

Casco Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Casco Township Planning Commission to state the performance of its duties as outlined in the Michigan Public Act 33 of 2008 (Michigan Planning Enabling Act, MCL 125.3801 et. Seq.) as amended.

Planning Commission Composition		
Action to Establish		Township Board may adopt an Ordinance to create Planning Commission (MCL125.3811)
Number of Member		6-9 members, with a quorum being a simple majority
Appointed By		Township supervisor, with township board approval (MCL 125.324(2))
Appointment Criteria		Representatives of major interests in the township (MCL 125.324(1))
Term of Office		3 years (MCL 125.324(3))
Removed By		Township supervisor with township board approval, after a hearing (MCL 125.324(2))
Township Board Representation		Required (MCL 125.324(1))
Meetings Per Year		Regular monthly meetings (4 minimum (MCL 125.325(2))
Officers' Terms		1 year (MCL 125.325(1))

SECTION 1: Officers

A. Selection and Tenure- At the first regular meeting each year (i.e. January), the planning commission shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in B and C, below. All officers shall be eligible for re-election for consecutive terms for the same office.

B. Chairperson-The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the planning commission.

C. Vice Chairperson -The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.

D. Secretary- The secretary shall execute documents in the name of the planning commission, perform the duties hereinafter listed below, and shall perform such other duties as the planning commission may determine.

1. Minutes- The secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records maintained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.

2. Correspondence- The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the planning commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the planning commission.

3. Attendance- The secretary shall be responsible for maintaining an attendance record for each planning commission member and report those records annually to the planning commission for inclusion in the annual report to the township board.

4. Notices- The secretary shall notify the Township Clerk to issue such notices as may be required by the planning commission.

E. Township Board Representative- The township board representative shall present the recommendations of the planning commission as required by the zoning ordinance, subdivision ordinance or other ordinance to the township board prior to their consideration of such request. The representative will be responsible to communicate status on all open items between the 2 committees until they are closed.

F. Zoning Board of Appeals Representative- The planning commission representative to the zoning board of appeals shall report the actions of the zoning board of appeals to the planning commission and update the zoning board of appeals on actions by the planning commission that relate to the functions and duties of the zoning board of appeals. The representative will be responsible to communicate status on all open items between the 2 committees until they are closed.

SECTION 2: Meetings

A. Regular Meetings- The planning commission shall hold monthly meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the planning commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular or scheduled planning commission meetings shall be posted at the principal township office within 10 days after the planning commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

B. Special Meetings- Special meetings may be called by the chairperson or upon request to the secretary by at least two members of the planning commission. The business the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.

Notice of special meetings shall be given to the members of the planning commission at least two week's notice prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

C. Public Records- All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to public inspection in accordance with the Freedom of Information Act except as may otherwise be provided by law.

D. Annual Meetings: The Planning Commission shall meet annually with the Township Board to:

- 1) Discuss and understand the township board's goals, objectives and financial needs for the new year;
- 2) Review and understand the Planning Commission's Annual report of performance for the previous year concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development;
- 3) Review and approve the Planning Commission's goals, objectives and budget for the new year.

E. Quorum- A simple majority shall constitute a quorum for transacting business and taking official action for all matters. Whenever a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act. No action shall be taken at a meeting at which a quorum is not present.

F. Voting- An affirmative vote of the majority of the planning commission membership is required to adopt any part of the master plan or amendments to the plan or to amend these bylaws (MCL 125.328). Unless required by statute, other actions or motions placed before the planning commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the

chairperson. Except in the case of conflict of interest, all planning commission members in attendance, including the chair, shall vote on all matters.

