

**CHARTER TOWNSHIP OF ROYAL OAK
PLANNING COMMISSION**

Rules of Procedure and Policy

ARTICLE I Objectives

To facilitate the growth and prosperity of Charter Township of Royal Oak through effective municipal planning.

ARTICLE II Membership and Terms

The Planning Commission shall consist of not less than five (5), nor more than nine (9) members who must be qualified Township electors. One Member of the Township Board shall be a Planning Commission member. Members are appointed by the Supervisor with Township Board approval and may be removed after a hearing by the Supervisor, with the approval of the Township Board. Terms are three (3) years; 1/3 shall be for on (1) year, 1/3 for two (2) years and 1/3 for three (3) years, affecting staggered terms.

ARTICLE III Officers and Duties

Section 1. Officers

A chairperson, vice chairperson and secretary shall be elected by majority vote of the members of the Planning Commission each year, as the first regular meeting in the month of January.

If a vacancy occurs in any elected office of the Planning Commission, a new officer shall be appointed by a majority vote of the members of the Planning Commission within sixty (60) days after the date the vacancy occurs. An Officer appointed to fill a vacancy shall be elected for the balance of the term of the person he or she replaces.

Section 2. Duties of the Chairperson

The chairperson shall preside at all meetings and shall appoint such committees the Planning Commission authorizes and be an ex-officio member of all such committees. The chairperson will be the liaison officer. The chairperson shall in a prompt and timely manner forward all communications to other members and shall keep all members informed.

As liaison officer, the chairperson shall attend any of the Township Board Meetings when there is Planning Commission business on the agenda. The liaison shall be recognized as the official spokesperson for the Planning Commission at these meetings, and shall answer any questions from the Township Board regarding actions taken by the Planning Commission. The liaison shall also report back to the Planning Commission any actions taken by or communications from the Township Board.

Section 3. Duties of the Vice Chairperson

The Vice Chairperson shall provide and exercise, in the absence of the chair, all of the duties of the chairperson. Should neither the chairperson nor the vice chairperson be present at a meeting, a temporary chairperson shall be elected by a majority vote of the members present.

Section 4. Duties of the Secretary

The Secretary shall record the minutes, process communications, post notices and minutes, by a member or designee of the executive committee, and perform other duties the Planning Commission may determine.

In the absence of the Secretary, the Chairperson shall designate the responsibility of recording the minutes to an attendee of the meeting.

ARTICLE IV Public Hearings

When the Planning Commission is called upon to hold a public hearing on any proposed amendment to the zoning ordinance or zoning map, or special use permit, notices of such public hearing and a statement of the nature of the term to be considered shall be sent by mail to all owners or occupants of properties within a 300-foot radius of affected properties as listed on the latest assessor's rolls. In addition, when matters affecting properties bordering the Township limits are to be considered by the Township Planning Commission, the planning body or city or township clerk of the community adjoining the properties under consideration shall also be notified of the public hearing by registered United States mail. Failure to mail such notices to adjacent property owners in any particular instance shall not, however, invalidate the public hearing, or any action of the Planning Commission relative to the subject of the public hearing.

The public hearing agenda of the Township Planning Commission shall be posted in a manner consistent with the requirements of the Open Meetings Act. All actions taken by the Planning Commission at public hearings shall be posted in the newspaper. The Planning Commission shall make copies of the agenda, minutes, and actions available upon written request. Requests for such materials shall be directed to the Planning Commission secretary.

ARTICLE V Delivery to Planning Commission

Section 1. Delivery

Available information and descriptive matters pertaining to items on the agenda, general correspondence, recommendations, and minutes of previous meetings, shall be furnished by the Secretary, or designee to the Commissioners at least five (5) days in advance of each scheduled meeting.

ARTICLE VI MEETINGS

A. GENERAL

Section 1.

All Planning Commission meetings shall be open to the public in accordance with Michigan Open Meetings laws.

Section 2.

