

**CANTON TOWNSHIP  
PLANNING COMMISSION BY-LAWS**



ADOPTED May 2, 2022

## SECTION ONE AUTHORITY

- A. Pursuant to the authority set forth in MCL §125.3811 and §125.3883(1), there is hereby established a Planning Commission for the Charter Township of Canton.
- B. The Canton Township Planning Commission shall hereafter be referred to as the “Commission.”
- C. These Bylaws are adopted by the Commission pursuant to the authority granted under the Michigan Planning Enabling Act, PA 33 of 2008, as amended.
- D. The Commission shall comply with the requirements and procedures of the Michigan Planning Enabling Act, Michigan Zoning Enabling Act, the Open Meetings Act, and the Canton Township Code of Ordinances.

## SECTION TWO MEMBERSHIP

- A. **Appointment.** Members of the Commission are appointed by the Township Supervisor with approval by the Board of Trustees, pursuant to Sec. 28.03 of the Zoning Ordinance.
  - i. The Commission shall consist of nine (9) members, each representing important segments of the community, as well as geographic locations of the Township, in accordance with MCL §125.3815), as amended.
  - ii. Members shall be appointed for three-year terms and shall occur in such intervals as to create staggered appointments, with three seats up for renewal or replacement each calendar year.
  - iii. One (1) Commissioner shall be an ex officio member by virtue of their election to the Township Board of Trustees and one (1) Commissioner shall be an ex officio member by virtue of their appointment to the Zoning Board of Appeals.
- B. **Orientation.** After a new member has been appointed to the Commission, the Community Planner or a member of the Planning Services Division shall schedule an orientation with the new member prior to the next scheduled Commission meeting.
  - i. The orientation shall be informal and shall provide an opportunity for the new member to meet the Community Planner and staff and review meeting procedures, answer questions, and provide an update on ongoing and future projects in the community
  - ii. Upon taking office, each member shall have access to an Orientation Guidebook to familiarize themselves with the role and responsibilities of the Commission. The Guidebook shall include reference materials, such as, but not limited to:

- Canton Township Planning Commission Bylaws
- Canton Township Master Plan and sub-area plans
- Canton Township Zoning Map
- The Michigan Planning Enabling Act, PA 33 of 2008, as amended
- The Michigan Zoning Enabling Act, PA 110 of 2006, as amended
- The Planning Commissioner’s Handbook, published by the Michigan Municipal League, or similar
- Other materials deemed appropriate by the Community Planner

C. **New Member Training.** To ensure that all members of the Commission have a basic understanding of the Planning Commission and all rules and responsibilities, new members shall complete necessary training.

- i. New Commissioners appointed after the effective date of these bylaws shall complete a training program within six (6) months after appointment date. The training program shall be approved by the Community Planner to ensure the program provides information and training on the role and responsibilities of the Commission, as well as planning and zoning best practices.
- ii. Planning staff shall coordinate with the new members to ensure that the program is completed within the designated timeframe and shall report the fulfillment of the requirement to the Community Planner.

D. **Reference Materials.** Each Commissioner shall have access to the Orientation Guidebook, as noted in Section 2B, above.

- i. The Commission shall be given access to additional reference materials and publications, as feasible, that will provide information related to the role and responsibilities of the Commission, as well as planning and zoning topics that may impact local and regional planning decisions.

E. **Resignation.** A Commissioner may resign their position prior to the end of their appointed term by submitting a letter to the Township Supervisor.

