

CITY PLANNING COMMISSION

BYLAWS

ARTICLE I—NAME

1.0 As established in Sec. 4-401 of the Charter of the City of Detroit, the name of this body shall be the City Planning Commission, herein after referred to as “The Commission.” The Commission is a nine-member Commission appointed by and serving at the pleasure of the City Council.

ARTICLE II—PURPOSE

2.0 The following Bylaws are adopted by The Commission to facilitate the performance of its duties and the exercising of its powers, as outlined in Chapter 4 of the Charter of the City of Detroit, which was adopted by vote of the people on November 6, 1973, and which became effective July 1, 1974.

2.1 The Commission carries out its duties in accordance with the preamble and declaration of rights in the City Charter, recognizing that the Charter is a means by which policy objectives reflecting the people's will can be fashioned and through which officials can be held accountable. Since City government is a service institution, the City shall provide for the public peace, health and safety of persons and property in the City. The people have a right to expect efforts at decent housing, good education, job opportunities, clean air and waterways, care for physical and mental problems, reliable and convenient transportation, recreational facilities and activities, and cultural enrichment.

2.2 Establishment

The 1918 City Charter established a City Plan Commission. Chapter 4 of the 1974 Charter reads as follows:

Sec. 4-401. City planning commission.

A 9-member city planning commission shall be appointed and serve at the pleasure of the city council. As far as possible, different professions and occupations shall be represented on the commission.

A member must be a resident of the city. The term of office is 3 years and the terms of 3 members expire each year. City council members are eligible for appointment to the commission.

Sec. 4-402. Powers and duties.

The commission shall advise the city council on development matters as defined in section 6-204*, and perform other functions as directed by the city council. Any resolution adopted by the commission is advisory and shall not be binding until adoption by the city council.

Sec. 4-403. Staff assistance.

The commission may request, and is entitled to, assistance from the staff of the planning department in evaluating or preparing any proposal relating to planning or development. All elective and appointive officers shall furnish to the commission, within a reasonable time, available information required by the commission. The commission may, within appropriations, appoint a staff, exempt from Article 6, Chapter 5 of this Charter.

***Sec.6-204. Definition.**

The term "development matters" as used in this Charter includes: The master plan for social, economic and physical development and conservation; the annual capital agenda and capital budget; any development or renewal project on or affecting public real property or public interests in real property or requiring public assistance; proposed ordinances for the regulation of development or conservation; proposals for the demolition, disposition or relinquishment of, or encroachment upon, public real property or public interests in real property; and any other items added by ordinance.

2.3 The Commission also serves as the zoning commission under the authority of both the Michigan Planning Enabling Act, being MCL 125.3801 *ff* and the Michigan Zoning Enabling Act, being MCL 125.3101 *ff*. Through its advisory and administrative responsibilities, The Commission advises the City Council on amendments to the ordinance text and zoning maps and assists in those aspects of ordinance administration specified by the ordinance itself. These responsibilities include review of site plans, signs, exterior building design and building alterations in specified zoning districts.

ARTICLE III—MEMBERS

3.0 Commission members are appointive officers. In this regard, the Charter requires that appointive officers be United States citizens, Detroit residents, and 18 years of age (Section 2-101). Consistent with MCL 125.3601(4) one of the members of the Board of Zoning Appeals may be a member of The Commission as determined by City Council. Further, no appointee may participate in, act upon or vote in matters where a conflict of interest exists, and shall refrain from the making or performance of contracts or sales where such conflict exists (Section 2-106).

3.1 The Commission is a multi-member body appointed by City Council. In this capacity, members serve without compensation but may be reimbursed for expenses incurred in the

performance of their duties (Section 2-109). Such a multi-member body may select officers and adopt bylaws, and shall record its proceedings, which are public (Section 2-110). Further, in accordance with this section, a majority of the members constitutes a quorum and members serve for fixed terms.

3.2 Excessive Absences of Commission Members

Absence from three consecutively-scheduled meetings without notifying either the Chairperson or the Director prior to the beginning of the scheduled meetings and requesting an excused absence shall be cause for removal. After the third consecutive unexcused absence of a Commission member, and following consultation with The Commission, the Director or Secretary shall submit a letter of warning to the subject Commissioner. Upon failure to receive a timely response, and upon authorization of the Chairperson, the Director or Secretary shall send a letter to City Council requesting removal with a recommendation that a replacement by appointment be made.