A quorum, which shall consist of four (4) members, must be present to constitute an official meeting of the Planning Commission. No votes or actions may be taken except at an official meeting of the Planning Commission. For the convenience of the public, a scheduled public hearing may be held, provided that at least four members are present.

Section 3.

All meetings of the Township Planning Commission shall start no later than 7:30 p.m. and terminate no later than 9:00 p.m. The Planning Commission shall take up no new items after 8:00 p.m. without the consent of quorum members present.

B. REGULAR MEETINGS

The regular meeting of the Planning Commission is to be held on the first Tuesday of each month, except when such days fall on a legal holiday, in which case the Planning Commission shall determine when the meeting shall be held. The Planning Commission shall announce their annual schedule of regular meeting dates at the first regular meeting of each year and shall hold no less than (4) meetings per year.

C. STUDY SESSIONS

Study sessions of the Planning Commission shall be held at times determined by the Planning Commission in a manner consistent with the Open Meetings Act at the decision of the Chairperson.

D. SPECIAL MEETINGS

A special meeting of the Planning Commission may be called by the chairperson, or the vice chairperson in the event the chair is unavailable, or by any four

E. RULES OF CONDUCT

Section 1.

All decisions and resolutions of the Planning Commission shall be initiated by motion. The vote upon motions and resolutions pertaining to final actions on a measure shall be recorded by roll-call votes.

Section 2.

The concurring vote of a majority of members present and voting shall be necessary to pass on any matter referred or considered.

Section 3.

The latest edition of Robert's Rules of Order shall apply in any situation not governed by the Planning Commission's rules and policy, including local, State and Federal.

Section 4.

- A. For purposes of this section, the term "conflict of interest" shall mean any case in which a member has, or believes that he or she has, a substantial pecuniary interest in the decision to be made in the case, or in which a member or property in which the member has an interest will be affected by the decision in a manner substantially greater than the effect on the public or a property owner in the community in general.
- B. In any case in which a member of the Planning Commission has a conflict of interest in regard to a matter to be decided by the Commission, the member shall abstain from any discussion of the matter as a Commissioner, and from any vote thereon.
- C. In any case in which a member of the Planning Commission shall believe that another member of the Commission has a conflict of interest in regard to any matter before the Commission, he or she may make a motion that the member be required to abstain from all proceedings of the Commission thereon. In such case, if the member in question does not elect to abstain, both members shall be entitled to make a full statement to the Commission in regard to whether or not any conflict of interest as defined herein exists. The Commission shall then determine by majority vote whether the member shall be required to abstain. If a question arises as to the facts upon which the alleged conflict of interest is based, the Commission may defer action on the matter in order to enable any member to produce and present any relevant, material, and competent evidence as to the facts, and the chair may appoint a subcommittee of the Commission to investigate the facts and report thereon to the Commission, without recommendation.

F. ORDER OF BUSINESS

Section 1.

The normal order of business shall be:

- A. Call to order.
- B. Invocation
- C. Roll Call
- D. Review/Approval of Minutes
- E. Review/Approval of Agenda

- F. Brief Public Comments
- G. Unfinished Business
- H. New Business
- I. Extended Public Comments
- J. Commissioners' Comments
- K. Adjournment

Section 2.

The order of presentation for public hearings shall be:

- A. Summary presentation by Planning staff.
- B. Questions by the Commission.
- C. Comments by the applicant or representative.
- D. Comments by interested citizens.
- E. Additional comments by the applicant and citizens as appropriate.
- F. Additional comments by staff as necessary
- G. Chairperson closes public hearing.
- H. Discussion and action by Planning Commission

G. AGENDA

Section 1.

Agenda for the next scheduled meeting shall be drafted by the secretary or designee and reviewed by the Chairperson.

Section 2.

Items to be placed on the agenda for the next meeting shall be submitted to the secretary or designee no less than two (2) weeks prior to the meeting. The date of its receipt shall be stamped on each application, which shall become a permanent part of the official records of the Planning Commission.

