



Planning Commission
97 North Broad Street
Hillsdale, Michigan 49242-1695
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Planning Commission Agenda
November 17, 2021

I. Call to Order 5:30 pm

- A. Pledge of Allegiance
- B. Roll Call

II. Public Comment

Any agenda item – 3 min. limit

III. Consent Items/Communications

- A. Approval of agenda – **Action**
- B. Approval of Planning Commission 10-20-2021 minutes – **Action**

IV. Public Hearing

- A. B-2 Zoning Ordinance - **Action**

V. Old Business

- B. PC Bylaws – **Review**

VI. New Business

- A. No New Business

VII. Zoning Administrator Report

Notre Dame Presentation

VIII. Commissioners' Comments

IX. Public Comment

Any Commission related item – 3 min. limit

X. Adjournment

Next meeting Wednesday, December 15, 2021 at 5:30 pm

Planning Commission Meeting Minutes
Hillsdale City Hall
Council Chambers
October 20, 2021
5:30 pm

Call to Order

Meeting opened at 5:30 pm by Chairman Moore with Pledge of Allegiance, followed by roll call by Secretary Penny Swan.

Members Present

Members Present: Chairman Moore, Vice Chairmen Scholl, Secretary Swan, Commissioner Morrisey, Commissioner McConnell, Commissioner Parker, Commissioner Laycock.
Public Present: Alan Beeker

Consent Agenda and Minutes

Alan Beeker requested the discussion for the annual report be added to the agenda.

Motion to approve consent items/communication and agenda made by Commissioner Morrisey seconded by Commissioner Swan, motion approved unanimously.

Motion to approve the minutes from the September 15th made by Commissioner Morrisey and seconded by Commissioner Scholl, motion approved unanimously.

Public Comment

No public comment.

Old Business

- A. B-2 Zoning Ordinance: Motion to set public hearing for the next meeting on November 17 made Commissioner Swan, seconded by Commissioner Morrisey, Motion passed unanimously.
- B. PC Bylaws–Review
More discussion on bylaw amendments which will be sent to City Council for approval.
- C. Review Annual Report.
Discussion on the items on the annual report and additions to the report.

New Business

No new business.

Zoning Administrator Report

Update on the Keefer, Dawn, Dairy Queen, and possible purchase of the old Hillsdale Tool building at 135 E South Street. Alan also talked about the Notre Dame students who used Hillsdale as a discussion point on form based code and their presentation to officials here in Hillsdale.

Commissioner's Comments

None

Adjournment

Motion to adjourn at 6:47 pm by Commissioner McConnell seconded by Commissioner Laycock, Motion approved unanimously.

Next meeting: November 17, 2021 at 5:30 pm.

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~~SECTION 36.271~~

Article III -Division 7 CITY OF HILLSDALE DOWNTOWN BUSINESS DISTRICT

Section 36.271 Purpose

The Hillsdale Downtown Business District is a departure from traditional zoning in that it focuses less on the use of a parcel and more on the preservation of the City’s character as it is expressed in its built form. To do this, development standards are integrated with public realm standards and include form regulations which are intended to support the re-creation and expansion of the City’s successful downtown built environment. Key elements include architectural standards, mixed uses by right, diversity among travel modes, residential accommodation in the downtown, and a parking strategy organized by district rather than by parcel.

	CURRENT ZONING	INTENT
Downtown	Downtown Commercial Office	Preserve, replicate Integrate into commercial

Section 36.272 Regulated Uses, General Standards, Special Use Permit Standards and Splicing

36.272.01 Text and Diagrams

The text and diagrams in the Downtown Business District address the location and extent of land uses, implement the vision articulated in the Hillsdale Placemaking process, and express community intentions regarding urban form and design. These expressions may differentiate neighborhoods, districts, and corridors, provide for a mixture of land uses and housing types within each, and provide specific measures for regulating relationships between buildings, and between buildings and outdoor public areas, including streets.

36.272.02 Regulated Uses

Regulated uses are identified for each zone either as a Permitted Use (P) or a use requiring a Conditional Use Permit (CUP). All CUP uses must address the General Standards listed below. If the CUP has additional standards over and above the General Standards the special provision column references that specific section of the Zoning Ordinance. All uses will require the submission of a site plan pursuant to Division 2 of the City of Hillsdale Zoning Ordinance.

Sec. 36-272.03 General Standards

The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

- (1). Be designed, constructed, operated, and maintained so as to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased

service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

(2). Be designed to protect: natural resources; the health, safety, welfare, and social and economic well-being of those who will use the development under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.

(3). Be related to the valid exercise of the police power; and purposes which are affected by the proposed use or activity.

(4). Be necessary to meet the intent and purpose of the zoning ordinance; be related to the standards established in the ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

(5). Meet the standards of other governmental agencies where applicable, and ensure that the approval of these agencies has been obtained or is assured.

(6). Meets the intent of the Hillsdale Placemaking Plan to provide harmonious streetscapes and consistent architecture.

Sec. 36-272.04 Splicing

The Downtown Business District focuses attention on the development and form of public and private properties and spaces within the area designated on the Regulating Plan referenced in Section 36.272.05. Requirements regarding site development standards such as parking, lighting, and encroachments included in this Ordinance will take precedence over the general requirements contained in the City of Hillsdale Zoning Ordinance. The Downtown Business District will replace the following Sections of the City of Hillsdale Zoning Ordinance:- Division 7 - B-2 Downtown Form-Based District. All other provisions of the City of Hillsdale Zoning Ordinance remain intact and valid.

