

# MEMORANDUM

Community Development Department  
City of Royal Oak, Michigan

**Meeting Date: July 12, 2016**  
211 Williams St. / P.O. Box 64  
Royal Oak, MI 48068-0064  
Phone: (248) 246-3280  
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DATE: June 28, 2016

TO: Planning Commission

FROM: Planning Division

**SUBJECT: Proposed Amendments to Rules of Procedure**

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Attached is a copy of the Planning Commission's by-laws or rules of procedures with proposed amendments. The revisions are as follows:

- The starting time for Planning Commission meetings was changed from 7:30 p.m. to 7:00 p.m. as discussed at the last meeting.
- The Agenda Committee was eliminated as it is no longer used. Agendas for meetings are now set by staff.
- The format and order of other items were revised to be more consistent with the rules and procedures for other boards and commissions, and also the model by-law format adopted by the City Commission.

A copy of the current rules of procedure is also attached for reference.

Attachment

**Rules of Procedure  
Planning Commission  
City of Royal Oak, Michigan**

The following rules of procedure are adopted by the Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended. Section 19(1) of said Act stipulates this need as follows: "A planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations."

**Section 1.0 Organization**

- 1.1 Membership. The Planning Commission shall be comprised of the Mayor, one City Commissioner, and seven (7) regular members, each to be appointed for three (3) years by the City Commission, or as otherwise established according to the Zoning Ordinance and state statutes (P.A. 33 of 2008).
- 1.2 Officers. The officers of the Planning Commission shall consist of a Chairperson and Vice Chairperson who shall be regular members of the Commission, and a Secretary, that latter to be the city's Director of Community Development or his/her designated representative.
- 1.3 Election. At the first regular meeting in February of each calendar year, the Planning Commission shall elect from its appointed regular membership a Chairperson and Vice-Chairperson. All officers are eligible for re-election.
- 1.4 Tenure. The Chairperson and Vice-Chairperson shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

**Section 2.0 Duties of Officers**

- 2.1 Duties of Chairperson. The Chairperson shall preside at all meetings, co-sign with the Secretary all minutes of meetings of the Commission, appoint committees, and perform such other duties as may be ordered by the Planning Commission or necessary or incidental to his/her office to secure the successful functioning of the Commission.
- 2.2 Duties of Vice-Chairperson. The Vice-Chairperson shall act in the capacity of Chairperson in his/her absence and in the event the office of the 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 office of Vice-Chairperson for the unexpired term.

**Section 3.0 Duties of Secretary**

- 3.1 Minutes. In addition to any duties that may be imposed upon the Secretary by the provisions of any chapter of the City of Royal Oak Code of Ordinances or by the provisions of any statute of the State of Michigan, the Secretary shall keep the minutes of the proceedings of the Planning Commission and shall have custody of all the records of the Commission. All minutes of the Planning Commission shall be signed by the Secretary.

- 3.2 Communications, Petitioners, etc. All communications, petitions, applications, and reports shall be addressed to the Planning Commission and delivered or mailed to the Secretary. The Secretary shall see that proper forms are mailed or given to parties signifying a desire to file an application with the Planning Commission and shall see that such information is given to such party as is necessary to take file an application.
- 3.3 Other. The Secretary shall execute all extra official communications in behalf of the Planning Commission, shall generally supervise all the clerical work of the Commission, and shall perform such other and further duties as may be prescribed by the Commission. The Secretary shall keep a record of the decisions rendered by the Planning Commission in the form of motions or resolutions. The Secretary shall prepare a calendar of the cases for each meeting.

#### **Section 4.0 Meetings**

- 4.1 Regular Meetings. Meetings of the Planning Commission shall be held the second Tuesday of every month at 7:00 p.m. in the City Hall, or at such other time as designated by the Planning Commission at a regular meeting. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate day in the same month. All meetings before the Planning Commission, regular or special, shall be public.

The Planning Commission shall adopt an official meeting schedule for the upcoming year at or before its regular meeting in December of each preceding year. The schedule shall also establish deadlines for the submission of applications and required information.

- 4.2 Special Meetings. Special meeting requests for an application may be brought by a petitioner. A request to hold a special meeting shall be accompanied by a fully complete application along with all required plans, drawings, etc. A special meeting will only be scheduled if there is sufficient time for notification of adjacent property owners per state statute (P.A. 110 of 2006, as amended). Sufficient time shall also be allotted for the Planning Division to compile and transmit the papers constituting the record to the Planning Commission. An additional fee as determined by the City Commission shall be charged for a special meeting requested by the petitioner.

