

ANN ARBOR
CITY PLANNING COMMISSION
BYLAWS

Adopted by the Ann Arbor City Planning Commission

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ANN ARBOR CITY PLANNING COMMISSION

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I. ANN ARBOR CITY CHARTER

(Section 5.14(a) - 5.14(e))

SECTION 5.14

(a) The Planning Department shall be in the immediate charge of the Planning Director, who shall be responsible directly to the Planning Commission.

(b) The Planning Commission shall consist of nine members, who shall be appointed by the Mayor with the approval of the Council. One member so appointed shall be a member of the Council. In making appointments of members of the Planning Commission, the Mayor shall appoint persons who, in so far as possible, represent different professions and occupations having an interest in the growth and development of the City. The term of office of each member of the Planning Commission, except the Council member, shall be three years. The Council member shall be appointed for a one-year term. The terms of office of members of the Commission shall begin on the first day of July nearest the date of their appointment. The terms of office of the first Planning Commission appointed hereunder shall be fixed by the Mayor so that the terms of three members, including the Council member, will be for one year, three for two years, and three for three years. The Council member shall cease to be a member of the Commission if the member ceases to be a member of the Council. Members of the Planning Commission shall serve without compensation.

(c) The Commission shall organize annually at its first meeting following the first day of July, by electing one of its members as chair, and shall meet at least once a month.

(d) The Council shall not determine or alter zoning boundaries, or impose or amend zoning regulations, until 30 days after a report on such changes or amendments has been requested from the Planning Commission by the Council.

(e) The Council may, by ordinance, in addition to the powers and functions herein provided, delegate to the Planning Commission other powers and functions permitted by law concerning City planning.

II. ANN ARBOR CITY CODE

(Section 1:171 - 1:183 of Chapter 8, Title I)

GENERAL PROVISIONS. Such of the Boards and Commissions provided for in this chapter, as are in existence at the time of the adoption of this Code, shall be continued and the members serving thereon shall remain in office for the duration of the term for which they were appointed. Except as otherwise provided for by law, Charter or this Code, the following provisions shall be applicable to all Boards and Commissions of the City.

- (1) Vacancies. Any vacancy occurring in the membership of any Board or Commission shall be filled for the remainder of the unexpired term in the manner provided for original appointment to such Board or Commission.
- (2) Notice of Appointment. The Mayor shall notify Council at least 30 days prior to the expiration date of the term of office of any person serving on a board or commission. The Mayor shall place on the table the name of all reappointments no later than 60 days after the expiration date of the term of office.
- (3) Removal. The appointing authority may remove any member of any Board or Commission for cause.
- (4) Rules. Each Board and Commission shall have power to make rules and regulations concerning the administration of its affairs and shall not be inconsistent with laws, the City Charter and this Code.
- (5) Compensation. All members of Boards and Commissions shall serve without compensation as members thereof.
- (6) Tenure of Office. No member of any board or commission shall be allowed to hold over for more than 60 days beyond the term of office fixed by ordinance whether or not a successor has been appointed, except that Council may extend the term for periods of 90 days upon the recommendation of the Mayor and vote of at least six members of Council.

MEMBERSHIP. The Planning Commission shall consist of nine members who shall be appointed by the Mayor with the approval of the Council. One member so appointed shall be a member of the Council.* In making appointments of members of the Planning Commission, the Mayor shall appoint persons who, in so far as possible, represent different professions and occupations having an interest in the growth and development of the City. The term of office of each member of the Planning Commission, except the Council member, shall be three years. The Council member shall be appointed for a one-year term. The terms of office of members of the Commission shall begin on the first day of July nearest the date of their appointment. The terms of office of the first Planning Commission appointed hereunder shall be fixed by the Mayor so that the terms of three members, including the Council, will be for one year, three for two years, and three for three years. The Council member shall cease to be a member of the Commission if the member ceases to be a member of the Council. Members of the Planning Commission shall serve without compensation.

ORGANIZATION. The Commission shall organize annually at its first meeting following the first day of July by electing a chair, vice chair and secretary, and shall meet at least once a month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations.

* To be selected by resolution of City Council, MCL 125.33(3).

