

STATEMENT OF BY-LAWS

MILAN TOWNSHIP PLANNING COMMISSION

ARTICLE I – PREAMBLE

Section 1.1 – Basis

Pursuant to Township Planning Commission Act 168 of Public Acts of 1959, as amended, the Township of Milan created the Milan Township Planning Commission by resolution, with the power to make, adopt, extend, add to, or otherwise amend and to carry out plans for the unincorporated portions of the Township of Milan.

SECTION 1.2 – Title:

The official title of this Commission shall be the “Milan Township Planning Commission.”

ARTICLE II - AREA

SECTION 2.1 – Area

The area served by the Milan Township Planning Commission shall include all lands legally within the present or future boundaries of Milan Township.

ARTICLE III – PURPOSE

Section 3.1 – Purpose

The purpose of the Commission shall be to implement and further the goals and objectives of the Township Township Rural Zoning Act, P.A. 184 of 1943 and the Township Planning Commission Act P.A. 168 of 1959 as amended including the following:

- A. Promote and carry out policy and physical planning actions regarding the preservation, protection and appropriate use of the township’s resources.
- B. Manage suitable development of the economic, social, physical, natural and cultural resources of Milan Township.

- C. Promote and protect the public health, safety and general welfare of the people residing in Milan Township.
- D. Encourage use of township resources in accordance with their character.
- E. Prepare a basic plan pursuant to Act 168 of the Public Acts of 1959, as amended, for the purpose of guiding the physical development of Milan Township.
- F. Carry out research and responsibilities as directed by the Township Board.
- G. Promote cooperation between governmental units and private agencies towards the fulfillment of these bylaws.
- H. Avoid the overcrowding of land by buildings or people.
- I. Lessen congestion on public roads and streets.
- J. Facilitate provisions for a system of transportation, sewage disposal, safe and adequate water supply, recreation and other public improvements.
- K. Effect economies in the Township through the recommendation of expenditure of funds in order to implement plans prepared for sound and orderly development of the Township.
- L. Consider the character of the Township and its suitability for particular uses judged in terms of such factors as the suitability of the land and the trends in land use and population developments.
- M. Implement the “planned and orderly growth” of the Township by officially adopting and amending a basic plan to guide the physical development of the Township.
- N. Promote the adoption and execution of plans by the Township, School Districts, County, State, Federal and other governments and agencies responsible for making public or influencing other improvements in the Township.
- O. Encourage and assist public and private agencies in improving the attractiveness of the Township.
- P. Preserve and protect fragile lands, natural features, water resources and the environmental safety of Milan Township.

ARTICLE IV – RESPONSIBILITIES AND DUTIES

The Planning Commission shall have the responsibility, duties and authority given it by law, including the following:

SECTION 4.1 – Adoption of a Growth Management Plan

The Planning Commission shall make and adopt a basic plan, pursuant to statute, as a guide for the management of the unincorporated portions of the Township. The contents of the plan shall be as provided by law, and may include:

- A. A statement of community goals and policies.
- B. A Growth Management plan and implementation program.
- C. Recommendations as to the general location, character and extent of traffic ways, waterways, flood prevention works, and sewer and systems, and public utilities and structures.
- D. Recommendations as to the redevelopment of rehabilitation of blighted districts.
- E. Recommendations for the removal, widening, narrowing, vacating, abandonment changes or use of extension of ways, grounds, open spaces, buildings, utilities or other facilities.
- F. Recommendations for the protection of important natural features, resources and fragile lands.
- G. Recommendations for implementing any of the Planning Commission's proposals.

SECTION 4.2 – Review of the Growth Management Plan

The Planning Commission shall formally review the adopted Growth Management Plan from time to time, as appropriate and shall take action by resolution to make amendments of the plan in whole or in part, or may determine as a result of its review that no amendments are in order as a result of the review.

SECTION 4.3 – Amendment of Growth Management Plan

Any amendment to the Growth Management Plan must be adopted pursuant to statute.

SECTION 4.4 – Capital Improvement Plan

The Planning Commission shall assist the local government unit in preparing a public works capital improvement plan, based upon the Growth Management plan, that defines all "project type" public needs, estimated cost and the proposed method of financing.