Special meetings not related to an application may be called at the request of the Chairperson, or of three (3) members of the Planning Commission. Notice of special meetings shall be given by the Secretary to the members of the Planning Commission at least forty-eight (48) hours prior to such meeting and shall state the purpose and time of the meeting, except that the announcement of a special meeting at any meeting at which all the members are present shall be sufficient notice of such meeting. The posting of a notice of a special meeting shall be in compliance with applicable state law.

- 4.3 Public. All regular and special meetings, hearings, records, and accounts shall be conducted in accordance with the Open Meetings Act, being P.A. 267 of 1976, as it may, from time to time, be amended.
- 4.4 Quorum. Five (5) members shall constitute a quorum for the transaction of business and a majority vote of those present shall be an official action for all matters, except the adoption of a Master Plan, or any part of a Master Plan. The affirmative vote of six (6)

members shall be necessary for the adoption of a Master Plan, or any part of a Master Plan.

- 4.5 Number of Agenda Items per Meeting. Regular meeting agendas shall be limited to a total of ten (10) items of which no more than four (4) shall be public hearings for items other than appeals from the city's Sign Ordinance. The Director of Community Development shall have the authority to expand the agenda to include additional items.
- 4.6 Applications & Forms. Petitioners shall use application forms as approved by the Director of Community Development and provide all information required on the form(s).
- 4.7 Incomplete Applications. Applications or items the Director of Community Development determines to be incomplete shall not be placed on an agenda for consideration of the Planning Commission until the required information has been provided.
- 4.8 Order of Business; Agenda. The Secretary shall prepare an agenda for each meeting and the order of business therein shall be as follows:
- A. Call to order.
  - B. Roll call.
  - C. Approval of minutes from previous meeting(s).
  - D. Matters pertaining to the general citizenry and citizens present will be heard in the following order:
    - 1. Public comment from citizens seeking information, desiring to express an opinion on a planning-related matter not otherwise found on the Planning Commission's agenda, or desiring to present matters for a future meeting agenda.
    - 2. Citizens requested by the Planning Commission to attend the meeting for discussion of a local problem, or presentation of further information on an issue previously considered.
    - 3. Communications, the writers of which, or their representatives, are present in the audience and wish to give additional information or explanation to the written statements.
  - E. Unfinished or old business.
  - F. New business requiring Planning Commission action.
    - 1. Advertised public hearings for the following:
      - a. Adoption and/or amendments to the city's Master Plan.
      - b. Adoption and/or amendments to the city's Zoning Ordinance and Zoning Map.
      - c. Planned unit developments.

- d. Special land use permits.
- e. Subdivision plats.
- f. Site plan reviews requiring a public hearing.

For advertised public hearings, the Chairperson will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised, will be heard first.

- 2. Site plan reviews not requiring an advertised public hearing.
  - 3. The proposed construction of any street, square, park, or other public way, ground, or open space, or public building or structure, or other matters relating to a capital improvements program for the city.
- G. Other business including, but not limited to, appeals from the city's Sign Ordinance.
  - H. Reports and other communications.
  - I. Adjournment.
- 4.9 Distribution. The Director of Community Development shall distribute all agenda materials and plans to be considered by the Planning Commission at least two (2) weeks [fourteen (14) days] prior to the regularly scheduled monthly meeting date or as soon as is otherwise reasonably feasible. In order to accomplish this task the Director may adjust the submission deadlines as he/she determines necessary.
- 4.10 Special Meetings for Master Plan. The Chairperson may designate special meetings for the exclusive purpose of discussing long-range portions of the Master Plan.
- 4.11 Motions. The Chairperson shall restate the motion including the name of the maker and supporter of each motion before a vote is taken.
- 4.12 Voting. Voting shall be by voice and shall be recorded by yeas, nays, and abstention. Roll call votes will be recorded only upon request by a member of the Planning Commission and/or the Secretary.
- 4.13 Parliamentary Procedure. Parliamentary procedure in Planning Commission meetings shall be governed by the procedures for small boards and assemblies of Robert's Rules of Order 9th Edition (§48, pages 477 to 479), as amended, with the following clarifications and exceptions:
- A. All actions taken by the Commission shall require a motion including findings of fact, and all motions shall be seconded.
  - B. The Chairperson shall have a vote but may not offer any motion, and may speak in discussion of a business item without leaving the chair.
  - C. There is no limit to the number of times a Commissioner may speak on a business item.

