

BY-LAWS AND RULES OF PROCEDURE OF THE CITY OF TROY PLANNING COMMISSION

ARTICLE I – COMPLIANCE AND AUTHORITY

The City of Troy Planning Commission shall comply with all applicable statutes, perform any duties, and exercise the powers granted to the Planning Commission by the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and the Open Meetings Act, Public Act 267 of 1976, as amended, and the City of Troy Charter and Ordinances. The By-Laws and Rules of Procedure are adopted pursuant to the authority of those statutes and the City Charter.

ARTICLE II – OFFICERS AND THEIR DUTIES

- Section 1. The Planning Commission shall select from its membership a Chairperson and Vice-Chairperson who shall serve for a one (1) year term and who shall be eligible for re-election. The Planning Commission shall make a recommendation to City Council for a Zoning Board of Appeals Representative.
- Section 2. The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with these by-laws and rules and in accordance with the usual duties conferred by parliamentary procedure on the position of Chairperson.
- Section 3. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Planning Commission shall select a successor to the office of Vice-Chairperson at the earliest practicable time by election procedures as set out in Article III.
- Section 4. In the absence of both the Chairperson and the Vice-Chairperson, the Zoning Board of Appeals representative shall act as Chairperson for that meeting only. The temporary Chairperson shall have the same duties and privileges as the Chairperson.
- Section 5. The Chairperson and Vice-Chairperson may engage in discussion on all matters before the Planning Commission and shall have voting privileges.

ARTICLE III – ELECTION OF OFFICERS AND APPOINTMENT OF ZONING BOARD OF APPEALS (ZBA) REPRESENTATIVES

- Section 1. Each January at the Regular Meeting, the Planning Commission shall:
- A. Conduct elections of Officers (Chairperson and Vice Chairperson); and
 - B. Recommend appointment for a Zoning Board of Appeals Representative.

The Chairperson shall take nominations from the floor with the election immediately thereafter.

- Section 2. Candidates receiving a majority vote of the total number of members shall be declared elected as a Planning Commission Officer or recommended as a Zoning Board of Appeals Representative.

- Section 3. The Planning Commission Officers shall take office immediately following their election. Officers shall hold their office for a term of one (1) year, or until their successors are elected and assume office. The Zoning Board of Appeals Representative shall assume his or her responsibilities following confirmation of the appointment by City Council. The Zoning Board of Appeals Representative shall hold office for a term of one (1) year, or until a successor is appointed by City Council and assumes office.

- Section 4. The Method of Voting on Nominees shall be as follows:

- A. The Chairperson shall ask for nominations from the floor. A second shall not be required in order to nominate a person as an Officer or Zoning Board of Appeals Representative. The Chairperson shall announce each nomination as he or she hears it. If it becomes apparent to the Chairperson that there are no further nominations, the Chairperson shall inquire “are there further nominations?” If there are no further nominations, the Chairperson shall declare the nominations closed.
- B. If there is only one nominee for each position, a single resolution may be used to elect all the officers. The resolution must be approved by a majority of Planning Commission members by a roll call vote.
- C. If there is only one nominee for a particular position, a resolution electing that person to the particular position shall be approved by a roll call vote.

- D. If there is more than one nominee for a position, voting shall take place by calling a rotating roll of the Planning Commission and each member is to indicate the name of the individual he or she wishes to fill the position. If one candidate receives a majority vote, that person shall be deemed elected and the Chairperson shall announce such election. If no candidate receives a majority vote, the candidate with the least number of votes shall be eliminated from the ensuing ballot and the procedure shall be repeated until one candidate receives a majority vote.

ARTICLE IV – MEETINGS

- Section 1. All meetings shall be posted at City Hall according to the Open Meetings Act. The notice shall include the place, date and time of the meeting.
- Section 2. All meetings shall be conducted in accordance with generally accepted parliamentary procedure. The current version of Robert's Rules of Orders can serve as a guide.
- Section 3. Regular Meetings of the Planning Commission shall be held on the second and fourth Tuesday of each month at 7:00 p.m. at the Troy City Hall, 500 West Big Beaver Road, Troy, Michigan. Site Location Meetings may be scheduled by the Planning Commission at any reasonable time in accordance with the Open Meetings Act. Any changes in the date or time of any meeting shall be posted and noticed in accordance with the Open Meetings Act. When a Regular Meeting date falls on or near a legal holiday, the Planning Commission may schedule a meeting on a suitable alternate date in the same month.
- Section 4. The Chairperson may call Special Meetings. In addition, it shall be the duty of the Chairperson to call a Special Meeting when requested to do so by an affirmative vote of a majority of the Planning Commission members present. The business which the Planning Commission may perform at a Special Meeting may be the same business that the Planning Commission performs at a Regular Meeting. Notice of the time, date and place of the Special Meeting shall be given in a manner as required by the Open Meetings Act and the Planning Director shall notify all members of the Planning Commission not less than 48 hours in advance of a Special Meetings.
- Section 5. The Chairperson may call Study Meetings. At Study Meetings, the Planning Commission shall not vote on any of the following matters: (1) any matter requiring a public hearing, (2) matters which must be finally approved by the Planning Commission such as Site Plan review applications and Special Use Requests, and (3) matters where the Planning Commission is acting in an advisory capacity, such as, Rezoning

Requests, Ordinance Text Amendments, Subdivision Plats, Street and Alley Vacations, or Planned Unit Development Proposals. It may vote on housekeeping matters such as setting public hearing dates and approving minutes.

Section 6. All meetings of the Planning Commission, including Regular, Special, Study or Site Location meetings shall be open to the general public unless exempted from public meeting requirements under the Open Meetings Act. The Planning Commission, with guidance provided by the City Attorney's Office, shall make the determination as to whether the meeting or a portion of the meeting is exempt under the Open Meetings Act, and shall pass an appropriate resolution setting forth its determination.