Sec. 36-272.05 Properties Currently Developed and Occupied

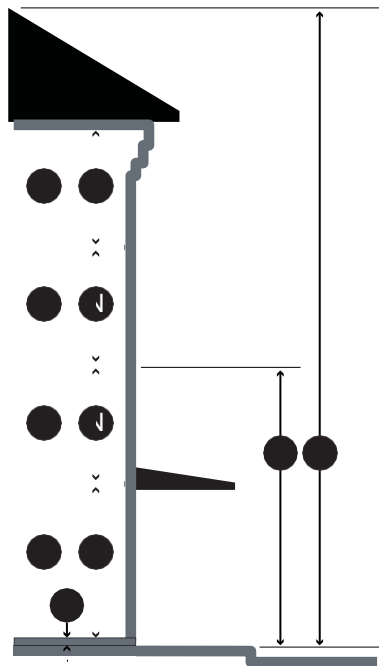
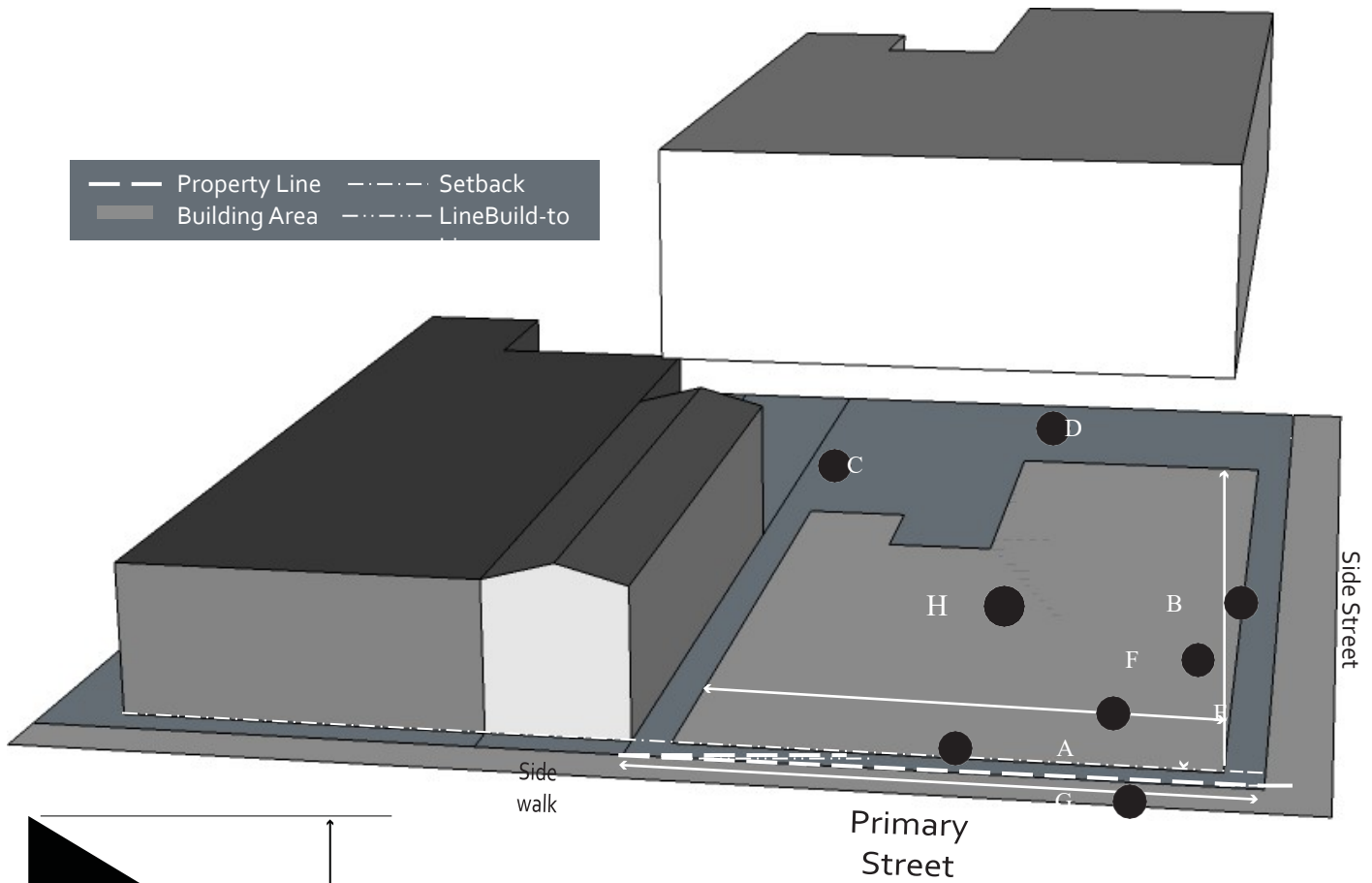
The Regulating Plan encompasses properties that have been developed under the current City of Hillsdale Zoning Ordinance. These properties may not comply with the dimensional and form requirements of the Downtown Business District and will not be considered as nonconforming. If the property changes occupancy after the effective date of this Ordinance it will be required to comply [111]with the applicable section of this Ordinance except Section 36.274 “Lot and Building Placement.” If the property is demolished, redeveloped, or vacant it will be required to comply empty with [112]all of the provisions of this Ordinance.

Section 36.273 Regulating Plan

A Regulating Plan connects the regulations in the Business Code to the specific lots and rights-of-way they govern. This is similar to the Zoning Map of a use-based code. However, the primary purposes of a Regulating Plan are quite different from a conventional zoning map: addressing the intensity of development rather than use, and prescribing a quality public realm [113]rather than proscribing incompatible uses. Therefore, its function is quite distinct. The intent of the Hillsdale Downtown

Business District is to preserve the historic built form of the community core, and to establish a functional and aesthetic linkage between the traditional downtown and the campus of Hillsdale College. Because the locus of each of these goals is within the public realm^[TT4], this code has been developed to maximize its impact there. The public right-of-way is the organizing principle within each Category. Therefore, the Regulating Category which applies to each lot or parcel is determined by the right-of-way adjacent to its front lot line. This method promotes a cohesive experience on both sides of the public space, the right-of-way.

Section 36.274 LOT AND BUILDING PLACEMENT



NOTES
All buildings must have a primary ground-floor entrance which faces the primary street.
Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on street-facing facades.
Air compressors, mechanical pumps, exterior water heaters, utility equipment, waste containers, storage tanks, and similar equipment shall not be stored or located within any area adjacent to a street right-of-way.

LOT AND BUILDING TERMINOLOGY

BUILD-TO LINE

A line parallel to the property line where the facade of the building is required to be located.

SETBACK

The distance by which a building must be separated by the property line or ROW, typically defined and regulated as a minimum

PRIMARY STREET FRONTAGE BUILD-OUT

The percent of the lot frontage which must be occupied by the building facade

SIDE STREET, CORNER LOT FRONTAGE BUILD-OUT

The percent of the side lot boundary which must be occupied by the building face

MAXIMUM LOT WIDTH

The largest allowed distance between lot corners along the front ROW

MINIMUM LOT WIDTH

The smallest allowed distance between lot corners along the front ROW

LOT DEPTH

The minimum depth of a lot, expressed in feet

LOT COVERAGE

The percent of the lot covered by buildings and accessory structures

IMPERVIOUS COVERAGE

The percent of the lot covered by impervious surfaces including roofs, patios, driveways, and other hard surfaces which result in water runoff

GROUND FLOOR

The bottom floor of a building, providing access to the outdoors

UPPER FLOORS

All floors above the ground floor of a building

MINIMUM BUILDING HEIGHT

The shortest allowed vertical distance between the sidewalk and the top point of reference for a building facade along the front ROW

MAXIMUM BUILDING HEIGHTS

The largest allowed vertical distance between the sidewalk and the top point of reference for a building

GROUND FLOOR FINISHED LEVEL HEIGHT

The vertical distance allowed between the sidewalk and the top of the finished floor on the ground level, regulated as a minimum

MINIMUM GROUND-FLOOR CEILING HEIGHT

The smallest allowed vertical distance between the finished floor and ceiling on the ground floor of a building

Section 36.275 REGULATING PLAN CATEGORIES

Section 36.275.01 Downtown Core (DC)



PURPOSE
The Downtown Core category is designed to foster a mix of commercial, institutional, and residential uses that are accessible by multiple modes to serve the community as a whole.
DISTINGUISHING CHARACTERISTICS
Retail, workplace, and civic activities mixed with attached housing types such as apartments and live/work units
GENERAL CHARACTER
Predominantly attached buildings, landscaping within the public right-of-way, substantial pedestrian activity

DESIRED FORM	
Mixed Use	
LOT PROPERTIES	
Area	None
Width	None
Depth	None
BUILDING PLACEMENT	
Small or no setbacks; buildings oriented to the street with placement and character defining a street wall	
Front build-to line	0' from sidewalk
Side street build-to line, corner lot	0' from sidewalk
Side setback	0' from property line
Rear setback	Loading space only
BUILDING FRONTAGE	
Frontage types	Shopfront, Gallery, Arcade
Building front facade as % of lot width (minimum)	90%
Side street facade as % of lot width (minimum)	60%
HEIGHT	
Building maximum (stories / height)	4 stories / 50' or Planning Commission approval
Building minimum (stories / height)	2 stories / 18'
Difference between adjacent buildings (stories, max)	1
First floor height	Min. 10' Max.14'
Upper floor height	Min. 8' Max.14'
COVERAGE	
Impervious surface (max)	100%
Landscaped (min)	0%
PARKING	
Public	On-street, public lots
Private	Public lots; off-street spaces accessible via alleys
TRANSPORTATION MODES	
Primary	Pedestrian
Secondary	Car, truck, bus, bicycle
OPEN SPACE TYPE	
Plazas, squares, pocket parks, ROW landscaping amenities	