QUORUMS. A quorum shall consist of five members, provided, however, an affirmative vote of five members shall be necessary to pass any motion except one involving the adoption or amending the plans, policy statements or recommendations to Council, which shall require at least six affirmative votes.

ZONING. The Council shall not determine, alter zoning boundaries, or impose or amend zoning regulations until 30 days after a report on such changes or amendments has been requested from the Planning Commission by the Council.

OTHER POWERS AND DUTIES. The Council may, in addition to the powers and functions herein provided, delegate to the Planning Commission other powers and functions permitted by law concerning City planning, as hereinafter provided.

EMPLOYEES AND EXPENDITURES. The Planning Commission may appoint its employees and contract for such services and make such expenditures as it may deem necessary for its work, subject to applicable provisions of the Charter, this Code or regulations of the Council, and within the amounts appropriated by the Council.

PLATS. No plat of a subdivision of land within the municipal boundaries of the City shall be filed or recorded until it shall have been approved by the Planning Commission and such approval entered in writing on the plat by the Chair and secretary of the Planning Commission.

PLAN PREPARATION. The Planning Commission shall prepare and adopt, and from time to time amend, and transmit to the Council, plans for the orderly physical development of the municipality which generally shall comprise land use, circulation and related matters, together with reports presenting the objectives, assumptions, standards and principles, which are embodied in the plan. The plan shall be a composite of the one or more mapped and written proposals recommending the development of the municipality which the Planning Commission shall have adopted either as a whole or severally. Such plans shall be only of an advisory nature. The Planning Commission may hold such public hearings as are deemed necessary in discharge of its duties. The Planning Commission may call upon other agencies of the municipality for such reasonable assistance as is necessary in the discharge of its responsibilities.

SCOPE OF PLANS. In scope the plans may cover proposals for:

- (1) The use of land and buildings--residential, commercial, industrial, agricultural, park, and other like matters;
- (2) Transportation--streets, traffic, parking, public transit, freight facilities, airports, and other like matters;
- (3) Housing--residential standards, slum clearance and redevelopment, and other like matters;
- (4) Conservation--water, forest, soil, flood control, and other like matters;
- (5) Public and semi-public facilities--civic center, schools, libraries, parks, playgrounds, fire houses, police structures, hospitals, and other like matters;
- (6) The distribution and density of population;
- (7) Other elements of municipal growth and development.

The plan may include in its scope areas outside the boundaries of the municipality which the Planning Commission deems to bear an essential relation to the planning of the municipality. The

studies in connection with the plan shall be conducted wherever possible with the cooperation of adjacent planning agencies.

ADVISORY COMMITTEES. The chair, with the concurrence of the Planning Commission, may appoint one or more persons as citizen's advisory committees to assist or collaborate with the Planning 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 Planning Commission. Advisory committee appointees shall serve at the pleasure of the Planning Commission.

CAPITAL IMPROVEMENTS PLAN. For the purpose of furthering the desirable future development of the City, the Planning Commission shall annually prepare a program of public structures and improvements for the ensuing six years, which program shall show those public structures and improvements, in the general order of their priority, which in the Commission's judgment will be needed or desirable within the six-year period.

III. ANN ARBOR CITY PLANNING COMMISSION BYLAWS

ARTICLE I - NAME

The name of this Commission shall be the Ann Arbor City Planning Commission.

ARTICLE II - OBJECTIVES

The objectives and purposes of the Commission are those set forth in Section 5.14 of the Ann Arbor City Charter and the further powers and duties conferred on the Commission by the City Council of the City of Ann Arbor by Ordinance No. 32256 of March 19, 1956, in accordance with Act 285 of Michigan Laws of 1931 and the amendments and supplements thereto.

The Commission shall advise the 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.

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

The Commission shall advise the City Council in the preparation and continuance of the Master 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 Master Plan. It may also hold other hearings with interested groups or individuals in arriving at its recommendations.

The Commission shall make recommendations to other governmental agencies or private groups.

ARTICLE III - BEHAVIOR AND ETHICS

Section 1. Members of the Commission are appointed by the Mayor and City Council. Membership on the Commission shall be accepted as a public service.

Section 2. Commission members shall serve without pay. 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.