SECTION 4.5 – Zoning Ordinance

The Planning Commission shall prepare a zoning ordinance to be submitted for adoption to the Township Board and/or review and make recommendations on all amendments or changes to be made in the zoning maps or the regulations of a zoning ordinance. It shall be the responsibility of the Planning Commission to review and make recommendations on special types of development permitted under the zoning ordinance, such as site plan review, planned unit developments, condominiums, special housing projects, shopping centers, industrial parks, medical centers, educational centers and others as specifically provided in the Zoning Ordinance. The Planning Commission may recommend amendments to the Zoning Ordinance from time to time, as it deems appropriate.

SECTION 4.6 – Subdivision Regulations

The Planning Commission shall prepare subdivision (plat) regulations to be submitted for adoption by the Township Board; review, make recommendations and participate in the approval or disapproval of all subdivision plats, street openings and other development which involve expansion of the community's developed area.

SECTION 4.7 – Special Studies

The Planning Commission shall, as and when it deems appropriate, initiate or make special studies and reports on all matters that may be referred by the Township Board, by an operating department, federal or state agency, subject to the approval of the Township Board.

SECTION 4.8 – Inquiries

The Planning Commission shall, as and when it deems appropriate, make inquiries, investigations and surveys of the resources of the Township.

SECTION 4.9 – Assemble Data

The Planning Commission shall, as and when it deems appropriate, assemble and analyze data and formulate plans for the proper conservation and uses of all resources; including a determination of lands having various use potentials, and for services, facilities and utilities required to equip such lands.

SECTION 4.10 – Consult

In the adoption of a Growth Management Plan, the Planning Commission shall consult with representatives of the adjacent Townships, County Planning Commissions, incorporated municipalities within the Township and with the regional Planning Commission.

On other issues of Township concern, the Commission may consult with adjacent communities.

SECTION 4.11 – Adopt Rules

The Planning Commission shall adopt rules and regulations for the transaction of its business. The regulations may address, but are not limited to, such matters as forms and number of copies of material to be submitted to the Commission and requirements as to time such materials must be submitted.

Such regulations shall be adopted by resolution of the Commission and shall be published and readily available to all citizens having business before the Commission.

SECTION 4.12 – Appointment

The Commission may, with the approval of the Township Board, appoint and authorize advisory committees whose members may consist of governmental officials and individuals whose experience, training and interest in the Commission's work qualifies them to lend valuable assistance to the Commission. The Commission may also, with the approval of the Township Board, appoint various committees of citizens to collect information and prepare reports to the Commission on the various phases of the comprehensive planning program for which the Commission is primarily responsible.

ARTICLE V – MEMBERSHIP

SECTION 5.1 – Number

The Planning Commission shall consist of not less than five nor more than seven members, who shall be qualified electors of Milan Township. One member of the Township Board shall be a member of the Planning Commission. One member of the Planning Commission shall be appointed to the Zoning Board of Appeals.

SECTION 5.2 – Appointment

All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. Members may be removed by the Township Supervisor after a hearing with the approval of the Township Board.

SECTION 5.3 – Term

The term of each member shall be for three (3) years, except that of the members first appointed; one-third (1/3) shall serve one (1) year, one-third (1/3) shall serve two years and one-third (1/3) shall serve three (3) years.

SECTION 5.4 – Succession

Each member shall serve until his/her term shall expire. Members may be re-appointed by the Supervisor with the approval of the Township Board. Vacancies resulting from resignation and/or removal shall be filled in the same manner and shall be appointed for the remainder of the term of the resigning member.

SECTION 5.5 – Compensation

- A. Planning Commissioners may be compensated as provided by the Township Board.
- B. Planning Commissioners may be compensated for travel expenses incurred as travel to conferences and meetings with the approval of the Township Board.

SECTION 5.6 – Commission Employees

The Township Board may employ appropriate and other employees and/or contract for part-time or full-time service of individuals or firms to assist the Planning Commission in its responsibilities and duties.

