

BYLAWS FOR ISHPEMING PLANNING COMMISSION

The following rules of procedure are hereby adopted by the Planning Commission of the City of Ishpeming, hereafter known as 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.), as amended. 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.)

SECTION 1.0 - MEMBERS

- 1.1 The Commission shall consist of nine (9) members, all of whom shall be appointed by the Mayor, subject to the approval of a majority vote of the City Council members elected and serving; pursuant to the City of Ishpeming Planning Commission Ordinance 11-1800 of 1988, as amended on September 3, 2008.
 - A. All members of the Planning Commission shall be qualified electors of the City of Ishpeming.
 - B. The term of each member of the Planning Commission, other than the ex officio member, shall be three (3) years. The current members serving on the Planning Commission at the time of adoption of this Ordinance shall continue to hold their positions until the term for which each was originally appointed or selected shall expire.
 - C. One member of the Planning Commission shall be a member of the City Council, which City Council member shall be an ex officio member of the Planning Commission. The term of the City Council member appointed as an ex officio member of the Planning Commission shall expire when his or her term on the City Council expires. The ex officio member of the Planning Commission shall have full voting rights on the Planning Commission.
 - D. One member of the City Planning Commission shall be a member of the Zoning Board of Appeals, created under Section 30.0 of City Ordinance No. 8-100.
 - E. The membership shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
- 1.2 Attendance.

If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to hold 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 Commission whenever any member is absent, so the Commission can consider further action allowed under law or excuse the absences.

1.3 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, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training may be provided by one or more of the following organizations: CUPPAD, MEDC, CEDAM, Michigan Association of Planning, Michigan State University, Michigan Townships Association, Michigan Municipal League, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University. Online trainings and review of scholarly or professional text may be substituted for this requirement, as further described in Lshpeming's planning commissioner training plan.

1.4 Conflict of Interest and Incompatibility of Office.

A. 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:

- I. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
- II. 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.
- III. 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.
- IV. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
- V. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - a. an applicant or agent for an applicant, or
 - b. has a direct interest in the outcome.

B. 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.

C. 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:

- I. declare a conflict exists at the next meeting of the Commission or committee; and
- II. cease to participate at the Commission or committee meetings; and in any other manner; and
- III. represent one's self before the Commission, its staff, or others

D. 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.

SECTION 2.0 OFFICERS

2.1 Selection. At the regular meeting in January of each year, the Planning Commission shall select from its membership a chair, vice-chair, and secretary.

2.2 Tenure. The chair, vice-chair and secretary shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

2.3 Duties.

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

- I. Preside at all meetings with all powers under parliamentary procedure;
- II. 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;
- III. Appoint committees;
- IV. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
- V. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if they so choose;
- VI. Chair or perform a major role in the interview and selection process for a Zoning Administrator;
- VII. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
- VIII. Perform such other duties as may be ordered by the Commission.

B. The vice-chair shall act in the capacity of the chair in their absence. In the event the office of chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the office of vice-chair for the unexpired term.

C. The secretary shall:

- I. Execute documents in the name of the Commission;
- II. 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 Commission staff);
- III. 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;

- IV. Prepare an agenda for Commission meetings pursuant to Section 5.5 of these Bylaws (the Secretary may delegate this duty to Commission staff);

SECTION 3.0 - RECORDING SECRETARY

- 3.1 The position of the recording secretary shall be assumed by the City's Zoning Administrator or Temporary Zoning Administrator.
- 3.2 Minutes. The recording secretary shall be responsible for the minutes of each meeting and shall have them distributed in suitable volumes.
- 3.3 Duties. The recording secretary shall prepare Planning Commission documents for execution by the chair or as otherwise directed by the Planning Commission.

All communications, petitions, and reports addressed to the Planning Commission shall be delivered or mailed to the chair by the recording secretary.

The recording secretary shall perform such other duties as the Planning Commission may determine.