3.3 Vacancies and Expiration of Terms

Two months prior to the expiration of terms of Commission members, the Director shall notify the City Council in writing of said expiration of terms. Should a vacancy occur by other than the expiration of a term, the Director shall promptly notify the City Council in writing.

3.4 Conflict of Interest

A Commission member who has a conflict between a personal interest and the public interest as defined by Michigan law, the City Charter, or the Detroit City Code shall fully disclose to The Commission the nature of the conflict. Where a Commission member has a substantial financial interest in any contract with the City or in the sale of any land, materials, supplies or services to the City or to a contractor supplying the City, the member shall make known that interest and shall refrain from voting upon or otherwise participating. A member may not participate in or act upon or vote upon any matter if a conflict exists; appropriately, said member shall absent himself/herself from the table.

3.5 Work Tasks

The following recurring work tasks are anticipated for timely consideration and action, with necessary assistance from staff:

- Elect Commission officers (*September*)
- Formulate and adopt coming year's Goals and Objectives and Annual Work Program (*November*)
- Review current year's Block Grant projects, as appropriate
- Review NOF proposals for funding in coming year (*January*)

- Recruit nominations for the Citizen Review Committee for terms expiring June 30 (*February*)
- Formulate recommendations on coming year's Block Grant and NOF proposals (*March*)
- Formulate recommendations on Five Year Capital Agenda (*March*)
- Pre-screen applications for the Citizen Review Committee (*April*)
- Assist City Council in review of Mayor's Budget, Block Grant and NOF proposals (*April*)
- Interview and/or formulate recommendations of applicants for the Citizen Review Committee
- Inform City Council of expiration of terms of Commission members (*April*)
- Orientation of newly appointed members of The Commission and Citizen Review Committee (*July*)
- Prepare Annual Report
- Review proposed Five Year Capital Agenda (*December of even- numbered years*)
- Assist City Council, as directed

ARTICLE IV—OFFICERS

4.0 Officers

4.1 Nominations and Elections

In September of each year, The Commission shall nominate and elect from within its membership a Chairperson and a Vice Chairperson/Secretary.

4.2 Tenure

The Chairperson and Vice Chairperson/Secretary shall take office immediately following their election and shall hold office for a term of one year, or until their successors are elected and assume office. A Commissioner may be nominated and elected for the same office for two or more consecutive terms.

4.3 Duties

4.3.1 The Chairperson shall:

- (a) Preside at all meetings, when present
- (b) Appoint committees as deemed appropriate,
- (c) Execute all documents relating to Commission policy,
- (d) Approve the Commission agenda,
- (e) Perform any other agenda duties as directed by the Commission.

4.3.2 The Vice-Chairperson/Secretary shall act in the capacity of the Chairperson in the Chairperson's absence. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson/Secretary shall succeed to this office for the unexpired term and The Commission shall elect a successor to the office of Vice-Chairperson/Secretary for the unexpired term. In addition to those duties specified in these Bylaws, the Vice-Chairperson/Secretary shall discharge such duties as prescribed for the Secretary by "Robert's Rules of Order—Newly Revised," except where staff is available to perform them.

ARTICLE V—MEETINGS

5.0 Meetings

5.1 Regular Meetings

Meetings of The Commission shall be held regularly, generally on a twice-monthly basis, and in accordance with the Open Meetings Act.

5.2 Special Meetings

Special meetings of The Commission shall be called at the request of the Chairperson or of four members of The Commission. Notice of special meetings shall be given by the Director to the Chairperson and members of The Commission at least forty-eight (48) hours prior to such meetings and shall state the purpose, date, time, and place of the meeting. Special meetings shall be held in accordance with the Open Meetings Act.

5.3 Quorum

5.3.1 Meetings of The Commission

A five-member majority shall constitute a quorum for the taking of official action at regular and special meetings of The Commission. In the event fifty-one percent of the appointed Commission membership is not present at a regular or special meeting of The Commission, those Commissioners present may function as a Committee of the Whole for the transaction of business, but no official action can be taken until a quorum has been constituted.