ARTICLE VI – OFFICERS

SECTION 6.1 – Selection

At the January meeting each year, the Planning Commission shall elect from its membership a Chairperson, Vice-Chairperson, Secretary and any other officers deemed necessary. All officers are eligible for re-election. The Commissioner appointed from the membership of the Township Board shall not serve as Chairperson of the Planning Commission.

SECTION 6.2 – Term

The term of all officers shall be one year and each officer shall serve until re-elected or his/her successor shall have been elected.

SECTION 6.3 – Election

The chair, vice-chair and secretary shall be elected by a majority of the membership of the commission present at the time of election.

ARTICLE VII – DUTIES OF OFFICERS

SECTION 7.1 – Chairperson

The chairperson shall be the chief executive officer of the Commission and shall preside at all meetings of the Commission. The Chairperson shall appoint, with the approval of the Commission, all committees or advisory committees established and provided by the Commission and shall be an ex-officio member of all committees. The Chair shall have a vote on all resolutions as a commissioner. The Chair has no authority to sign contracts of legal documents authorized by the Commission, but shall refer such to the Township Board. The Chair shall also be responsible for such other duties as outlined herein.

SECTION 7.2 – Vice-Chairperson

In the event that the office of Chairperson becomes vacant by death, resignation or otherwise the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.

In the event of 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.

SECTION 7.3 – Secretary

The Secretary shall attend all meetings of the Commission and shall see to the safe keeping of the official minutes book and records of the Commission. The Secretary shall be the facilitator for the receipt and transmission for all correspondence, notices and minutes pertaining to meetings and official acts of the Commission and such other duties as the Commission may direct, including but not limited to:

- a) sign all approved site plans,
- b) sign and record approved minutes,
- c) submit attendance records of Planning Commission meetings to Township Clerk,
- d) read, upon request, correspondence at Planning Commission meetings, and
- e) call and notice special meetings.

In the event of the absence of both the chairperson and vice-chairperson, such duties shall, for the time being, devolve upon the Secretary.

A recording secretary may be employed to record and prepare proposed meeting minutes.

ARTICLE VIII – MEETINGS

SECTION 8.1 – Regular Meetings

The regular meetings of the Commission shall be held on the first and third Thursday of each calendar month excluding legal holidays.

A schedule of regular meetings for the forthcoming year will be determined during the December meeting. This schedule and time of meetings will be delivered to the Township Clerk and posted in general view of the public at the Township Hall. The schedule of meetings may be subsequently amended as needed.

SECTION 8.2 – Agenda

The Planning Commission shall establish deadlines for items to be included on the agenda. Unless additional notice is required or necessary, items may be added to the agenda upon the majority consent of the Commissioners present at a regular meeting. Agenda items shall be listed in order of those items closest to needing deadline action.

SECTION 8.3 – Special Meetings

Special meetings may be held as required, subject to the call of the Chair or by two (2) members upon written request to the Secretary.

Notice of Special meetings shall be given by the Secretary to members of the Planning Commission at least forty-eight hours prior to such meeting and shall state the purpose and time of the meeting.

Agenda items that may be legally added without public notice may not be added at a special meeting unless all Commissioners are present and unanimously approve an addition to the agenda.

SECTION 8.4 – Public

All meetings of the Planning Commission, hearings, records and accounts are subject to the Open Meetings Act and shall be properly publicized prior to being held.

SECTION 8.5 – Quorum

A majority of the total number of members shall constitute a quorum for the transaction of business and the taking of official action for all matters.

A majority vote of members present, at a regular or special meeting, may effectuate an action or a decision of the Planning Commission in all other matters of business.

Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold an informal discussion for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official.

The vote of all members shall be necessary for the adoption of a comprehensive plan or any part thereof.

SECTION 8.6 – Order of Business

The order of business for regular and special meetings shall be:

- A. Call to order by the Chair
- B. Pledge
- C. Roll call
- D. Determination of a quorum
- E. Adoption of agenda
- F. Approval of the minutes of the last preceding meeting
- G. Correspondence
- H. Reports
 - 1. Report of Chairperson
 - 2. Report of Township Board Representative
 - 3. Report of Zoning Board of Appeals
 - 4. Report of Planning/Engineering Consultants
 - 5. Report of Committees
- I. Public Hearings
- J. Old business
- K. New business
- L. Comments from Commission
- M. Call to Public
- N. Next meeting

- O. Adjournment
- P. The order of business may be amended upon motion of the Planning Commission

SECTION 8.7 – Motions

Motions shall be restated by the Chair before a vote is taken. The name of the maker and the supporter of a motion shall be recorded for the minutes.

