

**CITY OF HOUGHTON
PLANNING COMMISSION BYLAWS**

Adopted, effective immediately, May 26, 2009
Revised April 27, 2010

1. Name & Purpose

- A. The name shall be the City of Houghton Planning Commission, hereafter known as the “Commission”.
- B. 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.”
- C. 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.”

2. Membership

- A. Members. Members of the Commission are appointed by the Mayor with consent from the City Council pursuant to the City of Houghton Planning Commission Ordinance 2010-215 dated April 26, 2010, as amended.
 - 1. First priority, each member shall represent and advocate what is best for the City of Houghton as a whole, putting aside personal or special interests.
 - 2. Second priority, the Mayor and City Manager shall be members of the Planning Commission.
 - 3. Third priority, one member from the Houghton City Council shall be appointed along with six citizen members. Each of these members shall represent at least one separate important segment of the community, as designated by the Houghton City Council, such as:
 - a. One at-large member
 - b. One member representing environmental interests
 - c. One member representing governmental municipal interests, and housing and human services
 - d. One member representing educational interests
 - e. One member representing recreational and tourism interests
 - f. One member representing industrial and economic interests
 - g. One member representing transportation, communication and utility interests
- B. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency may be grounds for the Houghton City 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 Houghton City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Houghton City Council can consider further action allowed under law or excuse the absences. The Commission may develop a list of acceptable reasons for absence that will trigger an automatic excuse, and thus not result in delinquency.
- C. Training. Appointed members of the Commission are encouraged to attend educational programs designed for training members of Michigan planning commissions if adopted City of Houghton budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Training programs provided by Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, and Michigan Municipal League, along with continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University, all qualify.
- D. Conflict of Interest and/or 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 financial 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, parents-in-law, grandparents 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:
 - i. An applicant or agent for an applicant, or
 - ii. 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 committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - a. Declare a conflict exists
 - b. During deliberation of the agenda item before the Commission, remove oneself from the discussion as an active Commission member until that agenda item is concluded. However, the Commission member with a conflict of interest may participate in the discussion as a concerned citizen.
 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. (See also Section 3.B below for incompatibility of office on a particular issue).

3. Duties of all 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 take detailed notes on what was said and 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. 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 appeal is of an administrative or other decision by any committee of the Commission, Houghton City 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.
 - c. When the case is an administrative decision which was decided by the Commission and sent to the Houghton City Council for further action and the member of the Commission sits both on the Commission and Houghton City Council.

- C. 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; and food valued over \$10.
 - 3. 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.
- D. Spokesperson for the Commission.
 - 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.
 - 3. 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.

4. Officers.

- A. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair, and Secretary. 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. In the event the office of the Secretary becomes vacant, the Commission shall elect a new secretary. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary. Ex-officio members may not hold the position of Commission Chair.
- B. Tenure. The Chair, Vice-Chair and Secretary shall take office February 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 committees;
 - 5. Appoint officers of committees or choose to let the committees 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 committees 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. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels. The Commission may appoint an alternate.
 - 11. Represent the Commission, along with the Houghton City Council Commission member, before the Houghton 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; and
 - 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 minutes of each meeting, pursuant to Section 6 of these Bylaws
 - 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 the 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 Commission 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 Department Office;
5. Keep attendance records pursuant to Section 2.B 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 Commission staff);
7. Prepare an agenda for Commission meetings pursuant to Section 5.K of these Bylaws (the Secretary may delegate this duty to Commission staff);
8. Perform such other duties as may be ordered by the Commission.