## SECTION THREE

## DUTIES OF ALL MEMBERS

A. **Attendance.** Commissioners have a duty to attend all meetings.

- B. **Absences.** Members who are unable to attend a scheduled meeting must contact the Community Planner or member of the Planning Services Division staff prior to the scheduled meeting to give notice of the intended absence.
- i. During roll call/attendance at the public meeting, the Commission shall determine if the absence is to be excused and shall motion and vote to excuse the absence if prior notice was given. The motion and vote shall be recorded in the meeting minutes.
  - ii. The Commission may postpone to excuse the absence of a member until the next scheduled meeting, if necessary.
  - iii. Unexcused absence. If any member of the Commission has three (3) unexcused absences from regularly scheduled meetings within one (1) calendar year, that member shall be considered delinquent. The Board of Trustees may determine, after written notice to the Commissioner and a public hearing, that the delinquent member shall be removed from the Commission for nonperformance of duties.
- C. **Preparation.** Members shall arrive to the meeting prepared for the business at hand, having reviewed written materials and completed site visits, as necessary.
- D. **Ex Parte contact.** Members shall avoid *ex parte* contact about all cases or projects pending before the Commission and shall direct all questions to the Community Planner or other member of the Planning Services Division staff.
- i. *Ex Parte* contact shall include discussions among Commission members, applicants, or the general public outside of a Commission meeting, including emails, about matters pending before the Commission. Questions or concerns related to such matters shall be directed to the Community Planner or another member of the Planning Services Division staff.
  - ii. If a Commissioner is contacted by another Commissioner, applicant, or member of the public regarding a matter to be discussed before the Commission, all efforts shall be made to the end the discussion and direct the individual to attend the public meeting or to contact the Planning Services Division staff with questions and comments. A summary of the contact shall be sent to the Community Planner or member of Planning Services Division staff and the Commission Chair prior to the meeting in which the items is to be discussed.
- E. **Continued Education.** To ensure that all members of the Commission are kept up to date on important regional and local planning and zoning topics and trends, continued education is expected to be completed by each commissioner on a per year and/or per term basis.
- i. Each Commissioner is expected to commit to at least two (2) hours of continued education per calendar year or a total of at least six (6) hours per 3-year term.

- ii. Commissioners are encouraged to attend as many webinars, workshops, conferences as they wish and may exceed the term requirements but any extra hours will not count towards the next term.
  - iii. Newly appointed Commissioners may count the new member training program required under Section 2.C, above, as the required training for their first term of appointment.
  - iv. Planning Services Division staff shall notify Commissioners about training and education opportunities throughout the year that would satisfy this requirement. The hours fulfilled by each Commissioner shall be tracked by Planning Services Division staff and reported to the Community Planner at the end of each calendar year.
  - v. Workshops, trainings, or informational meetings conducted by Planning Services staff or outside consultants exclusively for Canton Commissioners or other board members may count towards the year or term requirement.
  - vi. Failure to complete the required hours of continued education may result in the Commissioner not being reappointed to the Commission.
- F. **Voting on the Same Issue Twice.** Members of the Commission may not vote on the same issue twice. Specifically, an ex officio member who also serves on the Board of Trustees or Zoning Board of Appeals may not vote both on the initial request and on an appeal of that matter. In that situation, the Commissioner shall recuse themselves from voting on the matter when it is before the Township Board or the Zoning Board of Appeals and the existence of the conflict shall be recorded in the meeting minutes.

## SECTION FOUR                      OFFICERS

- A. **Selection.** At the regularly scheduled January meeting of each year, the Commission shall select by a majority vote from its membership a Chair, Vice-Chair, and Secretary who shall serve for a 12-month period. If a January meeting is not held, the selection of officers shall take place at the next regularly scheduled meeting.
- i. In the absence of the Chairperson or inability to discharge the duties of that office, such duties shall, for the time being, devolve upon the Vice-Chairperson until the Chairperson returns or until a new Chairperson is selected.
  - ii. In the event the office of the Chair becomes vacant, the Vice-Chairperson shall succeed to the office for the remainder of the term and the Commission shall select a successor to the office of Vice-Chair for the remainder of the term.

iii. A Commissioner who is serving as an ex officio member may not hold the position of Chair of the Commission.

B. **Tenure.** The Chair, Vice-Chair and Secretary shall take office at the next meeting following their selection and shall hold office until their successors are selected and assume office.