- D. Motions to close or limit debate on a business item shall not be entertained.
  - E. Informal discussion of a business item is permitted while no motion is pending.
- 4.14 Business Item Procedure. The procedure of hearing all business items before the Planning Commission shall be as follows:
- A. A report from the Director of Community Development summarizing the business item and the action required and/or requested.
  - B. A statement by the petitioner or its authorized agent and others on its behalf. Such statements are limited to fifteen (15) minutes unless otherwise permitted by the Chairperson.
  - C. A public hearing, if required, whereby interested members of the public may offer statements, comments, or information pertinent to the case. Such statements are limited to three (3) minutes unless otherwise permitted by the Chairperson. Statements from interested members of the public may be allowed for business items not requiring a public hearing at the discretion of the Chairperson.
  - D. A final response by the petitioner.
  - E. Discussion and action by the Planning Commission.

**Section 5.0 Hearings**

- 5.1 Master Plan Hearings. Before the adoption of any part of the Master Plan as defined in Section 3 of the Michigan Planning Enabling Act, being Act 33 of 2008, as amended, or any amendment to the Master Plan, the Planning Commission shall hold a public hearing on the matter with notice of said hearing being given in the manner prescribed by Section 43 of said Act.
- 5.2 Zoning Hearings. Before recommending approval of an amendment to the City of Royal Oak Zoning Ordinance to the City Commission, the Planning Commission shall hold a public hearing on the matter with notice of said hearing being given in the manner prescribed by Section 103 of the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended.
- 5.3 Special Land Use Permits. Before approval of a special land use permit, the Planning Commission shall conduct a public hearing on the matter with notice of said hearing being given in the manner prescribed by Section 103 of the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended.
- 5.4 Site Plans. The Planning Commission shall hold a public hearing on those site plans requiring a public hearing pursuant to, and in the manner prescribed by the City of Royal Oak Zoning Ordinance and/or the Planning Commission's Rules of Procedure.
- 5.5 Special Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties, will be given in the most practical manner and to persons or group representatives most interested. A public hearing may be established when at least three (3) members of the Planning Commission deem it necessary.

- 5.6 Commission Action. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
- 5.7 Notice of Decision. A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request having been heard by the Planning Commission. When also requiring City Commission action, such notice will also be sent to the City Commission, along with details of the petition and the circumstances involved in arriving at said decision. (See also Section 9.7 (A).)
- 5.8 Re-hearings. Re-hearings may be granted by the Director of Community Development upon his/her determination of a change in conditions or that request is substantially a new case. Re-hearings may also be granted by the Planning Commission subject to such conditions as the Commission may, by resolution, in each case stipulate. In all cases, the petition for a rehearing shall be in writing, reciting the reasons for the request, and shall be duly verified and accompanied by the necessary data and required fee.

### **Section 6.0 Disposition of Cases**

- 6.1 Resolution or Motion: Conditions. The final disposition of any case required to be considered by the Planning Commission shall be in the form of a resolution or motion. The Planning Commission may set out in said resolution or motion any condition or conditions upon which any approval may be granted in order to protect and promote the public health, safety, and general welfare.
- 6.2 Withdrawals. Any petitioner may withdraw his/her case at any time prior to final disposition by the Planning Commission by filing a written notice of withdrawal with the Secretary.
- 6.3 Similar Cases. Upon the final disposition of any case by the Planning Commission, no new case substantially identical in nature to a former case, as determined by the Director of Community Development, upon which formal disposition has been made by the Planning Commission shall be received by the Secretary for one year after the date of final disposition by the Planning Commission unless a re-hearing pursuant to Section 5.8 has been authorized.

### **Section 7.0 Matters to be Considered by the Planning Commission**

- 7.1 The following matters shall be presented for consideration at a meeting of the Planning Commission:
- A. Applications and staff proposals for amendments to the Zoning Ordinance or Zoning Map.
  - B. Applications for special land use permits.
  - C. Applications for site plan review.
  - D. Land subdivision plats and site condominium plans.
  - E. The proposed construction of any street, square, park or other public way, ground or open space, or public building or structure.
  - F. All planning reports and plans before publication.

- G. A capital improvements program for the city.
- H. The appointment of such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as governs other corresponding civil employees, and contracts with city planners, engineers, architects and other consultants for such services it may require. The expenditures of the Planning Commission shall be within the amounts appropriated for said purpose by the City Commission.
- I. Such other matters as the Director of Community Development or his/her designated representative shall find is advisable or essential to receive consideration by the Planning Commission or required by state statute or other codes and ordinances of the City of Royal Oak.

