City of Escanaba Polices and Procedures **No. 010809-01**

Originator: **Escanaba Planning Commission**

Revision Date: **December 12, 2013**

Subject: **Escanaba Planning Commission By-Laws**

CROSS REFERENCE: Ordinance No. 1088, Ordinance to Create a Planning Commission, P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act,P.A. 110 of 2006, as amended being the Michigan Zoning Enabling Act.

Purpose: In order to carry out the duties and responsibilities conveyed under Ordinance No. 1088, an Ordinance to Create a Planning Commission and the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, there has been a Planning Commission created consisting of nine (9) members who are appointed by the Escanaba City Council to pass on matters pertaining to planning and who are not employees of the City of Escanaba. The name shall be the Escanaba Planning Commission, hereafter known as the "Commission". 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." 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."

1. Role of The Planning Commission.

The roles of the Planning Commission include some functions in addition to the statutory duties and responsibilities. The role of the Planning Commission includes the social or cultural expectation that citizens have of the service that the Planning Commission provides in helping to set and implement local land use and development policy. There are eight (8) key roles of the Planning Commission:

A. Educate the public about local planning issues, the master plan, and land use regulations.

B. Cooperate and coordinate with other units of government on planning matters.

C. Prepare, adopt and maintain a master plan.

D. Review other community's draft master plans when submitted for that purpose, and provide coordination of planning and zoning in other units of government.

E. Draft and present to the City Council a zoning ordinance and amendments and advise on various zoning actions.

F. Review and comment on proposed public works projects.

G. Prepare and annually adopt a capital improvement program.

H. Prepare subdivision regulations and advise on proposed plats.

2. **Membership.**

A. Members. Members of the Commission are appointed by the Escanaba City Council pursuant to the Escanaba Planning Commission Ordinance No. 1088, as amended.

1. First priority, each member shall represent and advocate what is best for the City of Escanaba as a whole, putting aside personal or special interests. Second priority, membership shall be representative of the entire geography of the City of Escanaba to the extent practicable, and as a secondary consideration to the representation of the major interests as defined by Ordinance No. 1088, as amended.

B. Liaisons. The purpose of liaisons is to provide certain City of Escanaba 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, be counted for a quorum or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Commission members, are:

1. The Commission's consultants.
2. City Attorney.
3. City engineering, electrical, water and wastewater department heads, or similar department heads, their agents and/or consultants.
4. City Manager or designee.
5. City Council persons other than the Ex-officio.

C. Attendance. If any member of the Commission is absent from three (3) consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Escanaba City Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Escanaba City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the City Council can consider further action allowed under law or excuse the absences.

D. Training. Each member shall have attended at least four hours per calendar year of training in planning and zoning during the member's current term of office.

E. Incompatibility of Office.

1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
   a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
   b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.

c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.

d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.

e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, grandparent's in-law, or members of his or her household.

f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:

(1) an applicant or agent for an applicant, or

(2) has a direct interest in the outcome.

2. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.

3. When a conflict of interest exists, the member of the Commission, or Planning Commission, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

a. declare a conflict exists at the next meeting of the Commission or Planning Commission:

b. cease to participate at the Commission or Planning Commission meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and

c. During deliberation of the agenda item before the Commission or Planning Commission, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.

4. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

3. Duties of all commission members.

A. *Ex Parte* contact.

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

2. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should report to the Commission

at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

B. Site Inspections.

1. Site inspections shall be done by the Administration. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site.
2. If desired, no more than four (4) members of the Commission may accompany the zoning administrator or staff on a site inspection.

C. Not Voting On the Same Issue Twice.

1. 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:
   a. 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.
   b. When the case is an administrative decision which was decided by the Commission and sent to the City Council for further action, and the member of the Commission sits both on the Commission and City Council.

D. Accepting gifts.

1. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
2. As used here, gifts shall mean cash, any tangible item, or service, regardless of value.