C. **Duties.** The Chair, Vice Chair and Secretary shall fulfill their specified duties to the fullest of their abilities.

i. The Chair shall:

- a) Preside at all meetings and conduct all meetings in accordance with Robert's Rules of Order as modified by these Bylaws;
- b) Restate all motions prior to calling the question;
- c) Call special meetings;
- d) Appoint an acting-Secretary in the event the Secretary is absent from a Commission meeting;
- e) Review the draft agenda with the Community Planner and/or member(s) of the Planning Services Division staff prior to a Commission meeting, if needed;
- f) Represent the Commission before the Board of Trustees, if requested by the Board;
- g) Perform other such duties, as requested by the Commission;
- h) Perform other duties as specified in the Michigan Planning Enabling Act.

ii. The Vice-Chair shall:

- a) Act in the capacity of Chair, with all the powers and duties, in the Chair's absence;
- b) Perform other such duties, as requested by the Commission;
- c) Perform other duties as specified in the Michigan Planning Enabling Act.

iii. The Secretary shall:

- a) Execute documents in the name of the Commission;

- b) Review the draft minutes, sign, and submit them for review and approval by the Commission;
- c) Receive all communications, petitions, and reports to be addressed by the Commission;
- d) Perform other such duties, as requested by the Commission;
- e) Perform other duties as specified in the Michigan Planning Enabling Act

D. **Reelection.** All officers shall be eligible for reelection.

## SECTION FIVE                  ROLE AND RESPONSIBILITIES

- A. The Commission is tasked with reviewing development projects during meetings for properties within Canton Township, in accordance with state law and Section 28.03 of the Canton Township Zoning Ordinance, including:
- i. Formulation of Zoning Ordinance and Text Amendments
  - ii. Site Plan Review, including modifications or amendments to approved plans
  - iii. Special Land Use Review
  - iv. Planned Development District Review, including modifications or amendments to an approved PDD
  - v. Zoning Map Amendments/Rezoning, Conditional Rezoning requests
  - vi. Seasonal Sales Permits
  - vii. Review of the Master Plan and sub-area plans
  - viii. Future Land Use Map Amendments
- B. The Commission shall undertake projects, as requested by the Township Board, with the assistance of the Community Planner and Planning Services Division staff.
- C. **Notice of Decision.** A written notice containing the decision of the Commission will be sent to petitioners and originators of a request, noting the decision of the Commission and any conditions of approval. The written notices shall be provided to the applicant within one (1) week after the meeting date.

## SECTION SIX

## STANDARDS OF CONDUCT

- A. **Code of Ethics.** Members of the Commission shall comply with Article V, *Code of Ethics*, of Chapter 2 of the Canton Township Code of Ordinances, including but not limited to the following requirements:
- Accepting gifts
  - Divulging confidential or personal information
  - Representing personal opinion as that of the Commission or Township
  - Speaking publicly about a project, applicant, members of the Commission, Board, or staff
  - Engaging in a business transaction in which they may profit from their official position or authority or benefit financially from confidential information which they have obtained or may obtain by reason of that position or authority
  - Conflicts of interest
- B. **Conflicts of Interest.** Commissioners must adhere to Sections 2-236 and 2-238 of the Canton Township Code of Ordinance, as amended. Members of the Commission shall alert the Community Planner or member of the Planning Services Division staff if a conflict of interest is present related to a project before the Commission.
- i. Before casting a vote on a matter on which a Commissioner may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Commission during a public meeting.
    - a) The Commission shall discuss and determine if a conflict of interest exists. If a conflict of interest exists, fellow commissioners shall make and support a motion to excuse the Commissioner from deliberating.
    - b) If the motion to recuse passes unanimously, the Commissioner shall recuse themselves and leave the Commission table. The Commissioner may sit in the general audience or leave the room in which the meeting is being held.
    - c) The Commissioner shall be called back to the Commission table prior to the introduction of the next case.
  - ii. Failure of a member to disclose a potential conflict of interest as required by this Section shall constitute malfeasance in office.



