



## **BYLAWS OF THE ANN ARBOR CITY PLANNING COMMISSION**

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### **Article 1 - NAME**

The name of this commission is the Ann Arbor City Planning Commission (“Commission”).

### **Article 2 - ENABLING AUTHORITY**

The Ann Arbor City Planning Commission is established by Ann Arbor City Charter, section 5.14, Ann Arbor City Code, Chapter 8, sections 1:171-185, the Michigan Planning Enabling Act (Act 33 of 2008; MCL § 125.3801 et seq.), and the Michigan Zoning Enabling Act (Act 110 of 2006; MCL § 125.3101 et seq.), as amended.

### **Article 3 - PURPOSE, OBJECTIVES, AND DUTIES**

3.1 The purpose of the Commission is to exercise the powers and duties established by the enabling authority cited in Article 2 of these bylaws and any other powers or duties established by state or local law.

3.2 The Commission shall be limited to performing the tasks enumerated in these bylaws or otherwise delegated to it by state law, City Charter or City Code.

3.3 The Commission shall advise City Council on matters relating to the physical and environmental development of the City. Its recommendations shall consider the impact which such development shall have on the physical, social, economic, and environmental condition of the City.

3.4 The Commission shall furnish City Council reports and recommendations on ordinances, ordinance amendments, annexations, zonings, resolutions, or any other matters requested by City Council, or which are deemed important by the Commission for the orderly development of the City.

3.5 Consistent with MCL § 125.3819(2), the Commission shall make an annual written report to City Council concerning the Commission's operations and the status of planning activities, including recommendations regarding actions by City Council related to planning and development.

3.6 Consistent with MCL § 125.3865 and Ann Arbor City Code, Chapter 8, § 1:185, the Commission shall prepare an annual Capital Improvements Plan (the “CIP”).

3.7 The Commission shall advise City Council in the preparation and continuance of the Comprehensive Plan (the “Plan”), being a guide for the future development of the City. The Commission shall hold public hearings as may be required by law for the adoption of the Plan. It may also hold other hearings with interested groups or individuals in arriving at its recommendations.

3.8 The Commission, in May of each year, shall review the adopted sections of the Plan and determine if changes should be considered. A public hearing shall also be scheduled to

allow members of the public the opportunity to suggest changes. The primary purpose of this annual review is to identify policies that should be studied for possible change or new policies that should be added to the Plan. These policies shall be considered for inclusion in the work program for the coming fiscal year. The Commission shall also consider in its review those policies or proposals that should be given special consideration in the preparation of the annual CIP.

3.9 The Commission may make recommendations to other governmental or private entities.

#### **Article 4 - MEMBERSHIP**

4.1 The Commission shall consist of nine members appointed by the Mayor with the approval of the City Council. One member so appointed shall be a member of the City Council, who shall serve as an ex officio member of the Commission. Consistent with City Charter § 5.14(b) and state statute MCL § 125.3815(3), the Mayor shall appoint persons who, insofar as possible, represent different professions and occupations having an interest in the growth and development of the City. The membership shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

4.2 Members of the Commission shall serve without compensation. Commission members attending meetings for the benefit of the Planning Commission, the Planning and Development Services Unit, or for Ann Arbor planning in general shall be reimbursed for expenses incurred. Reimbursements shall receive prior approval by the Commission at a regular meeting.

4.3 All members of the Commission shall be appointed to a three-year term except the City Council member, who shall be appointed to a one-year term. If at any time the City Council member ceases to be a member of City Council, then their membership in the Commission shall automatically terminate.

4.4 Consistent with City Charter § 12.2 and MCL § 125.3815(4), all members of the Commission shall be registered electors in the City of Ann Arbor, except that one member may be exempted from this requirement by a resolution concurred in by at least seven members of City Council.

4.5 Consistent with MCL § 125.3815(2), members whose term has expired shall hold over and continue to serve as members of the Commission until a successor has been appointed.

4.6 Consistent with City Code § 1:171, the Mayor shall notify City Council of the expiration of a member's term at least 30 days prior and shall present to City Council all proposed reappointments no later than 60 days after the expiration of the term.

