CONSIDERATION**

9.1 WITHDRAWAL OF APPLICATION

On written request from the applicant or authorized agent, an application may be withdrawn at any time before the Commission makes its decision in the case, except that a verbal request may be made at the scheduled public meeting.

9.2 TABLING CONSIDERATION

On its own motion, or on approval of requests by applicants or their authorized agent, the Commission may table consideration of cases. Unless the time and place when the case will be reconsidered is stated in the motion to table, new public notice shall be required with fees paid by the applicants.

**ARTICLE X
AMENDING OR WAIVING RULES**

10.1 AMENDING RULES

These rules may be amended by a two-thirds (2/3) vote majority of the Commission except where such amendment would be contrary to the requirements or limitations set by state law or the Zoning Ordinance. An amendment may be proposed at any regular meeting of the Commission, and shall not be acted upon until the following regular meeting.

10.2 WAIVING OR SUSPENDING RULES

A rules of procedure may be suspended or waived at any meeting by unanimous vote of Commission member present unless such rule is set by state legislation of the Zoning Ordinance.

**ARTICLE XI
SEVERABILITY**

These rules and each of the various parts, sections, sub-sections, provisions, sentences and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of these Rules, which shall remain in full force and effect.

ARTICLE XII
ADOPTION AND REPEAL

These rules of procedure shall become effective immediately upon adoption by the Planning Commission of the City of Lathrup Village, and all previous rules of procedure shall be repealed.

These rules were adopted by the City of Lathrup Village Planning Commission on the 11th day of December 2007; amended on the 9th day of December 2014; and amended on the 26th day of March 2019 and shall take effect immediately.

Acting Chairman

Acting Secretary

Amended Date: March 26, 2019