Section 3. On all matters in which a Commission member has a direct financial interest and/or on matters involving property owned either in part or in total by a member, that member shall abstain from discussion and voting on the matter. Members abstaining shall disclose, except where it violates a confidence, the general nature of the conflict, and the minutes shall so record the conflict and abstention.

On other matters which could involve a conflict of interest, members shall disclose all pertinent facts relating to the potential conflict, except where it violates a confidence, which facts shall be included in the minutes of the proceedings. The member may then abstain from discussion and voting on the matter.

If a question is raised under this section at any Commission meeting concerning the eligibility of a member of the Commission to vote on any matter, such questions shall be finally determined by the concurring vote of at least five members of the Commission, not including the member with the potential conflict.

Section 4. A Commission member shall not be heard before the Commission as a petitioner or as a representative of a petitioner during the member's term of office.

Section 5. A member of the City Council shall not be heard by the Commission as a representative or a petitioner or of any party interested in the petition during the Council member's term of office.

Section 6. A Commission member, when speaking to individuals, groups or organizations, shall indicate representation of the Commission. When speaking for personal purposes, the Commission member shall indicate that the stated opinions and beliefs are not necessarily the opinions and beliefs of the Commission as a whole.

Section 7. 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 best handled administratively within the service unit.

Section 8. 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.

Section 9. Commission members shall not accept gifts or other favors from applicants, their representatives, or other persons and institutions concerned with matters which have been, are now, or which might come before the Commission.

Section 10. Commission members shall conduct themselves at Commission meetings in a fair, courteous, and understanding manner.

Section 11. Regarding meetings at which official minutes are taken, Commission members should not miss more than three consecutive meetings, nor four or more meetings in any 16-meeting period. If either situation should occur, the Commission officers may discuss it with the affected Commission member. If sufficient improvement in attendance does not occur within a reasonable time, the Chair may recommend to the Mayor and City Council that the affected Commission member be removed from office.

Commission members are encouraged to call the Planning and Development Services Unit and Commission Chair prior to any meeting at which they expect to be absent or tardy. The Planning and Development Services Unit shall keep attendance records and report to the Chair if an attendance problem appears to have developed.

ARTICLE IV - OFFICERS AND THEIR DUTIES

Section 1. The officers shall be a Chair, Vice Chair and Secretary. The Planning and Development Services Manager shall be ex-officio Recording Secretary of the Commission.

Section 2. The Chair shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers.

Section 3. The Chair shall be one of the citizen members of the Commission. The Chair shall have the privilege of discussing all matters before the Commission and to vote thereon.

Section 4. The Vice Chair, who shall be a citizen member of the Commission, shall act for the Chair in the Chair's absence. The Secretary, who shall be a citizen member of the Commission, shall act for the Vice Chair in the Vice Chair's absence.

Section 5. The Secretary shall perform such duties as the Commission may determine.

ARTICLE V - ELECTION OF OFFICERS

Section 1. 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.

Section 2. Nominations shall be made from the floor at the organizational meeting in July, and the election shall be held immediately thereafter. Voting shall be by secret ballot.

Section 3. 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.

Section 4. Vacancies in office shall be filled immediately by regular election procedures.

Section 5. No member of the Commission shall hold the same office for more than two successive terms.

ARTICLE VI - MEETINGS

Section 1. The Commission shall meet in regular session at City Hall, or as otherwise designated by resolution, on one or more designated Tuesdays of the month, at 7:00 p.m. No agenda item will be taken up by the Planning Commission after 11:00 p.m., except by the consent of five Commission members present. In those cases where agenda items are not completed, they will be put forward to the next regular meeting of Planning Commission and placed first on the agenda.

Section 2. Commission, by policy, intends to reserve one or more designated Tuesdays of each month for consideration and adoption of long-range planning concerns such as the Master Plan, implementation of the Plan, or special studies, reports, and for action on all administrative planning matters such as recommendations on plats, zonings, annexations, site plans, and similar matters. Agendas for Commission meetings shall be prepared by the Planning and Development Services Manager in coordination with the Planning Commission Chair.

Section 3. Special meetings may be called by the Chair or any three members of the Commission. The notice of a special meeting shall specify the purposes of the meeting, and no other business may be considered except by unanimous consent of the Commission.

