

IN Service

12/3/87

PLANNING COMMISSION RESPONSIBILITIES AND
DUTIES IN MICHIGAN

Under the Township Planning Act
Michigan Public Act 168 of 1959, as amended

*See also
section
11 (Elected)*

Creation	By resolution of the Township Board.
Area of Responsibility	Unincorporated portions of the Township.
Membership	<ol style="list-style-type: none">1. Not less than 5 nor more than 9.2. Shall be qualified electors and property owners.3. One member shall be a member of the Township Board, serving for his elected term of office.
Appointment	By the Township Supervisor with the approval of the Township Board.
Term of Appointment	Three years, staggered so they do not all expire at same time.
Procedure for Removal	After a public hearing, may be removed by the Supervisor with approval of Township Board.
Compensation	May be compensated as provided by the Township Board.
Expenses of Members	May be compensated for travel and other expenses to attend conferences and meetings.
Operating Funds	<ol style="list-style-type: none">1. Township Board may provide an annual budget and may match township funds with State or Federal grants.2. Township Board may accept gifts and grants and use them for Planning Commission purposes.
Elected Commission Officers <i>Must</i>	<ol style="list-style-type: none">1. Chairperson.2. Vice-Chairperson.3. Secretary. (The elected Secretary is not required to be the recording secretary, by State Law).4. Other offices the Commission deems necessary.
Committees <i>Must be members of Planning Commission</i>	May be established by the Chairperson or as otherwise provided in the Commission's adopted By-Laws.

Commission Employees

1. Township Board may employ a planning director and other planning personnel.
2. Township may contract for full-time or part-time services of a planning consultant or other technicians.

Meetings

1. At least 4 regular meetings each year.
2. Additional meetings may be called by the Chairperson or by 2 members, upon written request to the Secretary.
3. All meetings shall be open to the public.

Rules of Procedure

Shall adopt rules for the transaction of business. (Commission By-Laws).

Public Record

1. Shall keep a public record of its resolutions, transactions, findings, and determinations. (Usually incorporated as a part of the Minutes of each Commission Meeting).
2. Shall make an annual report to the Township Board.
3. All public records should be available in the office of the Township Clerk.

Advice, Information,
and Assistance

1. Commission shall consult with adjacent townships, incorporated municipalities within township, county planning commission, and the regional planning commission.
2. Commission to make use of expert advice and information which may be furnished by federal, state, regional, county, and municipal officials, departments, and agencies.
3. State, regional, county, and municipal officials, departments, and agencies shall make information available.

Commission Duties
and Functions

1. Commission shall prepare and adopt a basic plan (Master Plan / Comprehensive Plan) as a guide for the development of the unincorporated portions of the Township.
2. Make inquiries, investigations, and surveys of all the resources of the Township.

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3. Assemble and analyze data, and formulate plans for the proper conservation and use of all resources, including a determination of lands having various use potentials, and for services, facilities, and utilities required to support such lands.

Contents of Plan

1. The Master Plan shall include maps, plats, charts, and descriptive, explanatory and other related matter.

2. Shall show recommendations for the physical development of the unincorporated area of the Township.

3. May include a Land Use Plan and Program.

4. May include recommendations as to the general location, character, and extent of trafficways, waterways, flood prevention works/programs, sewer and water systems, and public utilities and structures.

5. May include recommendations as to the redevelopment or rehabilitation of blighted areas and historic districts.

6. May include recommendations for the removal, widening, narrowing, vacating, abandonment, changes or use of extension of streets and other ways, grounds, open spaces, buildings, utilities or other facilities.

7. May include recommendations for implementing any of its proposals.

Plan of Specific Areas or Functional Elements

The Commission may prepare and adopt a complete plan for the whole Township or specific geographic areas. Or the Plan may be prepared and adopted by its separate functional elements, such as: Land Use Plan, Thoroughfare Plan, Recreation Plan, Capital Improvements Plan, Urban Design Plan, Utilities Plan, and the like.

Adoption of Plan(s)

1. Commission, by a majority vote, may adopt the Plan as a whole by a single resolution, or may adopt successive parts, by successive resolutions.

2. The Plan, or parts thereof, shall be referred to the County Planning Commission for a statutory period of 45 days, for its approval.

3. Before adoption of the Plan or any of its parts, the Commission shall hold at least one public hearing, preceded by two public notices in the newspaper.

4. Following adoption, copies of the plan shall be transmitted to the Township Board and the County Planning Commission, and should also be sent to the regional planning commission.

Public Works Review

1. After the Commission has adopted a plan, then no public works shall be constructed until they are submitted to and approved by the Township Planning Commission. ~~in accordance with the~~ ~~Commission~~

2. However, disapproval can be overruled by a majority vote of the Township Board, or other public body with jurisdiction over the particular public works.

3. Approval is implied if no report from the Township Planning Commission is made within 60 days.

Under the Township Rural Zoning Act Michigan Public Act 184 of 1943, as amended

Formulating a Zoning Ordinance

Township Board may appoint a Planning Commission for purposes of formulating a zoning ordinance.

