



**PLANNING COMMISSION BYLAWS**

Adopted, effective immediately,

**Adopted: 12/15/2021**

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**I. Name Purpose**

- A. The name shall be the City of Hillsdale Planning Commission, hereafter known as the “Commission”.
- B. The name shall be the City of Hillsdale Council, hereafter known as the “Council”.
- C. These Bylaws are adopted by the 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.”
- D. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter “the Zoning Act.”

**II. Membership**

- A. The Commission shall consist of 7 members appointed in accordance with MCL 125.3815 et. seq.
- B. Membership of the Commission shall consist of the following:
- C. Not less than six (6) members of the planning commission shall be qualified electors of the City of Hillsdale.
- D. Members shall be appointed for three-year terms. However when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of one third of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one third of all commission members continue to expire each year.
- E. Ex officio members may include the City Manager and the Mayor, or a person designated by him or her provided that no ex officio member may serve as planning commission chair. The terms of office of elected officials serving as ex officio members shall expire with their respective elected terms of office, and the term of the City Manager shall expire with the term of the Mayor that appointed him or her.
- F. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the City of Hillsdale, in accordance with the major interests such as:
  - a. Agriculture/Natural resources;
  - b. Recreation/public health;
  - c. Education;
  - d. Government; non-profit/charitable
  - e. Industry/Commerce
- G. The membership shall also be representative of the entire geography of the City of Hillsdale to the extent practicable, and as a secondary consideration to the representation of the major interests.
- H. Not more than one third of the total membership of the Commission shall consist of, collectively, the City Manager, the Mayor, or a person designated by either.

**A. Liaisons**

The Commission may name “liaisons” to the Commission. The purpose of liaisons is to provide certain City of Hillsdale officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, or be counted for a quorum. Liaisons, if not already appointed as Commission members, are:

- a. Assessing department staff, and their agents and consultants.
- b. City Manager
- c. City engineering, water, sewer, DPS, or similar department heads.
- d. City Attorney

**B. Attendance**

If any member of the Commission is absent without notice from three consecutive regularly scheduled meetings without written explanation, then that member may be considered delinquent. Delinquency may be grounds for the Council to remove a member from the Commission for nonperformance of duty, or misconduct. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Council can consider further action allowed under law or excuse the absences.

**C. Training**

Each member shall have attended at least four hours per year of training in planning and zoning during the member’s current term of office. As provided in the ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, and Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

**III. Duties of all members**

**A. Incompatibility of Office/Conflict of Interest**

Conflict of Interest may be defined as a situation in which a person is in a position to derive direct or indirect personal benefit from actions or decisions made in their official capacity.

Each member of the Commission shall avoid and refrain from engaging in conflicts of interest. As used herein, a conflict of interest shall include by way of example and not limitation the following:

- 1. Unless permitted by a majority vote of the remaining members of the Commission determining that a conflict of interest does not exist, the actions of a member of the Commission in deliberating on, reviewing, participating in, presenting, or commenting on any of the following shall constitute a conflict of interest:
  - a. A case concerning or involving him or her.
  - b. A case concerning land that he or she owns in whole or in part.

- c. A case concerning land that is adjacent to land that he or she owns in whole or in part.
  - d. A case concerning land in or to which he or she has a direct or indirect financial interest or any other relationship from which he or she may stand to have financial gain, loss, or other benefit or detriment.
  - e. A case involving a corporation, company, partnership, or any other business or entity in which he or she is a sole or part owner or has any other relationship from which he or she may stand to have financial gain, loss, or other benefit or detriment.
  - f. A case involving any issue the resolution of which will or might result in financial gain, loss, or other benefit or detriment to him or her.
  - g. A case concerning or involving his or her spouse, or members of his or her spouse's family including, but not limited to children, step-children, parents, siblings, grandparents, and non-relative members of his or her household.
2. When a case involves the possible existence of a conflict of interest, the affected member or any remaining member of the Commission having knowledge of it shall immediately raise the question. Thereupon, the question shall be put to the remaining Commission members as to whether a conflict of interest exists or not. Whether a conflict of interest exists or not shall be determined by a majority of the remaining planning commission members.
3. Upon the discovery or determination of a conflict of interest, all of the following steps shall be taken:
  - a. The existence of the conflict of interest shall be declared on the record by the member declaration of it or the Commission's determination of it, together with the underlying facts pertinent thereto.
  - b. The affected member shall immediately cease any of his or her participation in the Commission's deliberations, review, and determination of the involved matter.
  - c. During the Commission's hearing and consideration of the matter, the affected member shall either leave the meeting or remove himself or herself from his or her seat at the Commissioners' table until the involved matter is concluded.
  - d. If the member does not leave voluntarily, the Chair shall order his/her removal.
4. If a member of the Commission is appointed to and accepts another office, which is an office that is incompatible with his or her membership on the Commission, then the appointment to and acceptance of the other office shall result in and be deemed to be the member's automatic resignation from the Commission as of its effective date. If a member of another office is appointed to the Commission and accepts the appointment, and the appointment to the Commission is incompatible with his or her membership in the other office, then the member's acceptance of the appointment to the Commission shall be deemed to be his or her resignation from the other office as of its effective date.