5. Meetings

- A. Regular meetings. Meetings of the Commission will be held monthly at a regular publicly announced date and time. An annual notice of regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*)
- B. Special Meetings. Special meetings shall be called in the following manner:
 1. By the Chair or by any two members of the Commission.
 2. 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 continue that meeting's agenda, or act to continue the meeting on another day. 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.
 1. 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 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 of vacancies or absences, shall be necessary for the adoption, or recommendation for adoption, of any master plan or amendment to a master plan, including zoning
2. Duty to Vote. Whenever a question is put before the Commission by the Chair, every member shall vote either yes or no, unless abstaining due to conflict of interest (see Section 2.D). If a member has inadequate information upon which to base a reasonable, informed vote, the member shall state the particulars of the information desired before a reasonable, informed vote can be cast. Absence from a prior meeting shall not constitute the basis for said lack of information.
 3. If a “no” vote is cast for any zoning issue, the Commission member so voting must state a reason.
- 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 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.
- 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 at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comments 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 with an extended time limit, at the Chair’s discretion.
- J. Order of Business. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
1. Call to order and roll call.
 2. Housekeeping business
 - a. Approval of Agenda
 - b. Approval of Minutes
 3. Matters pertaining to citizens present at the meeting, in the following order:
 - a. Advertized Public Hearings – the Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent, of the action advertised will be heard first.
 - b. Persons requested by the Commission to attend the meeting.
 - c. Other public participation.
 4. Unfinished business and reports.
 5. New business (other business and communications).
 6. Adjournment.
- K. Delivery of Agenda: A proposed Agenda and accompanying materials will be delivered to the Commission two business days prior to the regular meeting date.
- L. Placement of items on the Agenda.
1. The City Manager 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 four business days prior to the next regularly scheduled Commission meeting.
 3. Agenda items can be added at the regular meeting with the approval of the Commission.

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:
- B. 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.*)
- C. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
 1. Time and place the meeting was called to order
 2. Attendance
 3. Indication of others present, who are requested to sign in and indicate who or what topic he/she represents.
 4. Summary or text of points of all reports given at a meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
 5. 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.
 6. 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:
 - a. Who testified and a summary of what was said.
 - b. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
 - c. The location of the property involved (tax parcel number and description, legal description is best).
 - d. What exhibits were submitted.
 - e. What evidence was considered (summary of discussion by members at the meeting).
 - f. The administrative body's findings of fact.
 - g. 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.)
 - h. The decision (e.g. approve, deny, approve with modification).
 - i. 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.
 - j. List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw 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 photocopied. Then colors on the copy will not show at all or will just be black.)
 - k. 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...").
 - l. Who called the question.
 - m. 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."
 - n. That a person making a motion withdrew it from consideration.
 - o. All the Chair's rulings.
 - p. All challenges, discussion and vote/outcome on a Chair's ruling.
 - q. All parliamentary inquiries or point of order.
 - r. When a voting member enters or leaves the meeting.
 - s. 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.
 - t. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
 - u. The start and end of each recess.
 - v. All Chair's rulings of discussion being out of order.
 - w. Full text of any resolutions offered.
 - x. Summary of announcements.

- y. Summary of informal actions, or agreement on consensus.
 - z. Time of adjournment.
 - D. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
 - E. 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. 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. Any ad hoc committee shall consist of fewer than a quorum of the Commission.
- B. Citizen Committees. The Commission or Chair 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 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 Houghton.

8. 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 Principals: The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:
 - 1. Officers. Officers of committees are appointed by the Chair of the Commission at the time the committee is created, or are elected by the committee’s membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
 - 2. Quorum. A committee’s quorum shall be at least half the total appointed membership of the committee.
 - 3. Voting. Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.
 - 4. Attendance. If any member of a committee 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 committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
 - 5. Minutes. The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission’s minutes.
 - 6. Staff. Committees have reasonable use of City of Houghton staff time and assistance and direction for performing the work of the committee.
 - 7. Public. All committee 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. City of Houghton Department and Subdivisions and Intergovernmental Coordination.** The City Manager, under the supervision of the Commission, shall be responsible for coordination of all related plans between departments or subdivisions of the City of Houghton and intergovernmental coordination of all

related planned activities among the state, federal, and municipal governments concerned. The Commission may use committees (pursuant to Section 7.A of these rules), Planning Department/Zoning Administrator staff, citizen committees (pursuant to Section 7.B of these rules), and inter-agency staff teams for purposes of accomplishing coordination. If a staff team is used, the team shall not be a committee of the Planning Commission or any other public body and shall not be a public body. The team shall be an employee level technical review with only powers to recommend.

