



THE RULES OF PROCEDURE AND BYLAWS
OF
THE PLANNING COMMISSION
OF
THE CITY OF YPSILANTI, MICHIGAN

As adopted, Aug 17 2011

DRAFT FOR DISCUSSION
2019-03-14

PLANNING COMMISSION RULES OF PROCEDURE AND BYLAWS

ARTICLE I – Name

The name of the Commission shall be the Planning Commission of The City of Ypsilanti, hereinafter referred to as "Commission."

ARTICLE II – Objectives

The objectives, purposes, powers, and duties of the Commission are those set forth by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter "the Planning Act," and the administration of Chapter 122 of the City Code of Ordinances, Zoning, and all subsequent amendments thereto, in accordance with P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter "the Zoning Act."

Section 1. The commission shall review and act on all proposed zoning ordinances, zoning amendments, or Planned Unit Developments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance, amendment, or Planned Unit Development, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the City Council.

Section 2. The Commission shall review and act on all special use permit applications pursuant to the Zoning Act and zoning ordinance. At least one hearing shall be held on each special use permit.

Section 3. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action.

Section 4. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, or variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

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Section 5. The Commission shall review and advise upon all plans of adjacent or contiguous government units, including Ypsilanti and Superior Townships, Washtenaw County, and Eastern Michigan University. This review should focus on coordination of planning between governments, including consistencies or inconsistencies between plans and consideration of matters of broader interest than the City of Ypsilanti.

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Section 6. The Commission shall review and advise upon plans for capital improvements, such as construction, expansion, removal, or vacating of public lands, buildings, or right-of-ways. This review should focus on consistency with adopted plans of the City and other governmental units. This may be done by an annual review of the City's Capital Improvement Plan prior to adoption by City Council, rather than of each project individually.

ARTICLE III – Membership

Section 1. Membership of the Planning Commission shall consist of nine members. Members of the Commission shall be appointed as provided for in the City Charter of the City of Ypsilanti.

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Section 2. The first priority of each member of the Commission shall be to represent and advocate what is best for the City of Ypsilanti as a whole, putting aside personal or special interests.

Section 3. Membership of the Commission shall be representative of the entire geography of the City of Ypsilanti and of important segments of the community.

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Section 4. Each member of the Commission shall avoid conflicts of interest, including, but not limited to, deliberating on, voting on, or reviewing a case concerning the member; the immediate family or household of the member; property owned by or neighboring property owned by the member; or a corporation or partnership in which the member has an ownership, employment, or other financial interest; or when there is a reasonable appearance of a conflict of interest.

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For the purposes of this section, a neighboring property shall include any property falling within the 300' notification radius described by Section 103 of the Zoning Act.

Potential conflicts of interest should be identified by the member prior to deliberation of the case. Members shall disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and abstention. The member shall remove themselves from the meeting room during deliberation of the case.

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¶ Potential conflicts of interest should be identified by the member prior to deliberation of the case; if the Commission determines that a conflict exists, t
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Section 5. Members shall avoid *ex parte* contact about cases before the Commission whenever possible. If such contact occurs, the member shall make a report of the discussion to the Commission at the public hearing or deliberation of the case.

Section 6. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to accurately represent the position reflected by the outcome of the vote.

From time-to-time, or on a specific issue, the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

Section 7. One member of the Commission may also serve on the Zoning Board of Appeals. This member shall not vote twice on the same issue, such as voting at the ZBA on an appeal of a Planning Commission decision that the member voted on.

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ARTICLE IV – Officers, and Their Duties

Section 1. The officers of the Commission shall be a Chairperson and a Vice-Chairperson. Such other officers, sub-committees, etc. as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Commission.

Section 2. The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairperson shall additionally serve as Secretary, and shall sign approved minutes of meetings, receive communications and petitions sent to the Planning Commission, and transmit proposed Master Plan amendments to neighboring communities.

Section 3. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in their absence. Should neither the Chairperson nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by the majority vote of the members present.

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Section 4. The Chairperson and the City Planner shall sign all legal documents for the Commission.

Section 5. The Commission may designate a person who is not a member of the Commission to serve as Recording Secretary. The Recording Secretary shall prepare draft minutes for review by the Commission and shall perform such other duties as may be ordered by the Commission.

Section 6. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be the regular meeting in June each year, and the election shall be immediately thereafter.