## **B. Ex Parte Contact**

Ex Parte contact is defined as one member contact with a petitioner and/or petitioner representative without the knowledge of other members.

Members shall avoid Ex Parte contact about cases where an administrative decision is before the commission whenever possible.

Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member shall disclose the information shared by or with the petitioner and/or petitioner representative to the Commission at a public meeting or hearing and potentially recuse himself/herself.

**C. Site Inspections**

Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site. There shall not be a quorum of the Commission during a site visit Commissioners may be accompanied by the Zoning Administrator upon request.

**D. Not Voting On the Same Issue Twice**

Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:

1. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
2. When the appeal is of an administrative or other decision by any committee of the Commission, Council, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
3. When the case is an administrative decision which was decided by the Commission and sent to the Council for further action, and the member of the Commission sits both on the Commission and Council.

**E. Accepting gifts**

Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission. As used here, gifts shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.

**F. Spokesperson for the Commission**

Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission. From time-to-time or on a specific issue, the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

#### **IV. Officers**

##### **A. Selection**

At the regular meeting in December of each year, the Commission shall select from its membership a Chair and a Vice-Chair. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. The Commission may also designate another person who is not a member of the Commission to be the recording Secretary.

##### **B. Tenure**

The Chair and Vice-Chair shall take office January 1 following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

##### **C. Chair's Duties**

The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:

1. Preside at all meetings with all powers under parliamentary procedure;
2. May call special meetings pursuant to Section 5.B of these Bylaws;
3. Represent the Commission, before Council;
4. Execute documents in the name of the Commission;
5. Perform such other duties as may be ordered by the Commission.
6. Shall report any unresolved violations of the bylaws by any member to the Mayor for possible removal from the Commission.

##### **D. Vice-Chair's Duties**

The Vice-Chair shall:

1. Act in the capacity of Chair, with all the powers and duties found in Section 4.C of these Rules, in the Chair's absence;
2. Perform such other duties as may be ordered by the Commission.

##### **E. Secretary's Duties**

The Secretary shall:

1. Be responsible for the minutes of each meeting, pursuant to Section VI of these Bylaws if there is not a recording secretary.
2. Review the draft of the minutes, and submit them for approval to the Commission. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission.
3. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Assessing department Office.
4. Keep attendance records pursuant to Section II of these Bylaws.
5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq.

6. Prepare an agenda for Commission meetings pursuant to Section V of these Bylaws.
7. Perform such other duties as may be ordered by the Commission.

## **V. Meetings**

### **A. Regular meetings**

Meetings of the Commission will be held monthly at a date and time to be determined annually for the City calendar. The meetings shall be held at City Hall, 97 N. Broad St., Hillsdale, Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice of regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)

### **B. Special Meetings**

Special meetings shall be called in writing and directed to the Planning Secretary in the following manner:

1. By the Chair.
2. By any two members of the Commission.

Notice of special meetings shall be given by the Secretary to members of the Commission at least twenty four (24) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition, notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.).

### **C. Recess**

The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

### **D. Quorum**

More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

**E. Motions**

Motions shall be restated by the Chair before a vote is taken.

**F. Findings of Fact**

All actions taken in an administrative capacity including but not limited to; special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning, shall include each of the following parts:

1. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
2. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
3. The Commission's action, recommendation or position, approval, approval with conditions, or disapproval.

**G. Voting**

Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of two thirds the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

**H. Commission Action**

Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

**I. Parliamentary Procedure**

Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order Newly Revised, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.

**J. Public Participation**

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

1. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any



written material shall be made available without cost for members of the public asking for a copy prior to the meeting.

2. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.