5.3.2. Meetings of a Committee

For purposes of a quorum, a member who is connected to a meeting of any Committee of The Commission by “conference call” may participate in the meeting but does not contribute to the quorum and cannot vote on an issue.

5.4 Public Attendance

All regular meetings, special meetings, hearings and records of The Commission and accounts of such meetings and hearings shall be open and available to the public. “Public comment” shall be a part of every meeting of The Commission.

5.5 Order of Business

5.5.1 Agenda preparation

The Director shall prepare an agenda for each meeting, after consultation with the Chairperson, utilizing the following format:

- I. Opening
 - A. Call to Order
 - B. Roll Call
 - C. Amendments to and adoption of the Agenda
- II. Minutes
- III. Discussions and Public Hearings
- IV. Unfinished Business
- V. New Business
- VI. Director's Report
- VII. Communications
- VIII. Committee Reports
- IX. Public Comment
- X. Adjournment

5.5.2 Agenda Package

To the extent practicable, the Agenda package shall be hand-delivered and/or mailed via first class mail or by e-mail to each Commissioner at least six (6) days prior to the meeting. The package shall contain sufficient information and reports so that the Commissioners may have a basic working knowledge of each item appearing on the agenda.

5.5.3 Amendments to the Agenda

Amendments to the Agenda may be proposed by staff after discussion with and approval by the Chairperson. The Agenda may be amended at the Commission meeting by action of The Commission.

5.6 Hearings and Discussions

5.6.1 Procedure for Public Hearings Required by Law

An appropriate procedure, as specified by the Director and approved by The Commission, shall be followed and explained briefly to participants preceding each public hearing.

5.6.1.1 Zoning Hearings

Zoning hearings shall be advertised and conducted in accordance with the Michigan Zoning Enabling Act requirements. The Commission shall notify all known neighborhood organizations in the subject and surrounding area.

5.6.1.2 Master Plan Hearings

Master Plan hearings shall be advertised and conducted in accordance with the Michigan Planning Enabling Act requirements. The Commission shall notify all known neighborhood organizations in the subject and surrounding area.

5.6.2 Other Hearings and Public Discussions

The Commission may schedule hearings and discussions on any major topic or item it deems appropriate, whether it be regarding a topic or item about which it desires to become better informed, or regarding a topic or an item on which formal action may be required.

5.7 Closed Meetings

5.7.1 Purpose

Under Michigan's Open Meetings Act (MCL 15.268), The Commission may go into closed session only for certain specified exceptions.

5.7.2 Procedure for Calling a Closed Meeting

Upon written request of a staff person, or the advice or request of the Director or of any Commissioner that an agenda item falls under one of the exceptions to the Open Meetings Act (MCL 15.268 (a) through (h)), the Chairperson shall ask the Director to call for a roll call vote to go into closed session.

Upon a 2/3 affirmative roll call of members appointed and serving, the portion of the meeting subject to the exception enumerated in the Open Meetings Act shall be closed to the public.

5.7.3 Minutes

The Chairperson shall appoint a Commissioner or staff person to act as Secretary during a closed session. The minutes of all closed meetings shall be kept in the City Clerk's office for a year and a day pursuant to MCL 15.267.

5.8 Meetings with City Council

The Commission shall strive to hold a minimum of two meetings per year with the Committee of the Whole of City Council or with an appropriate standing committee of City Council to discuss the annual Work Plan and other matters as appropriate.

ARTICLE VI—ADMINISTRATION

6.0 Staff Assistance

6.1 Director

The Director shall be appointed by The Commission. The Director is responsible for the general administration of the office and accountable to the Council for its work progress and performance. The Director appoints a staff, within Council appropriations, and has the authority to hire, fire and terminate employment.

6.2 Duties

The Director shall execute approved documents in the name of The Commission, shall perform the duties hereinafter listed, and shall perform such other duties as the City Council may determine or direct.

In the absence of the Director, the Deputy Director shall act in the Director's capacity. In the absence of both the Director and Deputy Director, a Planner V staff person designated by the Director shall serve in the Director's capacity.

6.3 Administrative Responsibilities

The Director shall assist The Commission in carrying out its Charter-mandated functions and other matters as directed by City Council. The Director is responsible for the following administrative tasks:

- a. Receiving all communications and documents, which shall be stamped and logged in as received.