4.7 Consistent with City Code § 1:171, any vacancy on the Commission occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-term appointments.

4.8 Members are expected to attend regularly scheduled meetings and to notify the Chair and the Planning and Development Services Unit in advance if they expect to be tardy or absent. If a member misses three consecutive meetings without notice or six or more meetings in a 12 month period for any reason, the Chair may notify the Mayor and may recommend removal of the member.

4.9 Consistent with MCL § 125.3815(9), a member of the Commission may be removed by City Council for misfeasance, malfeasance, or nonfeasance in office following written charges, notice, and a hearing.

4.10 Consistent with City Code § 1:171, the Planning Commission shall designate a group consisting of the City Council member and one or more voting members of the Commission to review applications for membership on the Planning Commission. This group may submit recommendations for appointments to the Mayor, or to City Council for appointments by City Council, from among the applications reviewed.

## **Article 5 - ETHICS AND CONFLICTS OF INTEREST**

5.1 A member of the Commission shall abstain from discussion, voting, or otherwise acting on any matter where that member is involved in a conflict of interest. A conflict of interest shall at a minimum include, but not necessarily be limited to, a member:

- (1) Discussing, voting on, or otherwise acting on a matter directly and specifically involving that member.
- (2) Discussing, voting on, or otherwise acting on a matter involving work on property which is owned by that member or which is adjacent to property owned by that member.
- (3) Discussing, voting on, or otherwise acting on a matter directly involving a corporation, company, partnership, or any other entity in which that member is an owner, board member, or otherwise has a direct financial interest.
- (4) Discussing, voting on, or otherwise acting on a matter, the outcome of which may result in a direct financial or other benefit to that member or to immediate family of that member.
- (5) Discussing, voting on, or otherwise acting on a matter where the member's employee or employer is:
  - (a) an applicant or agent for an applicant, or
  - (b) has a direct interest in the outcome.

5.2 When a conflict of interest exists with regard to a particular matter, the member of the Commission who is subject to the conflict, shall do all of the following immediately, upon first knowledge or realization that a conflict exists:

- (1) At the next meeting of the Commission or a committee, declare that a conflict exists and that the member will recuse themselves from the matter.
- (2) Disclose, except where it violates a confidence, the general nature of the conflict, and the

minutes shall so record the conflict and recusal.

- (3) Cease to participate in any manner when the matter is discussed, voted on, or otherwise acted on at Commission or committee meetings, or in any other forum.
- (4) During deliberation of the matter before the Commission or a committee, leave the meeting or the area where members of the Commission sit, until action on the matter is concluded.

5.3 When there is a potential conflict of interest, before voting, the member shall disclose all pertinent facts relating to the potential conflict, except where it violates a confidence, and those facts shall be included in the minutes of the proceedings. Consistent with MCL § 125.3816(9), a member must make this disclosure whenever the member may reasonably be considered to have a conflict. Failure of a member to disclose a potential conflict under this section constitutes malfeasance in office and is grounds for removal by City Council.

5.4 If facts are presented which raise the question of whether any member of the Commission is subject to a conflict of interest, the question may be decided by a majority vote of the remaining members of the Commission. Upon a finding that a conflict exists, the member subject to the conflict shall be disqualified from voting on the matter.

5.5 A member of the Commission shall neither solicit nor accept gratuities, favors, gifts, or anything of monetary value from persons or entities in a position to benefit from a decision of the Commission.

5.6 Members of the Commission shall complete an annual disclosure of employer and any other organization affiliations that reasonably could lead to a conflict of interest and shall update this disclosure in writing at any time during the year when such affiliations change.

5.7 Members of the Commission shall make reasonable efforts to avoid individual communications outside of a Commission meeting with interested parties regarding site specific proposals or site petitions before the Commission. If a member receives such communications, the member shall make note of the content of the communication and report it to the Commission at a public meeting or hearing, so that every member of the Commission and other interested parties attending are made aware.