Sec. 36.275.02 DOWNTOWN EDGE (DE)



PURPOSE
The Downtown Edge category provides a mix of commercial, office, and residential uses, integrated into the existing built form. It serves as a transition between the intensely developed Downtown Core and the residential neighborhoods.
DISTINGUISHING CHARACTERISTICS
Retail and workplace activities mixed with detached and attached housing types such as townhomes and mansion apartments; limited off-street parking.
GENERAL CHARACTER
Midsized detached buildings which may have more than one unit and/or more than one use; balance between landscape and buildings; presence of pedestrian amenities such as sidewalks and pedestrian scale lighting.

DESIRED FORM	
Variety of 1 story commercial buildings and 2 to 3 story residential and mixed use buildings	
LOT PROPERTIES	
Area	None
Width	None
Depth	None
BUILDING PLACEMENT	
Close to right-of-way with or without a landscaped greenbelt	
Front build-to line	0' - 25'
Side street build-to line, corner lot	0' - 25'
Side setback	0' from property line; If openings in building, 10' from property line
Rear setback	On-site parking or Loading space only
BUILDING FRONTAGE	
Frontage types	Shopfront, Stoop, Porch
Building front facade as % of lot width (minimum)	N/A
Side street facade as % of lot width (minimum)	N/A
HEIGHT	
Building maximum (stories / height)	2.5 -3 stories / 35 '-40'
Building minimum (stories / height)	1 story / 12' Max-
Difference between adjacent buildings (stories, max)	1
First floor height	Min.10' Max.12'
Upper floor height	Min. 8' Max.12'
COVERAGE	
Impervious surface (max)	85%
Landscaped (min)	15%
PARKING	
Public	On-street, public lots, on-site
Private	Public lots, limited off-street parking by parcel, private lots
TRANSPORTATION MODES	

Primary	Pedestrian, bicycle, car
Secondary	Truck, bus
OPEN SPACE TYPE	
Plazas, squares, pocket parks, ROW landscaping amenities	

Section 36.276 REGULATED USES

Regulated uses are identified for each Category either as a Permitted Use (P) or another relevant designation, use requiring a Conditional Use Permit (CUP), [115]. If a use is blank with no designation or not listed, the use is not permitted in that zone. All uses requiring a CUP must address the standards in this code. If the CUP invokes additional standards, the special provision column references that specific section of the Zoning Ordinance.

USE	CLASSIFICATION	
	DC	DE
RESIDENTIAL	UPPER FLOORS ONLY AND GROUND FLOOR ALLEY ACCESS	
One-family detached dwellings		P
One-family attached dwellings		P
Duplexes		P
Lofts	P	P
Live/work units	P	P
Multiple Family - Small	P	P
Multiple Family - Large	P	P
Home Occupation	P	P
Home Occupation - 2 or more persons	P	P
RESIDENTIAL - SERVICES	UPPER FLOORS ONLY	
Nursing homes		P
Child care centers	P	P
PUBLIC AND PRIVATE INSTITUTIONAL		
Schools (public, parochial, private)	P	P
Civic uses	P	P
Assembly and meeting halls	P	P
Churches	P	P
Educational	P	P
Post office	P	P
Fine arts	P	P
Performing and screen arts	P	P
Recreational facilities	P	P
Municipal/public works	P	P
Mortuaries and funeral homes		P

USE	CLASSIFICATION	
	DC	DE
TRANSPORTATION / UTILITIES		
Parking (public or private)	P	P
Public transit stop or station	P	P
Power generation	P	P
Public utilities	P	P
Warehousing	P	
Wireless Telecommunication Facilities		
OFFICE		
Professional offices	P	P
Medical facilities, including urgent care		P
Medical/clinical/general practitioner offices	P	P
Veterinary clinic		P
COMMERCIAL		
Mixed use with residential above 1st floor	P	P
Retail, except with the following features	P	P
Alcoholic beverages	P	P
Drive-thru		P
Floor area over 10,000 square feet		P
On-site production of items	P	P
Operating hours between 10pm and 7am	P	
Gasoline service station		P
Convenience market less than 3,500 sq.ft.	P	P
Restaurant, cafe, coffee shop, bar, tavern, except with the following features	P	P
Drive-thru		P
Drive-in		P
Outdoor service	P	P
Microbrewery, small distillery, small winery	P	P
Farmers Market	P	P
Personal services	P	P
Health and fitness facilities	P	P
Clubs, dance halls, lodges	P	P
Banks and financial, except with the following features	P	P
Drive-thru		P

Automobile service		
Gasoline stations		P
LODGING		
Hotel/motel	P	P
Bed and Breakfast	P	P

Section 36.277 BUILDING FRONTAGES

36.277.01 Facade Components and Materials

CUSTOMER ENTRANCES	
Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets	
Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features:	
Canopies / porticos above the entrance	Gabled roof forms or arches above the entrance
Roof overhangs above the entrance	Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20'
Entry recesses / projections	Architectural details such as tile work and moldings that are integrated into the building structure and design above and/or directly adjacent to the entrance
Arcades that are physically integrated with the entrance	
Raised corniced parapets above the entrance	
Display windows that are directly adjacent to the entrance	
WINDOWS AND TRANSPARENCY	
A minimum of 75% of the ground floor story front facade between 1' and 8' above the sidewalk shall be comprised of transparent, non-reflective windows into the nonresidential space	
A minimum of 30% of the upper story facade measured floor-to-floor shall have transparent, non-reflective, vertically oriented windows	
FACADE ORNAMENTATION	
All visible elevations shall include decorative features such as cornices, pilasters, and friezes.	
FACADE MASSING	
Front facades 60' wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40'. Each required offset shall have a minimum width of 20'.	
Any section along the build-to line which is not defined by a building must be defined by a 3'6" masonry screen wall which is set back 5' from the build-to line. In the case of an existing parking lot, the screening wall can be located adjacent to the sidewalk. The area between the build-to line and the setback should be landscaped as possible.	
ROOFS	
Flat roofs shall have three-dimensional cornice treatments	
All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to minimize the visual impact	
BUILDING MATERIALS	
Durable and traditional building materials shall be used, with an explicit preference for brick construction. Fluted concrete masonry units and scored concrete masonry unit block, although not considered traditional building materials, may be used but shall not exceed 25% of the surface square footage of any portion of the building exposed to a public right-of-way, or customer access or parking area	
Materials such as exterior insulation finish system (EIFS), concrete panels, and panel brick are not considered durable and traditional building materials, and shall not be used	

Sec. 36.277.02 Private Facades

Common Yard: a planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.

Porch & Fence: a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch, permitted to encroach. A fence at the Frontage Line maintains street spatial definition.

Terrace or Lightwell: a Frontage wherein the Facade is set back by an elevated terrace or a sunken lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment

Forecourt: a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.