SECTION 4.0 DUTIES OF ALL MEMBERS

- 4.1. Ex Parte contact
 - A. Members shall avoid Ex Parte contact about cases where an administrative decision is before the commission whenever possible.
 - B. 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.
- 4.2. Site Inspections
 - A. 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.
 - B. If desired, a number of planning commissioners constituting less than a quorum of the Commission may accompany the zoning administrator or staff on a site inspection.
- 4.3. Not Voting on the Same Issue Twice.
 - A. Any member of the Commission shall avoid situations where they are sitting in judgement and voting on a decision which they had a part in making. As used here, sitting in judgement 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:
 - I. 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.

- II. When the appeal is of an administrative or other decision by any committee of the Commission, Ishpeming 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.
 - III. 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.
- 4.4. Accepting gifts.
- A. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
 - B. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
 - C. 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. Gifts shall only be accepted by the City Council on behalf of the planning commission.
- 4.5. Spokesperson for the Commission.
- A. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
 - B. 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.
 - C. 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.

SECTION 5.0 - MEETINGS

- 5.1 Regular Meetings. Meetings of the Planning Commission will be held on the first (1st) Monday of each month at 6:30 p.m. in the City Hall Council Chambers.
- When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate date in the same month. An annual notice or 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.)
- 5.2 Special Meetings. Special meetings shall be called at the request of the chair, or at the written request (to the secretary) of any two (2) members of the Planning Commission.
- Notice of special meetings shall be given by the recording secretary to the members of the Planning Commission at least forty-eight (48) hours prior to such meeting and shall state the purpose and time of the meeting.
- 5.3 Public. All regular and special meetings, hearings, records, and accounts shall be open to the public and held in compliance with the open meetings act, 1976 PA

267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

- 5.4 Quorum. A majority of the total number of members shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a comprehensive plan or any part of a comprehensive plan. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

All members have the right to vote.

The affirmative vote of two-thirds (2/3) of all members shall be necessary for the adoption of a comprehensive plan or any part of a master plan.

- 5.5 Order of Business: Agenda. The Zoning Administrator shall prepare an agenda for each meeting, and the order of business therein shall be as follows:

- A. Call to order and roll call
- B. Matters pertaining to the general citizenry. Citizens present at the meeting will be heard in the following order, and the Planning Commission may consider and act upon each matter at that time.
 - I. Advertised 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.
 - II. Citizens requested by the Planning Commission to attend the meeting for discussion of a local problem, or presentation of further information on an issue previously considered may then speak.
 - III. Communications. The writers or their representatives who are present in the audience may give additional information or explanation to the written statements.
 - IV. Citizens seeking information or desiring to present matters for the next meeting's agenda will be heard.
 - V. Other public participation for items on this agenda.
- C. Business session when formal decisions are made by the Planning Commission
 - I. Call to order
 - II. Roll call
 - III. Public Comment
 - IV. Approval of agenda
 - V. Approval of minutes
 - VI. Presentations
 - VII. Public hearings
 - VIII. New business
 - IX. Old business
 - X. Correspondence
 - XI. Adjournment

- 5.6 Special Meetings. The chair may designate special meetings for the exclusive purpose of discussing long-range portions of the comprehensive plan.

- 5.7 Motions.

- A. Motion shall be restated by the chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

B. 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) 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.

5.8 Voting. Voting shall be by voice and shall be recorded by yeas and nays. Roll call votes will be recorded only upon request by a member of the Planning 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.

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

5.10 Parliamentary Procedure. Parliamentary procedure in Planning Commission meetings shall be as governed by state statute or local ordinance.

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

A. 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.

B. The Chair may limit the amount of time allowed to three (3) minutes 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.

- 5.12 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 meetings 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 Meetings 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.

