

# **PLANNING COMMISSION BYLAWS**

**Adopted As of May 17, 2010**

As amended through June 7, 2011

## **1. Name Purpose**

The name shall be the City of New Buffalo Planning Commission, hereafter known as the "Commission".

- A. 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".
- B. 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 of the Commission are appointed by the City Council, pursuant to the City of New Buffalo Planning Commission Ordinance of August 11, 1961, as amended.
- B. Liaisons  
The purpose of liaisons is to provide certain City of New Buffalo 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 are as follows:
  1. Mayor of the City of New Buffalo
  2. Members of the City Council of New Buffalo
  3. City Manager of the City of New Buffalo
  4. City Manager Staff, and their agents and consultants
  5. City of New Buffalo Attorney
  6. City of New Buffalo engineering, water, streets, parks or established City of New Buffalo Boards, Commissions and Committees
  7. The Commission's consultants
  8. Galien River Sewer Authority staff
  9. County Departments and Commissions
  10. Regional (multi-county) Planning Staff
  11. State of Michigan Department and Commissions
- C. Attendance  
If any member of the Commission is absent and unexcused from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove a member from the Commission for non-performance of duty, or misconduct, after holding a public hearing on the matter. The Recording Secretary shall keep attendance records and upon recommendation of the Chair, shall notify the 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 three (3) hours per year of training in planning and zoning during the member's current term of office.

1. Failure to meet the training requirements shall result in the member not being reappointed to the Planning Commission.
2. The City Manager will provide a report of attendance to the City Council prior to re-appointment.
3. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University, Southwest Michigan Planning Commission and/or any organization or person that the City Council deems appropriate.

E. Incompatibility of Office

Each member of the Commission shall avoid conflicts of interest and /or incompatibility of office in compliance with the City of New Buffalo Code of Ethics (Ordinance 169, Article VIII, 09-08-09).

1. 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.
2. 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 at the next meeting of the Commission or committee.
  - b. Cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff or others.
  - c. During deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
3. 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 members**

A. *Ex Parte* contact

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

B. Site Inspections

1. 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.
2. If required, no more than one member of the Commission may

accompany the Zoning Administrator or staff on a site inspection. A report disclosing such action will be presented to the full Commission at a public meeting.

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.

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.
  - a. 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 upon concurrence by the City Manager.

E. Code of Ethics

Each member, upon appointment, shall sign acknowledgement of receipt of the City of New Buffalo Code of Ethics (per Ordinance 169, Article VIII, 09-08-2009), as amended.

4. **Officers**

A. Selection

At a regular meeting in June 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 Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term. A Recording Secretary will be assigned to the Commission by the City Council/City Manager.

B. Tenure

The Chair, Vice-Chair and Secretary shall take office at the regularly scheduled meeting of June 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, age, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission.
3. Restate all motions.
4. Appoint Committees
5. Appoint officers of committees or choose to let the committees select their own officers.
6. May call special meetings
7. Act as an Ex-Officio member of all committees of the Commission.
8. Request an Acting-Recording Secretary in the event the assigned Recording Secretary is absent from a Commission Meeting.

9. Review with the Commission Secretary and Recording Secretary, prior to a Commission Meeting, the items to be on the agenda if he or she so chooses.
  10. Periodically meet with the City Manager and/or staff to review procedures, and to monitor progress on various projects.
  11. Provide members of the Planning Commission up-to-date information regarding planning and zoning training availability.
  12. Represent the Commission, before the City Council.
- 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 assigned by the Commission
- E. Secretary's Duties  
The Secretary shall:
1. Act for the Chair in the absence of the Chair and/or Vice-Chair at the Commission, City Council and other meetings.
  2. Support the Commission's Recording Secretary to summarize pertinent correspondence received by the Commission which deals with an issue for the Commission.
  3. Sign all approved documents and letters of the Commission to the City Council.
  4. Support distribution of the proposed agenda for all meetings of the Commission as submitted by the Chair.
  5. Conduct the election of officers at the Commission's annual meeting occurring in June of each calendar year.
  6. Concurrently submit a copy of the City of New Buffalo proposed Master Plan to the county planning commission, in the manner proved in Section 39(3) of the PA Act, a statement that the requirements of subdivisions have been met. The statement shall be signed by the Secretary and shall include the name and address of each planning commission or legislative body, to which a copy was submitted.
- F. Recording Secretary Duties  
The Recording Secretary shall:
1. Execute documents in the name of the Commission
  2. Be responsible for the minutes of each meeting
  3. Review the draft of minutes, sign them, and submit them for approval to the Commission and shall have them placed in suitable volumes.
  4. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission.
  5. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Recording Secretary in care of the City Manager's office
  6. Keep attendance records
  7. 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.*
  8. Prepare an agenda for Commission meetings as submitted by the Chair.
  9. At each meeting take notes for minutes and prepare a first draft of minutes for review and signature by the Secretary and Chair.
  10. Perform such other duties as may be appropriately requested by the Commission.