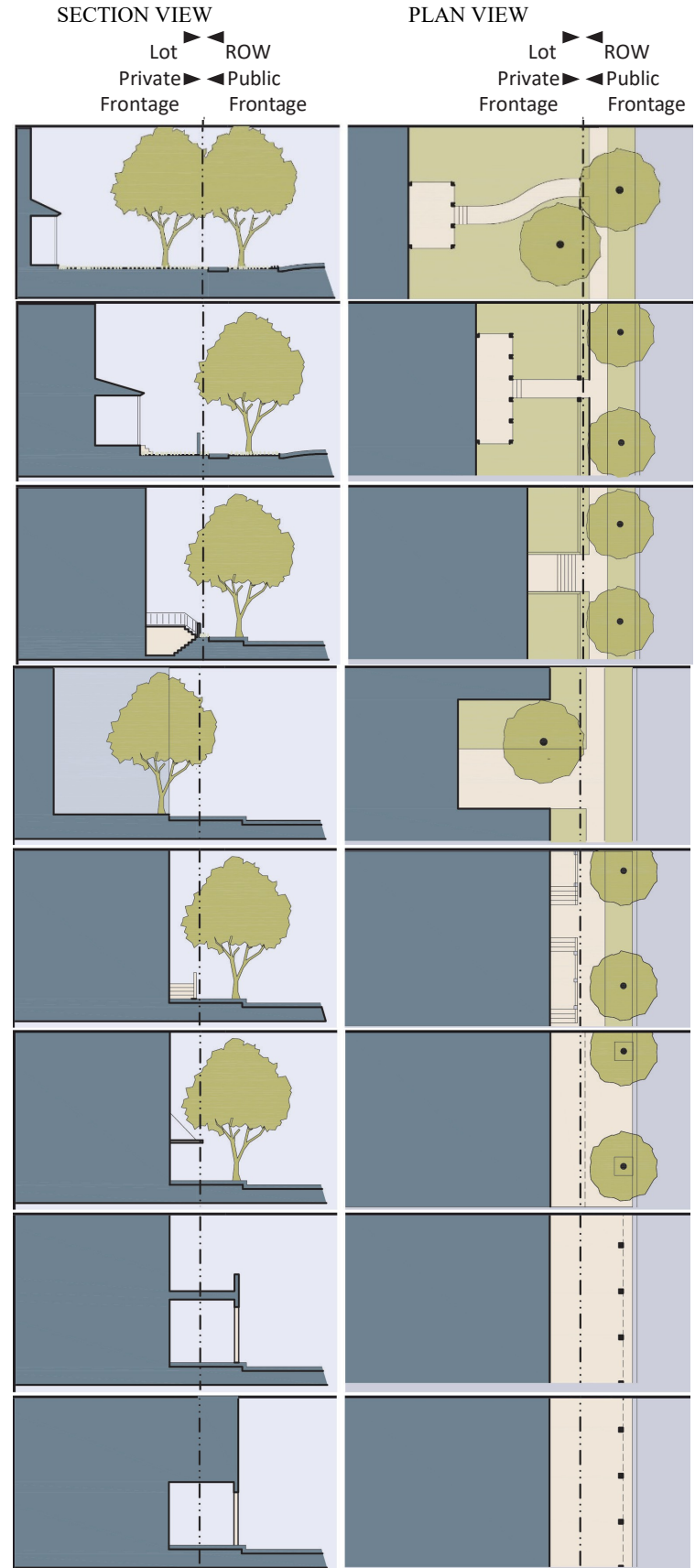
Stoop: a Frontage with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.

Shopfront: a Frontage with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and an awning that may overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.

Gallery: a Frontage with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.

Arcade: a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade should overlap the Sidewalk to within 2 feet of the Curb.

Source: SmartCode v9.2 Table 7



Section 36.278 SPECIAL PROVISIONS

36.278.01 CANOPIES AND AWNINGS	
Canopies and awnings may be required and may encroach over the build-to line	
<i>Front</i>	8'
<i>Side</i>	8'
<i>Rear</i>	5'
36.278.02 SIDEWALK AMENITIES	
In the Downtown Core District, privately owned and provided sidewalk amenities such as benches, tables, chairs, signs, and plants are permitted to add convenience, charm, and character to the district, pursuant to Section 36- 279 outlining standards for permitting and approval, and <u>for</u> appeals.	
36.278.03 LANDSCAPING	
A portion of each site shall be landscaped open space with one evergreen tree or shrub for every 1,000 square feet or portion thereof, plus one small or large deciduous tree for every 2,000 square feet or portion thereof. Plant materials shall be in accordance with Chapter X of the Hillsdale Zoning Code. Bioretention / rain gardens pursuant to 36-152 may also be considered. Parking lot landscaping shall be installed pursuant to 36-150(c), and parking lot screening shall be provided pursuant to 36-629. A 4'6" obscuring wall, fence, or vegetative buffer shall be provided on those sides of the property abutting Residential zoning. Landscaping shall be provided pursuant to Sec. 36-150.	
36.278.04 LIGHTING	
Streetlights shall be of a general type specified by the City	
Wall pack lighting shall be used only on the rear or side of the building to illuminate exits and loading facilities	
Parking lot lighting pole height, including luminaire, shall not exceed the height of the building or 20', whichever is less, and shall be confined within the parking area	
Lighting shall be shielded from residential districts and driver visibility on thoroughfares	
36.278.05 Commercial Dumpsters	
Commercial dumpsters shall be sited in accordance with Section 36-151, Commercial Dumpsters.	

Sec. 36.278.06 Signs

Signage shall be provided pursuant to Chapter 26 of the Hillsdale Municipal Code.

36.278.10 PARKING

36.278.11 Parking Location

Parking shall conform to Article VIII, Off-Street Parking and Loading, except where indicated.