E. Public Deliberation and Debate.

1. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
2. 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.

F. Code of Conduct. Each member, upon appointment, shall sign a code of conduct.

4. Officers.

A. Selection. At the regular meeting in December of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, and Deputy Secretary. All officers are eligible for re-election. 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. In the event the office of the Secretary becomes vacant, the Deputy Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Deputy Secretary for

the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.

B. Tenure. The Chair, Vice-Chair and Secretary 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. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
3. Restate all motions as pursuant to Section 5.E of these Bylaws;
4. Appoint Planning Commissioners;
5. Appoint officers of the Planning Commission or choose to let the Planning Commissioners select their own officers.
6. May call special meetings pursuant to Section 5.B of these Bylaws;
7. Act as an Ex-Officio member of all Planning Commissioners of the Commission;
8 Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
9. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
10. Periodically meet with the City Staff to review Planning Department operation, procedures, and to monitor progress on various projects.
11. Represent the Commission, before the Escanaba City Council; and
12. Perform such other duties as may be ordered by 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. Execute documents in the name of the Commission;
2. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
3. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to City staff);
4. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning and Zoning Department;
5. Keep attendance records pursuant to Section 2.C of these Bylaws;

6. 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.* (the Secretary may delegate this duty to City staff);
7. Prepare an agenda for Commission meetings pursuant to Section 5.K of these Bylaws (the Secretary may delegate this duty to City staff);
8. Perform such other duties as may be ordered by the Commission.

F. Deputy Secretary's Duties. The Deputy Secretary shall:
1. Act in the capacity of Secretary, with all the powers and duties found in Section 4.E of these Rules, in the Secretary's absence; and
2. Perform such other duties as may be ordered by the Commission.

G. Recording Staff Duties. The Recording Secretary shall not be a member of the commission or any of its Planning Commissioners, and shall:
1. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to section 6.A of these Bylaws for review and signature by the Secretary; and
2. Perform such other duties as may be ordered by the Commission or secretary.

5. Meetings.

A. Regular meetings. Meetings of the Commission will be held on the second Thursday of each month at 6 p.m. at City Hall, 410 Ludington Street, Escanaba, 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 or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended. The Commission shall assume no meeting will be scheduled unless notified by the Administration.

B. Special Meetings. Special meetings shall be called in the following manner:
1. By the Chair.
2. By any three (3) members of the Commission.
3. By the City Manager.
4. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) 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.

1. Motions shall be restated by the Chair before a vote is taken.
2. 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.
   a. 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.
   b. 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.
   c. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

F. 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 a majority of 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.

G. 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.

H. 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* 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.

I. 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 where provided in the printed agenda as the agenda item is discussed. 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 during the course of the deliberation 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. Petitioners and aggrieved party comment to an agenda item can be restricted to fifteen (15) minutes unless amended by the Chairperson. General public comment shall be restricted to two (2) minutes unless amended by the Chairperson. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson.

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

(A) Call to order.
(B) Roll Call.
(C) Approval and/or Correction to Minutes of Previous Meeting.
(D) Approval and/or Adjustment to the Agenda.
(E) Conflict of Interest Declaration.
(F) Unfinished Business and Report Presentation.
(G) Public Hearings.
(H) New Business.
(I) Public Comment.
(J) Member/Staff Announcements.
(K) Adjournment.

Delivery of Agenda. The agenda and accompanying materials shall be mailed/hand delivered to Commission members so that it might be perceived prior to the weekend prior to the regular meeting date.

K. Placement of Items on the Agenda.

1. The City Manager's Office and/or Community Preservation Department shall be the office of record for the Commission.
2. The City Manager may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and five (5) business days prior to the next regularly scheduled Commission meeting.

3. Items received by the Administration four (4) or less 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 Commission 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 of a major nature or items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.
4. The deadline to add items to the Commission's meeting agenda shall be five (5) business days prior to the next regularly scheduled Commission meeting.