Basis for Zoning

The zoning ordinance shall be "based on a plan designed to promote the public health, safety, and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land.." This "plan" has been interpreted by the State's courts to mean the "basic plan" or Master Plan referred to in the Township Planning Act.

Planning Commission Recommendations to Township Board

1. A zone plan for the unincorporated portions of the Township.

2. The establishment of zoning districts, including the boundaries thereof.

3. The text of a zoning ordinance with the necessary maps and zoning regulations for a zoning district or the Township as a whole.

4. The manner of administering and enforcing the zoning ordinance.

Professional Assistance The Planning Commission may engage the services of a township planning expert, with the consent of the Township Board.

Public Hearing Before submitting its recommendations on a zoning ordinance and map to the Township Board, the Planning Commission shall hold not less than 1 public hearing, preceded by at least 2 public notices in the newspaper.

County Planning Commission Review Following the hearing, the Township Planning Commission shall submit the proposed zoning ordinance and map to the County Planning Commission for their review and recommendation, during a statutory period of 30 days.

Transmittal to the Township Board The Planning Commission shall transmit a summary of the comments received at the hearing and its proposed zoning ordinance and map to the Township Board for adoption. The Township Board may hold additional public hearings if they deem it necessary. If the Township Board considers amendments, changes, additions, or departures advisable to the proposed ordinance, the Board shall refer them to the Planning Commission for a report within a specified period of time.

Same as Above
Subsequent Amendments Amendments shall be made in the same manner as the original ordinance, with the initial public hearing to be held by the Planning Commission. The Planning Commission has the authority to initiate amendments to the ordinance and map on its own, as may be necessary from time to time.

Special Land Uses The zoning ordinance may provide for approval of special land uses and may designate the Planning Commission as the approval authority.

Planned Unit
Development

*zoning
amendment*

The zoning ordinance may provide for approval of planned unit development, cluster zoning, planned residential development plans, and similar terminology intended to describe zoning requirements designed to accomplish the objectives of the ordinance through a land development project review process. The ordinance may designate the Planning Commission as the approval authority.

Site Plan Approval

The Township may require the submission and approval of a site plan and may designate the Planning Commission as the approval authority.

Fees for Zoning Permits

The Township Board may require the payment of reasonable fees for the purpose of providing funds to carry out the Township Rural Zoning Act (administration of the township ordinance) as a condition for the approval of zoning permits.

ZONING BOARD OF APPEALS

DUTIES AND RESPONSIBILITIES IN MICHIGAN

*All
articles
13
Also*

Under Michigan Public Act 184 of 1943
The Township Rural Zoning Act

Creation	Appointed by Township Board
Membership	<ol style="list-style-type: none">1) Not less than 3 members in townships of less than 5,000 population. Not less than 5 members in townships of 5,000 or more residents.2) The precise number of members shall be specified in the Zoning Ordinance.3) First member shall be a member of Planning Commission, remaining members selected from electors of township residing outside cities and villages. One member may be member of Township Board.4) Members shall be representative of population distribution and various interests present in township.5) An elected officer of the township shall not serve as chairman.6) An employee or contractor of the township shall not serve as a member.
Compensation	Township Board may appropriate a reasonable sum for the per diem and expenses of the members.
Removal	May be removed by Township Board for nonperformance of duty or misconduct in office, upon written charges and after public hearing.
Conflict of Interest	Member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct.
Term of Appointment	Staggered, 3-year terms. Township Board member serves for his/her elected term.

Majority Present	The Board of Appeals shall only conduct business if a majority of the members are present.
Rules of Procedure	The Board of Appeals shall adopt rules for the conduct of business.
Public Record	All meeting shall be open to the public and a record of the Board's proceeding shall be maintained in the office of the Township Clerk.
Duties	<ol style="list-style-type: none"> 1) Interpretation of Zoning Map. 2) Hear appeals from an order or decision of an administrative official or body (Planning Commission). 3) Hear and decide all matters required by the Zoning Ordinance. 4) May modify the standards of the Zoning Ordinance where strict enforcement would result in practical difficulties or unnecessary hardship.
Affirmative Vote	The concurring vote of a <u>majority of the full Board of Appeals</u> shall be necessary to reach a decision on all matters before it.
Decision Final <i>Must have 3 votes Majority of membership</i>	
Decision Final	The decision of the Board of Appeals is final, however, it may be appealed to the Circuit Court.

Consideration of Appeals Under the Township Zoning Ordinance

The Board of Appeals may authorize a variance from the specific terms of the Zoning Ordinance, provided it is not contrary to the public interest, where a literal enforcement would result in practical difficulties or unnecessary hardship. The written application for a variance should demonstrate the following:

Practical Difficulties

- 1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

2) Literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance;

3) Special conditions and circumstances do not result from the actions of the applicant; and

4) Granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same district; or

Unnecessary Hardship

5) Unnecessary hardship would result, which was not self-created by the applicant, such that no useful purpose would be served by strict enforcement of the terms of the zoning ordinance.

Imposition of Appropriate Conditions and Safegaurds

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards intended to insure compliance with the purpose and intent of the zoning ordinance. Conditions imposed shall meet all of the following requirements:

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

2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed building, use, or activity.

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