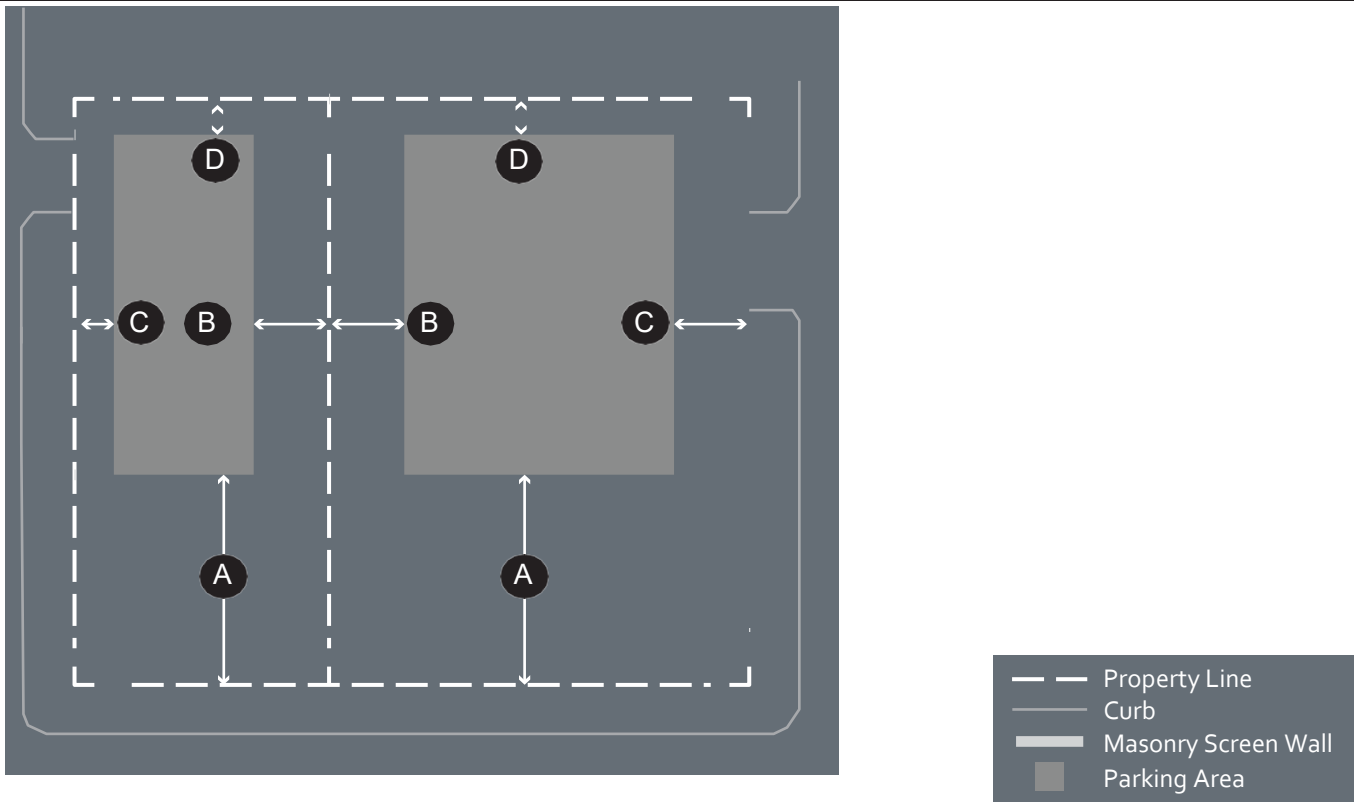
DISTANCE FROM PROPERTY LINE		
Front setback (see below)	A	10'
Adjacent to common property line	B	10'
Side street setback		
- landscape only	C	10'
-when a masonry screen wall is installed	C	5'
Rear setback	D	5'

Parking is not permitted between the right-of- way and the building facade. For parking which is adjacent to the building, the Front Setback is measured from the front of the building, traveling toward the rear of the lot.

Where a parking lot abuts an interior and/or common property line, the property owner shall provide a cross access easement for the purpose of connecting adjacent parking lots.

Parking lot landscaping shall be installed pursuant to 36-150(c). Bioretention / rain gardens pursuant to 36-152 may also be considered.

Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley.



36.278.12 Required Parking

Uses specified in this section supersede 36-600.

RESIDENTIAL (PER DWELLING UNIT)		
Single family	2.0	
Duplex	2.0	
Multiple family	1.5	
Live/work unit	2.0	
Residential in Mixed Use buildings	1.5	
LODGING (PER BEDROOM / HOTEL ROOM)		
Bed & breakfast	1.2	
Inn	1.2	
Hotel / Motel	1.0	
OFFICE (PER 1,000 USABLE SQUARE FEET)		
Individual enclosed offices	3.0	
Open office concept	2.0	
COMMERCIAL (PER 1,000 USABLE SQUARE FEET)		
Retail	3.0	
PUBLIC AND PRIVATE INSTITUTIONAL		
SITE AMENITIES		
1 bicycle parking facility shall be provided on site per 10 vehicular parking spaces		
Benches may be required at the discretion of the Planning Commission		

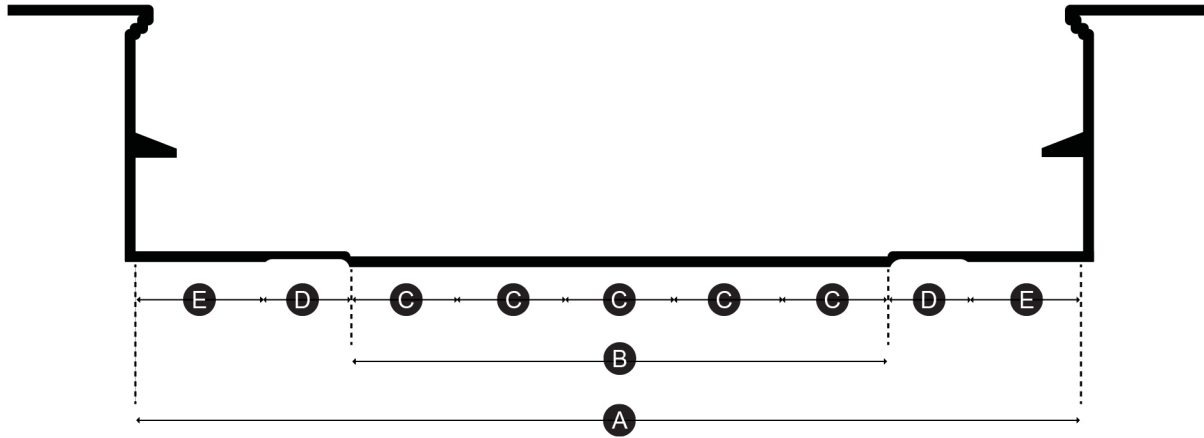
36.278.13 Shared Parking

Parking Calculations: When two functions share parking facilities, the sum of their individual parking requirements is divided by the Shared Parking Factor to determine the Effective Parking Requirement. For example, if 12 spaces are needed for a residential development and 32 spaces are needed for a retail development, this amount would be summed to equal 44. This number would be divided by 1.2, according to the chart below, to produce an Effective Parking Requirement of 36.6, or 37 parking spaces. This section supersedes [Section 36-595](#).

FUNCTION	RESIDENTI AL	LODGIN G	OFFIC E	RETAI L
RESIDENTIAL	1.0	1.1	1.4	1.2
LODGING	1.1	1.0	1.7	1.3
OFFICE	1.4	1.7	1.0	1.2
RETAIL	1.2	1.3	1.0	1.0

36.278.20 PUBLIC SPACE STANDARDS

36.278.21 THOROUGHFARE TYPES



STREET TERMINOLOGY

Right-of-Way (ROW) Width **A**

The measurement across a thoroughfare of the area under control or ownership of the Michigan Department of Transportation, Hillsdale County Road Commission, or private property owner.

Curb Face to Curb Face Width **B**

The distance across a thoroughfare between the vertical faces of the curb, typically intended for vehicles, including any on-street parking, planting strips, and gutters.

Traffic and Parking Lanes **C**

The number and width of areas designated for vehicular travel, not including bicycle lanes.