- iii. A “conflict of interest” may occur in any of the following ways:
  - a) When the Commissioner is the applicant or subject property owner, has a business relationship with the applicant or subject property owner, is a family member of the applicant or subject property owner, or has an immediate family member who has a business relationship with the applicant or subject property owner;
  - b) When a member of the Commission or member of the Commissioner’s family has a proprietary or financial interest in an issue or matter that is before the Commission beyond that which is experienced by the public in general;
  - c) When the Commissioner receives a public hearing notice for an item before the Commission and the Commissioner’s property is expected to be impacted by proposed project;
  - d) When a member of the Commission may receive or gain a financial benefit as a result of a vote on such issue or matter;
  - e) When there may be an appearance of bias or impropriety when deliberating on the case.

C. **Removal from Office.** A Commissioner may be removed from office by the Township Board for misfeasance, malfeasance or nonfeasance upon written charges and after a public hearing.

## SECTION SEVEN

## MEETINGS

- A. **Notices and Packets.** Meeting agendas and public hearing notices shall be posted on the Township website and at Township facilities, as required by the Open Meetings Act. Public notices and delivery of the meeting packets shall take place in accordance with the Commission bylaws and the Open Meetings Act.
- B. **Regular meetings.** Regular meetings of the Commission will be held the first Monday of each month at 7:00 pm at Canton Administration Building 1150 S. Canton Center Road, 1<sup>st</sup> Floor Board Room, Canton, MI 48188 unless otherwise noticed. An annual notice of regularly scheduled Commission meetings shall be approved by the Commission at the last meeting of the calendar year for the next year’s activities and shall be posted on the Township website and Township facilities, in accordance with the Open Meetings Act.
- C. **Work sessions.** Work session meetings of the Commission shall be held on the third Monday of the month at 7:00 pm, when the Commission determines that a work session is necessary.

- D. **Special meetings.** Special meetings may be called by the Chair, any two members of the Commission, and at the request of an applicant upon payment of a non-refundable fee to cover costs of the special meeting, as specified in the adopted fee schedule. Notice of special meetings shall be posted at least 48 hours prior to the special meeting and shall state the purpose, time, date, and location of the meeting, in accordance with the Open Meetings Act. The Secretary of the Commission shall also provide written notice of any special meetings to the Commission not less than 48 hours prior to the special meeting.
- E. **Quorum.** The presence of a majority of the Commission shall constitute a quorum. If a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another date.
- F. **Motions.**
- i. Motions shall be restated by the Chair before a vote is taken.
  - ii. The Motion shall include findings of fact, listing the relevant facts in the case, conclusions by the Commission, and the Commission's action.
  - iii. Misleading statements, hearsay, irrelevant and untrue statements shall be avoided.
  - iv. The Commission's action includes recommendation or action of: approval, approval with conditions, denial, or postponement.
  - v. Conditions of approval or bases for denial shall be stated as part of any motion and shall be recorded in the meeting minutes.
  - vi. The names of the Commissioners who made the motion and supported the motion shall be recorded.
- G. **Voting.** Voice-votes may be used by members of the Commission, unless a roll call is requested by the Chair.
- i. Members must be present to cast a vote unless participating remotely, as allowed by the Open Meeting Act.
  - ii. Voting by proxy is prohibited.
- H. **Public Participation.** All regular, special meetings, work sessions, and hearings shall be open to the public.
- i. Public comment on non-agenda items shall be permitted at the conclusion of all meeting business, as noted in the approved agenda.

- ii. Any member of the public wishing to address the Commission should state their name and address.
- iii. The general public shall limit their remarks to three (3) minutes each. A representative for a group may speak for five (5) minutes. Speakers shall not exceed the time limit without permission from the Chair.
- iv. The Chair shall open the public comment and member of staff shall monitor the time and give notice when the allotted time has ended.

