

SILVER CREEK TOWNSHIP PLANNING COMMISSION
BYLAWS January 26, 2011

Adopted, effective immediately, January 2011
As amended through Silver Creek Township Planning Commission

1. Name Purpose

- A. The name shall be the Silver Creek Township Planning Commission, hereafter known as the "Commission"
- B. 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."
- C. 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."
- D. If there is any contradiction in these bylaws with the zoning ordinance or the state statute, the ordinance or statute will control.

2. Membership

- A. Members of the Commission are appointed by the Silver Creek Township Supervisor pursuant to the Silver Creek Township Board.
 - 1. Each member shall represent and advocate what is best for the Silver Creek Township as a whole, putting aside personal or special interests.
 - 2. Each member shall represent a separate segment of the community, as appointed by the supervisor.
 - 3. One member shall be a member of the Silver Creek Township Board who is familiar with desires and needs of the township board, adjacent townships, county and regional planning commissions.
- B. Liaisons. The purpose of liaisons is to provide certain Silver Creek Township Board officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements. Liaisons, if not already appointed Commission members, are:
 - 1. The Commission's consultants.
 - 2. Silver Creek Township Attorney.
 - 3. Supervisor and other member of the Silver Creek Township Board
 - 4. Zoning Administrator
 - 5. Officials of Cass County
 - 6. Other Commission Appointments
- C. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Silver Creek Township Board to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary shall keep attendance records and shall notify the Township Board whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Township Board can consider further action allowed under law or excuse the absences.
- D. Training. Each member is highly recommended to attend a training session in planning and zoning during the member's current term of office. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

E. Incompatibly of Office.

1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is within 300 feet owned by him or her.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-laws, grandparents in-laws, or members of his or her households.
 - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - (1.) an applicant or agent for an applicant,
or
 - (2.) has a direct interest in the outcome.
2. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
3. When a conflict of interest exists, the member of the Commission, or committee, shall do all the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - a. declare a conflict exists at the next meeting of the Commission or committee:
 - b. cease to participate at the Commission, its staff, or others, and
 - c. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
4. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

3. Duties of All Members

A. *Ex Parte* contact

1. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
2. 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 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.

B. Site Inspections

1. Site Inspections shall be done by the Zoning Administrator. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site.
2. If, desired no more than one member of the Commission may accompany the zoning administrator or staff on a site inspection.

C. Not Voting On the Same Issue Twice

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

- a. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
 - b. When the appeal is of an administrative or other decision by any committee of the Commission, Silver Creek Board, or other committee and the member of the Commission and Zoning Board of Appeals.
 - c. When the case is an administrative decision which was decided by the Commission and sent to the Silver Creek Township Board for further action, and the member of the Commission sits on the Commission and the Silver Creek Township Board.
- D. Accepting Gifts.
- 1. Gifts shall not be accepted by a member of the Commission or liaison from anyone connected with an agenda item before the Commission.
 - 2. Gifts shall mean; any tangible item or service, regardless of value, and food valued over \$10.00.
- E. Spokesperson for the Commission
- 1. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
 - 2. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
 - 3. The Commission may appoint a spokesperson for all matters which occur outside of the meetings of the Commission.
- F. Code of conduct.

4. Officers

- A. Selection. At the regular meeting in the month of October of each year, the Commission shall select from its membership a Chair, Vice-Chair, and a Secretary. 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 the Vice-Chair for the unexpired term. The Commission or Secretary may designate another person who is not a member of the Commission to be the recording secretary.
- B. Tenure. The Chair, Vice-Chair, and Secretary 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 procedures;
 - 2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the commission;
 - 3. Shall call for motions to be restated as pursuant to Section 5.E of these Bylaws;
 - 4. May call special meetings pursuant to Section 5.B of these Bylaws;
 - 5. Appoint an Acting-Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
 - 6. Act as the Commission's and Planning Department's chief spokesman or appoint a spokesperson to represent the Commission at local, regional, and state government levels.
 - 7. Represent the Commission, along with the Silver Creek Township Commission member, before the Silver Creek Township; and
 - 8. Perform such other duties as may be ordered by 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. Execute documents in the name of the Commission;
 2. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
 3. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
 4. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
 5. Keep attendance records pursuant to Section 2.C of these Bylaws;
 6. 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. 153261 *et seq.* (the Secretary may delegate this duty to Commission staff)
 7. Prepare an agenda for Commission meetings pursuant to Section 5.K of these Bylaws (the Secretary may delegate this duty to Commission staff);
 8. Perform such other duties as may be ordered by the Commission.
- F. Recording Secretary's Duties. The Recording Secretary shall not be a member of the commission or any of its committees, and shall:
1. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to section 6.A of these Bylaws for review and signature by the Secretary: and
 2. Perform such other duties as may be ordered by the Commission or Secretary.

