

## **PLANNING COMMISSION BYLAWS**

These bylaws are adopted by the Planning Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter "the Planning Act."

The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

### **ARTICLE I. BOARD MEMBERS AND THEIR DUTIES**

#### **A. MEMBERS:**

1. The Planning Commission shall consist of nine members, who shall be qualified electors of the City of Dearborn, except as provided in the Planning Act. Eight members shall be residents of Dearborn, and 1 member shall be a nonresident.
2. Members of the Planning Commission are appointed by the Mayor, subject to approval by the City Council.
3. The term of each member shall be three years and shall expire on the first Monday in July on the third year succeeding their appointment or until their successor takes office.

#### **B. BOARD OFFICERS:**

1. The officers of the Commission, in their line of authority, shall be a Chairperson, Vice Chairperson, and Secretary.
2. Chairperson Duties: The Chairperson retains the ability to discuss, make motions, and vote on issues before the Commission. The Chair shall:
  - a) Preside at all meetings and hearings;
  - b) Call a meeting to order or declare it adjourned
  - c) Introduce meeting agenda items
  - d) Announce and monitor the public comments period
  - e) Restate all motions.
  - f) Perform other duties as normally conferred on such an officer, and as directed by the Commission.
  - g) Appoint an Acting Secretary in the event the Secretary is absent from a Planning Commission meeting.
  - h) May call for Special meetings as needed per these bylaws.

3. The Vice-Chairperson's duties:
  - a) Shall perform such duties as normally conferred on such an officer, and as directed by the Commission.
  - b) In the absence of the Chairperson, the Vice-Chairperson shall act in the capacity of the Chairperson.
4. The Secretary's duties:
  - a) Shall be responsible for the meeting hearing and document commission attendance
  - b) Responsible for documenting Planning Commission determinations and comments on each item.
  - c) Document all motions made at a meeting of the Commission accurately.
  - d) In the absence of the Chairperson and Vice-Chairperson, the Secretary shall act in the capacity of the Chairperson.
  - e) Perform such other duties as normally conferred on such an officer, and as directed by the Commission

#### **C. BOARD MEMBERS POWER AND DUTIES:**

The Planning Commission shall have all the powers and duties given to municipal planning commissions under the provisions of the Michigan Planning Enabling Act, MCL 125.3801 et seq., as well as such other statutes as may be adopted relating to city planning commissions, and in addition thereto it shall have the following powers and duties:

1. To make its recommendations to the City Council covering any proposed amendment to the provisions of the zoning ordinance of the city, as amended, and the proposed changes in the zoning maps in connection therewith.
2. To make and approve a master plan for the city as required by the terms of MCL 125.3801 et seq., and to approve or disapprove all subdivision plats in the city prior to such plat being accepted and approved by the council. If such plat is disapproved, the reasons therefor shall be stated by the Commission.
3. To prepare regulations governing the platting of land in the city and the minimum requirements for the acceptance by the city of such subdivision plats.
4. To make recommendations to the City Council concerning the proposed opening or vacating of any and all streets and alleys in the city.

5. To investigate and make recommendations concerning the multitudinous details affecting the growth of the city, thereby providing an informative and constructive clearing house of facts for the guidance of the successive administrations through a continuing advisory board, thereby effecting a continuity of program for the city.
6. To recommend to the City Council an annual capital expenditure plan, including the acquiring and improvement of parks, playgrounds, recreational areas, libraries, community centers, public buildings, bridges, street surfacing, street improvements, sewer extension, water main extension, or other major structures and improvements including the acquisition of proposed publicly owned or operated utilities, or improvements and expansion of existing facilities.

**D. ETHICS AND CONFLICTS OF INTEREST:**

5. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. For purposes of this section, the term “immediate family” shall mean the member’s spouse, parent, grandparent, child, grandchild, brother, sister, or spouse of any of the aforementioned. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
  - a) Issuing, deliberating on, voting on, or reviewing a case concerning the member.
  - b) Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the member or which is adjacent to land owned by the member or any member of their immediate family, for the purposes of determining a conflict of interest adjacent is defined as land that is [insert community appropriate definition of adjacent i.e., immediately adjacent, within 300 feet, etc.
  - c) Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which the member or any member of their immediate family is a part owner, or any other relationship where they may stand to have a financial gain or loss.
  - d) Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to the member or any member of their immediate family.
  - e) Issuing, deliberating on, voting on, or reviewing a case concerning a member’s spouse, children, stepchildren, grandchildren, parents, siblings, grandparents, parents’ in-law, grandparents’ in-law, or members of the member’s household.
  - f) Issuing, deliberating on, voting on, or reviewing a case where the member’s employee or employer, or any member of their immediate family’s employee or employer, is:
    - i. An applicant or agent for an applicant, or
    - ii. Has a direct or indirect interest in the outcome.

6. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission, with the member whose potential conflict is at issue recusing themselves from any deliberation.
7. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
  - i. Declare a conflict exists at the next meeting of the Commission or committee.
  - ii. Disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and recusal.
  - iii. Cease to participate in the Commission or committee meetings when the matter is discussed, deliberated, voted on, or otherwise acted on at the meeting or any other forum.
  - iv. During deliberation of the agenda item before the Commission or committee, leave the meeting or the area where members of the Commission or committee sit, until discussion, deliberation, and action on that agenda item is concluded.
8. If a member of the Commission is appointed to another office, which is an incompatible office with their membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with their membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

## **ARTICLE II. ELECTION AND SUCCESSION OF OFFICERS**

1. The Commission shall elect its officers annually at the September regular meeting of the Commission unless the Commissioners approve the holding of the election at another meeting by resolution. The election of officers shall appear on the published agenda for the meeting. The Commission may choose to postpone the election by resolution if there is a need for nominees or additional voting members to be present.
2. A candidate receiving a majority vote of the Commission shall be declared elected, shall take office immediately, and shall hold office for a term of one year or until a successor is elected and assumes office. The election shall be by roll call vote unless a member of the Commission requests vote by written ballot instead. A simple majority of the Commission is needed to elect its officers. The Commission may provide for the election of its officers

by secret ballot.

3. In the event of a vacancy in any office, the officer next in line of authority, as indicated in Article I of these bylaws, shall succeed to such office for the unexpired term. Any officer may decline to succeed in a vacant office. Should the officer next in line so decline, then the officer, if any, next in authority to the declining officer shall succeed to the vacant office.
4. Should a vacancy occur in the office of the Secretary, an acting Secretary may be appointed by the officer senior in authority until a successor is elected.
5. The Commission shall, by election, promptly fill for the unexpired term any vacancy in office not filled by the succession of officers as provided above.

### **ARTICLE III. COMMISSION STAFF**

1. The Planning & Zoning Division of the Department of Economic Development shall provide support staff for the Commission as prescribed by city ordinance and these bylaws. This includes but is not limited to: detailed analysis and descriptions of each item, supported by maps, and additional resources that Planning staff might consider as items to support and help commissioners in their determinations/recommendations.
2. The Planning & Zoning Division of the Department of Economic Development is responsible for preparing a Planning Commission presentation. The presentation will supplement to the requested case and staff report.
3. All communications including public comments, petitions, and reports addressed or referred to the Commission shall be delivered or emailed to the Planning & Zoning Division staff. The public comments that relate to the Planning Commission meetings' item(s) must be emailed or delivered to the Planning Staff no later than noon on the same day of the Planning Commission meeting.
4. The Planning & Zoning Manager shall assist the Commission in carrying out its powers and duties. To that effect, the Planning & Zoning Manager shall report the recommendations of the Commission, carry out its directives, and be responsible for the professional and administrative work and coordinating the work, plans, policies, procedures, directives, and recommendations of the Commission.

## **ARTICLE IV. MEETINGS**

All regular and special meetings, hearings, records, and accounts of the Commission shall be open to the public as required by law, except as otherwise specifically authorized or permitted.

### **A. REGULAR MEETINGS:**

1. Regular meetings of the Commission will be held on the first Monday following the first Tuesday of every month at 6:30 p.m. at the City Council Chambers, or on such other days and at such other times and places as scheduled by the Commission. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day.

### **B. SPECIAL MEETINGS:**

2. Special Meeting (where action is to be taken on item(s)): Special meeting and hearings where action is to be taken on an item(s) shall be called at the request of the Chairperson or any three Commissioners. Notice of special meetings and hearings shall be given by the Planning Staff and the public notices shall be held in compliance with the Michigan Zoning Enabling Act.
3. Special Meeting – Workshop (no action/ voting required): The Planning Commission, may at its option, schedule workshop meetings to discuss, formulate, and deliberate planning and zoning policy issues only. The intent of workshop meetings is to promote an informal, open dialogue on policy issues in an effort to seek consensus and resolution to policy matters. Formal rules of procedure for the conduct of business at workshop meetings shall be waived, except that the Chair shall serve as moderator. No formal action on any matter shall be made at workshop meetings, but shall be placed on a regular Planning Commission agenda for final disposition.