I. **Order of Business.** A written agenda for all meetings shall be prepared as follows:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Minutes *-Each set of minutes shall be approved individually*
- Approval of Agenda
- Communications – *Summary of materials provided to the Commission, including emails received after packets were distributed, magazines, publications, or other materials provided to commissions*
- Public Hearings
- Old Business – *Items that have been postponed from a previous meeting*
- New Business
- Public Comment – *Items not included on the agenda*
- Reports and Discussion – *Staff reports, commission and liaison comments*
- Adjourn

J. **Meeting packets.** Meeting packets shall be provided to the Commission and the public at least three (3) days prior to the meeting date. The meeting packet shall include the agenda, draft minutes from the previous regular meeting, special meeting and/or work session, applicable materials related to each case (application, plans, supporting documents, staff review letter, and other materials as deemed necessary). The meeting packets shall be emailed to each Commissioner and shall be available on the Township website for public viewing.

## **SECTION EIGHT**

## **PUBLIC HEARINGS**

- A. All meetings shall be open to the public and pursuant to public notice given in accordance with the Open Meetings Act.
- B. Hearings conducted by the Commission shall be run in an orderly and timely manner and shall not exceed 90 minutes unless extended by the Planning Commission
- C. Hearings shall be accomplished by the following procedure:
  - Introduction of case by Chair;
  - Community Planner or member of the Planning Services Division staff shall summarize the staff report;
  - Applicant or project representative may address the Commission and provide a description of the project, summarize any specific requests, and address the comments made by staff;
  - Commission may address specific questions to the applicant or staff;
  - The Commission opens the Public Hearing via a motion:
    - Each person wishing to speak must state their name and community of residence for the record
    - An individual may speak for three (3) minutes. A representative for a group may speak for five (5) minutes.
  - The Commission closes the Public Hearing via a motion
  - The Commission deliberates and discusses the points of the case
  - The Chair calls for a motion
  - After a motion has been made and supported, there may be additional discussion
  - The Chair will call for a vote, which may be roll call or voice vote

## **SECTION NINE**

## **COMPENSATION**

- A. All members of the Commission shall be compensated at a rate determined by the Township Board.

- B. Compensation shall include a per diem for regular and special meetings and work sessions, as determined by the Township Board.
- C. Mileage and meals for off-site training may be reimbursed in accordance with Township policy.

## **SECTION TEN                    OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS**

- A. **Public Meeting.** All meetings of the Commission shall be open to the public and held in a place available to the general public. All deliberation and decisions of the Commission shall be made at a meeting open to the public.
- B. No persons shall be excluded from a meeting of the Commission, except for breach of the peace committed during the meeting.
- C. All records, files, publications, correspondence, and other materials shall be available to the public for reading, copying, and other purposes in accordance with the Michigan Freedom of Information Act.

## **SECTION ELEVEN                    ANNUAL COMMISSION REPORT AND WORK PLAN**

- A. **Annual Report.** The Commission shall make an annual written report to the Township Board concerning its operations and the status of its planning activities for the previous calendar year, including plan reviews, approvals, recommendations to the Township Board relating to planning and development.
- B. **Work Plan.** The annual report shall also include a Work Plan that will detail the goals and objectives of the Commission and planning staff to achieve in the next year.

## **SECTION TWELVE                    BYLAWS AMENDMENTS & REVIEW**

- A. The Commission may amend these bylaws by a majority vote during any regular or special meeting called for that purposes, provided that all members have received an advanced copy of the proposed amendment(s) at least three (3) days prior to the meeting at which such amendments are to be considered.
- B. These bylaws shall be reviewed periodically as needed.

CANTON TOWNSHIP PLANNING COMMISSION ADOPTED THE ABOVE STATE BYLAWS  
ON MONDAY, \_\_\_\_\_.

\_\_\_\_\_  
Greg Greene, Chair

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Douglas Weber, Vice-Chair

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Dawn Zuber, Secretary