5. **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 or Chair may establish and appoint citizens committees. Membership can be any number with less than a quorum of Commission members to serve on the citizen committee. The purpose of the Citizens 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 Silver Creek Township.
- C. Rules of procedure.
1. Above Committees are advisory in nature only.
 2. Officers of the committee are appointed by the Chair of the Planning Commission at the time the committee is created.
 3. Quorum: A committee's quorum shall be at least half of the total appointed members of the committee.
 4. Voting: Only those appointed members of the committee present at the time of the vote are eligible to vote.
 5. Chairman of Planning Commission may remove a committee member after being absent from 3 consecutively scheduled meetings.
 6. Minutes: The committee shall select a Secretary-Vice-Chair of the committee and shall keep meeting minutes. Minutes shall be filed with Township Clerk. Committee shall have reasonable use of Township facilities and direction for performing the work of the committee.
 7. Open Meetings: All committee meetings are open to the public. Michigan Open Meeting Act, M.C.L. 15.261 *et seq.*

6. **Meetings**

- A. Regular meeting. Meetings of the Commission will be held the fourth Wednesday of the month of every month at 7 p.m. at the township hall. 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 or

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 the following manner:
1. By the Chair.
 2. By any two members of the Commission.
 3. By the Chair at the request of any non member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be set by the township board.
 4. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).
- 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 meetings 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 same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where the 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.
1. Call for motions to be restated before a vote is taken.
 2. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.
 - a. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - b. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - c. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
- F. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded 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 a majority of 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.
- G. 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.
- H. Parliamentary Procedure. Parliamentary procedures 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 0-7362-037-6)) for issue not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

- I. 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 with a time limit or an extended time limit.
 3. Public Hearings shall follow the Silver Creek Township Meeting Procedure.
- J. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
- A. Call meeting to order, flag ceremony, and Pledge of Allegiance.
 - B. Approve agenda for business meeting.
 - C. Approve minutes from prior meeting.
 - D. Reading of Communications.
 - E. Unfinished business and reports
 - F. New business.
 - G. Other business.
 - H. Public comments
 - J. Adjournment.
- K. Delivery of Agenda. The agenda and accompanying materials shall be mailed (emailed) to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting, pursuant to section 5.A.

7. **Record.**

- A. Minutes and Record. 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. Indication of others present (listing names if others 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:
 - (1) Who testified and a summary of what was said..
 - (2) A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, ect.)
 - (3) The location of the property involved (tax parcel number and description, legal description is best.)
 - (4) What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes.)

- (5) What evidence was considered (summary of discussion by members at the meeting).
- (6) The administrative body's findings of fact.
- (7) 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.)
- (8) The decision (e.g. approve, deny, approve with modification).
- (9) 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.
- (10) List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not at all or will just be black.)
- (11) Make the map/drawing/site plan part of the motion (e.g."...attached to the original copy of these minutes as appendix 'A', as made a part of these minutes...")

- g. Who called the question.
- h. 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."
- i. That a person making a motion withdrew it from consideration.
- j. All the Chair's rulings.
- k. All challenges, discussion and vote/outcome on a Chair's ruling.
- l. All parliamentary inquires or point of order.
- m. When a voting member enters or leaves the meeting.
- n. 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.
- o. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
- p. The start and end of each recess.
- q. All chair's rulings of discussion being out of order.
- r. Full text of any resolutions offered.
- s. Summary of announcements.
- t. Summary of informal actions, or agreement on consensus.
- u. Time of adjournment.

3. 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 comprehensive plans, other records of decisions, Commission or department publications: Permanent.
2. General ledger: 20 years
3. Account journals: 10 years.
4. Bills an/or invoices, receipts, purchase orders, vouchers: 7 years.
5. Correspondence: Permanent.

