

**CASCADE CHARTER TOWNSHIP**

**ORDINANCE NO. 24-1**

**AN ORDINANCE TO CONTINUE TOWNSHIP PLANNING COMMISSION AND  
REDUCE NUMBER OF PLANNING COMMISSION MEMBERS**

THE CHARTER TOWNSHIP OF CASCADE ORDAINS:

**Section 1. Establishment of Planning Commission**

**Section 1. Title**

This Ordinance may be referred to as the Cascade Charter Township Planning Commission Ordinance.

**Section 2. Continuation of the Planning Commission; Reduction of Number of Members**

At the time of adoption of this Ordinance, the Cascade Charter Township Planning Commission was established under the Township's Zoning Ordinance. Pursuant to MCL 125.3881(3)(b) and (c), the intent of this Ordinance is to (1) adopt a new ordinance to fully conform to the requirements of the Michigan Planning Enabling Act, MCL 125.3801 *et seq*, as amended, and continue, without any gap in time, the Township Planning Commission, and (2) to reduce the number of Planning Commission members from nine (9) to seven (7).

**Section 3. Membership and Terms of Office**

1. **Membership.** The Planning Commission shall consist of seven (7) members who shall be representative of Township population and of the major interests present in the Township. All members shall be residents and qualified voters within Cascade Charter Township. One (1) member of the Township Board shall be a member of the Planning Commission. Subject to removal under Section 5 and notwithstanding Section 2.b., the Township Board member's term of service shall be concurrent with his/her service on the Township Board. At the conclusion of any four (4) year term, or sooner in the case of recall, removal, resignation, death or disability of the Township Board member's term of service on the Township Board, the Township Supervisor reserves the right to appoint any other Township Board member to the Planning Commission to fill the vacancy, subject to approval by the Township Board.
2. **Terms.**
  - a. Members of the Planning Commission shall be appointed by the Township Supervisor with approval by the Township Board.
  - b. The term of each member shall be for three (3) years.

- c. Planning Commission members shall be appointed with staggered terms, but members may continue to serve until their successors have been appointed.
3. **Vacancies.** In the event that a member of the Planning Commission can no longer serve because of health or any other reason, the Township Supervisor may appoint, upon Township Board approval, another person to the Planning Commission for that unexpired term.

If a Planning Commission is no longer a resident and registered elector of the Township, such event constitutes an automatic resignation from the Planning Commission, effective upon the date a successor is appointed by the Township Supervisor and approved by the Township Board.

4. **Member Absence.** In the event that a member cannot attend a meeting, they shall call and inform the Chairperson so far in advance of the meeting as possible, so that they can be excused from the meeting.

Should a member have more than three (3) consecutive unexcused absences from regularly scheduled meetings or miss more than fifty percent (50%) of all meetings within a calendar year, it shall constitute a reasonable ground for removal. In that event, the chairman may prepare a memorandum requesting that member to resign. The memorandum of attendance or a letter of resignation shall be forwarded to the Township Supervisor, with a request that an appointment be made to fill the vacancy in the case of resignation or a request to initiate removal proceedings. Nothing in this section shall be construed to limit the Township Board's authority to remove a member of the Planning Commission upon written charges and after a public hearing.

5. **Removal:**

- a. **Reason for Removal.** Members of the Planning Commission may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- b. **Conflict of Interest.** A member may be excused from voting on a particular issue by majority vote of the remaining members present for reasons of a conflict of interest if:
  - i. The member has a direct financial interest in the outcome of the matter at issue;

- ii. The matter at issue involves the member's business or place of employment;
- iii. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility;
- iv. The member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
- v. Participation would violate a rule or regulation adopted by the body involved.

#### **Section 4. Officers, Procedural Matters, Quorum, Voting, and Records**

1. **Officers and Duties.** The Planning Commission shall elect a chair, vice-chair, and a secretary from its members. No member of the Township Board shall be an officer of the Planning Commission.

The term of each officer shall be one (1) year or until their successor(s) are selected and assume office. The term of each officer shall not extend for more than two (2) consecutive one-year terms; there shall be no limitation on non-consecutive terms for officers. The election of officers shall take place at the first meeting in January. The Planning Commission shall elect its officers by a majority vote of the members present at the time of election at a meeting where a quorum is present.

The chair shall preside at all meetings, appoint committees subject to Planning Commission approval, retain voting and discussion privileges, and perform such other duties as may be ordered by the Planning Commission.

The vice-chair shall act in the capacity of the chair in his/her absence.