## 5. Meetings

### Regular meetings

- A. Meetings of the Commission will be held the first (1<sup>st</sup>) Tuesday of every month at 7 p.m. in the Community Room of City Hall, 224 W. Buffalo Street. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice of regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*)
- B. If the City Council changes the date of the City Council's regular meeting date during the year, then the Commission will revise the regularly scheduled Commission meeting the first (1<sup>st</sup>) meeting day of January so that the meeting is at least two (2) weeks prior.
- C. Special Meetings  
Special meetings shall be called in the following manner:
  1. By the Chair
  2. By any two members of the Commission
  3. By the Chair at the request of any non-member of the Commission, upon payment of a non-refundable fee to cover costs of the special meeting.
  4. Notice of special meetings shall be given by the Recording 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.*).
- D. 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 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, except in the event of additional evidence being provided which will be included.
- E. Table a Motion  
If a motion to table a decision on a request is made, the motion needs to clearly indicate why action is suspended and what the applicant needs to provide or do in order to activate the applied request. A date and time must be scheduled and published for resuming consideration of the request.
- F. 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.
- G. 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 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 non-compliance, 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 if a "no" vote is given and/or upon the request by a member of the Commission and/or a nay vote is given, 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 of a majority of a quorum, whichever is greater, shall be necessary for the 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.

I. 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.

J. Parliamentary Procedure

Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings can then be governed by *Roberts Rules of Order Newly Revised*, (10<sup>th</sup> 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 *Roberts Rules of Order*, then these Bylaws control.

K. Public Participation

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

1. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is not normally 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 for public inspection without cost for members of the public asking to review 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 within the established time limit.

L. Consensus Business

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

1. Review of plans and zoning ordinances, or any part or amendment

thereto.

2. Action on special use permits, planned unit developments, site plans and similar administrative actions.
3. Election of officers.
4. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.

M. Order of Business

Agenda – The Recording Secretary shall prepare an agenda for each meeting as submitted by the Chair and the order of business shall be as follows:

1. Call to order, roll call, and Pledge of Allegiance
2. Matters pertaining to citizens present at the meeting, in the following order:
  - a. 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.
  - b. Persons requested by the Commission to attend the meeting.
  - c. Other public participation for items on this agenda.
  - d. Housekeeping Business
    - I. Consent Business
    - II. Approval of minutes  
A member will abstain from voting on approval of minutes if that member was absent from the meeting for which the minutes are to be approved.
    - III. Members report on planning and zoning training attended.
    - IV. Other
3. New Business (other business and communications).
4. Adjournment

N. Delivery of Agenda

The agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting.

O. Placement of Items on the Agenda

1. The City Manager/Zoning Administrator shall be the office of record for the Commission.
2. The City Manager/Zoning Administrator shall submit items for consideration by the Commission between the time of the adjournment of the previous Commission meeting no later than fifteen (15) business days prior to the next regularly scheduled Commission meeting and on receiving confirmation from the Commission Chair.
3. Items received by the City Manager/Zoning Administrator between seven business days prior to the next regularly scheduled Commission meeting and 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 seven business days prior to the next regularly scheduled Commission meeting.