#### **K. Consensus Business**

Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action; approve, disapprove, no comment, approve with modification. Any Consent Item can be removed by request of a member. It may be automatically removed if discussed during Public Participation. A motion to adopt the Consent Items can be made to adopt all agenda items still included as Consent Items. The approval of minutes and the expense report shall be proposed on the agenda as Consent Items. Consensus business can be proposed for any item on the agenda, but shall never include any of the following:

1. Items of business which are listed in Section X of these bylaws.
2. Review of plans and zoning ordinances, or any part or amendment thereto.
3. Action on special use permits, planned unit developments, site plans, and similar administrative actions.
4. Election of officers.
5. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.

The motion to adopt Consent items in the minutes shall clearly list each item and indicate its action/disposition.

#### **L. Order of Business/Agenda**

The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:

1. Call to Order, Roll Call, and Pledge of Allegiance.
2. Matters pertaining to citizens present at the meeting, in the following order:
3. Advertised Public Hearings.
  - a. The Chair will declare such a public hearing open and state its purpose. The petitioner, petitioner representative or proponent of the action advertised will be heard first.
4. Persons requested by the Commission to attend the meeting.
5. Other public participation for items on this agenda.
6. Housekeeping business.
  - a. Consent Business.
  - b. Approval of Minutes.
  - c. Approval of Department's expense report.

- d. Other.
- 7. Unfinished business and reports.
  - a. Items considered here are taken up in the same order as established by the Commission to fix a priority for consideration and work done in the planning office.
- 8. New business
  - a. Other business and communications
- 9. Public participation for items not on this agenda.
- 10. Adjournment.

**M. Delivery of Agenda**

The agenda and accompanying materials shall be delivered to each Commission member to be received one week prior to the regular meeting date.

**N. Placement of Items on the Agenda**

- 1. The Assessing department/Zoning Administrator shall be the office of the Commission and handler of Commission requests.
- 2. The Assessing department/Zoning Administrator may receive items related to a petition on behalf of the Commission between the time of the adjournment of the previous Commission meeting and ten (10) business days prior to the next regularly scheduled Commission meeting.
- 3. Completed petition items for review received by the Assessing department/Zoning Administrator less than ten (10) business days prior to the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items requiring action or items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.

**I. Record**

**A. Minutes and Records**

The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which, shall at a minimum include an indication of the following:

- 1. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.)
- 2. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
  - a. Time and place the meeting was called to order.
  - b. Attendance.
  - c. Indications of others present by listing names of those who choose to sign in and/or a count of those present.
  - d. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.

- e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
- f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
  - i. Who testified and a summary of what was said.
  - ii. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
  - iii. The location of the property involved (tax parcel number and description, legal description is best).
  - iv. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
  - v. What evidence was considered (summary of discussion by members at the meeting).
  - vi. The administrative body's findings of fact.
  - vii. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
  - viii. The decision (e.g. approves, deny, approve with modification).
  - ix. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
  - x. List of all changes to the map/drawing/site plan that was the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)
  - xi. Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix `A', and made a part of these minutes...").
  - xii. Who called the question.
  - xiii. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."
  - xiv. That a person making a motion withdrew it from consideration.
  - xv. All the Chair's rulings.
  - xvi. All challenges, discussion and vote/outcome on a Chair's ruling.
  - xvii. All parliamentary inquiries or point of order.
  - xviii. When a voting member enters or leaves the meeting.
  - xix. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
  - xx. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.

- xxi. The start and end of each recess.
- xxii. All of the Chair's rulings of discussion being out of order.
- xxiii. Full text of any resolutions offered.
- xxiv. Summary of announcements.
- xxv. Summary of informal actions, or agreement on consensus.
- xxvi. Time of adjournment.
- xxvii. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.

**B. Retention**

Commission records shall be preserved and kept on file according to the following schedule:

1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: permanent.
2. General ledger: 20 years.
3. Account journals: 10 years.
4. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
5. Correspondence: Permanent.

**VII. Committees**

**A. Ad Hoc Committees**

The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

**B. Citizen Committees**

The Commission, Chair, or Assessing department/Zoning Administrator may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serves on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the City of Hillsdale.

**VIII. Rules of Procedure for All Committees**

**A. Subservient to the Commission**

All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

**B. Same Principles**

The same principals of these Bylaws for the Commission also apply to all committees of the Commission.

## **IX. Mileage and Expenses**

Mileage and travel expenses shall be paid to members of the Commission at rates established by the Council for attending certain training programs representing the City of Hillsdale as authorized by the Commission.