5.8 To maintain public confidence in the objectivity of the Commission and to avoid the appearance of bias or prejudice, a Commission member shall not be heard or appear before the Commission as a petitioner, representative of a petitioner, or as a party interested in a petition during the member's term of office.

5.9 A member of the City Council shall not be heard before the Commission as a petitioner, representative of a petitioner or as a party interested in a petition during the Council member's term of office.

5.10 A Commission member, when speaking to individuals, groups or organizations on planning matters, shall identify themselves as a member of the Commission and shall indicate whether they speak on behalf of the Commission or in an individual capacity. A member of the Commission may only speak on behalf of the Commission after being given authority to do so by resolution of the Commission.

5.11 The Commission or its individual members shall not intrude into the management of the City Planning and Development Services Unit or into those matters which are handled administratively within the service unit.

5.12 Commission members shall not engage in any employment or endeavor, or in any business transaction, wherein the membership on the Commission would be a qualification for such employment or endeavor, or a significant reason for the business transaction.

5.13 Commission members shall carry out the business of the Commission as a public service and shall conduct themselves at all times in a fair, courteous, and understanding manner.

5.14 Members of the Commission shall communicate with City staff through the Planning Manager or the Commission's designated staff liaison, unless otherwise authorized by the City administration, and shall follow applicable City administrative policies.

## **Article 6 - OFFICERS**

6.1 The officers shall be a Chair, Vice-Chair, and Secretary.

6.2 The Chair shall preside at all meetings and shall decide points of order and procedure, subject to the provisions of these bylaws. The Chair shall ensure that all meetings are conducted in an efficient and respectful manner.

6.3 The Chair shall have the privilege of discussing all matters before the Commission and to vote thereon.

6.4 The Vice-Chair shall act for the Chair in the Chair's absence. The Secretary shall act for the Vice Chair in the Vice-Chair's absence.

6.5 The Secretary shall perform such duties as required by law and as the Commission may determine.

6.6 The election of officers shall be held at the first regular meeting in July, provided that if that meeting should occur on July 1, the election of officers shall be held at the next regular meeting.

6.7 Nominations of officers shall be made from the floor, and the election shall be held immediately thereafter. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and shall serve a term of one year or until the candidate's successor shall take office.

6.8 When an office becomes vacant before the expiration of the current term, the vacancy shall be filled as soon as practicable. The vacant office shall be filled by election in the same manner as full-term offices and the new officer shall serve the remainder of the current term. A member currently serving in another office may be elected to a vacant office, in which case a replacement for that member's previous office shall be elected at the same time.

6.9 No member of the Commission shall hold the same office for more than two successive terms, nor hold more than one office at a time.

## **Article 7 - MEETINGS**

7.1 The Commission shall schedule regular meetings on one or more designated Tuesdays of the month, in the evening. Commission meetings may be scheduled on other days of the week to avoid conflicts with rescheduled City Council meetings, other board/commission meetings, holiday observances or election dates. Consistent with the Open Meetings Act (MCL § 15.265), the entire schedule of regular meetings for the upcoming year shall be posted within 10 days after the first meeting of the year. If there is a change in the schedule of regular meetings, notice of the change shall be posted within three days after the meeting at which the change is made.

7.2 No agenda item will be taken up by the Commission after 11:00 p.m., except by the consent of a majority of Commission members present and eligible to vote. In those cases where agenda items are not completed, they will be put forward to the next regular meeting of the Commission and placed first on the agenda.

7.3 Special meetings may be called by the Chair or any three members of the Commission. Except when the special meeting is a rescheduled regular meeting, the purpose of the special meeting should be stated in the public notice. At the special meeting, The Commission should not conduct any business beyond the specific purpose stated in the public notice, except by unanimous consent of the members present. Consistent with the Open Meetings Act (MCL § 15.265), public notice of the special meeting shall be posted at least 18 hours prior to the scheduled starting time.

7.4 The Commission may hold nonvoting working meetings to carry on the work of the Commission. Public notice of the working meeting shall be posted at least 18 hours prior to the scheduled starting time.