8. **Silver Creek Township Department and Subdivisions; and intergovernmental Coordination.**

The commission shall be responsible for coordination of all related plans between departments or subdivisions of silver creek township and intergovernmental coordination of all related planned activities among the state, federal, and municipal governments concerned. The Commission may use committees (pursuant to section 7.B of these rules), [Planning Department/Zoning Administrator] staff, citizen committees (pursuant to section 7.C of these rules), and interagency staff teams for purpose of accomplishing coordination. If a staff team is used, the team shall not be a committee of the Planning Commission or any other public body and shall not be a public body. The team shall be an employee level technical review with only powers to recommend.

9. **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 Silver Creek Township Board, 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.

10. **Zoning Responsibilities**

- A. All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.
- B. 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 legislative body.
- C. Or other provisions required by the Silver Creek Township Zoning Ordinance, or the Township Board.

At a minimum the recommendation shall include:

- 1. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government;
 - 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 jurisdiction as a whole; and
 - 4. The manner of administering and enforcing the zoning ordinance.
- D. 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. After the hearing action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to section 5.E.2 of these Bylaws.
 - E. Site Plan Review. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to section 5.E.2 of these Bylaws.
 - F. 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.

11. **Plans Reviews.**

- A. The Commission may 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.
- B. 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 5.E.2 of these Bylaws.
- C. The review should focus on:
 - 1. First and foremost, the process is intended to increase coordination of planning between governments.
 - 2. Consistencies or inconsistencies with your government's plan(s) for matters such as:
 - a. Border issues
 - b. Issues of greater than local concern
 - c. Comparison with local plan contents

- d. Comparison with county/regional plan contents
 - e. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, ect.).
 - f. Comparison to various implementation strategies.
- D. The review shall be in the form of a letter and shall take into account:
- 1. 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 that necessary.
 - 2. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 - 6. 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.
 - 7. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

12. **Capital Improvements Review**

- A. 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). If the funding for the capital improvement project is from a grant, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.
- B. All preliminary plans and reports for the physical development of the Silver Creek Township, 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.
- C. 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 5.E.2 of these Bylaws.
- D. 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.
 - 1. Is the proposed project consistent with adopted plans?
 - 2. Is the project consistent with other governmental management plans?
 - 3. Is the project consistent with plans of each municipality located within or contiguous to the local unit of government?
 - 8. Is the project consistent with adopted, if any, capital improvement plans?
- E. 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:
 - 1. 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.
 - 2. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 - 3. 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 government or agencies of governments.
 - 4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

13. **Township Zoning Reviews.**

- A. The planning commission shall review the CIP:
 - 1. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies, and the objectives and goals of the community.
 - 2. The review shall include an opportunity for agencies to present their arguments for why any given project should be included in the program and at what order of priority.
 - 3. Upon completion of the review, a second draft of the CIP shall be prepared.
- B. The planning commission shall hold a public hearing on the second draft of the CIP.

- C. After the hearing, if needed, a third draft of the CIP shall be prepared. The planning commission then:
 - 1. Formally adopts the CIP in the form of a recommendation to the legislative body of adoption; or
 - 2. Adopt an amended version of the CIP in the form of a recommendation to the legislative body for adoption; or
 - 3. Does not approve, thus does not adopt the ranked listing/project priorities, and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.
- D. If the legislative body refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications, and submit another version of the CIP to the legislative body.

14. **Subdivision Review**

- A. Review in accordance to Section 12 of the Silver Creek Township Zoning Ordinance.
- 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.

15. **Other Matters to be considered by the Commission**

- A. Commission Action. The following matters shall be presented for consideration at a meeting of the Commission:
 - 1. At least annually, the adoption of priorities for the Commission's plan of work.
 - 2. Annually, presentation of an annual report of the Commission.
 - 3. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.
 - 4. The general character, extent and layout of the preplanning and redevelopment of blighted districts and slum areas.
 - 5. Land subdivision plats.
 - 6. All address changes pursuant to Silver Creek Township Address Ordinance, as amended.
 - 7. All Planning reports and plans before publication.
 - 8. Any other business from the Township Board.

16. **Adoption, Repeal, Amendments**

- A. Upon adoption of these Bylaws of 1-1-10, they shall become effective and all previous Bylaws, shall be repealed.
- B. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
 - 7. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

Note: include a copy of the Township hearing Procedure.

REV. April 2013