Planting Zone **D**

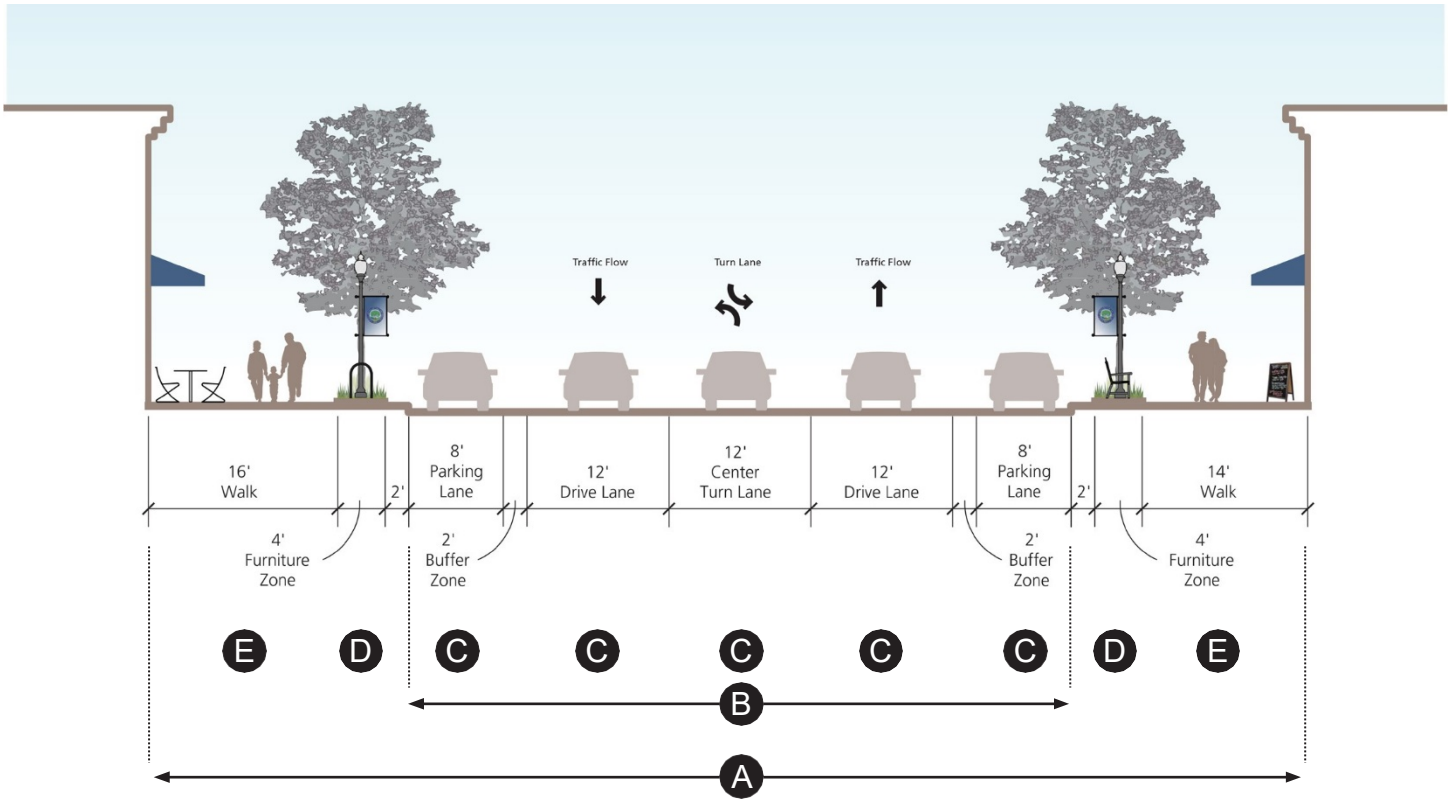
The area of the ROW used for street trees and flowers as well as Low Impact Development stormwater features, such as rain gardens. In some instances, this zone can be used for outdoor dining, depending on surface materials.

Pedestrian Zone **E**

The area used for pedestrian movement, dedicated to sidewalks and outdoor cafes.

Thoroughfare type: Main Street

Example: Broad Street between Bacon and Carlton

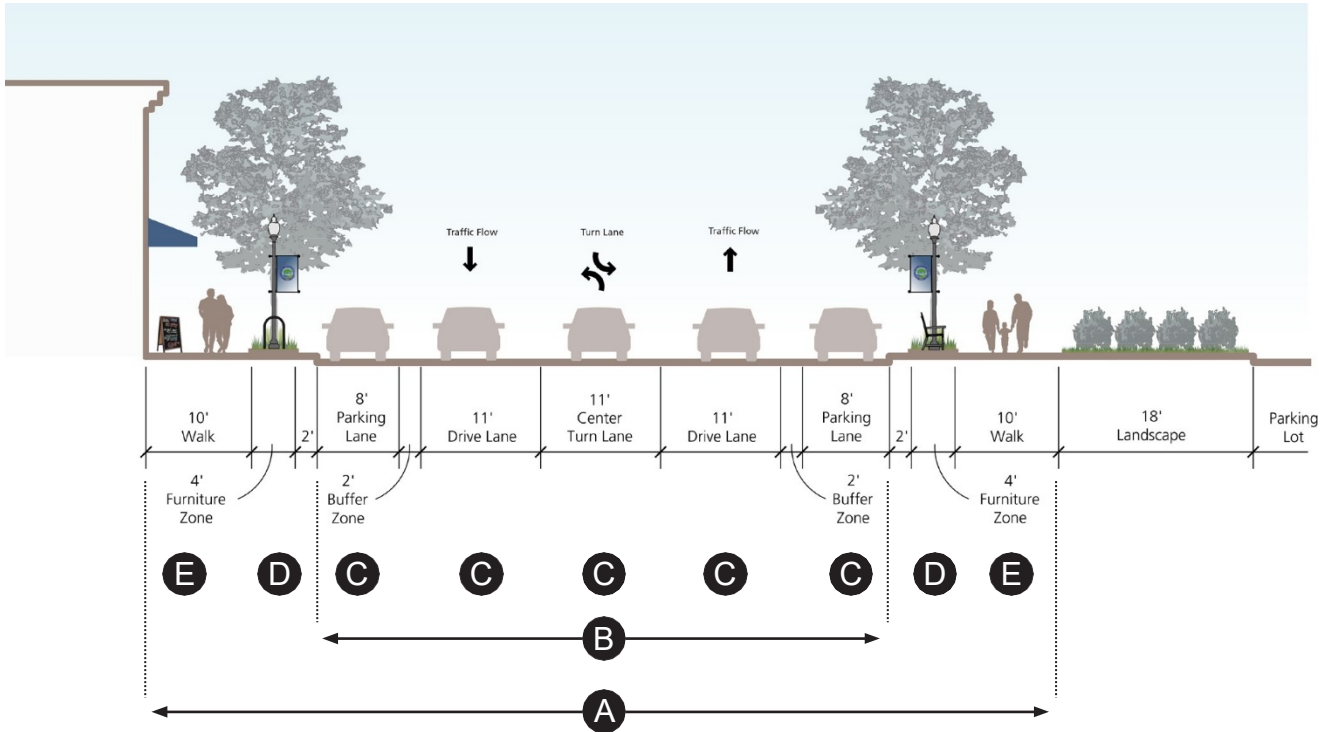


APPLICATION		
Target Speed		
Target Speed		
Overall Widths		
Public Realm (Between BTL)	98'	A
Right of Way (ROW) Width	56'	B
Lanes		
Traffic Lanes	12'	C
Turn Lane	12'	C
Parking Lanes	10'	C