7.5 Public notice of regularly scheduled committee meetings shall be posted in the same manner as the schedule of regular Commission meetings. Public notice of non-regularly scheduled or special committee meetings shall be posted at least 18 hours prior to the scheduled starting time.

7.6 Public notice of all meetings shall be posted at City Hall or at any location designated by the City Administrator or City Council.

7.7 When practicable, meetings shall be scheduled to allow the staff liaison to provide notice to all members of the Commission at least 48 hours in advance.

7.8 The Chair or Planning Manager may cancel a meeting if there is no business on the agenda or if it is clear that a quorum will not be present. The Chair or Planning Manager may also cancel a meeting because of weather, emergency, or other circumstances that may substantially limit the ability of members of the Commission or the public to attend. The Planning Manager shall give notice of cancellation to members of the Commission at least two hours prior to the scheduled meeting time, when practicable. The Planning Manager or staff liaison shall post public notice of the cancellation as soon as practicable. Cancelled regular meetings may be rescheduled in the same manner as special meetings.

7.9 A quorum shall consist of five members of the Commission. The concurring vote of a majority of all members present and eligible to vote is required for the Commission to act,

except five votes shall be required to act on plans, policy statements, granting of special exception uses, recommendations to City Council, and petitions described in Article 9 of these bylaws. The right to vote is limited to members of the Commission actually present at the time the vote is taken at a lawfully called meeting. A member who is not eligible to vote on a matter because of a conflict of interest shall not be counted in establishing a quorum for that matter.

7.10 Voting shall be by voice or a show of hands. The Chair shall declare the outcome of each vote. If the vote is not unanimous, any member may request a roll call vote, which shall be taken and recorded in the minutes.

7.11 After a motion has been decided, any member voting with the prevailing side may move for reconsideration of the motion at the same or the next regular meeting. No motion may be reconsidered more than once.

7.12 On matters requiring public hearings, the Commission may take action during the meeting in which a public hearing is held or may table or postpone the matter.

7.13 The Commission shall arrange to keep minutes of all meetings in accordance with City administrative policies and direction, which shall be a record of the Commission's consideration and actions. Consistent with MCL § 125.3819(1), the minutes shall record all resolutions, transactions, findings, and determinations of the Commission. The minutes shall also include a list of those members present and not present at each meeting; identifying information, where given, of all persons appearing before the Commission; a copy of each resolution or other matter acted upon by the Commission, and a description of the outcome of each action. Each member of the Commission is therefore encouraged to express specific reasons supporting their vote. Such expressions should be made during the discussion period preceding the actual voting.

7.14 The Commission shall, in accordance with City administrative policies and direction, maintain files and records which reflect the Commission's consideration and actions, including all resolutions, transactions, findings, and determinations of the Commission. The files and records shall be available to the public consistent with the Michigan Freedom of Information Act.

7.15 All meetings of the Commission shall be open to the public and conducted in accordance with the Michigan Open Meetings Act (PA 267 of 1976), as amended. Closed sessions may be called for purposes listed in the Open Meetings Act by a roll call vote of six members of the Commission.

7.16 During Commission meetings, Commission members shall not initiate or respond to private communications (including email, instant messages, or text messages) with or from members of the Commission, members of the public, or the petitioner regarding Commission business.

7.17 Public comment shall be allowed at all meetings. An individual may speak for up to three minutes. The Chair may extend an individual's speaking time in the Chair's discretion. Commission agendas shall provide two opportunities for public comment:

- (1) Speakers at the first public comment agenda item may address the Commission about any item on the agenda that does not have its own public hearing scheduled.
- (2) Speakers at the second public comment agenda item may address the Commission about

any item related to the Commission's business.

## **Article 8 - PUBLIC HEARINGS**

8.1 In addition to those required by law, the Commission may, at its discretion, hold such public hearings or conferences as it decides will be in the public interest.

8.2 The public shall receive proper legal notice as to time and location of public hearings as required by law.

8.3 Prior to the public hearing on a site-specific petition, a petitioner and the petitioner's representatives shall be allowed a total of up to 10 minutes to introduce and present the petition to the Commission.