Section 7. A majority of the membership of the Planning Commission constitutes a quorum and the number of votes necessary to transact business is as follows:

- A. The affirmative vote of six (6) members shall be necessary in order to adopt or amend a Master Plan.
- B. A majority vote of the members is necessary for those matters on which the Planning Commission has final jurisdiction, as per Section 3.10 of the City of Troy Zoning Ordinance.
- C. A majority vote of those members present at a meeting shall be necessary for those matters on which the Planning Commission serves in an advisory capacity.
- D. Voting on items on the Business Agenda shall be by a rotating roll call. A record of the vote shall be kept as a part of the minutes.
- E. When a quorum is not present, no official action shall take place. The Chairperson or Planning Director shall announce to the Commission and anyone in attendance that there is no quorum and that all agenda items will be rescheduled for a specific date.
- F. The Chairperson may ask members who vote "no" on an item to explain the "no" vote for clarification purposes and to add to the public record.

Section 8. The Planning Director of the City of Troy or his or her designee shall serve as the Secretary of the Planning Commission and keep the minutes and records of the Commission, prepare the agenda of Regular Meetings, Special Meetings and Study Meetings with the Chairperson, provide notice of meetings to Planning Commission members, present agenda items to the Planning Commission at its meetings, attend to correspondence of the

Planning Commission, and perform such other duties as necessary to carry out the business of the Planning Commission.

ARTICLE V – ORDER OF BUSINESS

The order of business at a Regular Meeting and Special Meetings shall be:

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes
- D. Public Comments for items not on the agenda
- E. Reports. Reports may include Zoning Board of Appeals reports, Downtown Development Authority reports, Planning and Zoning reports, and any other report on information that may be of interest to the Planning Commission as determined by the Planning Commission or Planning Department.
- F. Business Agenda. The business agenda may include postponed items, public hearings on zoning ordinance amendments and special use approval requests, preliminary site plan reviews, and any other matter that is before the Planning Commission seeking approval or a recommendation.
- G. Other Business
- H. Public Comments for items on the agenda.
- I. Planning Commissioner's Comments
- J. Adjournment

ARTICLE VI – PLANNING COMMISSION ACTIONS

Following consideration of matters submitted to it in accordance with the provisions of the City Code of Ordinances or other applicable law, or referred to it by the City Council, the Planning Commission shall take one of the following actions:

- A. Approve the proposal, or recommend positive action by the City Council.
- B. Deny the proposal, or recommend negative action by the City Council.

- C. Approve a proposal modified to meet reasonable conditions, or recommend approval of a modified proposal meeting reasonable conditions by the City Council. However, the Planning Commission shall not place conditions on an approval of a recommendation to City Council for rezoning, except for conditional rezoning in accordance with Section 16.04 of the City of Troy Zoning Ordinance.
- D. Postpone action on the proposal to a specific date or upon the occurrence a specific event. The Planning Director or his or her designee shall monitor the matter and determine when such specific event has occurred so that the matter may be rescheduled. The Planning Commission shall indicate in the resolution the reason(s) for such action.

The Planning Commission shall act on all applications within a reasonable time. This shall not be construed to alter other time limits prescribed by the Charter, Code of Ordinances or State statutes.

ARTICLE VII – HEARINGS

- Section 1. In addition to those required by law, the Planning Commission may in its discretion hold public hearings when it decides that such hearing will be in the public interest.
- Section 2. Notice of such hearings shall be published in the official newspaper of the City or in a newspaper of general circulation as required by the City Charter, Code of Ordinances and/or State statutes. The Planning Director or his or her designee shall take the necessary steps to see that notice is published in accordance with the City Charter, Code of Ordinances and/or State statutes.
- Section 3. Any request before the Planning Commission shall be presented in summary by the Planning Director or his or her representative or a designated member of the Planning Commission. The Planning Director may present additional information to the Planning Commission through personnel from other Departments and/or non-City employees, if the Planning Director believes that information would be helpful to the Planning Commission. Parties in interest shall have the privilege of the floor.
- Section 4. If the petitioner or petitioner's representative fails to appear for a scheduled hearing, the Planning Commission may proceed with the hearing in the absence of the petitioner and act on the proposal in accordance with Article VI. Adjournment of any scheduled hearing must be approved by a majority of the Planning Commission member in attendance. Requests for adjournment shall only be granted upon a demonstration of good cause.

Section 5. Public hearings and other proceedings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- A. If an agenda item does not formally require a public hearing, the Chairperson shall have the discretion to allow members of the public to address the agenda item. Once opened to the public for comment, the hearing shall be conducted in the same manner as a public hearing.
- B. After announcement by the Chairperson that the public hearing portion of the meeting for a specific agenda item is open, persons who wish to address the Planning Commission shall speak when recognized by the Chairperson and provide his/her name and address on the attendance sheet provided at the podium. All comments shall be addressed to the Chairperson.
- C. The Chairperson may order the removal of any member of the public that causes a breach of the peace during the public hearing.
- D. The Chairperson may place reasonable limits on the length of time speakers have to address an agenda item. The Planning Commission may override such time limitation by majority vote.

ARTICLE VIII – COMMITTEES

Section 1. Committees may be appointed as needed by the Chairperson for purposes and terms which the Planning Commission approves.

ARTICLE IX – EMPLOYEES

Section 1. The Planning Commission may recommend employment of such staff and/or experts as it sees fit to aid the Planning Commission in its work.

ARTICLE X – AMENDMENTS

These By-laws may be amended by a two-thirds vote of the entire membership of the Planning Commission.

ARTICLE XI – ETHICS

Planning Commission members shall adhere to the current version of the City of Troy Appointee Code of Ethics.