G. Agenda-The chairperson along with the Zoning Administrator shall be responsible for preparing an agenda for planning commission meetings. The order of business for meetings shall be as follows:

(1) Regular meeting agenda

Call to Order/determination of quorum

Review Agenda

Approval of Minutes

Report of Township Board Representative

Report of Zoning Board of Appeals Representative

Report of Zoning Administrator or Planning Consultant

Old Business

New Business

a. Discussion of items not on agenda

b. Correspondence received by Planning Commission

c. Public comment

Adjournment

(2) Public Hearings/Special Meetings Agenda

Prepared by chairperson/zoning administrator as needed

H. Public Hearings— All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission. To be included on the agenda, required documents must be delivered to the Planning Commission members by the Zoning Administrator at least 15 days prior to the meeting. The following rules of procedure shall apply to public hearings held by the planning commission:

1. Chairperson opens the public hearing, announces the subject and manages all discussion to the time allocated to each public hearing item in the agenda.
2. Chairperson summarizes the procedures/rules to be followed during the hearing.
3. Applicant presents the main points of the application.
4. Township planner/engineer/other consultants present their report and recommendation.
5. Public comment.
6. Chairperson closes the public hearing and returns to the regular/special meeting.
7. Planning commission deliberates and arrives at a decision.

To ensure everyone has the opportunity to speak, the chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the chairperson allows. The chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the chairperson, in his/her discretion, may permit additional comments.

All comments by the public, staff and the planning commission shall be directed to the chairperson. All comments shall be related to the land use request; unrelated comments shall be ruled out of order.

A written notice containing the decision (and the basis for that decision) of the planning commission will be sent to petitioners and originators of the request.

I. Compensation- Members of the planning commission shall be compensated for their services as provided by the Township Board (MCL 125.324(4)). A Township Planning Commission member may not refuse to accept the compensation established by a Township Board for serving on its Planning Commission (AG 6961 of 1997).

SECTION 3: Duties of the Planning Commission

General functions and responsibilities of the planning commission:

The planning commission is authorized by statutes to:

A. Conduct public hearings and advise the township board regarding a new zoning ordinance or amendments to an existing one. The Township Zoning Act specifies the process for rezoning property or making other ordinance changes. The planning commission must hold a public hearing. Following the hearing and deliberations, a recommendation is then made to the township board.

B. Perform other administrative duties allowed by the zoning ordinance. The TZA permits flexibility in handling a variety of authorized zoning functions such as site plan review, special land uses and planned unit development approvals. Because these are administrative, not legislative functions (unless the planned unit development is a zoning district), the planning commission/zoning board may be given exclusive review and approval power.

C. Prepare and update a master plan. The authority to prepare and recommend for approval a Township master plan is reserved for the planning commission. A close working relationship between the township board and the planning commission is crucial to a successful master plan. The planning commission may require funds allocated from the township board to prepare the plan. If the township board actively participates in the master planning process, it will be more likely to agree with the plan; once the plan is completed and adopted, the township board is more likely to approve zoning actions or physical improvements to implement the plan.

D. Perform other planning duties. In addition to adopting the master plan, the Township Zoning Act authorizes other duties that are reserved for the planning commission. They include:

- Preparing and adopting a capital improvements program

- Reviewing and making recommendations regarding any public improvement projects,
- Preparing subdivision regulations for township board adoption,
- Reviewing and making recommendations regarding preliminary plats and
- Approving or recommending lot divisions.

E. The planning commission shall work with the Zoning Administrator and Township Planner to perform the following duties:

1. Take such action on petitions, staff proposals and township board requests for amendments to the zoning ordinance as required;
2. Take such action on petitions, staff proposals and township board requests for amendments to the master land use plan as required;
3. Prepare an annual report to the township board. (The bylaws will specify the minimum elements of the annual report required by the township board.) The report will recap the Planning Commission's accomplishments and budget to its previous year's plan, specifically its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development;
4. Prepare an annual work program and budget, to be included in the annual report. The work program will describe how it will support the Township's goals for the new year through specific goals, objectives, and budget;
5. Take such actions as are required by the Township Zoning Act, Public Act 184 of 1943, as amended.
6. Review subdivision and condominium proposals and recommend appropriate actions to the township board;
7. Prepare special studies and plans, as deemed necessary by the planning commission or township board and for which appropriations of funds have been approved by the township board as needed;
8. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of planning commissioner and for which appropriations of funds have been approved by the township board, as needed;
9. Prepare a capital improvements plan;
10. Perform other duties and responsibilities or respond as requested by any township board or commission.