## 6. Record

### Minutes and Record

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

following:

- A. 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.*)
- B. 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. Indications of others present (listing names if others choose to sign in and/or a count of those present)
  4. 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.
  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 (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
    - 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 tip 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 photo copied. 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...").
  7. Who called the question.
  8. 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."
  9. That a person making a motion withdrew it from consideration.
  10. All the Chair's rulings.
  11. All challenges, discussion and vote/outcome on a Chair's ruling.
  12. All parliamentary inquiries or point of order.
  13. When a voting member enters or leaves the meeting.
  14. 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.



15. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
  16. The start and end of each recess.
  17. All the Chair's rulings of discussion being out of order.
  18. Full text of any resolutions offered.
  19. Summary of announcements
  20. Summary of informal actions, or agreement on consensus.
  21. Time of adjournment.
- C. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- D. Retention  
Commission record shall be preserved and kept on file according to the following schedule:
1. Minutes, bonds, oaths of officials, zoning ordinances, master of 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. Less than a quorum may serve on an ad hoc committee at any given time.
- B. Citizen Committees  
The Commission, 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 New Buffalo.

**8. Rules of Procedure of All Committees**

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

- A. Same Principles  
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 a reasonable use of City Manager/Zoning Administrator 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 New Buffalo Department and Subdivisions; Intra and Intergovernmental Coordination**

The Commission shall be informed of all related plans between departments or subdivisions of City of New Buffalo and intra and intergovernmental coordination of all related planned activities among the county, state and federal and municipal governments concerned. The Commission may use committees (pursuant to Section 7.B of these rules), City Manager/Zoning Administrator, staff, citizen committees (pursuant to Section 7.C of these rules), and interagency staff teams for purposes of accomplishing supporting effective 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. **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 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 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 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.

11. **Zoning Responsibilities**

- A. Zoning Adoption or Amendment (including PUD zoning amendments).  
The Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the City Council. At a minimum the recommendation shall include:
1. Zoning plan for the areas subject to zoning, or zoning amendment of the City of New Buffalo.
  2. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable.
  3. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole.
  4. The manner of administering and enforcing the zoning ordinance.
- B. Special Use Permit (including PUD's)  
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.
- C. 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.
- 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.

12. **Plan Reviews**

- A. The Commission shall review all adjacent, or contiguous, local government plans (township, village, and city plans) within the boundaries serviced by the Commission, and the county plans in which the Commission's service area is located.
- B. Action shall be in the form of a motion which contains (or is included in the minutes) a finding 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 matters such as:
    - a. Border issues
    - b. Issues of greater than local concern
    - c. Comparison with local plan contents
    - d. Comparison with county/regional plan contents

- e. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.)
  - f. Comparison to various implementation strategies.
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 a 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.

13. **Capital Improvements Review**

- A. The Planning Commission is exempt by City Ordinance from preparing the Capital Improvement Plan. (New Buffalo City Council Resolution, 12-16-08)
- B. Pursuant to Article IV., Section 67., of the P.A. 33 of 2008, (the Michigan Planning Enabling Act), the Planning Commission may recommend to the City Council programs for public Structures and improvements and for the financing thereof, regardless of whether the Planning Commission is exempted from the requirements to prepare a Capital Improvement Program.

14. **Other Matters to be Considered by the Commission**

Commission Action

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

- A. At least annually, the adoption of priorities for the Commission's plan of work.
- B. Annually, preparation of an annual report of the Commission.
- C. Administrative Policy and ruling of interpretation of regulations by the Commission or its support staff.
- D. The general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas.
- E. Land subdivision plats.
- F. All address changes pursuant to the City of New Buffalo Address Ordinance, as amended.
- G. All Planning reports and plans before publication.
- H. Commission's budget requirements for the fiscal year and request for appropriation.
- I. Selection of consultants.
- J. Such other matters as the Zoning Administrator shall find it advisable or essential to receive consideration by the Commission.
- K. Fees  
The Commission shall from time to time recommend consideration of fees for services, municipal "assistance", or municipal "work". Such fees shall not contravene any state statute, county ordinance, or fee established by the City of New Buffalo City Council.

15. **Adoption, Repeal, Amendments**

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

- A. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.
- B. Any adoption, repeal, or amendment requires the approval of the City Council after Providing at least one month notice.