### **C. AGENDA**

1. The Planning Commission meeting agenda shall be mailed out to the Commissioners at least 15 days before the meeting.
2. An agenda packet shall be emailed or delivered to each Commissioner at least five days prior to the meeting or hearing. The package shall contain copies of the staff reports, analysis, any submittal materials from the petitioner, as well as any submitted public comments, so that the Commissioners may familiarize themselves with and be properly informed as to each item appearing on the agenda.

3. The Commission may direct the Planning & Zoning Manager, or their designee, to email or deliver agenda packet to other concerned or affected persons.

#### **D. ORDER OF BUSINESS**

The order of business for all regular meetings shall generally be as follows, except as determined by the Planning & Zoning Manager or Chair:

1. Call Meeting to Order.
2. Advertised meeting rules in relation to the Public Comments rules
3. Roll Call
4. Review and Approval of Minutes.
5. Review and make determination on Special Land Use/site plan review, and lot split or combination items (if any)
  - a) The notice of the requested items shall identify the applicant's name, type of the proposed use requested, project address, parcel zoning classification, the location of the parcel and the name of the subdivision.
6. Review and make recommendations on alley/street opening or vacation items (if any)
  - a) The notice of the requested items shall identify the applicant's name, description of the alley/street that is requested to vacate or open, location, and the name of the subdivision.
7. Review and make recommendations on rezoning requests (If any)
  - a) The notice of the requested items shall identify the applicant's name, parcel address requested to rezone, existing parcel zoning classification, proposed zoning classification, the location of the parcel, and the name of the subdivision.
8. Review and make recommendations on Zoning Language amendments (If any)
  - a) The notice of the requested zoning amendment shall identify the section/subsection that proposed to be amended.
9. New Businesses- to include but not limited to;

- a) Conduct Planning Commission Election
- b) Review and approve the Planning Commission meeting schedule

10. Reports and discussions

- a) Review meetings documents (meeting bylaws)
- b) Master Plan
- c) Planning Staff Report

11. Adjournment.

**E. PUBLIC NOTICE**

All regular, special and workshop meetings shall be open to the public, and proper notice shall be given pursuant to the Michigan Open Meetings Act, as amended (Act 267 of 1976, MCL 15.261. et seq.).

1. The Planning & Zoning Manager or their designee, on behalf of the Commission, shall arrange for and give all required notices of the meetings and hearings of the Commission in accordance with the governing laws.
2. The Planning & Zoning Manager or their designee, shall post notice of meetings and hearings to the City website at least 10 days before the meeting.
3. The Planning & Zoning Manager or their designee, shall give notice of meetings and hearings of the Commission on requested items including (Special Land Use, Site Plan Review, proposed street and alley openings or closings, and Rezoning) to all record owners of property situated within 300 feet of the subject property.
4. The record of owners entitled to the foregoing notices shall be those as shown by the City's current tax rolls.
5. Unless the Planning Commission requires otherwise, the Planning & Zoning Manager or their designee, is not required to send notices by mail to the public for any proposed zoning language amendments.
6. The Commission, by resolution, may direct the Planning & Zoning Manager to give notice, at least 10 days prior to the meeting or hearing, to persons in addition to those described above. Unless otherwise provided by law, the notice shall be sufficient if it is in writing and states the date, time, place, and description of the subject matter to be considered by the Commissions at of the Commission meeting or hearing, sets forth the involved and is mailed at least 10 days prior to the meeting or hearing.



7. Registered neighborhood associations that have filed with the City of Dearborn's Department of Community Relations a description of the boundaries of their association area, along with the names and addresses of their current officers, who's so described association area encompasses property proposed to be rezoned, redeveloped, split, or combined, or encompasses streets and/or alleys proposed to be opened or closed, shall be given notice by the Planning & Zoning Manager or their designee of Commission meetings and hearings on such proposals. Such notice shall be addressed to the chief officer of the association. It is the responsibility of these neighborhood associations to provide the Department of Community Relations with updated contact information.
8. The Planning & Zoning Division of the Department of Economic Development shall receive all communications and complaints addressed officially to the Planning Commission, and must be emailed or delivered to the staff no later than noon at the Planning Commission meeting day.

**F. QUORUM:**

1. Five members of the Commission shall constitute a quorum for the transaction of business and the taking of official action for all matters, excepting that the adoption of a Master Plan, or any part of a Master Plan, or any amendment, extension or addition to a Master Plan, shall require the affirmative votes of not less than six members of the Commission.
2. Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present, by approval of the minutes of the meeting at which a quorum was not present.

**G. MOTION AND VOTING:**

1. Before making a motion, the Chairperson shall state whether there is a motion for the items to proceed. If so, the planning commission member shall make a motion by restating the exact item's language as written on the meeting agenda.
2. The Planning Commission member who makes a motion shall provide a brief statement of the purpose of the motion and standard descriptive characteristics of

the motion, whether the motion is to approve, deny, or any recommendation/amendments, and the facts that support the motion.