Section 4. Closed sessions under the Act may be held consistent with the State Open Meetings Act, as amended. Official actions of the Commission shall only be taken at public meetings of the Commission.

Section 5. The Planning and Development Services Manager shall give written notice of all meetings, both regular and special, to all members of the Commission at least 48 hours in advance of the meeting.

Section 6. A quorum shall consist of five members. However, an affirmative vote of six members shall be necessary to pass the following motions, all others require five: motions

to adopt or amend plans, policy statements, granting of special exception uses, and recommendations to City Council.

Section 7. Except for election of officers, voting shall be by voice and a show of hands and shall be recorded by yeas and nays.

Section 8. All meetings of the Commission, including regular meetings, special meetings, and all committee and subcommittee meetings, shall be open to the public in accordance with the provisions of Act 267 of Public Acts of 1976 of the State of Michigan, as amended. Special accommodations, including a sign language interpreter, will be made for people with disabilities, when requested at least 24 hours in advance. Closed sessions may be called for purposes listed in said act if approved by six votes on a roll call vote.

Section 9. Opportunities for Audience Participation shall be provided, as described herein.

Section 10. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, as amended.

ARTICLE VII - HEARINGS

Section 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. Special accommodations, including a sign language interpreter, will be made for people with disabilities, when requested at least 24 hours in advance.

Section 2. The public shall receive proper legal notice as to time and location of public hearings as required by law.

Section 3. An individual wishing to address the Planning Commission during Public Hearings may speak for three minutes. The first person identifying him/herself as the petitioner, or as a person representing the petitioner or an organized group, may speak for five minutes. Subsequent speakers identifying themselves as the petitioner, or as a person representing the petitioner or an organized group, may speak for three minutes. The Planning Commission Chair may extend the speaking time further at his/her discretion.

Section 4. During Public Hearings, subject matter shall be limited to the topic under consideration. Commission response to the public's remarks shall be confined to clarification of the presented facts.

Section 5. At the discretion of the Planning Commission Chair, or by vote of a majority of the members present, public hearings may be continued to another date.

ARTICLE VIII - PETITIONS AND COMMUNICATIONS

Section 1. Petitions pertaining to zoning changes, annexations, area plans, site plans, street vacations, and other related matters shall:

- a. 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 the Subdivision and Land Use Control Ordinance.
- b. 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.

- c. Require the affirmative vote of six commissioners for approval and scheduling for Council action. Lacking six affirmative votes, a denial recommendation is recorded. The petitioner may choose to schedule the item for City Council consideration.

Note: Zoning changes may also be initiated by Council on its own motion, or by the Commission.

Note: It is suggested that motions be stated to approve the petitioner's request in order to eliminate the confusion that results when there is a lack of six affirmative votes on a motion for denial.

Section 2. The Commission shall invite persons concerned with items the Commission is to consider to address written communications to the Commission and Planning and Development Services Unit. It is requested 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 Commission. Communications may also be sent to individual City Planning Commission members.

Communications from the public shall be made available to Commission members prior to Commission meetings. Members may request that the contents of certain communications be read before the Commission.

ARTICLE IX - AGENDAS AND MINUTES

Section 1. Agendas for all City Planning Commission meetings shall be developed by the Planning and Development Services Unit Manager and the Commission Chair. Agendas for all regular meetings of the City Planning Commission, along with reports related to matters listed on the agenda for Commission action, shall be available to concerned parties or other interested citizens the Friday preceding each regular meeting. Whenever possible, the Planning and Development Services Unit 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.

Section 2. Except by unanimous consent of Commission members present, the Commission shall not consider, discuss or take action on matters not appearing on the Commission's prepared agenda. The Commission's prepared agenda shall, however, contain matters introduced by any member under "Commission Proposed Business." The Commission shall not take official action on new "Commission Proposed Business" prior to its next regular or special meeting.

Section 3. On matters requiring public hearings, the Commission may take action during the meeting in which a public hearing is held. Such matters may be tabled by a majority of the members present.

Section 4. Commission agendas shall provide a time for the public to make remarks on planning topics. Remarks shall be limited to three minutes. The Planning Commission Chair may extend the speaking time at his/her discretion.