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Section 7. A candidate receiving a majority vote of the entire Commission shall be declared elected and shall serve a term of one year or until ~~their~~ successor shall take the office.

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Section 8. Vacancies in office shall be filled immediately by regular election procedures.

Section 9. The officers shall be members of the Commission.

ARTICLE V – Meetings

Section 1. All regular and special meetings, hearings, and records shall be open to the public. Meetings shall be conducted under the Open Meetings Act of the State of Michigan.

Section 2. The Commission shall hold a minimum of four regular meetings per year.

Section 3. A special meeting of the Commission may be called by the Chairperson, or the Vice-Chairperson in the event the Chairperson is unavailable, or any three (3) members of the Commission. Each member of the Commission must receive at least two days' notice as to the time, place and purpose of the meeting.

Section 4. All inquiries, applications, or matters requiring official action by the Commission shall be submitted in writing, be properly drafted on official forms necessary, and contain all relevant information regarding the matter upon which the Commission is requested to act. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal with the City Planner.

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Section 5. The normal order of business at meetings shall be as follows:

1. Call to order
2. Roll call
3. Approval of minutes
4. Audience participation
5. Any business item requiring a public hearing
6. Old business
7. New business
8. Adjournment

Section 6. A quorum shall consist of a majority of the current Planning Commissioners, but no less than four (4) members.

Section 7. All proceedings, decisions and resolutions of the Commission shall be initiated by motion.

Motions made in an administrative capacity, such as rezonings, site plan reviews, and special use permits, shall include findings of facts and reasons for the Commission's action.

Section 8. An affirmative vote of a majority of those present shall be necessary to pass any motion involving the adoption or amending of plans, policy statements or recommendations to the Council.

Section 9. Voting shall be by voice vote and shall not be recorded as individual ayes or nays unless requested by a member of the Commission, in which case the Chairperson shall order the vote to be so recorded except that any member may abstain by so declaring prior to vote. An abstention may only be made in the case of a conflict of interest; it is otherwise the duty of all Commissioners present to participate in the vote.

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Section 10. Parliamentary procedure in Commission meetings shall be governed by Roberts Rules of Order, as amended. The City Planner shall act as parliamentarian during Planning Commission meetings.

Section 11. The City Planner, City Attorney, and other officials of the City may participate in the Commission's discussion, but shall not vote, introduce motions, be counted towards quorum, or initiate any other parliamentary action.

ARTICLE VI – Procedures

Section 1. Applications and all required supporting documentation are to be submitted by the filing deadline. Applicants are to be provided with instructions which include the deadline date. Failure to submit a complete application and/or any required component of the application or submission of an inadequate application and/or any required component of the application will result in the case being withdrawn from consideration.

Deleted: Applications shall be made by the owner or by parties who have substantial interest and rights in the premises affected, provided that the owner consents to the request. The applicant may appear in his/her own behalf or may be represented by his/her attorney or agent at the hearing.¶
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Section 2. The usual order of procedure of the public hearing shall be:

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- Site inspections shall be made by the City Planner or other staff, or by members of the Commission designated to make inspections.¶

- a. Chair states the name of the case and explains procedure and nature of case.
- b. City Planner presents the official records of the case.
- c. City Planner presents staff recommendation.
- d. Commission asks questions of staff.
- e. Applicant presents their case.
- f. Motion to open public hearing and chairperson directs that all persons present in connection therewith identify themselves by name and address. Chair explains the procedure.
- g. The public are heard.
- h. Closing of Public Hearing – motion to close shall require majority concurrence for each petition.
- i. Discussion by Commissioners.
- j. Motion and decision by Commissioners.

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ARTICLE VII – Disposition and Record

Section 1. The decision of the Commission shall take effect five (5) days from the date of determination. However, the Commission may find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall certify with five (5) concurring votes or a majority vote of the members present. The applicant shall be advised of the decision in writing within five (5) days of the final hearing and decision.

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<#>Applicant presents his/her case.¶
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Section 2. The Commission shall keep, or cause to be kept, a permanent record of Commission meetings and decisions, which shall, at a minimum, include:

Commented [BW1]: There's no particular reason to delay this. We can go next business day, or three business days (then essentially by the Friday). Five days is just a bit odd (it would be by the following Tuesday).

- a. A copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.);
- b. A copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence;
- c. Records of any action, support documents, maps, site plans, photographs, and correspondence received, attached as an appendix to the minutes.