Edges		
Curbs	2'	D
Planters and Tree Grates	4'	D
Walkways	14'-16'	E

Thoroughfare type: Urban Center

Example: Howell Street

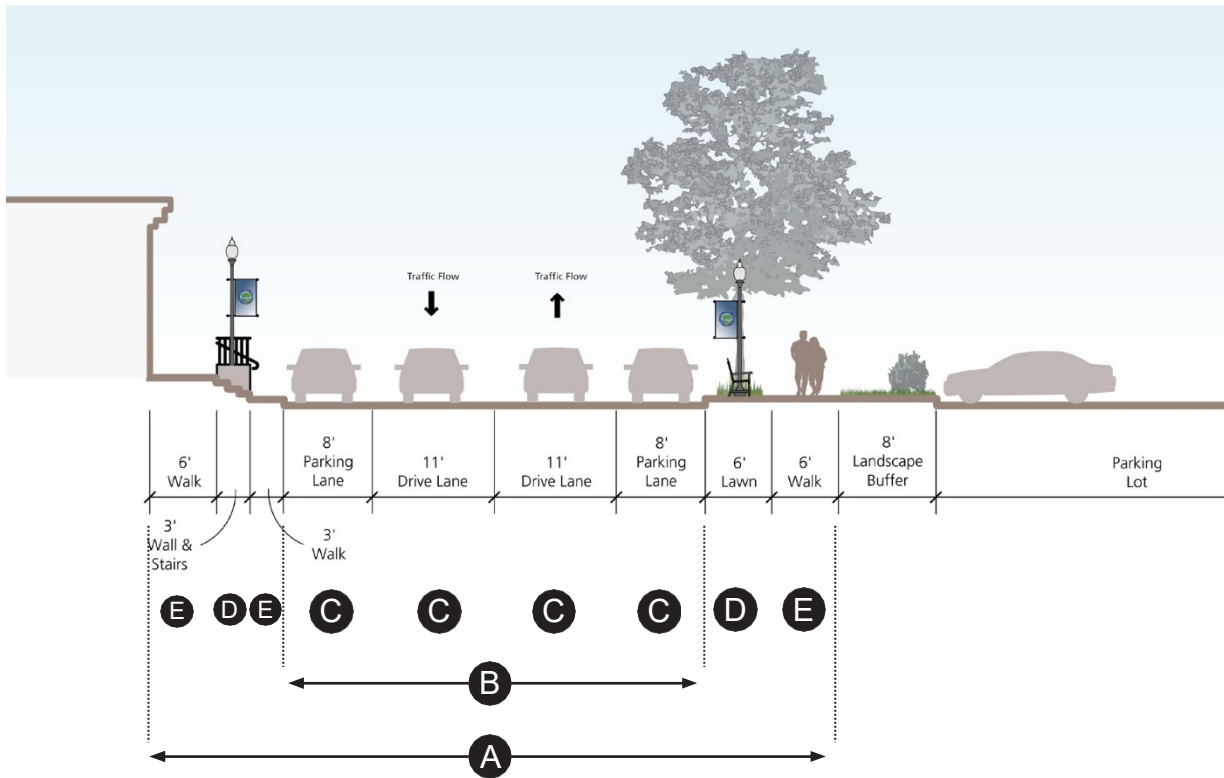


APPLICATION		
TARGET SPEED		
Target Speed		
OVERALL WIDTHS		
Public Realm (Between BTL)	94'	A
Right of Way (ROW) Width	53'	B
LANES		
Traffic Lanes	11'	C
Turn Lane	12'	C
Parking Lanes	10'	C

EDGES		
Curbs	2'	D
Planters and Tree Grates	4'	D
Landscape buffer	18'	
Walkways	10'	E

Thoroughfare type: Urban Residential

Example: Bacon Street between Manning and alley



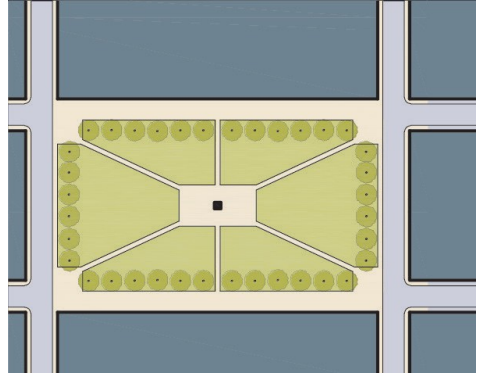
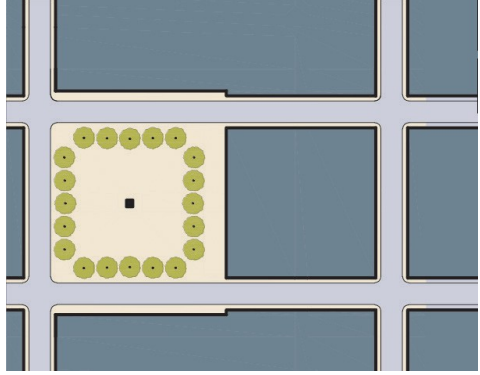
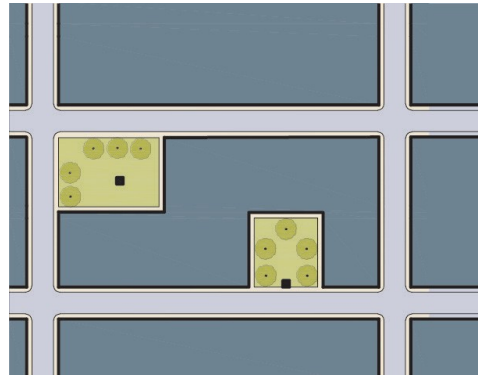
APPLICATION		
Target Speed		
Target Speed		
Overall Widths		
Public Realm (Between BTL)	62'	A
Right of Way (ROW) Width	38'	B
Lanes		
Traffic Lanes	11'	C
Turn Lane	12'	C
Parking Lanes	10'	C

Edges		
Curbs	2'	D
Planters and Tree Grates	4'	D
Landscape buffer	18'	
Walkways	10'	E

36.278.22 Civic Spaces

TYPE	CLASSIFICATION		
<p>PARK</p> <p>A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by a Warrant[116] as Special Districts in all zones.</p>	BC	CC	CN
<p>GREEN</p> <p>An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.</p>	BC	CC	CN



<p>SQUARE</p> <p>An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.</p>	<p>DC DN</p> 
<p>PLAZA</p> <p>An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.</p>	<p>DC BC CC</p> 
<p>PLAYGROUND</p> <p>An Open Space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	<p>DC DN CN</p> 

Section 36.279 APPLICATION PROCESS and APPEAL

36.279.01 Application Process

A. An application for a permit pursuant to this article must be submitted to the zoning administrator for approval and contain the following information:

- (1) The name, address, and contact information of both the applicant and the business.
- (2) The name, address and contact information of the property owner if other than the applicant.
- (3) A site plan showing the proposed location of outdoor sale items, the proposed location and number of benches, tables, chairs, desks, signs, plants, artworks, waste receptacles or other similar amenities, and the location and number of all related equipment, such as, by way of example, outdoor electrical outlets, umbrellas, and railings.
- (4) The proposed area of occupancy including square feet and dimensions, and the location of existing grates, hydrants, trees, shrubs, and other public items.
- (5) The proposed clear path to accommodate pedestrian traffic and circulation through and within the use area by customers and members of the general public.
- (6) If the sale of alcohol is proposed, a copy of approval from the Michigan State Liquor Control Commission.
- (7) A signed agreement committing and requiring the applicant:

a. To provide proof of public liability and property damage insurance with coverage that is satisfactory to the City of Hillsdale and with limits of liability of not less than a single limit of \$300,000.00, with the City-designated therein as a named insured, to be and remain in force for the duration of the permitted use of the City Hillsdale's sidewalk and right-of-way, such proof to be provided at the time of execution of the agreement.

b. To agree that it will defend, indemnify, and hold the City of Hillsdale harmless from all damages, claims, demands, causes of action, lawsuits, attorney fees and related expenses, as a result of actual or claimed personal injury, including death, property damage or other damage or loss of any kind or nature which is or is claimed to arise out of or because of the use of the City's sidewalk or right-of-way by the negligence, gross negligence, or intentional act of applicant or any of its agents, servants, employees, guests, vendors, invitees, contractors, and members of the public, and whether caused in part by negligence of the City, its employees, agents, servants, or representatives.

c. To agree to repair any damage caused to the sidewalk or right-of-way as a result of the placement of any permitted item or the operation of a permitted business or other activity on a sidewalk or within any other part of the right-of-way at the applicant's expense.

d. To represent and covenant that it does not discriminate against any employee or applicant for employment, and shall not discriminate against any member of the general public that will participate in the event it is staging under this agreement, or any other member of the public because of race, color, religion, national origin, age, height, weight, marital status or other legally protected class.

