

**CITY OF WIXOM PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURE**

**Adopted (Planning Commission) - February 6, 1995
Adopted (City Council) – February 28, 1995
Amended (Planning Commission) – March 28, 2016**

ARTICLE I – AUTHORITY AND PURPOSE

SECTION 1

Authority. These By-laws and Rules of Procedure have been adopted by the City of Wixom Planning Commission, hereinafter referred to as “the Commission”, pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended; Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended; the Open Meetings Act, Public Act 267 of 1976, as amended; and as provided for in Chapter 15, Planning and Zoning, of the City of Wixom Charter; and Title 2, Administration and Personnel, Chapter 2.16, Planning Commission and Title 18, Zoning, of the City of Wixom Municipal Code.

SECTION 2

Purpose. The general purpose of the Commission shall be to guide and promote the efficient, coordinated development of the City in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the City and its natural resources; and to address the goals and recommendations of the Master Plan.

ARTICLE II – POWERS AND DUTIES

SECTION 1

Duties. The Commission shall perform the following duties:

- A. Draft, conduct hearings, and recommend amendments to the City of Wixom Zoning Ordinance.
- B. Recommend adoption of a Master Plan to the City Council, review the Plan regularly, and make necessary updates as required.
- C. Prepare an annual Planning Commission report.
- D. Review and take action or recommend appropriate actions to City Council on site plan, special land use, and planned unit development requests.
- E. Review subdivision and condominium proposals and recommend appropriate actions to the City Council.

- F. Prepare special studies and plans, as deemed necessary by the Commission, City Council or City staff as needed.
- G. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of Commissioner.
- H. Conduct site visits as deemed necessary to evaluate the application and supporting material. Site visits shall be conducted individually unless otherwise scheduled by the Commission, obeying all requirements of the Open Meetings Act.
- I. Perform other duties and responsibilities as may be requested.

ARTICLE III – MEMBERSHIP

SECTION 1

- A. **Members.** The Commission shall, except as provided in this section, consist of seven (7) members who shall be residents of the City of Wixom and shall represent insofar as is possible diverse and important segments of the community such as economic, governmental, education, and social development of the City in accordance with the major interests, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. To the extent possible, membership shall be representative of the entire geography of the City.
- B. **Appointment.** Members of the Commission shall be appointed by the Mayor and such appointment shall be subject to the approval by a majority vote of the members of City Council.
- C. **Terms.** Members of the Commission other than ex officio members under subsection E. shall be appointed for 3-year terms. All members shall hold office until their successors are appointed and vacancies shall be filled by the Mayor subject to the approval by a majority vote of the members of City Council.
- D. **Compensation.** All members of the Commission shall serve as such without compensation.
- E. **Other Office.** Commissioners shall hold no other City office except that one of the members may be a member of the Zoning Board of Appeals or City Council. The Zoning Board of Appeals (ZBA) representative to the Commission shall report the actions of the ZBA to the Commission on actions of the ZBA that relate to the functions and duties of the Commission.

SECTION 2

- A. **Absences.** In order to be excused from a meeting, members of the Commission shall effectively communicate in advance of the meeting to the Commission Chairperson and City staff when they intend to be absent from the meeting. Otherwise the absence shall result in an unexcused absence. Total absences exceeding twenty-five (25%) percent of all meetings in any one (1) calendar year shall be considered nonperformance of duty and may be cause for removal from the Commission upon vote by the majority of City Council.

- B. **Removal.** Members of the Commission may be removed by the Mayor with approval from the City Council for nonperformance of duty, misconduct in office, or upon failure to declare a conflict of interest as herein described, upon vote by the majority, after written justification has been prepared and a hearing conducted.
- C. **Resignation.** A member may resign from the Commission by sending a letter of resignation to the Mayor.

ARTICLE IV - OFFICERS

SECTION 1

The officers of the Commission are appointed members of the Commission and shall consist of a Chairperson, Vice-chairperson, and Alternate Vice Chairperson.

- A. **Chairperson.** The Chairperson shall preside at all meetings, public hearings or committee meetings; appoint committees; and shall have such other duties as may be delegated by the Commission.
- B. **Vice Chairperson.** The Vice-Chairperson shall, in the absence of the Chairperson preside at all meetings, public hearings, and committee meetings of the Commission, and shall have the power to function in the same capacity as the Chairperson in case of the Chairperson’s inability to act.
- C. **Alternate Vice Chairperson.** The Alternate Vice Chairperson shall, in the absence of the Chairperson or Vice-Chairperson preside at all meetings, public hearings, and committee meetings of the Commission, and shall have the power to function in the same capacity as the Chairperson or Vice-Chairperson in case of the Chairperson’s or Vice-Chairperson’s inability to act.

SECTION 2

- A. **Election.** The officers of the Commission shall be elected each year for a one (1) year term by the majority vote of the entire membership of the Commission at its first regular meeting in January. Such candidates shall be declared elected and shall thereupon assume office.
- B. **Re-election.** Commission officers are eligible for re-election.
- C. **Vacancies.** Vacancies in offices shall be filled immediately by regular election procedure.

SECTION 3

Committees. Committees may be appointed by the Chairperson for purposes and terms which the Commission approves.