- 10. Mileage and Per Diem.** Mileage and per diem shall be paid to members of the Commission at rates established by the City of Houghton City Council for any trips to represent the City of Houghton, if those Commission members bill the City of Houghton for the same. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the Houghton City Council with recommendation by the Commission.
- 11. 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 Houghton 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 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.
- 12. Master Plan Preparation, Adoption, and Amendment.**
 - A. The Commission is responsible for preparing, adopting, and amending a master plan for the City according to the process in the Planning Act. (PA 33)
 - B. At least every 5 years after adoption of the master plan or any subplan, the commission shall review the plan and determine whether or amend it or adopt a new plan, as required by the Planning Act. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the Planning Commission.
- 13. Zoning Responsibilities**
 - A. Zoning adoption or amendment (including Planned Unit Development (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 City of Houghton;
 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.
 - 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 special use permit request, 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.
 - C. Site Plan Review: The Commission shall review and act on all those site plans for 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.

- 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.

14. Review of Other Government Plans

- A. The Commission shall review all adjacent, or contiguous government plans.
- B. 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.
- C. The review should focus on:
 - 1. First and foremost, the process is intended to increase coordination of planning between governments.
 - 2. Consistencies or inconsistencies with your government’s plan(s) for matter such as:
 - a. Border issues.
 - b. Issues of greater than local concern.
 - c. Comparison with local plan contents.
 - d. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc).
 - e. Comparison to various implementation strategies.
 - 3. If the county planning commission considered the proposed plan inconsistent with the plan of any city, village, township, or region that received a copy of the draft plan (or amendment).
 - 4. If the county planning commission considers the draft plan (or amendment) to be inconsistent with the county plan(s), if any.
 - 5. Action by the Commission shall be based on, in part, a review of possible boundary conflicts between the plans of two municipalities. If a boundary conflict is found to exist the following shall apply:
 - a. The assumption is made that there should not be any provision of a municipal plan which is in conflict with the county plan.
 - b. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed plans with the plans of municipalities having a common boundary. If a conflict is found to exist, it is not proper to assume the proposed plan is the problem. The problem could be the municipality which is adjacent to the municipality for which the plan is being reviewed. The problem could be both plans.
 - c. The criteria to determine which municipality has the plan which causes the boundary conflict shall be the Commission’s finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the plan which contributes to the boundary conflict.
 - 6. 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 not 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.

15. Capital Improvements Review

- A. Capital Improvements: If the funding for the capital improvement project is from a grant, 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 Houghton, 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, shall be reviewed by the Commission.

- 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.
 - 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 adjacent municipality?
 - 4. Is the project consistent with adopted, if any, capital improvement plans?

16. Capital Improvements Program (CIP)

- A. Annually, a CIP shall be adopted.
- B. 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.
- C. The planning commission shall hold a public hearing on the second draft of the CIP.
- D. 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 legislative body for adoption; or
 - 2. Adopts an amended version of the CIP in the form of a recommendation to the legislative body 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.
- E. If the legislative body 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.

17. Subdivision Review

- A. Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), or amendments to the same, to submit to the legislative body.
- 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 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 of other person(s) to whom 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 Houghton and its environs.
 - 4. Within 63 days of a complete plat (and/or draft site-condominium master deed) 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 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.
 - 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 30 days of the subdivision approval.
- 18. **Other Matters to be considered by the Commission:** 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.
 - D. The general character, extent and layout of the planning and redevelopment of blighted districts and slum areas.
 - E. All Planning reports and plans before publication.
 - F. Such other matters as the City Manager shall find it advisable or essential to receive.
- 19. **Adoption, Repeal, Amendments**
 - A. Upon adoption of these Bylaws of (date), 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 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.