**Section 8.0 Matters to be Acted upon by Staff on Behalf of the Commission**

- 8.1 The Director of Community Development or his/her designated representative shall take action or make recommendations in the name of the Planning Commission in accordance with such plans, policies, and procedures, as are approved or established by the Planning Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or established by the Planning Commission, presentation of the matter shall be at a Planning Commission meeting.
- 8.2 The responsibilities given in Section 8.1 shall include the review of plans requiring submission to the Planning Commission in accordance with the Zoning Ordinance of the City of Royal Oak.

**Section 9.0 Planning Commission Staff**

- 9.1 Authorization. The Planning Commission staff consists of the Director of Community Development and such other personnel as exist in the Planning Division, or as may be otherwise authorized by the City Commission.
- 9.2 General Responsibility. The Planning Commission staff is charged with the duty of preparation and administration of such plans as are appropriate to the City of Royal Oak and its environs and are within the scope of the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended).
- 9.3 Duties of Director. The Director of Community Development shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission. The Director's work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations of the Planning Commission and administrative policies of the City Manager.
- 9.4 Administrative Duties. The Director of Community Development shall supervise and review the work of the professional, technical, and non-technical employees of the Planning Commission staff.
- 9.5 Policy Formulation. The Director of Community Development shall: be responsible for carrying out the directives of the Planning Commission; advise and assist the Planning

Commission in the establishment of general planning policy; and be responsible for formulation of staff policy.

9.6 Effectuation of Plans. The Director of Community Development shall recommend to the Planning Commission action necessary for effectuating plans with respect to both public and private endeavors through such means as are available to the Planning Commission.

9.7 Public Relations. The Director of Community Development shall:

- A. Officially present the Planning Commission's recommendations to the City Commission. (See also Section 5.7.)
- B. Officially represent the Planning Commission and its staff at planning conferences, interdepartmental meetings of the city government, and serve generally as a liaison between the Planning Commission and the public.
- C. Encourage private development or investment in accord with comprehensive plans.
- D. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
- E. Supply information for and encourage interested public agencies and citizen's organizations in programs to promote public understanding and approval of planning.
- F. Accept other responsibilities as may be directed by the Planning Commission, City Commission, or City Manager.

**Section 10.0 Amendments and Records**

10.1 These rules, or any part thereof, may be amended or suspended at any regular or special meeting by a two-thirds (2/3) vote of the full membership of the Planning Commission.

10.2 The record of applications to the Planning Commission shall be kept in the office of the Secretary, in such manner as to be accessible to the public during the normal business day.

## Rules of Procedure for the Planning Commission & Staff

The following rules of procedure are adopted by the Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended. Section 19(1) of said Act stipulates this need as follows: "A planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations."

### **Section 1.0      Officers**

- 1.1      Selection. At the regular meeting in February of each year, the Planning Commission shall select from its appointed membership a Chairperson and Vice-Chairperson. All officers are eligible for re-election. The Director of Planning or his/her designated representative shall serve as Secretary for the Planning Commission.
- 1.2      Tenure. The Chairperson and Vice-Chairperson shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- 1.3      Duties. 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 Chairperson in his/her absence and in the event the office of the 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 office of Vice-Chairperson for the unexpired term.

The Secretary shall execute documents in the name of the Planning Commission, perform the duties hereinafter listed and shall perform such other duties as the Planning Commission may determine.

### **Section 2.0      Duties of the Secretary**

- 2.1      Minutes. The Secretary shall be responsible for the minutes of each meeting and shall have them spread in suitable volumes.
- 2.2      Communications, Petitioners, etc. All communications, petitions, applications and reports shall be addressed to the Planning Commission and delivered or mailed to the Secretary.

### **Section 3.0      Meetings**

- 3.1      Regular Meetings. Meetings of the Planning Commission will be held the second Tuesday of every month at 7:30 p.m. in the City Hall, or at such other time as designated by the Planning Commission at a regular meeting. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate day in the same month.

The Planning Commission shall adopt an official meeting schedule for the upcoming year at or before its regular meeting in December of each preceding year. The schedule shall also establish deadlines for the submission of applications and required information.

- 3.2      Special Meetings. Special meetings shall be called at the request of the Chairperson, or of five (5) members of the Planning Commission. Notice of special meetings shall be given by the Secretary

to the members of the Planning Commission at least forty-eight (48) hours prior to such meeting and shall state the purpose and time of the meeting.