The Secretary (or a person designated by the Secretary) shall execute documents in the name of the Planning Commission and perform such other duties as the Planning Commission may determine. The Planning Director (or a person designated by the Planning Director) shall serve as the Recording Secretary, shall be responsible for the minutes of each meeting, and shall have them recorded in suitable volumes available at the Cascade Charter Township Hall. All communications, petitions, and reports addressed to the Planning Commission must be delivered or mailed to the Recording Secretary.

2. **Procedural Matters.**

- a. With consultation by the chair, the Recording Secretary shall prepare an agenda for each meeting and whenever feasible, the agenda for each meeting shall be made available to the public in advance of the meeting.

- b. Parliamentary procedure at Planning Commission meetings will be guided by Robert's Rules of Order, but nothing herein shall be construed to require absolute adherence to such rules.
3. **Meetings.** The Planning Commission shall hold not less than 4 regular meetings each year with a goal of 2 regular meetings per month. At the Planning Commission's first meeting in December, the Recording Secretary shall submit to the Planning Commission a proposed meeting schedule, including time & place, for the upcoming year. At this meeting, the schedule shall be approved by resolution as submitted or amended to reflect any changes directed by the Planning Commission.

Special meetings may be called by any Planning Commissioner or the Recording Secretary. The Recording Secretary shall send written notice personally, by mail (if time is sufficient), or any other electronic means, including facsimile, text or email, of a special meeting to Planning Commission members not less than 48 hours before the meeting. Notice to the public shall be provided 18 hours in advance in a prominent and conspicuous place at the Township Hall and on the Township's website.

All meetings, subcommittee meetings, hearings, records, and accounts shall be open to the public in accordance with the Michigan Freedom of Information Act and the Michigan Open Meetings Act.

4. **Quorum.** A quorum shall consist of a majority of the Planning Commission membership excluding vacant seats.

Official action of all matters before the Planning Commission shall be taken by a concurring vote of a majority of the quorum, unless Michigan law provides otherwise. Whenever a quorum is not present at a meeting, those present may adjourn the meeting to another meeting date. In no case shall an official action be taken without a quorum.

5. **Voting.**

- a. The majority vote of the quorum present shall be required to render a decision of approval on any matter of this Ordinance which requires action by the Planning Commission.
  - b. In the event that a decision of approval is not obtained or in the event that the vote results in a tie, then the matter being considered shall be deemed to have been denied.
  - c. **Voting Procedures.**
    - i. The following guidance should be followed prior to approval of any motion, resolution, or recommendation:

1. Action by the Planning Commission on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the Planning Commission.
2. Motions before the Planning Commission shall be restated by the Chairperson before a vote is taken. The name of the person making the motion and its supporter shall be recorded.
3. All members present are required to vote unless excused for reasons of a conflict of interest. Voting shall be by voice vote and shall be recorded as the number in support and the number in opposition. Abstentions for conflicts of interest shall be noted. Roll call votes shall only be recorded upon request by a member of the Planning Commission and shall be recorded by "yes" or "no." Members must be present to cast a vote. Voting by proxy shall not occur.

A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

#### **Section 5. Functions, Considerations, Decisions, and Authority of the Planning Commission.**

The Planning Commission serves a dual role as the planning advisory board and the zoning advisory board of the Township.

##### **1. Functions.**

- a. **Planning Duties.** The Planning Commission shall have the following prescribed local planning activities and responsibilities:
  - i. The conduct of the Township's comprehensive planning program;
  - ii. Preparation of the comprehensive plan, subject to review and approval of the Township Board as permitted by law;
  - iii. Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the Township Board such changes in the comprehensive plan as may from time to time be required;
  - iv. Review proposed land development regulations, or amendments thereto, and make recommendations to the Township Board as to consistency of the proposal with the adopted comprehensive plan; and