## **X. Hearings**

### **A. Plan Hearings**

Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Council, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation.

### **B. Special Hearings**

Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested, and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance.

### **C. Notice of Decision**

A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

## **XI. Zoning Responsibilities**

All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.

### **A. Zoning adoption or amendment including PUD zoning amendments**

The commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the Council. At a minimum the recommendation shall include:

1. Zoning plan for the areas subject to zoning, or zoning amendment of the City of Hillsdale
2. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable
3. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole
4. The manner of administering and enforcing the zoning ordinance

### **B. Special Use Permit including PUDs**

The Commission shall review and act on all special use permits pursuant to the Zoning Act and Zoning Ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. Action

shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

**C. Site Plan Review**

The Commission shall review and act on all site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

**D. Appeals**

The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

**XII. Plan Reviews**

The Commission shall review all adjacent, or contiguous, local government plans (township, village, and city), adjacent county plans, local governments government plans (township, village, and city plans) within the boundaries serviced by the Commission, and the county plans in which the Commission's service area is located. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

The review should focus on:

- A. First and foremost, the process is intended to increase coordination of planning between governments.
- B. Consistencies or inconsistencies with your government's plan(s) for matters such as:
  - a. Border issues
  - b. Issues of greater than local concern
  - c. Comparison with local plan contents
  - d. Comparison with county/regional plan contents
  - e. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.).
  - f. Comparison to various implementation strategies.
- C. The review shall be in the form of a letter and shall take into account:
  - a. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
  - b. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
  - c. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
  - d. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

### **XIII. Capital Improvements Review**

#### **Capital Improvements**

The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties before work is started and after municipal capital improvement planning approval is obtained. All preliminary plans and reports for the physical development of the City of Hillsdale, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

When reviewing the proposed project the planning commission should at a minimum consider the following issues. If the answer to any of the below is “no,” then the planning commission’s review of the project should not be favorable.

- A. Is the proposed project consistent with adopted plans?
- B. Is the project consistent with other governmental management plans?
- C. Is the project consistent with the plans of each municipality located within or contiguous to the City of Hillsdale?
- D. Is the project consistent with adopted, if any, capital improvement plans?

The review shall be in the form of a letter, sent within 35 days after the proposal is filed for review, and shall take into account:

- A. Respect for the idea that the submission and review stages are near the end of a process. A community may be ready to start construction and others may be waiting for the task to be done.
- B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
- C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments or agencies of governments.
- D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

### **XIV. Subdivision Review**

Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), or amendments to the same, to submit to the City of Hillsdale Council.

#### **A. Proposed Subdivisions**

The Commission is to implement the following:

1. Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
2. Conduct a review of plats of proposed subdivisions (and/or site-condominium).

3. Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not less than 15 days before the date of the hearing.
4. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, and time, place of the hearing, where written comments may be submitted, and the deadline for those written comments.
5. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to whom notice of the hearing shall be sent, the property owner, and adjacent property-owners.
6. The notice shall be published in a newspaper of general circulation in the City of Hillsdale.
7. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
8. Within 63 days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the City of Hillsdale Council of the municipality in which the proposed subdivision (and/or site-condominium) is located.
9. If applicable standards under the Land Division Act (M.C.L.560.101 et seq.), Condominium Act (M.C.L. 559.101 et seq.) if applicable, and Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), the Commission shall recommend approval.
10. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
11. If the Commission does not act within the 63-day period, the plat (and/or Site-Condominiums) shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the 63-day period and grant an extension.

**B. Master Plan Amendment**

Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part thereof. The Commission shall cause the official copies of the master plan to be modified to reflect the amendment to the master plan within 30 days of the subdivision approval.

**XV. Other Matters to be considered by the Commission**

**Commission Action**

The following matters shall be presented for consideration at a meeting of the Commission:

- A. At least annually, the adoption of priorities for the Commission's plan of work.
- B. Annually, preparation of an annual report of the Commission.
- C. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.
- D. Land subdivision plats.
- E. All Planning reports and plans before publication.
- F. Such other matters as the Zoning Administrator shall find it advisable or essential to receive consideration by the Commission.



**XVI. Adoption, Repeal, Amendments**

Upon adoption of these Bylaws all previous Bylaws shall be repealed.

The Commission may suspend any one of these Bylaws, for duration of not more than one agenda item or meeting.

These Bylaws may be amended at any regular or special meeting by a two-thirds vote of the members present.