- 3.3 Public. All regular and special meetings, hearings, records and accounts shall be conducted in accordance with the Open Meetings Act, being P.A. 267 of 1976, as it may, from time to time, be amended.
- 3.4 Quorum. Five (5) members shall constitute a quorum for the transaction of business and a majority vote of those present shall be an official action for all matters, except the adoption of a Master Plan, or any part of a Master Plan. The affirmative vote of six (6) members shall be necessary for the adoption of a Master Plan, or any part of a Master Plan.
- 3.5 Agenda Committee. The Planning Commission may select from its membership three (3) Commissioners to serve along with the Director of Planning as an Agenda Committee. The Agenda Committee shall schedule a meeting upon receiving a request from the Director of Planning.
- 3.6 Number of Agenda Items Per Meeting. Regular meeting agendas shall be limited to a total of ten (10) items of which no more than four (4) shall be public hearings for items other than appeals from the city's Sign Ordinance. The Director of Planning and/or Agenda Committee shall have the authority to expand the agenda to include additional items.
- 3.7 Applications and Forms. Petitioners shall use application forms as approved by the Director of Planning and provide all information required on the form(s).
- 3.8 Incomplete Applications. Applications or items the Director of Planning determines to be incomplete shall not be placed on an agenda for consideration of the Planning Commission until the required information has been provided.
- 3.9 Order of Business; Agenda. The Secretary shall prepare an agenda for each meeting and the order of business therein shall be as follows:
  - A. Roll call.
  - B. Approval of minutes.
  - C. Matters pertaining to the general citizenry and citizens present will be heard in the following order:
    1. Public comment from citizens seeking information, citizens desiring to express an opinion on a planning-related matter not otherwise found on the Planning Commission's agenda or citizens desiring to present matters for the next meeting agenda.
    2. Citizens requested by the Planning Commission to attend the meeting for discussion of a local problem, or presentation of further information on an issue previously considered.
    3. Communications, the writers of which, or their representatives, are present in the audience and wish to give additional information or explanation to the written statements.

- C. Unfinished business.
- D. New business requiring Planning Commission action.
  - 1. Advertised public hearings for the following:
    - a. Adoption and/or amendments to the city's Master Plan.
    - b. Adoption and/or amendments to the city's Zoning Ordinance and Zoning Map.
    - c. Special land use permits.
    - d. Planned unit developments.
    - e. Subdivision plats.
    - f. Site plan reviews requiring a public hearing.

For advertised public hearings, the Chairperson will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised, will be heard first.

- 2. Site plan reviews not requiring an advertised public hearing.
    - 3. The proposed construction of any street, square, park or other public way, ground or open space or public building or structure, or other matters relating to a capital improvements program for the city.
  - E. Other business including, but not limited to, appeals from the city's Sign Ordinance.
  - F. Reports and other communications.
  - G. Adjournment.
- 3.10 Distribution. The Secretary and/or Director of Planning shall distribute all agenda materials and plans to be considered by the Planning Commission at least two (2) weeks [fourteen (14) days] prior to the regularly scheduled monthly meeting date or as soon as is otherwise reasonably feasible. In order to accomplish this task the Director of Planning may adjust the submission deadlines as he/she determines necessary.
- 3.11 Special Meetings. The Chairperson may designate special meetings for the exclusive purpose of discussing long-range portions of the Master Plan.
- 3.12 Motions. The Chairperson shall restate the motion including the name of the maker and supporter of each motion before a vote is taken.
- 3.13 Voting. Voting shall be by voice and shall be recorded by yeas, nays and abstention. Roll call votes will be recorded only upon request by a member of the Commission.

- 3.14 Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be governed by the procedures for small boards and assemblies of Robert's Rules of Order 9<sup>th</sup> Edition, as amended, with the following clarifications and exceptions:
- A. All actions taken by the Commission shall require a motion including findings of fact, and all motions shall be seconded.
  - B. The Chairperson shall have a vote but may not offer any motion, and may speak in discussion of a business item without leaving the chair.
  - C. There is no limit to the number of times a Commissioner may speak on a business item.
  - D. Motions to close or limit debate on a business item shall not be entertained.
  - E. Informal discussion of a business item is permitted while no motion is pending.
- 3.15 Business Item Procedure. The procedure of hearing all business items before the Planning Commission shall be as follows:
- A. A report from the Director of Planning summarizing the business item and the action required and/or requested.
  - B. A statement by the petitioner or its authorized agent and others on its behalf. Such statements are limited to fifteen (15) minutes unless otherwise permitted by the Chairperson.
  - C. A public hearing, if required, whereby interested members of the public may offer statements, comments or information pertinent to the case. Such statements are limited to three (3) minutes unless otherwise permitted by the Chairperson. Statements from interested members of the public may be allowed for business items not requiring a public hearing at the discretion of the Chairperson.
  - D. A final response by the petitioner.
  - E. Discussion and action by the Planning Commission.