8.4 Following the petitioner's presentation, Planning and Development Services staff may present additional information and clarification about the petition.

8.5 During the public hearing, an individual wishing to address the Planning Commission may speak for up to three minutes. The Chair may extend an individual's speaking time in the Chair's discretion. The Commission may vote to modify or waive the public hearing speaking time limitations.

8.6 During public hearings, public comment and discussion shall be limited to the topic under consideration. Commission response to public comment shall be confined to clarification of the presented facts.

8.7 At the discretion of the Chair, or by vote of the Commission, public hearings may be continued to another date. If a public hearing is continued, only individuals who have not previously addressed the Commission during the public hearing may address the Commission, unless the Chair, with the consultation of Planning and Development Services staff, determines that: 1) additional public feedback is necessary, or 2) a specific petition has materially changed since the date of the original public hearing date. Agendas for continued public hearings shall specify whether members of the public shall be granted additional time to speak.

## **Article 9 - PETITIONS AND COMMUNICATIONS**

9.1 Petitions pertaining to zoning changes, annexations, area plans, site plans, street vacations, and other related matters shall:

- (1) be filed with the Planning and Development Services Unit for review and scheduling for Commission action and to other City service areas and governmental agencies for comment in accordance with applicable law;
- (2) be considered by the Commission during a regular or special meeting, where all persons interested in the subject will be heard before final Commission action; and
- (3) require the affirmative vote of five commissioners for approval and scheduling for City Council action. Lacking five affirmative votes, a denial recommendation shall be recorded.



9.2 When making a final decision on any petition, motions shall be made in the affirmative, i.e. as motions to approve the petitioner's request. Failure to obtain the requisite number of affirmative votes on such a motion shall constitute a denial. The purpose of this provision is to eliminate confusion and the possibility of inaction that arises when motions to deny fail to garner sufficient affirmative votes for passage.

9.3 The Commission shall invite persons concerned with items the Commission is to consider to address written communications to the Commission and Planning Services Unit. The Commission shall request that these communications be directed at the entire Commission and not toward individual members and that these communications be sent at an early enough date to give the Planning and Development Services Unit sufficient time for careful consideration in arriving at its recommendation to the Commission. Commissioners who receive individual communications from the public regarding items under consideration shall share such communications with the entire Commission, and, where applicable, with staff, as soon as practicable. Communications from the public on particular items shall be made available to Commission members prior to Commission meetings at which those items will be considered and not during the meeting itself. Members may request that the contents of certain communications be read before the Commission.

## **Article 10 - AGENDA AND ORDER OF BUSINESS**

10.1 Agendas for all Commission meetings shall be developed by the Planning Services Unit Manager. To the extent practicable, agendas for all regular meetings of the Commission, along with reports related to matters listed on the agenda for Commission action, shall be available to concerned parties or other interested members of the public the Friday preceding each regular meeting. To the extent practicable, the Planning and Development Services Unit Manager shall advise persons known to be involved in a particular matter of any changes in procedure or scheduling which become necessary after preparation of the agenda.

10.2 Except by unanimous consent of Commission members present, the Commission shall not consider, discuss, or take action on new matters not appearing on the Commission's prepared agenda. Any member may introduce new matters for discussion under "Commission Proposed Business", however, the Commission shall not take official action on new "Commission Proposed Business" prior to its next regular or special meeting.

10.3 The order of business at regular meetings shall generally be as follows. When setting the agenda, the order of business may be adjusted by the Chair or staff liaison. The order of business may also be suspended or modified by a majority vote of those members present.

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Agenda
- (4) Approval of Minutes of Previous Meetings
- (5) Reports from City Administration, City Council, Planning Manager, Planning Commission Officers and Committees, Written Communications and Petitions
- (6) Public Comment
- (7) Public Hearings Scheduled for Next Regular Meeting
- (8) Unfinished Business
- (9) Regular Business

- (10) Public Comment
- (11) Commission Proposed Business
- (12) Adjournment

## **Article 11 - COMMITTEES AND WORK GROUPS**

11.1 The Commission may create standing or special committees to assist in the work of the Commission. Standing committees may, but need not be, described in the bylaws. Each committee shall include at least one member of the Commission and may include nonmembers, in the Commission's discretion. Members of committees shall be appointed by the Chair and approved by the Commission.