SECTION 6.0 - HEARINGS

- 6.1 Planning and Zoning Hearings. Before the adoption of any plan, or any amendment to a plan, or recommendation for approval to the governing body, or of an amendment to the Zoning Ordinance, the Planning 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 one publication in a newspaper of general circulation and by registered mail to each public utility company and each railroad company who have submitted written notification requests, owning or operating any public utility or railroad within the geographic sections or divisions of the municipality affected.
- Special notice will be given by mail to interested parties, including owners of property within 300 feet of the boundaries of the premises under consideration for rezoning.
- 6.2 Special Hearings. Notice of special hearings for the purpose 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 the zoning ordinance.
- 6.3 Notice of Decision. A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request for the Planning Commission to study a particular problem.

SECTION 7.0 - THE MAJOR DUTIES AND RESPONSIBILITIES OF THE PLANNING COMMISSION

- 7.1 Make, adopt, and maintain a comprehensive or master plan as a guide for the development of the City of Ishpeming.
- 7.2 Review and make recommendations to the City Council on those federal, state, and local public agency programs that affect the physical development of the City and all physical development projects.
- 7.3 Prepare for City Council approval a 6-year capital improvement plan which defines all "project type" public improvements, their priority, estimated costs, and methods

of financing, pursuant to MCL125.3865 of the Planning Act.

7.4 Preparation of a zoning ordinance.

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 City Council, recommendation shall include:

- I. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government;
- II. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
- III. 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
- IV. 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 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 5.7.B of these Bylaws.

D. Site Plan Review. The Commission shall review and act on all those 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 5.7.B 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. When an issue arises that suggests that an interpretation, appeal, or variance is needed, the Commission shall make an action to refer the matter to the Zoning Board of Appeals.

7.5 Prepare subdivision (plat) regulations for adoption by the City Council.

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.

- I. 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.

- II. Conduct a review of plats of proposed subdivisions (and/or site-condominium).

- III. 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.
 - i. 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.
 - ii. 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.
 - iii. The notice shall be published in a newspaper of general circulation in the City of Ishpeming
 - iv. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).

- IV. 4. 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 legislative body of the municipality in which the proposed subdivision (and/or site-condominium) is located.
 - i. 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.
 - ii. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
 - iii. 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.

- 7.6 Make special studies and reports on all other matters referred to the Planning Commission by the City Council.

- 7.7 Pursuant to MCL 125.3819, the Commission shall make an annual written report to the City Council concerning its operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development.

SECTION 8.0 - MATTERS TO BE CONSIDERED BY THE PLANNING COMMISSION

- 8.1 The following matters shall be presented for consideration at a meeting of the Planning Commission:
- A. Petitions and staff proposals for changes in the City Zoning Ordinance.
 - B. All preliminary plans and reports for the physical development of the City, including the general location, character, and extent of streets, viaducts, bridges, parks, and open spaces; the general location of public buildings and other public properties; and the general location and extent of public utilities and terminals.
 - C. The removal, relocation, widening, narrowing, vacation, abandonment, change of use, or extension of any public way, grounds, open spaces, buildings, or properties.
 - D. The general character, extent, and layout of the replanning and redevelopment of blighted districts and slum areas.
 - E. Land subdivision plats.
 - F. All planning reports and plans before publication.
 - G. Capital improvement program for the municipality.
 - H. Planning Department's budget requirements for the fiscal year and request for appropriation.
 - I. Selection of consultants and determination of basis for compensation and selection of Planning Director.
 - J. Such other matters as the Planning Director shall find advisable or essential to receive consideration by the Planning Commission.

AND/OR Other Matters to be considered by the Commission

- A. At least annually, the adoption of priorities for the Commission's plan of work.
- B. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.

SECTION 9.0 - AMENDMENTS TO BYLAWS

- 9.1 Upon adoption of these Bylaws of February 3, 2020, they shall become effective and all previous Bylaws, shall be repealed.
- 9.2 The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- 9.3 These Bylaws may be amended at any regular or special meeting by a two-thirds ($\frac{2}{3}$) vote of the members present.

Original adoption: June 24, 1985

Adoption as amended herein: February 3, 2020