6. Record.

A. Minutes and Record. 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. Indication of others presents (listing names if others 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 alterative 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:
      1. Who testified and a summary of what was said.
      2. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
      3. The location of the property involved (tax parcel number and description, legal description is best).
      4. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).

5. What evidence was considered (summary of discussion by members at the meeting).
6. The administrative body's findings of fact.
7. 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.)
8. The decision (e.g. approves, deny, approve with modification).
9. 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.
10. List of all changes to the map/drawing/site plan that was submitted. 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...").

g. Who called the question.
h. 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."
i. That a person making a motion withdrew it from consideration.
j. All the Chair's rulings.
k. All challenges, discussion and vote/outcome on a Chair's ruling.
l. All parliamentary inquiries or point of order.
m. When a voting member enters or leaves the meeting.
n. 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.
o. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
p. The start and end of each recess.
q. All Chairs' rulings of discussion being out of order.
r. Full text of any resolutions offered.
s. Summary of announcements.
t. Summary of informal actions, or agreement on consensus.
u. Time of adjournment.

3. 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 comprehensive 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.

7. 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 City Manager may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than quorums of the Commission serve 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 Escanaba.

8. Rules of Procedure for All Planning Commissioners.

A. Subservient to the Commission. All Planning Commissioners 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 Commissioners of the Commission including, but not limited to:

1. Officers. Officers of the Planning Commission are appointed by the Chair of the Commission at the time the Planning Commission is created, or are elected by the Planning Commissioner's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
2. Quorum. A Planning Commission's quorum shall be at least half the total appointed membership of the Planning Commission.
3. Voting. Only those appointed members of a Planning Commission, who are present at the time of a vote, shall be eligible to cast a vote.
4. Attendance. If any member of the Planning Commission is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the Planning Commission. The Planning Commission Secretary-Vice-Chair or acting Planning Commission Secretary in the absence of the elected Planning Commission Secretary-Vice-Chair shall keep attendance records and notify the Commission of any Planning Commission member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the Planning Commission or excuse the absence(s).
5. Minutes. The Secretary-Vice-Chair of the Planning Commission shall keep minutes of the Planning Commission meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.

6. Staff. Planning Commissioners have reasonable use of staff time and assistance and direction for performing the work of the Planning Commission.
7. Public. All Planning Commission meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found in P.A. 267 of 1976, as amended, (being Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*).
8. Subcommittees. Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes, or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.

9. 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 Escanaba City 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 fifteen (15) days prior to such hearing, by at least one (1) 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.

10. Zoning Responsibilities.

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

B. 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 legislative body. At a minimum the recommendation shall include:

1. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government;
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; and
4. The manner of administering and enforcing the zoning ordinance.

C. 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 (1) 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 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 action, pursuant to section 5.E.2 of these Bylaws.

D. Site Plan Review. The Commission shall review and act on those entire 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 action, pursuant to section 5.E.2 of these Bylaws.

E. 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.

11. Plan Reviews.

A. The Commission shall review all site plans as defined in the Escanaba Zoning Ordinance.

12. Capital Improvements Review.

A. 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). If the funding for the capital improvement project is from a grant, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.

B. All preliminary plans and reports for the physical development of the City of Escanaba, including the general location, character and extent of streets and roads, viaducts, bridges, open space, wetlands, forest land, parks and recreation spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.

C. 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 5.E.2 of these Bylaws.

D. 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.

1. Is the proposed project consistent with adopted plans?
2. Is the project consistent with other governmental management plans?
3. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?
4. Is the project consistent with adopted, if any, capital improvement plans?

E. The review shall be in the form of a letter, sent within thirty-five (35) days after the proposal is filed for review, and shall take into account:

1. 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.
2. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
3. 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.
4. Include mutual respect of others, so the comments are factual, objective. and based on sound planning principles.