- v. Perform any other functions, duties and responsibilities which may be assigned to it by the Township Board or general or special ordinance or statute.
- b. **Zoning and Development Review Duties.** The Planning Commission shall have the following prescribed duties and responsibilities:
- i. Initiate studies and prepare recommendations for changes or amendments relating to the zoning ordinance, boundaries of the various zoning districts, or to the regulations applicable thereto, to the Township Board.
  - ii. Make recommendations on the following to the Township Board regarding:
    - 1. Applications for rezonings, including Planned Unit Developments.
    - 2. Applications for Special Use Permits that meet the requirements of Chapter 15 of the Zoning Ordinance.
  - iii. Make recommendations to the Township Board regarding the following types of development:
    - 1. Regarding applications for subdivision plats pursuant to the Cascade Charter Township Subdivision Ordinance
    - 2. Regarding applications for lot splits of subdivision lots pursuant to the Cascade Charter Township Subdivision Ordinance.
    - 3. Regarding all other development reviews which the Township Board or ordinance assigns to the Planning Commission.
  - iv. **Considerations- Decisions.** In addition to the applicable standards contained in the Zoning Ordinance, the Planning Commission shall consider the following whenever making recommendations:
    - 1. Whether there exists an error or ambiguity which should be corrected;
    - 2. Whether there exists changed or changing conditions or circumstances which make approval of a proposed Zoning Ordinance amendment or rezoning appropriate;
    - 3. The impact of a proposed change on the intent of this Zoning Ordinance;
    - 4. The testimony of any applicant;



5. The recommendation of Township staff;
6. The testimony or comments of the public;
7. Whether a proposed land use change is consistent with the goals, objectives, policies, and intent of the Cascade Township General Development Plan;
8. Whether a proposed land use change meets or exceeds all performance and locational standards set forth for the proposed use
9. Whether a proposed land use change is consistent with the densities, intensities, and general uses set forth in the Cascade Township General Development Plan;
10. Whether a proposed land use change will protect, conserve or preserve environmentally critical areas and natural resources;
11. Whether a proposed land use change will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property;
12. Whether the location of a proposed land use change places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development;
13. Whether a requested use will be in compliance with all applicable General Provisions and Special Use Regulations pertaining to the use, as set forth elsewhere in this Ordinance; and
14. Whether a change is proposed in order to rectify errors on the Official Zoning Map.

#### **Section 6. Public Hearing Notice.**

1. Rezoning, Special Use Permit and Planned Unit Development Requests- Public Hearing Notice to Surrounding Properties:

In accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, the Planning Department shall send by mail or personal delivery a public hearing notice of a rezoning, special use or planned unit development request as required by law.

2. Publication of Public Hearing Notices. Publication of public hearing notices for rezonings, special uses, and planned unit developments shall be made as required by law.

**Section 7. Public Notices- Publication, Mailing, and Delivery.**

Except where expressly stated otherwise in this Ordinance or as otherwise required by law, whenever a public hearing on a zoning application or matter is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

1. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
2. For applications involving the rezoning of ten (10) or fewer adjacent properties and for all planned unit development and special use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or be personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
  - a. The applicant;
  - b. All persons to whom real property is assessed for property tax purposes within 300 feet of the property that is the subject to the application; and
  - c. The occupants of all structures within 300 feet of the property that is the subject of the application. If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.
3. The notice of the public hearing shall include the following information:
  - a. A description of the nature of the application or request.
  - b. An identification of the property that is the subject of the application or request. The notice shall also include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning.
  - c. A statement of where and when the application or request will be considered.
  - d. Indicate where and when written comments will be received concerning the application or request.

**Section 2. Severability.**

If a court determines that any provision of this Ordinance is invalid, the remaining provisions of this Ordinance shall remain in full force and effect.



**Section 3. Repealer.**

Any ordinances in conflict with this Ordinance are repealed but only to the extent necessary to give this Ordinance full force and effect.

**Section 4. Effective Date.**

This Ordinance takes effect concurrently with Ordinance No. 24-2, which shall be upon the expiration of seven (7) days after publication of that ordinance.

THE FOREGOING ORDINANCE WAS OFFERED BY TRUSTEE SHIPLEY SECONDED BY TREASURER KORSTANGE AND THE VOTE BEING AS FOLLOWS:

YEAS: NOORDHOEK, KORSTANGE, KOESSEL, SHIPLEY, SLATER, LESPERANCE

NAYS: NONE

ABSENT: MCDONALD

RESOLUTION DECLARED MARCH 13, 2024.

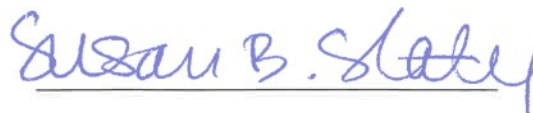


SUSAN B. SLATER, CLERK

CASCADE CHARTER TOWNSHIP

CERTIFICATION

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF AN ORDINANCE ADOPTED AT A REGULAR MEETING OF THE CASCADE CHARTER TOWNSHIP BOARD, HELD ON MARCH 13, 2024.



SUSAN B. SLATER, CLERK

CASCADE CHARTER TOWNSHIP

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