

**BY-LAWS OF THE CITY OF MADISON HEIGHTS  
PLANNING COMMISSION**

**ARTICLE I – NAME AND PURPOSE**

The City of Madison Heights Planning Commission hereby adopts these Bylaws to comply with all applicable statutes and facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 125.3801 *et seq.*)

**ARTICLE II – MEMBERSHIP**

**Section 1. Selection and Composition.**

The Planning Commission shall be composed of nine members. The commission shall be the mayor, an administrative official selected by the mayor and a member of the council selected by it, as members ex officio; and six members, persons who shall be appointed by the mayor and who shall be qualified electors of the city, who shall represent insofar as possible different professions or occupations, and who shall be approved by a majority vote of the council. The appointed members shall hold no other municipal office, except that one of the appointed members may be a member of the Zoning Board of Appeals.

**Section 2. Terms of office and compensation of members.**

The term of each of the six appointed members of the plan commission shall be for three years. The terms of ex officio members shall correspond to their respective official tenures. All members of the commission shall serve without compensation.

**Section 3. Removal of members and filling of vacancies.**

Members other than the council member selected by the council may, after a public hearing, be removed by the Mayor for insufficiency, neglect of duty, or malfeasance in office. If any member of the Planning Commission is absent from three (3) unexcused consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Mayor to remove a member from the Planning Commission for neglect of duty. The council for like cause may remove the member selected by it. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him and by the council in the case of the council member, in the same manner as appointed in the first instance.

**ARTICLE III – OFFICERS**

**Section 1. Election of officers; powers.**

At the first regular meeting of each year, the members of the Planning Commission shall elect a Chairperson, Vice-Chairperson and a Secretary. The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission. The Vice Chairperson shall act in the capacity of the Chairperson in absence of the Chairperson. In the event the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the Vice Chairperson for the unexpired term. The Secretary shall execute documents in the name of the Planning Commission and shall perform such other duties as the Planning Commission proscribes. Ex officio members shall not serve as chairperson.

## ARTICLE IV - MEETINGS

### Section 1. Meetings; records; quorum.

The business of the Planning Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act. Notice of the meetings shall be given in accordance with all applicable laws. The Planning Commission may establish reasonable rules and regulations to enable an orderly meeting to minimize the possibility of disruption of the meeting. The regular planning commission meetings shall be scheduled on the third (3<sup>rd</sup>) ~~Monday~~ ~~Tuesday~~ of each month and shall hold not less than four (4) meetings a year and as many special meetings as the planning commission shall deem necessary. Special meetings may be called by the chairperson or two or more commission members upon written request to the secretary. A minimum 20 hours written notice is required, unless additional notice is required by law. Where a special meeting is called due to an applicant request, all costs for conducting the meeting shall be paid by the applicant prior to scheduling the meeting. The Planning Commission shall keep a public record of its resolutions, transactions, findings and determinations. Five members of the commission shall constitute a quorum for the transaction of business. Unless otherwise required by law, all actions of the commission shall be by a majority of the members present and voting.

### Section 2. Motions; Voting; Public Participation

1. Motions shall be restated by the Chair before a vote is taken.
2. Findings of Fact. Actions taken in an administrative capacity may include each of the following parts, if applicable.
  - a. A finding of fact, listing what the Commission determines to be relevant facts in the case.
  - b. Conclusions based on the facts for the Commission's action, finding compliance, or noncompliance, to standards.
  - c. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
3. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
4. Commission Action. Action by the Commission on any matter on which a public hearing is required shall not be taken until the required public hearing has been concluded.
5. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order* for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.
6. Public Participation. All regular and special meetings, hearings, records, and financial accounts shall be open to the public.
7. All public comment on all agenda items requiring a public hearing shall be presented during the public hearing for that agenda item. The Commission may direct questions to members of the public at any time. Public comment on agenda items not requiring public hearings shall be at the discretion of the chairperson.

8. The Chair may limit to 3 minutes the amount of time allowed for each person wishing to make public comment at a Commission meeting.

### **Section 3. Conflict of Interest; Gifts**

Before considering an agenda item or casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The planning commission shall then determine by majority vote if there is a conflict of interest that warrants member disqualification from deliberations and voting on the matter. Failure of a member to disclose a potential conflict of interest constitutes malfeasance in office and cause for removal. A conflict of interest occurs when a planning commissioner participates in:

1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjoining land owned by him or her.
3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she has a pecuniary interest.
4. Issuing, deliberating on, voting on, or reviewing a case, which is an action, which results in a pecuniary impact on him or her.
5. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
6. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is: an applicant or agent for an applicant, or has an interest in the outcome.

When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

1. Declare a conflict exists at the first meeting of the Commission where the item is on the agenda;
2. Cease to participate at the Commission meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
3. During deliberation of the agenda item before the Commission, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.

The six (6) appointed members of the Planning Commission shall hold no other incompatible municipal office, except that one of the appointed members may be a member of the Zoning Board of Appeals. If an appointed member of another incompatible municipal office is appointed to the Planning Commission, the effective date of the appointment to the Planning Commission shall result in an automatic resignation from the other incompatible municipal office. If an appointed member of the Planning Commission is elected or appointed to another incompatible municipal office, the effective date of the election or appointment shall result in an automatic resignation from the Planning Commission.

Gifts shall not be accepted by a member of the Commission from anyone connected with an agenda item before the Commission. As used here, gifts shall mean cash, any tangible item, or service.

**Section 3. Petitions; public hearing--Notification; appeal.**

Upon petition filed with the council, the subject matter of which is within the scope of the powers and duties of the planning commission, where such petition requires a public hearing (eg. Rezoning, plat, etc.), such petition shall be referred to the commission. The commission shall give notice of a public hearing to all persons having an interest in land within a radius of 500 feet of the area which is the subject matter of said petition; said notice is to be given at least fifteen days prior to the holding of the meeting, by mail, notifying such interested persons of the filing of the petition and the time and place at which the hearing is to be held. Failure to receive such notification shall in no way invalidate any action taken at such or any subsequent hearing. At such public hearing the commission shall hear all persons interested in said petition and shall thereafter hold such further hearings, as it may deem necessary. Upon the conclusion of the hearing or hearings the commission shall within a period of 30 days, submit either its approval or denial of said petition to the council and the mayor. If the petition is approved, the council shall then give notification of a public hearing in accordance with the provisions of the statutes of the state and shall, after such public hearing, either grant or deny said petition. If the commission shall recommend denial of said petition, the petitioner may request further hearing before the council and the mayor, and such hearing may be granted in the discretion of the council.

**ARTICLE V – POWERS AND DUTIES**

**Section 1. Powers and duties.**

The general powers and duties of the planning commission shall be as as specified in the Code of Ordinances Section 2-115 and the Michigan Planning Enabling Act – PA 33 of 2008.

**Section 2. Annual estimate of funds required.**

In conjunction with the city’s annual capital improvement plan (CIP) and budget process, the planning commission shall transmit to the city manager its estimate of the funds required for its purposes for the ensuing fiscal year. For purposes of this section, the Community Development Department CIP and budget submittals shall include the planning commission’s requests, if any.

**Section 3. Annual report required.**

The planning commission shall, at the first regularly held meeting of the calendar year, make a written report to the council of the work of the commission during the preceding year. The report shall be certified by the commission and entered on record by the city clerk, and published in such manner as the council may direct. The commission shall also make such other reports as the council may, from time to time, require.