~~e.~~

B. The zoning administrator shall review the application for compliance with the ordinance for approval/disapproval. If determined to be in compliance, the zoning administrator or his designee shall approve the issuance of the permit; if determined to be in substantial but not complete compliance, approve the

issuance of the permit subject to restrictions; or if determined to be substantially non-compliant, disapprove and deny the issuance of the permit, as the circumstance requires.

C. Permits must be applied for annually and all activities or other actions taken under them shall adhere to all specifications of the City of Hillsdale CBD Sidewalk Use Ordinance and the terms and restrictions contained within the permit. Failure to do so will result in the Zoning Administrator notifying the permit holder of a violation, either in writing or verbally. If the violation is designated as a safety hazard, it shall be corrected and rectified within the 24-hour period next following notification. ~~[[7]]All violations that are not designated as safety violations shall be corrected and rectified within the 72-hour period next following notification. If any violation is not corrected and rectified within the time specified, the permit in question shall automatically become void and of no further force or effect, and all items placed on the sidewalk and all business or other activities taken pursuant to it shall be immediately removed and terminated.~~

~~C.
the 24 hour period next following notification. ~~[[7]]All violations that are not designated as safety violations shall be corrected and rectified within the 72-hour period next following notification. If any violation is not corrected and rectified within the time specified, the permit in question shall automatically become void and of no further force or effect, and all items placed on the sidewalk and all business or other activities taken pursuant to it shall be immediately removed and terminated.~~~~

36-279.02 - Appeals.

Appeals involving the interpretation or application of these rules, the imposition of restrictions, and the denial of a permit, may be taken to the zoning board of appeals under such provisions and process as prescribed in section 36- 84 of the Hillsdale Municipal Code.



PLANNING COMMISSION BYLAWS

Adopted, effective immediately,

Adopted: _____
Effective: _____

I. Name Purpose

- A. The name shall be the City of Hillsdale Planning Commission, hereafter known as the “Commission”.
- B. The name shall be the City of Hillsdale Council, hereafter known as the “Council”.
- C. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter “the Planning Act.”
- D. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter “the Zoning Act.”

II. Membership

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

A. Liaisons

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

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

B. Attendance

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

C. Training

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

III. Duties of all members

A. Incompatibility of Office/Conflict of Interest

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

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

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

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

B. Ex Parte Contact

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

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

Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member ~~should take detailed notes on what was said and report~~ **shall disclose the information shared by or with the petitioner** 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~~ **and potentially recuse himself/herself.**

C. Site Inspections

Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site. **There shall not be a quorum** ~~No more than one member of the Commission~~ **during a site visit** ~~may visit the site at a time and they~~ **Commissioners may be accompanied by the Zoning Administrator upon request.**

D. Not Voting On the Same Issue Twice

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

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

E. Accepting gifts

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

F. Spokesperson for the Commission

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

IV. Officers

A. Selection

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

B. Tenure

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

C. Chair's Duties

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

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

D. Vice-Chair's Duties

The Vice-Chair shall:

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

E. Secretary's Duties

The Secretary shall:

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

V. Meetings

A. Regular meetings

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

B. Special Meetings

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

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

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

C. Recess

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

D. Quorum

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

E. Motions

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

F. Findings of Fact

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

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

G. Voting

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

H. Commission Action

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

I. Parliamentary Procedure

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

J. Public Participation

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

1. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.
2. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to

caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.

K. Consensus Business

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

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

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

L. Order of Business/Agenda

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

1. Call to Order, Roll Call, and Pledge of Allegiance.
2. Matters pertaining to citizens present at the meeting, in the following order:
3. Advertised Public Hearings.
 - a. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.
4. Persons requested by the Commission to attend the meeting.
5. Other public participation for items on this agenda.
6. Housekeeping business.
 - a. Consent Business.
 - b. Approval of Minutes.
 - c. Approval of Department's expense report.
 - d. Other.
7. Unfinished business and reports.
 - a. Items considered here are taken up in the same order as established by the Commission to fix a priority for consideration and work done in the planning office.

8. New business
 - a. Other business and communications
9. Public participation for items not on this agenda.
10. Adjournment.

M. Delivery of Agenda

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

N. Placement of Items on the Agenda

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

I. Record

A. Minutes and Records

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

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

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

- xxv. Summary of informal actions, or agreement on consensus.
- xxvi. Time of adjournment.
- xxvii. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.

B. Retention

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

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

VII. Committees

A. Ad Hoc Committees

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

B. Citizen Committees

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

VIII. Rules of Procedure for All Committees

A. Subservient to the Commission

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

B. Same Principles

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

IX. Mileage and Expenses

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

X. Hearings

A. Plan Hearings

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

B. Special Hearings

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

C. Notice of Decision

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

XI. Zoning Responsibilities

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

A. Zoning adoption or amendment including PUD zoning amendments

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

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

B. Special Use Permit including PUDs

The Commission shall review and act on all special use permits pursuant to the Zoning Act and Zoning Ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

C. Site Plan Review

The Commission shall review and act on all site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in

the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

D. Appeals

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

XII. Plan Reviews

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

The review should focus on:

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

XIII. Capital Improvements Review

Capital Improvements

The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties before work is started and after municipal capital improvement planning approval is obtained. All preliminary plans and reports for the physical development of the City of Hillsdale, including

the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Section V of these Bylaws.

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

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

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

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

XIV. Subdivision Review

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

A. Proposed Subdivisions

The Commission is to implement the following:

1. Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
2. Conduct a review of plats of proposed subdivisions (and/or site-condominium).
3. Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not less than 15 days before the date of the hearing.
4. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, and time, place of the hearing, where written comments may be submitted, and the deadline for those written comments.
5. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to who notice of the hearing shall be sent, the property owner, and adjacent property-owners.

6. The notice shall be published in a newspaper of general circulation in the City of Hillsdale.
7. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
8. Within 63 days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the City of Hillsdale Council of the municipality in which the proposed subdivision (and/or site-condominium) is located.
9. If applicable standards under the Land Division Act (M.C.L.560.101 et seq.), Condominium Act (M.C.L. 559.101 et seq.) if applicable, and Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), the Commission shall recommend approval.
10. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
11. If the Commission does not act within the 63-day period, the plat (and/or Site-Condominiums) shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the 63-day period and grant an extension.

B. Master Plan Amendment

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

XV. Other Matters to be considered by the Commission

Commission Action

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

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

Land subdivision plats.

All Planning reports and plans before publication.

Such other matters as the Planning Administrator shall find it advisable or essential to receive consideration by the Commission.

XVI. Adoption, Repeal, Amendments

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

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

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