#### **Section 4.0 Hearings**

- 4.1 Master Plan Hearings. Before the adoption of any part of the Master Plan as defined in Section 3 of Act 33 of the Public Acts of 2008, as amended, or any amendment to the Master Plan, the Planning Commission shall hold a public hearing on the matter with notice of said hearing being given in the manner prescribed by Section 43 of said Act.
- 4.2 Zoning Hearings. Before recommending approval of an amendment to the Zoning Ordinance of Royal Oak to the City Commission, the Planning Commission shall hold a public hearing on the matter with notice of said hearing being given in the manner prescribed by Section 103 of the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended.
- 4.3 Special Land Use Permits. Before approval of a special land use permit, the Planning Commission shall conduct a public hearing on the matter with notice of said hearing being given

in the manner prescribed by Section 103 of the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended.

- 4.4 Site Plans. The Planning Commission shall hold a public hearing on those site plans requiring a public hearing pursuant to, and in the manner prescribed by the City of Royal Oak Zoning Ordinance and/or the Planning Commission's Rules of Procedure.
- 4.5 Special Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties, will be given in the most practical manner and to persons or group representatives most interested. A public hearing may be established when at least three (3) members of the Planning Commission deem it necessary.
- 4.6 Commission Action. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
- 4.7 Notice of Decision. A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request having been heard by the Planning Commission. When also requiring City Commission action, such notice will also be sent to the City Commission, along with details of the petition and the circumstances involved in arriving at said decision. (See also Section 8.7 (A).)
- 4.8 Re-hearings. Re-hearings may be granted by the Director of Planning upon his determination of a change in conditions or that request is substantially a new case. Re-hearings may also be granted by the Planning Commission subject to such conditions as the Commission may, by resolution, in each case stipulate. In all cases, the petition for a rehearing shall be in writing, reciting the reasons for the request, and shall be duly verified and accompanied by the necessary data and required fee.

**Section 5.0 Disposition of Cases**

- 5.1 Resolution or Motion; Conditions. The final disposition of any case required to be considered by the Planning Commission shall be in the form of a resolution or motion. The Planning Commission may set out in said resolution or motion any condition or conditions upon which any approval may be granted in order to protect and promote the public health, safety and general welfare.
- 5.2 Withdrawals. Any appellant may withdraw his/her case at any time prior to final disposition by the Planning Commission by filing a written notice of withdrawal with the Secretary.
- 5.3 Similar Cases. Upon the final disposition of any case by the Planning Commission, no new case substantially identical in nature to a former case, as determined by the Director of Planning, upon which formal disposition has been made by the Planning Commission shall be received by the Secretary for one year after the date of final disposition by the Planning Commission unless a re-hearing pursuant to Section 4.8 has been authorized.

**Section 6.0 Matters to be Considered by the Planning Commission**

- 6.1 The following matters shall be presented for consideration at a meeting of the Planning Commission:

- A. Applications and staff proposals for amendments to the Zoning Ordinance or Zoning Map.
- B. Applications for special land use permits.
- C. Applications for site plan review.
- D. Land subdivision plats.
- E. The proposed construction of any street, square, park or other public way, ground or open space or public building or structure.
- F. All planning reports and plans before publication.
- G. A capital improvements program for the city.
- H. The appointment of such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as governs other corresponding civil employees, and contracts with city planners, engineers, architects and other consultants for such services it may require. The expenditures of the Planning Commission shall be within the amounts appropriated for said purpose by the City Commission.
- I. Such other matters as the Director of Planning shall find is advisable or essential to receive consideration by the Planning Commission or required by State Statute or other codes and ordinances of the City of Royal Oak.

**Section 7.0 Matters to be Acted upon by Staff On Behalf of the Commission**

- 7.1 The Director of Planning shall take action or make recommendations in the name of the Planning Commission in accordance with such plans, policies and procedures, as are approved or established by the Planning Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies or procedures approved or established by the Planning Commission, presentation of the matter shall be at a Planning Commission meeting.
- 7.2 The responsibilities given in Section 7.1 shall include the review of plans requiring submission to the Planning Commission in accordance with the Zoning Ordinance of the City of Royal Oak.