3. The motion on the item shall be supported by other Planning Commission members to proceed.
4. The Chairperson shall close the motion by restating the name of the commissioners who made the motion and supported it before taking a vote.
5. The Secretary is responsible for documenting all the motion statements accurately.
6. A member may withdraw their motion at any time before it is put to vote, provided there are no objections.
7. The Commission's action shall be limited to: recommendation or position, approval, approval with conditions (unless otherwise not allowed by law), or disapproval.
8. The Chairperson shall announce the result of the vote, declaring that the motion is adopted or denied.
9. All voting shall be by voice and shall be recorded by, "yes", "no", or "abstain". Roll call votes will be taken and recorded upon every non-unanimous decision. Notwithstanding the foregoing, the Commission may provide for the election of its officers by secret ballot.
10. A majority vote is required to adopt a motion or to elect to office. Excluding abstentions.
11. Each Commissioner in attendance at a meeting or hearing shall vote on all matters put to a vote unless excused by unanimous consent of the Commissioners, or unless the Commissioner discloses prior to the taking of the vote a personal or pecuniary interest in the matter pursuant to Art. I(D) of these bylaws.
12. Pursuant to Art. I(D) of these bylaws, a Commissioner who has a direct personal and/or financial interest in any matter before the Commission must disclose his or her interest prior to the Commission taking any action with respect to the matter, and such disclosure shall become a part of the record of the Commission's official proceedings. Such declaration shall be made before discussion on the item begins,

and the declarant shall be recused from the meeting while the item is being discussed and voted upon. Any member of the Commission is permitted to inquire about potential conflicts that may exist among other members.

#### **H. PUBLIC COMMENTS:**

All regular and special meetings, hearings, records and accounts shall be open to public.

1. So that Commissioners can hear public concerns and questions before acting on an item, the public comment period should be open after presenting the item and materials by the Chairperson, commission staff, and applicants.
2. The Chairperson shall announce the beginning of the public comment period.
3. The Chairperson shall impose a three-minute time limit for each person during the public comments period. To assure that all those in attendance will have an opportunity to speak, the presiding officer is authorized to impose reasonable restrictions with respect to the conduct of the meeting, which restrictions may include limitations such as the length of applicants' presentations and the number of persons to be heard.
4. The Chairperson may ask public members to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, then the Chairperson shall impose a six (6) minute time limit for that individual during the public comments period. The person shall identify the group they are representing, such as neighborhood association.
5. Public comments are expected to be familiar with the issue and have prepared ahead of time, and must be relevant to the item.
6. A person can be excluded or removed from a meeting or hearing for a breach of the peace.
7. A meeting or hearing can be adjourned, recessed, and reconvened as the Commission may determine, subject to compliance with the applicable legal requirements if any, as to notice, posting, and publication.
8. Public comments can also be addressed by letter, or email to be directed to the Planning Commission through Planning & Zoning Division. These comments may be read during the meeting by the Chairperson, and shall be added to the meeting

minutes.

#### **ARTICLE V. COMMITTEES**

Committees, which might include non-members of the Commission, may be appointed by the Chairperson for purposes and terms approved by the Commission. The Chairperson shall be an ex-officio member of all committees. The Commission shall have the following standing committees: Master Plan, Zoning, Platting, and Capital Improvements.

#### **ARTICLE VI. ATTENDANCE**

Each member of the Plan Commission is required to attend a minimum of two-thirds of the regularly scheduled Plan Commission meetings in a calendar year. If a member has not fulfilled this requirement during a 12- month period, the Commission may declare that member's position vacant by a majority vote of the Commission. Planning & Zoning Manager, or their designee shall in writing, notify the Mayor of the Commission's decision. The Plan Commission may grant a waiver, given sufficient explanation of extenuating circumstances.

#### **ARTICLE VII. MISCELLANEOUS**

1. The Commission may temporarily suspend any of these bylaws by an affirmative vote of not less than six members of the Commission, unless such suspension otherwise conflicts with law.
2. Excepting as provided herein, parliamentary procedure shall be governed by the latest revised edition of Robert's Rules of Order. Where these bylaws conflict or are different than Robert's Rules, then these bylaws shall govern.

#### **ARTICLE VIII. AMENDMENTS**

1. These bylaws may be amended by a two-thirds vote of the entire membership of the Commission. No vote on a proposed amendment shall be taken at the meeting when the amendment is first proposed unless there has been a suspension of this rule by the Commission.

*Adopted by:  
The Dearborn City Planning Commission  
on June 10th, 2024*