13. Capital Improvement Program.

A. Annually, a capital improvement program (CIP) of public structures and improvements shall be adopted.

B. In addition to the involvement of the planning commission, the review process must include the following individual, individuals, agencies, and departments in preparing the CIP.

1. City Manager;
2. Department Heads within the City of Escanaba including but not limited to the Department of Public Works, Wastewater Department, Water Department, Electrical Department, Community Preservation Department and Controller's Office.

C. The Administration shall cause to be requested from each agency or department of the local unit of government (with authority for public structures or improvements) for an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.

D. The Administration shall organize the proposed public structures and improvements in the general order of their priority, that in the Planning Commission's judgment will be needed or desired or can be undertaken in the ensuing six (6) year period.

1. In doing so, the Planning Commission may make use of expert advice and information from staff from the planning department or private consultants:
   a. City of Escanaba's Comprehensive Annual Financial Report
   b. Population studies

c. Economic studies
d. Land Use Maps
e. Future Plans

2. In doing so, the Planning Commission shall develop a formal set of criteria or use other techniques to use to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:
   a. Description, location, and purpose of project;
   b. Justification for the need for project;
   c. An explanation of its relationship to other projects;
   d. The cost of project (submit detailed budget);
   e. Estimated annual income from projects;
   f. Estimated annual operation costs for the project;
   g. Status of plans/specifications for the project and the expected length of time the capital project will last;
   h. Year construction of project should start;
   i. The rank/importance of project within department submitting it; and
   j. Environmental, health, and safety impacts and energy consumption.

   The proposed public structures and improvements in order of importance shall be considered a draft CIP.

E. The planning commission shall review the CIP.
   1. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies, and the objectives and goals of the community.
   2. The review shall include an opportunity for departments to present their arguments for why any given project should be included in the program and at what order of priority.
   3. Upon completion of the review, a second draft of the CIP shall be prepared.

F. The planning commission shall hold a public hearing on the second draft of the CIP.

G. After the hearing, if needed, a third draft of the CIP shall be prepared. The planning commission then:
   1. Formally adopts the CIP in the form of a recommendation to the Escanaba City Council for adoption; or
   2. Adopts an amended version of the CIP in the form of a recommendation to the Escanaba City Council for adoption; or
   3. Does not approve, thus does not adopt the ranked listing/project priorities, and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.

H. If the Escanaba City Council refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications, and submit another version of the CIP to the legislative body.

14. Subdivision Review.

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

B. Proposed Subdivisions.

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 fifteen (15) days before the date of the hearing.
   a. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, time, place of the hearing, where written comments may be submitted, and the deadline for those written comments.
   b. 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 who notice of the hearing shall be sent, the property owner, and adjacent property owners.
   c. The notice shall be published in a newspaper of general circulation in the City of Escanaba (The Daily Press).
   d. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
4. Within sixty-three (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 legislative body of the municipality in which the proposed subdivision (and/or site-condominium) is located.
   a. 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.
   b. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
   c. If the Commission does not act within the sixty-three (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 sixty-three (63) day period and grant an extension.

C. 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 thirty (30) days of the subdivision approval.

15. Other Matters to be Considered by the Commission.

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

1. At least annually, the adoption of priorities for the Commission's plan of work.
2. Annually, preparation of an annual report of the Commission.
3. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.
4. The general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas.
5. Land subdivision plats.
6. All address changes pursuant to the City of Escanaba. Address Ordinances, as amended.
7. All Planning reports and plans before publication.
8. Planning Department's and Commission's budget requirements for the fiscal year and request for appropriation.
9. Selection of consultants.
10. Such other matters as the City Manager shall find it advisable or essential to receive consideration by the Commission.

16. Adoption, Repeal, Amendments.

A. Upon adoption of these Bylaws of _____, they shall become effective and all previous Bylaws shall be repealed.

B. The Commission may suspend any one of these Bylaws, for a duration of not more than one (1) agenda item or meeting.

C. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

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