- b. Keeping the minutes of each meeting and shall have them retained in suitable volumes. A copy of the minutes of regular and special meetings, not involving personnel matters, shall be sent to the Municipal Reference Library or other suitable agency if the Municipal Reference Library ceases to exist.
- c. Providing a progress report on the adopted Goals and Objectives and Work Plan, as appropriate.
- d. Maintaining a current map including, but not limited to, showing the areas where The Commission itself has taken action.
- e. Preparing a quarterly project status report.
- f. Representing The Commission at Council meetings involving Commission business and other meetings as required.
- g. Maintaining an up-to-date mailing list of all known community groups.
- h. Preparing an Annual Report, which summarizes the Commission's activities of the past year.
- i. Presenting a written Director's Report at each meeting of The Commission.

ARTICLE VII—ACTIONS OF THE COMMISSION

7.0 Actions

At the next regular meeting following a hearing or a discussion of a topic or item requiring formal action by The Commission, the staff may present its recommendation on the matter in question to The Commission prior to Commission action, subject to the following report and criteria requirements.

7.1 Matters Reserved for Commission Action

Upon referral by the City Council or as specified by State law or City ordinance, the following matters shall be presented for consideration at a meeting of The Commission:

- a. The Mayor's proposed Master Plan (and amendments thereto) of policies for the social, economic and physical development and conservation of the City.
- b. The Mayor's proposed Five Year Capital Agenda and Annual Capital Budget.
- c. Any community development or renewal project on or affecting public real property or public interest in real property.
- d. Review of location, character and extent of public improvements and acquisition of land therefore.
- e. Review of the plan, location and acceptance of any gift to the City in the

form of a monument or memorial.

- f. Recommendations regarding disposition of city-owned real properties, except where deemed by staff to be non-controversial in nature. (Non-controversial dispositions of city-owned real property would include, but not be limited to, properties where staff is unaware of issues or conflicts or disputes from the community or other interested parties relative to the premises.)
- g. Petitions for changes in the Zoning Ordinance.
- h. Review of proposals for the demolition, disposition or relinquishment of public real property.
- i. Review of initiated studies and proposals for social, economic and physical development, including those proposed by community groups.
- j. Approval of all Commission-initiated studies before publication or general distribution.
- k. Review of recommendations of the Citizen Review Committee regarding the Neighborhood Opportunity Fund prior to presentation to City Council.
- l. Review of staff-prepared Annual Report.
- m. Such other matters as the Director shall find it advisable or essential to receive consideration by The Commission.
- n. Any other items added by ordinance.
- o. Review on such matters as may require decision, not included under Section 7.5 of these Bylaws.

7.2 Reports and Recommendations by Staff

7.2.1 Policy

Staff recommendations on matters reserved for Commission action are not considered public documents unless they have been reviewed by The Commission in a regular or special meeting.

7.2.2 Presentation

At all hearings and discussions the staff report, if any, on the matter involved shall be presented prior to reports/recommendations of City department representatives or other persons present. Staff reports for hearings shall follow procedures outlined under Section 5.6.1 of these Bylaws.

7.2.3 Content

Staff reports to The Commission shall include sufficient content to completely and thoroughly inform The Commission of the proposal as well as the positive or negative aspects of the proposal, and shall include reasons for its recommendation as well as any conditions of approval it deems appropriate to reduce negative impact or create a better end result.

7.3 Criteria

7.3.1 Impact Assessment, Consistency with Zoning Ordinance, and Master Plan Compliance

In all matters that come before The Commission for deliberation and decision, The Commission shall attempt to identify and consider, where appropriate, the social, physical and/or economic consequences inherent in the matter under consideration, as well as its consistency with the Zoning Ordinance and its degree of compliance with the overall goals and objectives of the Master Plan of Policies.

7.4 Same-day Action.

The Commission may consider taking action on a matter before it on the same day a proposal is presented if the proposal is consistent with the following guidelines (where applicable):

- a. The matter is a related component of a prior Commission action.
- b. All issues have been resolved by staff prior to the Commission meeting.
- c. No issues were raised at the Commission meeting that must be resolved prior to the vote.
- d. Staff is prepared to present a recommendation at the meeting prior to the vote, including any conditions of approval.
- e. The Commissioners indicate a willingness to vote.