11.2 The Commission may also create work groups or designate certain members to perform research or develop recommendations on specific topics without creating a committee. Prior to creating a committee, the Commission shall consult with City staff to review the necessity of the committee and whether adequate resources exist to support the work.

11.3 In accordance with Chapter 8, § 1:184 of Ann Arbor City Code, the Chair, with the concurrence of the Commission, may appoint one or more persons as citizens' advisory committees to assist or collaborate with the Commission in its duties. The functions of such person or persons are advisory and do not include actions which are those required by law for the Commission. Advisory committee appointees shall serve at the pleasure of the Commission. The Commission may invite additional individuals, groups, or representatives of organizations to participate in the committee activities in a manner deemed most appropriate by the committee. Committee members shall participate with Commissioners and staff in all aspects of developing any requested plan or report. Such committees may be invited to prepare oral and/or written reviews of the final staff recommended reports or plans prior to final consideration by the Commission.

## **Article 12 - RESPONSIBILITIES AND EVALUATION OF MANAGER**

12.1 At the discretion of the City Administrator, or as otherwise mandated by City Council, the staff of the Planning and Development Services Unit shall be the primary provider of administrative support and professional advice to the Commission and the Planning Manager or their designee shall be the primary liaison between the Commission and staff. The Planning and Development Services Manager or designee shall also act as a liaison between the community and City service areas and other governmental units on planning matters.

12.2 Upon request by the Community Services Administrator, the Planning Commission will provide its review of the Planning Manager.

12.3 The Commission portion of the evaluation of the Manager shall be based upon the responsibilities and duties of the Manager and Planning and Development Services Unit contained in the City Charter, City Code, and Commission Bylaws.

12.4 By May of each year, the Planning Manager shall collaborate with the Commission in developing a proposed work program for planning-related duties of the Planning and Development Services Unit. This proposed work plan will be presented to the Community Services Area Administrator for consideration by the Community Services Area Administrator in the development of the service unit's annual work plan. The proposed work program will be

designed to make maximum effective use of service unit resources in meeting a set of major objectives or responsibilities of the Commission.

12.5 The Planning Manager shall provide the Commission with constructive, periodic reports regarding the status of planning matters under consideration and keep the Commission informed of major planning issues which relate to the approved major objectives or responsibilities of the Commission.

12.6 The Planning Manager or designee shall represent the Commission before City Council. The Planning Manager shall also represent the Commission at other times as directed.

### **Article 13 - PARLIAMENTARY AUTHORITY**

13.1 The rules contained in the most current edition of Robert's Rules of Order Newly Revised shall guide the Commission; however, parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the Commission. Nevertheless, all parliamentary procedures must be consistent with these bylaws and applicable City policies.

13.2 The Commission shall not adopt or follow any operating rules, regulations, guidelines, or procedures not expressly prescribed by these bylaws.

### **Article 14 - AMENDMENT OF BYLAWS**

14.1 Proposed amendments to these bylaws may be approved at any regular meeting by an affirmative vote of six members of the Commission. Proposed amendments must have been previously submitted in writing to be considered. Proposed amendments must be submitted to the Office of the City Attorney for review prior to adoption by the Commission. After adoption by the Commission, the bylaws are not effective until approved by City Council.

14.2 These bylaws should be reviewed by the Commission annually at the first regular meeting in July, provided that if that meeting should occur on July 1, the Commission should review the bylaws at the next regular meeting.

### **Article 15 - MISCELLANEOUS**

15.1 For matters not covered in the City Charter or City Code, City administrative policies and procedures, or other applicable law, the Commission shall establish specific policies and procedures in conducting its business.

15.2 All written reports or statements submitted by the Commission shall, upon request, be transmitted to Council.

15.3 The Ann Arbor City Attorney's Office shall be the legal consultant to the Commission.