SECTION 4

Employees. The Commission may appoint 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 govern other corresponding civil employees of the City. The Commission may also contract with City planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the

purpose by City Council, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

ARTICLE V – CONFLICTS OF INTEREST

SECTION 1

Commission members shall declare a conflict of interest when any one (1) or more of the following occur:

- A. A relative or other family member is involved in any request for which the Commission is asked to make a decision.
- B. The Commission member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
- C. The Commission member owns or has a financial interest in neighboring property. For purposes of this Section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance, or other applicable Ordinance. The Commission shall make a determination regarding the presence of a conflict of interest.
- D. There is a reasonable appearance of a conflict of interest, as determined by the Commission member declaring such conflict.

SECTION 2

When declaring a conflict, the Commission member shall do all of the following:

- A. Announce a conflict of interest and state its general nature.
- B. Abstain from any discussion or votes relative to the matter which is the subject of the conflict.
- C. Absent himself/herself from the room in which the discussion takes place.

ARTICLE VI - EX PARTE CONTACT

SECTION 1

- A. Members shall avoid ex parte contact about cases where an administrative decision is before the Commission whenever possible.
- B. In the event ex parte contact occurs the member shall take detailed notes on what was said and report to the Commission at a public meeting or hearing so that every member and other interested parties are made aware of what was said.

ARTICLE VII – MEETINGS

SECTION 1

- A. **Regular Meetings.** The regular meetings of the Commission shall be held on the first and fourth Monday of each month at 7:30 p.m. unless another date, time or location becomes necessary due to a holiday or other reason or unless no meeting is necessary due to lack of agenda items.

- B. **Special Meetings.** Special meetings may be held as necessary, subject to the call of the chairperson or acting chairperson. At least forty-eight (48) hours written notice of the time and place of such meeting shall be given by City staff. A public notice of the special meeting shall be posted in accordance with the Open Meetings Act and specify the purpose of the meeting and no other business may be considered.

SECTION 2

Notice. The agenda and supporting documentation shall be distributed to the Commission via email or delivery not less than five (5) days prior to the date set for the meeting.

SECTION 3

Open Meetings. All meetings of the Planning Commission shall be public meetings and shall be conducted in accordance with the Open Meetings Act. All meetings shall be posted at Wixom City Hall according to the Open Meetings Act.

SECTION 4

Public Hearings. In addition to those required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

- A. Notice of such hearings shall be published in the official newspaper of the City or in a newspaper of general circulation in the City.

- B. The case before the Commission shall be presented in summary by the Chairperson or a designated member of the Commission after which parties in interest will have the right to address the Commission in relation to the case in accordance with procedures set forth by the Chairperson.

- C. A record shall be kept of those speaking before the Commission.

SECTION 5

Minutes. Commission minutes shall be prepared by the Planning Commission Recording Secretary. The minutes shall contain a brief synopsis of the meeting, complete statement of the conditions or recommendations made on may action; and recording of attendance.

- A. The Commission shall keep a set of minutes of all regular and adjourned meetings and these minutes shall become a public record.

- B. The minutes are considered for approval by a quorum of the Commission members at the next available meeting.

- C. All communications, actions, and resolutions shall be attached to the minutes. All meetings, minutes, records, documents, correspondence, and other materials of the Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

ARTICLE VIII – QUORUM

SECTION 1

Voting. For the transaction of ordinary business at any meeting, five (5) members shall constitute a quorum, and an affirmative majority vote of the five (5) shall decide.

SECTION 2

Voting – Master Plan. For the adoption of the Master Plan for Land Use or any part thereof, or any substantial amendment thereof, an affirmative vote of not less than five (5) of the seven (7) members of the Commission shall be required.

SECTION 3

Official Action. If a quorum is not present, no official action, except for rescheduling and closing the meeting, may take place.

ARTICLE IX – THE ORDER OF BUSINESS

SECTION 1

Order of Business. The order of business for a regular meeting shall be:

1. Call to Order by the Chairperson or Vice Chairperson
2. Pledge of Allegiance
3. Roll Call
4. Determination of a Quorum
5. Changes or Additions to the Agenda
6. Approval of Minutes of Last Preceding Meeting
7. Correspondence
8. Call to the Public with the “Rules of Conduct” read aloud – Agenda Items
9. Consent Agenda
10. Old Business
11. New Business
12. Call to the Public – Non-agenda Items
13. Staff Comments
14. Commission Comments
15. Adjournment

RULES FOR PUBLIC SPEAKING:

Call to the Public:

- The public shall address the Planning Commission during the “Call to the Public” which shall be included on the agenda immediately after Correspondence and again immediately after New Business. The first Call to the Public immediately after Correspondence shall be limited to agenda items only.
- A person shall not address the Planning Commission in excess of five minutes unless the time is extended by a majority vote of the Planning Commission present.
- Persons wishing to address the Planning Commission shall identify themselves and their place of residence and shall state their reason for addressing the Planning Commission.
- All comments by the public shall be made directly to the Planning Commission.

Public Hearing:

- Persons desiring to address the Planning Commission shall state their name and address.
- Individual persons shall be allowed five minutes to address the Planning Commission.
- There shall be no questioning by the audience of persons addressing the Planning Commission. However, the Planning Commission members may question persons addressing the Planning Commission.
- No person shall be allowed to address the Planning Commission more than once.

ARTICLE X – AMENDMENTS

These By-laws and Rules and Procedure may be amended by City Council upon recommendation of seven (7) members of the Planning Commission.

ARTICLE XI – ADOPTION

These By-laws and Rules of Procedure shall become effective immediately upon adoption by the City Council; all previous By-laws and Rules of Procedure shall be repealed.

These rules were adopted by the City of Wixom Planning Commission on the 28th day of March, 2016.