SECTION 4: Duties of the Zoning Administrator and Planning Consultant

The zoning administrator enforces the zoning ordinances; reviews applications for rezoning, special uses and site plans; makes recommendations to the planning commission, and assists them with zoning questions.

A. The planning commission shall be assisted by the zoning administrator and planning consultant in performing the planning commission's duties, as noted in Section 3.

B. The zoning administrator and planning consultant shall be responsible for the professional and administrative work in coordinating the functions of the planning commission.

C. The zoning administrator shall:

1. Supervise and review the work of the planning consultant and township staff.
2. Meet with applicants, their representatives and/or township officials as needed to properly perform project reviews.
3. Accept applications for matters to be reviewed by the planning commission and ensure that such applications are complete.
4. Forward application materials to the planning commission according to the established procedure and at least 15 days prior to the meeting at which the matters will be considered.
5. Inform the planning commission of administrative and enforcement actions taken on behalf of the township related to the zoning or other appropriate ordinance.
6. Provide a written report to the Planning Commission at the February regular meeting each year that hardcopies of all approved PC minutes for the previous year, including all related attachments, are stored at the Township Hall.

D. The planning consultant may:

1. Attend planning commission meetings
2. Consult with the planning commission, zoning administrator and other township officials concerning interpretation, procedural questions and other matters arising from the zoning ordinance.
3. Prepare amendments to the zoning ordinance as directed by the planning commission.
4. Prepare and forward to the zoning administrator written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the planning commission.
5. Perform other duties as directed by the planning commission.

E. The planning commission may be assisted by other professional or township staff as needed, including the building inspector, township attorney, township engineer or other person or agency.

SECTION 5: Absences, removals, Resignations and Vacancies

- A. To be excused members of the planning commission shall notify the planning commission secretary or chair when they intend to be absent from a meeting.
- B. Members of the planning commission may be removed by the township supervisor, after a hearing, with approval of the township board in accordance with State law, the Michigan Township Zoning Act, and The Guide to Zoning and Planning. A member may resign from the planning commission by sending a letter of resignation to the township supervisor, township board or planning commission chairperson.
- C. Vacancies shall be filled by the township supervisor, with the approval of the township board, within one month of resignation or removal of a planning commission member. Successors shall serve out the unexpired term of the member being replaced.

SECTION 6: Conflict of Interest

- A. Planning commission members shall declare a conflict of interest and abstain from participating in a hearing to deliberations on a request when:
 - 1. A relative or other family member is involved in any request for which the planning commission is asked to make a decision:
 - 2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association:
 - 3. The planning commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance.
- B. The planning commission member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the commission. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the matter that is the subject of the conflict. If he or she prefers, the member declaring a conflict may ask the other planning commission members to decide if he or she should abstain, although this is not required. The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the planning commission as a representative of the proposal.

Section 7: Amendments

These bylaws may be amended at any meeting by a vote of the majority of the membership of the planning commission.

Revision 1.2, 5/2004

Adopted by the CASCO Township Planning Commission at a regular meeting May 5, 2004.

Revision 1.3, 4-20-05

Adopted by the CASCO Township Planning Commission at a special meeting April 20, 2005.

Revision 1.4, 1-15-20

Adopted by the CASCO Township Planning Commission at regular meeting January 15, 2020.

LOG of CHANGES

Revision	Section of document	Change Description
1.2 5/5/04	Sec 2, F	Bd/ Voters must be present
	Sec2, H	Docs to PC 10 days prior to mtg
	Sec 2, H	Inclusion on agenda requires docs
1.3 4/20/2005	Section of document	Change made in conjunction with deleting document delivery timing references from the Zoning Ordinance
	Sec 2, H	Documents to PC 15 days prior to meeting
	Sec 4, C.4	Documents to PC 15 days prior to meeting
1.4 1/15/20	Sec 2, F	Add "or to amend these bylaws" Add "except in the case of conflict of interest"
	Sec 2, G	Add #2 Public Hearing/Special Meetings Agenda
	Sec 4, C	Add #6 provide report at Feb meeting stating minutes are at the hall
	Sec 6, A.4	remove
	Sec 7	Add "by a vote of the majority of the membership"