Section 3. The City Planner shall communicate the actions and recommendations of the Commission to the City Council and general public.

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ARTICLE VIII – Committees

- Section 1. The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.
- Section 2. The Commission, Chair, or City Planner may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serves on a citizen committee at any given time. The purpose of the citizen committee is to be able to use individuals who are knowledgeable or expert in a particular issue before the Commission or to better represent various interest groups.
- Section 3. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.
- Section 4. The same principles of these Bylaws for the Commission also apply to all committees of the Commission, including, but not limited to, making all meetings open to the public and keeping a record of all proceedings.

Deleted: Section 4. . Whenever approval of a petition is authorized by resolution of the Commission, a building or occupancy permit shall be obtained within six (6) months from the date of this approval or failure to obtain such permit within six (6) months shall invalidate the approval.¶
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ARTICLE IX – Commission Absences

- Section 1. In order to maintain maximum participation of all appointed Commission members at all regularly scheduled meetings, the following attendance guide and Commissioner replacement policy for “excused” or “unexcused” should be implemented:
- a. When appointed, each Commissioner should state their willingness and intention to attend each scheduled meeting of the Commission.
- b. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the commissioner from attending the scheduled meeting: the Commission, professional staff of the City, or the Commission Chairperson should be notified as early as possible prior to the start hour of their inability to attend the scheduled meeting. The Commission member upon this notification will receive an “excused absence” for the involved scheduled meeting.
- c. There will be a limit of three (3) consecutive “excused absences” or two (2) consecutive “unexcused absences” for any member of the Commission. If any member exceeds the above criteria for consecutive absences, the Commissioner will be recommended for dismissal unless extenuating circumstances exist.
- d. If any Commission member is absent, whether excused or not, from any five (5) scheduled monthly Commission meetings, whether consecutive or not, during any one year period, the commissioner will be recommended for dismissal unless extenuating circumstances exist.
- e. The recommendation for dismissal as required will be initiated by City staff and forwarded on to the City Council for official action.

Deleted: Section 1. - In order to maintain maximum participation of all appointed Planning Commission members at all regularly scheduled meetings of the Ypsilanti Planning Commission, the following attendance guide and Commissioner replacement policy for “excused” or “unexcused” should be implemented:¶
¶
<#>When appointed, each Commissioner should state his/her willingness and intention to attend each scheduled monthly meeting of the Planning Commission.¶
¶
<#>In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the commissioner from attending the scheduled monthly meeting; the Commission, professional staff at City Hall or the Planning Commission Chairperson should be notified as early as possible prior to the start hour of their inability to attend the scheduled meeting. The Planning Commission member upon this notification will receive an “excused absence” for the involved scheduled meeting.¶
¶
<#>There will be a limit of three (3) consecutive “absences” or two (2) consecutive “unexcused absences” for any member of the Planning Commission. If any member meets the above criteria for consecutive yearly scheduled regular meetings, the Commissioner will be canvassed and be considered for an automatic appointment nullification.¶
¶
<#>If any Planning Commission member is absent from any five (5) scheduled monthly Planning Commission meetings during any one year period, whether consecutive or not, the Commissioner is subject to an automatic appointment nullification immediately after the fifth missed meeting, whether the absences are excused or not. The Commissioner should be replaced as soon as possible by the Mayor and City Council in order to maintain the prescribed number of Planning Commission members.¶
¶
<#>The “appointment nullification” action as required will be initiated by Planning and Development Professional staff and forwarded on to the City Council for official action.¶

ARTICLE X – Miscellaneous

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[Redacted]

Section 1. These Rules may be amended or altered during a regular meeting by the affirmative vote of at least six (6) members, or a majority of those on the current roster of the Commission, provided notice of the proposed change is given to the Commission at a preceding regular meeting.

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Section 2. The provisions of these Rules shall be discussed and/or adopted or readopted by the Commission annually at their regular June meeting.

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Section 3. The Commission shall provide City Council with an annual report. This report shall include discussion of the Commission's activities, the status of any planning processes, priorities and recommendations to Council for the coming year, and any fiscal needs anticipated. This report shall be prepared prior to the preparation of the City's budget priorities.

Moved by Commissioner ___ and Supported by Commissioner ___ that the Rules and Regulations of the Commission be adopted as presented on ___.

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AYES: NAYS: 0 ABSENT: DENIED ADOPTED

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