- a. Speakers at the earlier Audience Participation agenda item may address the Commission about any item that is not on the public hearing agenda for that meeting.
- b. Speakers at the later Audience Participation agenda item may address the Commission about any item.

Section 5. The Commission shall maintain files and records which adequately and appropriately reflect the Commission's consideration and actions. The files and records

shall be open to the public during normal Planning and Development Services Unit working hours.

Section 6. Inasmuch as the minutes of the Commission embody the Commission's report and recommendation to City Council, they should contain the Commission's rationale for its position on the various agenda items. Therefore, each member of the Commission is encouraged to express specific reasons supporting his or her vote. Such expressions should be made during the discussion period preceding the actual voting.

ARTICLE X - ORDER OF BUSINESS

Section 1. The order of business at regular meetings shall be as follows. This order of business may be suspended by a vote of two-thirds of those members present.

- a. Roll Call
- b. Introductions
- c. Minutes of Previous Meetings
- d. Approval of Agenda
- e. Reports from City Administration, City Council, Planning and Development Services Manager, Planning Commission Officers and Committees, Written Communications and Petitions
- f. Audience Participation
- g. Public Hearings Scheduled for Next Regular Meeting
- h. Regular Business - Public Hearing and Commission Discussion of Each Item
- i. Audience Participation
- j. Commission Proposed Business
- k. Adjournment

Section 2. At working sessions and committee meetings, an Audience Participation agenda item shall be provided immediately after regular business items. A speaker may address the Commission for up to three minutes on any item.

ARTICLE XI - MASTER PLAN ANNUAL REVIEWS

Section 1. The Planning Commission, in May of each year, shall review the adopted sections of the Master Plan and determine if changes should be considered. A public hearing will also be scheduled to allow citizens the opportunity to suggest changes. The primary purpose of this annual review will be to identify policies that should be studied for possible change or new policies added to the Master Plan. These items would then be considered for inclusion in the work program for the coming budget year. Commission shall also consider in its review those policies or proposals that should be given special consideration in the preparation of the annual Capital Improvements Plan.

ARTICLE XII - COMMITTEES

Section 1. Advisory committees shall be appointed by a majority vote of the Commission for purposes and terms which the Commission approves and in accordance with Section 1:184 of Chapter 8 of Title I of the City Code. Commission may invite additional citizens, 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 the developing plan or report. Such committees will 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 XIII - RESPONSIBILITIES AND EVALUATION OF MANAGER

Section 1. In May each year, the Planning Commission will provide to the Community Services Area Administrator its review of the Planning and Development Services Manager. This review will be included as a part of the Community Services Area Administrator's annual evaluation of the Planning and Development Services Manager.

Section 2. The Commission portion of the evaluation of the Manager shall be based upon the responsibilities and duties of the Manager and Service Unit contained in the City Charter, City Code, and Planning Commission Bylaws.

Section 3. By December of each year, the Planning and Development Services 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 Planning Commission.

Section 4. The Planning and Development Services Manager shall provide the Planning 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 Planning Commission.

Section 5. The Planning and Development Services Manager or designee shall represent the City Planning Commission before the City Council. The Planning and Development Services Manager shall also represent the Commission at other times as directed.

Section 6. The Planning and Development Services Manager or designee shall act as a liaison between the community and City service areas and other governmental units on planning considerations.

ARTICLE XIV - MISCELLANEOUS

Section 1. The Bylaws may be amended or altered during a regular meeting by the affirmative vote of at least six members of the Commission provided notice of the proposed change is given to the Commission at a preceding regular meeting.

Section 2. For matters not covered in the City Charter or Legislative Code, the Commission shall establish specific policies and procedures in conducting its business.

Section 3. The City Attorney's Office shall be the legal consultant to the Commission.

Section 4. All written reports or statements submitted by the Commission shall, upon request, be transmitted to Council.

Section 5. The provisions of these Bylaws shall 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 shall review the Bylaws at the next regular meeting.

(Previous City Planning Commission Bylaws and Duties, Policies and Procedures integrated into one document, Ann Arbor City Planning Commission Bylaws, on September 14, 1993)

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