H. MINUTES

Section 1.

Minutes shall be kept by the secretary/designee on all meetings of the Planning Commission. The minutes shall include a record of all those speaking before the Planning Commission. However, no statement shall be recorded, nor shall any materials or sworn statement be accepted for the specific purpose of submittal thereof as evidenced in any court of law, without notice to the parties.

Section 2.

Minutes shall be subject to the approval of the Planning Commission, and authenticated by the chairperson (or other presiding officer of the particular meeting) and the secretary. Consistent with the requirements of the Open Meetings Act, minutes shall be the sole property of the secretary until officially written, duplicated, distributed, and approved by the Planning Commission. All minutes that are not officially approved by the Planning Commission must be boldly stamped as proposed minutes.

ARTICLE VII REMOVAL OF OFFICERS AND MEMBERS

Section 1.

Any elected officer of the Planning Commission serves at the Planning Commission’s pleasure, and may be removed for cause from their office by a simple majority vote of the appointed and serving members at a regular scheduled meeting and a new election called for of that office.

Section 2.

Any Planning Commissioner missing three (3) consecutive meetings without justifiable cause can be asked to resign by the Planning Commission.

ARTICLE VIII MULTIPLE PETITIONS AND RE-HEARINGS

Any application or petition for the same action, relief or approval on the same parcel of property as requested in a prior application or petition, irrespective of the identity of the applicant or petitioner, shall for purposes of these Rules or Procedure and Policy be considered a request for re-hearing. A subsequent petition or application for the same relief or approval as to the same parcel of property shall not be processed or scheduled for hearing before the commission until a final decision has been made by the Planning Commission or Township Board on the previously filed application or petition.

No re-hearing before the Planning Commission (other than Site Plan Review), shall be granted on any matter until six (6) months has expired from the date of the matter was last heard, unless the applicant or petitioner shall submit to the Planning Administrator competent evidence that: (a) circumstances and conditions have materially changed since the date of the hearing on the petition; (b) a delay until the expiration of the aforementioned six (6) months would, due to the change in circumstances and conditions, impose extreme hardship on the petitioner; and (c) that it, in the judgment of the Planning Administrator of such significance that it likely would materially affect the previous decision of the Planning Commission.

ARTICLE IX ANNUAL BUDGET

Preparation of the annual budget, including a per diem rate approval by the Commission, of the Planning Commission for the ensuing fiscal year (January 1 through December 30) shall be initiated by the Planning Commission at the first regular meeting in July and transmitted to the Township Board no later than September 30 of the current fiscal year or such other date as the

Township Finance Director shall direct.

ARTICLE X OFFICIAL RECORDS

The records of the Planning Commission shall be kept in the Township Hall until such time as permanent office space is available. The records shall be maintained in such manner as to be reasonably accessible to the public during regular Township business hours.

ARTICLE XI AMENDMENTS

Section 1.

These rules may be amended or modified provided that such amendment or modification is presented, in writing, at a regular meeting and that favorable action is taken thereon at a subsequent meeting. Notice must be received and placed on the agenda as stated in Article VI G, Section 2 of this document. Unless otherwise stated, notice may be given by any member, at a meeting or by mail. If by mail, notice must be received no later than three (3) weeks before the meeting in which it will be the subject of discussion. This motive must fairly inform the members of the changes to be completed. The proposed amendment cannot be discussed, except briefly by the presiding officer, at the same meeting in which it has been announced.

Section 2.

Four (4) members of the Planning Commission, by due motion and recorded vote, may suspend the application of the rules that pertain to a particular zoning application, site plan review or case of business pertaining to planning that is pending before the Planning Commission, providing it does not conflict with the state planning or zoning acts, or the Charter Township of Royal Oak's zoning ordinance.

ARTICLE XIII: CERTIFICATION

The foregoing Bylaws were approved at a regular meeting of the Charter Township of Royal Oak Planning Commission on the **12th** day of **April, 2023**.