

**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 (Public Act 33 of 2008, as amended). Section 19 (1) of said Act 33 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.** Membership of the Planning Commission shall be as established under Chapter 134, Planning Commission, of the City of Royal Oak Code of Ordinances, or as otherwise established according to Chapter 770, Zoning, of the City of Royal Oak Code of Ordinances, or the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended).
- 1.2 **Officers.** The officers of the Planning Commission shall consist of a Chairperson and Vice-Chairperson who shall be regular members of the Planning Commission, and a Secretary, that latter to be the city's Director of Planning or their 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 Planning Commission, appoint committees, and perform such other duties as may be ordered by the Planning Commission or necessary or incidental to their office to secure the successful functioning of the Planning 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 Planning 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 to the Secretary. The Secretary shall see that proper forms are 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 file an application.
- 3.3 Other. The Secretary shall execute all extra official communications on behalf of the Planning Commission, shall generally supervise all the clerical work of the Planning Commission, and shall perform such other and further duties as may be prescribed by the Planning 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, and materials. A special meeting will only be scheduled if there is sufficient time to provide any public notice required by applicable law, including, where applicable, the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended). Sufficient time shall also be allotted for the Secretary 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.

The Secretary shall review requests for special meetings for administrative completeness, fee payment, staff availability, and compliance with applicable notice requirements, and shall forward eligible requests to the Chairperson with a recommendation. The decision whether to schedule a special meeting shall rest with the Planning Commission or its Chairperson acting on behalf of the Planning Commission.

The posting of a notice of a special meeting shall comply with the Michigan Open Meetings Act and shall be posted at City Hall and on the City website at least eighteen (18) hours before the meeting.

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 members are present shall constitute sufficient notice of such meeting.

4.3 Public. All regular and special meetings, hearings, records, and accounts shall be conducted in accordance with the Michigan Open Meetings Act (Public Act 267 of 1976, as amended).

4.4 Quorum. A majority of the full membership of the Planning Commission shall constitute a quorum for the transaction of business and a majority vote of those present at a regular or special meeting 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 a two-thirds (2/3) majority of the full membership of the Planning Commission shall be necessary for the adoption of a Master Plan, or any part of a Master Plan. For purposes of this subsection, 'full membership' means the total number of Planning Commission seats authorized by ordinance, regardless of vacancies.

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 Secretary 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 Secretary and provide all information required on the form(s).

4.7 Incomplete Applications. Applications or items the Secretary 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 or as determined appropriate by the Secretary:

- 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 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 not requiring Planning Commission action, requests from Planning Commissioners to present matters for a future meeting agenda, and announcements.

I. Adjournment.

4.9 Distribution. The Secretary 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 Secretary may adjust the submission deadlines as they determine necessary.

4.10 Motions. The Chairperson shall restate the motion including the name of the Planning Commissioner who made the motion and the name of the Planning Commissioner who seconded the motion before a vote is taken.

4.11 Voting. Voting shall be by voice and shall be recorded by yes, no, and abstain. Roll call votes will be recorded only upon request by a member of the Planning Commission and/or the Secretary.

4.12 Parliamentary Procedure. Parliamentary procedure in Planning Commission meetings shall be governed by the following procedures:

- A. Members of the Planning Commission must first obtain the floor through the Chairperson before speaking. A member may raise a hand instead of standing when seeking to obtain the floor and may remain seated while making motions or speaking.
- B. All actions taken by the Planning Commission shall require a motion including findings of fact, and all motions shall be seconded. A member of the Planning Commission who makes a motion cannot speak against the motion but may vote against it. A member who seconds a motion may speak against it.
- C. 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.
- D. There is no limit to the number of times a Planning Commissioner may speak on a business item. However, no Planning Commissioner shall speak a second time if another member is requesting recognition to speak for the first time. Remarks are limited to three (3) minutes each time a Planning Commissioner speaks unless otherwise permitted by the Chairperson.
- E. Friendly amendments to a motion may be offered by any member of the Planning Commission once a motion is made and seconded; specific approval of those members who made and seconded the original motion is not required. If no member objects to a friendly amendment, then the motion is amended. If any a member objects, then a motion to amend the original motion must be made and seconded, debated, and voted upon.
- F. A motion may be withdrawn once it is made and seconded. If no member of the Planning Commission objects to withdrawing the motion, then the motion is withdrawn. If any member objects, then a request to withdraw the original motion must be voted upon.
- G. Motions to close or limit debate on a business item shall not be entertained.
- H. Informal discussion of a business item is permitted while no motion is pending.
- I. A motion to reconsider a previous action can only be made at the same meeting the action was taken and must be made by a member of the Planning Commission who voted on the prevailing side, although any member may second the motion to reconsider.
- J. A motion to rescind a previous action may be made by any member of the Planning Commission at a subsequent meeting. If written notice is given by a Planning Commission member to all other Planning Commission members and the Secretary at least forty-eight (48) hours before such meeting, then a motion to rescind may be adopted by a majority of the quorum present at the meeting. If prior written notice was not given of such intent, then a motion to rescind must receive a two-thirds (2/3) vote of the full membership of the Planning Commission.

4.13 Business Item Procedure. The procedure of hearing all business items before the Planning Commission shall be as follows:

- A. A report from the Secretary 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, or a hearing of an appeal from the city's Sign Ordinance, 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. Speakers may be asked, but are not required to state their name, address, or any other requested identifying information. Statements, comments, or information 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 (Public 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 (Public 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 (Public 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.** A rehearing of a matter previously acted upon by the Planning Commission may be granted only by the Planning Commission, upon written request and upon a determination that there has been a material change in conditions, the discovery of new and material evidence that was not reasonably available at the time of the original hearing, or a clear error of fact affecting the prior decision.

Requests for rehearing shall be submitted in writing, shall state with specificity the grounds for the request, and shall be accompanied by any required data and fee. The Secretary may review requests for rehearing for administrative completeness and shall place eligible requests on a Planning Commission agenda for consideration.

A rehearing shall not be granted for the purpose of re-argument or dissatisfaction with a prior decision. If a rehearing is granted, the matter shall be heard and decided in the same manner as the original hearing, including any notice required by law.

## **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 an application 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 Secretary, 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. Appeals from the city's Sign Ordinance.
- I. 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.
- J. Such other matters as the Secretary or their 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 Planning Commission**

- 8.1 The Secretary or their 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 Planning 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 Planning 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 out 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 Planning 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 Planning 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 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.
- 9.7 Public Relations. The Director of Planning 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 a manner as to be accessible to the public during the normal business day.