7.5 Matters Delegated for Staff Action on Behalf of The Commission

For purposes of the following procedure the term "major work project" will refer to projects that call for at least 20 person days within a 60 day period of staff time to complete.

Major work projects may be referred to the staff by The Commission or the City Council, provided the work request comes to the Director who in turn shall assign a staff person to the effort. Major initiatives shall be forwarded to the City Council for its concurrence.

In addition to Major Work projects, the Director shall also take action or make recommendations in the name of The Commission on the following matters:

- a. Recommendations to the City Council relative to the conversion of alleys to easements.

- b. Recommendations to the City Council relative to street and alley vacation, opening, extension, widening and dedication.
- c. Recommendations of all final plans if in accord with tentative plans approved by The Commission.
- d. Recommendations of street and alley encroachments where such are not unusual and are non-controversial in nature.
- e. Recommendations to City Council relative to the division of platted lots in accord with the codes and ordinances of the City of Detroit.
- f. Recommendations on plans for bridge crossings, land acquisition, interchanges and other details for freeway construction where they are in general conformity with a general plan previously approved by The Commission.
- g. Recommendations to the appropriate departments or agencies as a member of various advisory committees or task forces, per the Detroit Zoning Ordinance or resolution of City Council.
- h. Recommendations to City Council on all signs, awnings, and minor exterior alterations proposed in PD, PC and PCA zoning districts identified in the Detroit Zoning Ordinance.
- i. Recommendations to City Council on acquisition and disposition of City owned real properties, where deemed by staff to be non-controversial in nature. (Non-controversial dispositions of city-owned real property would include, but not be limited to, properties where staff is unaware of issues or conflicts or disputes from the community or other interested parties relative to the premises.)
- j. Recommendations to City Council on proposals involving requests for tax abatement.
- k. Emergency requests of City Council requiring action before the next Commission meeting. The Chairperson should be contacted by the Director, if at all possible. The City Council should be informed that The Commission has not acted on this matter. This matter shall be brought to the attention of The Commission at its next regular meeting.

7.6 Annual Work Plan

In order to most effectively implement the duties not only mandated by Chapter 4, Section 4-402 of the City Charter, but also the planning activities initiated from time to time by The Commission, a Work Plan shall be formulated annually and adopted by the second regular meeting in November. An annual review is to be held of all projects prior to developing the next year's work plan.

As part of the Work Plan, The Commission may develop a long-range calendar of planning concerns to be discussed during the year.

Although ideas may be suggested anytime during the year, it is hoped that most of the proposals will be suggested during the goal-setting period of November of each year. "Initiating action" requires approval of The Commission.

7.7 Budget

The Commission's budget appropriation is included as a part of the City Council's budget. Each November, the Director shall prepare a proposed budget request for the coming year for submission to the City Council. In preparing the request, the Director shall consider budgetary requirements of the Commission's major work projects and goals and objectives for the coming year. The budget shall be presented to The Commission for its information prior to submission to the City Council.

ARTICLE VIII—COMMITTEES

8.1 Appointment; Bylaws

The Commission shall appoint and maintain committees as deemed appropriate. The Chairperson shall appoint from the membership of The Commission persons to head and serve on each committee. The adopted Bylaws apply to any Committee of The Commission.

8.2 Citizen Review Committee

The Commission shall review applications and interview applicants for appointment to the Citizen Review Committee, and transmit its recommendations to the City Council for appointment. [The Citizen Review Committee consists of Detroit residents appointed by City Council to review proposals submitted for funding by the Neighborhood Opportunity Fund; the Committee formulates funding recommendations for consideration by The Commission.]

ARTICLE IX—PARLIAMENTARY AUTHORITY

9.0 Parliamentary Procedure

Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, Newly Revised (most current edition).

ARTICLE X—AMENDMENT OF BYLAWS

10.0 Miscellaneous

10.1 Suspension of Bylaws

The Commission may suspend any of these bylaws by a unanimous vote of the members present.

10.2 Amendment of Bylaws

These bylaws may be amended, with prior notice of such amendment, by a two-thirds vote of the members present at any regular or special meeting. The prior notice requirement may be satisfied by inclusion of the proposed amendment on the agenda included in the Agenda package at least six (6) days prior to the meeting.

Adopted by the City Planning Commission, April 16, 2009.