**Section 8.0 Planning Commission Staff**

- 8.1 Authorization. The Planning Commission staff consists of the Director of Planning and such other personnel as exist in the planning department, or as may be otherwise authorized by the City Commission.
- 8.2 General Responsibility. The Planning Commission staff is charged with the duty of preparation and administration of such plans as are appropriate to the City of Royal Oak and its environs and are within the scope of the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended).
- 8.3 Director of Planning's Duties. The Director of Planning shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission.

The Director of Planning's work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations of the Planning Commission and administrative policies of the City Manager.

8.4 Administrative Duties. The Director of Planning shall:

A. Supervise and review the work of the professional, technical and non-technical employees of the Planning Commission staff.

8.5 Policy Formulation. The Director of Planning shall:

A. Be responsible for carrying out the directives of the Planning Commission.

B. Advise and assist the Planning Commission in the establishment of general planning policy.

C. Be responsible for formulation of staff policy.

8.6 Effectuation of Plans. The Director of Planning shall recommend to the Planning Commission action necessary for effectuating plans with respect to both public and private endeavors through such means as are available to the Planning Commission.

8.7 Public Relations. The Director of Planning shall:

A. Officially present the Planning Commission's recommendations to the City Commission. (See also Section 4.7.)

B. Officially represent the Planning Commission and its staff at planning conferences, interdepartmental meetings of the city government and serve generally as a liaison between the Planning Commission and the public.

C. Encourage private development or investment in accord with comprehensive plans.

D. Cooperate with public and private agencies and with individuals for the development, acceptance and effectuation of plans.

E. Supply information for and encourage interested public agencies and citizen's organizations in programs to promote public understanding and approval of planning.

F. Accept other responsibilities as may be directed by the Planning Commission, City Commission, or City Manager.

## **Section 9.0 Brownfield Redevelopment Authority**

9.1 Establishment. The Planning Commission shall serve as the City of Royal Oak Brownfield Redevelopment Authority (hereinafter referred to as the "Authority") (established and provided for by a Resolution adopted by the City Commission of the City of Royal Oak on December 16, 2013, and on file with the Michigan Secretary of State). The address of the Authority is 211 Williams Street, Royal Oak, Michigan 48068.

- 9.2 Scope. For the purpose of fulfilling the objectives of the Authority and pursuant to Act 381 of the Public Acts of 1996, M.C.L. § 125.2651 *et seq.*, known as the Brownfield Redevelopment Financing Act (the “Act”), the Board shall have those powers and duties to the fullest extent as provided and permitted by the Act.
- 9.3 General Powers. The business and affairs of the Authority shall be managed by its Board of Directors except as otherwise provided by statute or by these by-laws.
- 9.4 Executive Director. The Executive Director of the Authority shall be the Director of Planning for the City of Royal Oak. It shall be the duty of the Executive Director to:
- A. Maintain the files of the Authority.
  - B. Prepare all reports for Authority action.
  - C. Prepare the agenda for all meetings.
  - D. Prepare and submit reports on matters to be submitted for Authority consideration.
  - E. Sign all plans, maps, charts, surveys, studies and all records, documents, agreements and other papers and reports of Authority action consistent with these rules and regulations, except as otherwise directed by the Board. The Executive Director shall obtain Board approval for payment on any expense item exceeding \$3,000.00 unless such payment has been previously contractually approved.
  - F. Set for public hearing all requests requiring the same, and give notice of such hearings as required by law after Authority approval.
  - G. Carry out all the administrative duties resulting from actions of the Authority pursuant to the provisions of the Act.
  - H. Prepare, sign and distribute minutes of Authority meetings.
  - I. Present minutes of the Authority to the Board for approval.
  - J. Distribute agenda to Authority members.
  - K. Give notice to members of Authority of all meetings.
  - L. Present to the Authority all matters which have been prepared in advance.
  - M. Make recommendations to the Board where appropriate.
- 9.5 Regular Meetings. The regular meetings of the Board shall be public, and public notice of such meetings shall be given in accordance with the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended. The dates, times, and places of meetings shall be set by the Executive Director upon receipt of an application for brownfield redevelopment assistance.
- 9.6 Special Meetings. Special meetings may be called at the request of the Chairperson or at the written request of any three members of the Board provided the request is given to the Executive Director at least 48 hours prior to the requested meeting. The Executive Director shall give notice

of special meetings to the members of the Board. Notice of special meetings shall comply with the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended.

- 9.7 Quorum. A majority of the Board's membership shall constitute a quorum for the transaction of business at any meeting of the Board. The number of votes necessary to transact business shall be a majority of the entire membership of the Board, unless otherwise required by law.
- 9.8 Rules of Order. Parliamentary procedure at Board meetings shall be governed by the latest edition available to the Executive Director of Robert's Rules of Order, except where otherwise required by law or these Bylaws.
- 9.9 Agenda. The Executive Director shall prepare an agenda for each meeting of the Board stating the topics of the agenda and their order. In general the following order of business shall be utilized:
- A. Call to Order.
  - B. Petitions and Requests for Brownfield Redevelopment Assistance.
  - C. Reports, Resolutions and Recommendations.
  - D. Public Comment.
  - E. Adjournment.

No items for discussion or action shall be placed on the agenda less than 18 hours before the meeting, or at the meeting except by unanimous vote of the Board present at the meeting.

No petition or request for brownfield redevelopment assistance shall be placed on an agenda for any activity that requires a special land use permit according to the City of Royal Oak Zoning Ordinance until the Planning Commission has approved said special land use permit. No petition or request for brownfield redevelopment assistance shall be placed on agenda for a site that is part of a conditional rezoning or planned unit development application until the City Commission has granted final approval of said conditional rezoning or planned unit development.

- 9.10 Public Comments. Public comments will be accepted at all meetings of the Board. The Board reserves the right to limit public comments and presentations to the Board as it deems appropriate for the efficient operation of the Board.
- 9.11 Committees. There shall be no standing committees. The Board may, by resolution, establish one or more Committees. Each Committee shall consist of one or more members of the Board. The Chairperson shall appoint the members of each Committee so established. Each member appointed to a Committee shall serve until removed by action of the Chairperson or the task of the Committee has been completed. The Board may, by a two-thirds majority vote of the Members then in office, veto the appointment of any Committee member, or remove any Committee member with or without cause.
- 9.12 Contract. Unless otherwise resolved by the Board, all contracts by or on behalf of the Authority shall be signed by the Chairperson and Executive Director.

- 9.13 Financial Obligations or Bonds. No financial obligations or Bonds purporting to bind the Authority shall be valid unless signed by the Chairperson and Executive Director after Board resolution authorizing same.
- 9.14 Funds and Monies. All funds and monies of the Authority shall be deposited and invested pursuant to the Authorities approved investment policy and as permitted by law.
- 9.15 Fiscal Year. The fiscal year of the Authority shall follow the fiscal year established by the City of Royal Oak.
- 9.16 Annual Financial Report. The Authority shall submit annually to the Mayor and City Commission, as soon after the close of the fiscal year as is practicable, a report of the financial status and activities of the Authority. The report shall also be publicized in the official newspaper of the City and shall include:
- A. The amount and source of revenue in the account.
  - B. The amount and purpose of expenditures from the account.
  - C. The amount of principal and interest on any outstanding bonded indebtedness.
  - D. The initial assessed value of the project area.
  - E. The captured assessed value retained by the Authority.
  - F. Any additional information the governing body considers necessary.
- 9.17 Annual Budget. The Authority shall prepare and submit a budget for approval by the City Commission prior to the annual meeting of the Board. The budget shall be for the operation of the Authority for the ensuing fiscal year and shall be prepared in the same manner and contain the same information as required of other City departments. Following the approval of the budget by the City Commission, the budget shall be adopted and implemented by the Board.
- 9.18 Audit. An independent audit of the Authority's financial records shall be conducted at the same time and in the same manner as that conducted for the City. The audit may be conducted separately or in combination with the City audit. If conducted in combination with the City, the governing body may assess a reasonable pro-rata share against the funds of the Authority to cover the costs of handling and auditing. Accordingly, the Board shall budget each year an amount necessary to cover such costs of the audit.
- 9.19 Insurance. The Board and its Directors shall be covered by the City of Royal Oak insurance coverage. The City may assess a reasonable pro-rata share against the funds of the Authority to cover the cost of said insurance coverage.
- 9.20 Seal. The Board may provide an official seal, which, if authorized, shall have inscribed thereon the name of the Authority and the year of its establishment.

## **Section 10.0 Amendments**

- 10.1 These rules, or any part thereof, may be amended or suspended at any regular or special meeting by a two-thirds (2/3) vote of the members present.