SECTION 8.8 – Voting

Voting on minutes, opening and closing of public hearings, election of officers, adoption of agenda, recess and adjournment shall be by voice and shall be recorded by yeas and nays, unless a roll call vote is requested by any member of the Commission. Roll call votes will be recorded on all other matters before the Commission.

A member of the Planning Commission shall abstain from any deliberation and voting on a motion if any of these criteria apply:

- A. A relative of a planning commissioner (relative defined below)
- B. Property the Commissioner owns, leases or rents,
- C. Property owned by a Commissioner's relative or employer
- D. A party with whom a Commissioner shares financial interests (such as partner, employer, lender, renter, investor, heir); or
- E. A matter that would give rise to the appearance of impropriety.

Further, a member of the Planning Commission shall abstain if, after disclosing the perceived conflict of interest, a motion to permit such abstention is passed by a majority of the other Planning Commission members then present.

(Relative – Including but not limited to the following: Father, Mother, Children, Grandchildren, Father-in-Law, Mother-in-Law, Grandparent, Grandparent-in-Law, Brother, Sister, Brother-in-Law, Sister-in-Law, Nephew, Neice, Uncle, Aunt, 1st and 2nd cousins of same or different generations, or in-laws in these respects)

SECTION 8.9 – Notice of Decision

A written notice containing the decision of the Planning Commission will be transmitted to the petitioner and originators of a request for the Planning Commission to study an issue within the purview of the Commission. Written notice containing the decision of the Planning Commission shall also be transmitted to the Township Board and the Zoning Official. Such notice shall be transmitted by the Planning Commission Secretary.

SECTION 8.10 – Public Hearings

All Public Hearings held by the Planning Commission shall be held as part of a regular or special meeting of the Planning Commission. The following rules of procedure shall apply to public hearings held by the Planning Commission;

- A. Upon motion passed by the Planning Commission, chairperson opens the public hearing and announces the subject
- B. Chairperson summarizes the procedures/rules to be followed during the hearing
- C. Applicant presents the main points of the application
- D. Township planner/engineer/other consultants present their report and evaluation
- E. Public Comment
- F. Upon motion passed by the Planning Commission, chairperson closed the public hearing and returns to the regular/special meeting.

SECTION 8.11 – Adjournment of Meeting

Planning Commission meetings should adjourn no later than 10:00 pm. New agenda items shall not be taken up after 10:00 pm, unless (A) An agenda item is approaching an ordinance deadline for Planning Commission action; or (B) Commissioners decide by majority vote to continue with one or more agenda items after 10:00 pm.

ARTICLE IX – ANNUAL REPORT

SECTION 9.1 – Annual Report

The Commission shall make an annual report of its activities to the Milan Township Board.

ARTICLE X – FISCAL YEAR

SECTION 10.1 – Fiscal Year

The fiscal year of the Commission shall be the same as the fiscal year of the Milan Township Board.

ARTICLE XI – PARLIAMENTARY PRACTICE

SECTION 11.1 – Parliamentary Practice

For meetings of the Commission and the advisory committees, the rules of parliamentary practice as set forth in “Roberts’ Rules of Parliamentary Procedure” shall, to the extent reasonably feasible, govern in all cases in which they are not inconsistent with the provisions of these bylaws and not contrary to any existing laws of the State of Michigan.

ARTICLE XII - CITIZENS PARTICIPATION

SECTION 12.1 – Citizens Participation

For meetings of the Commission and the advisory committees, any citizen of Milan Township may be allowed to address the Commission on items unrelated to the adopted agenda or items scheduled for Commission discussion. Individual citizens may be allotted three (3) minutes to speak on their own behalf. An individual citizen, recognized as representing an organization or group as its spokesperson, may be allotted five (5) minutes to address the Commission. Commission discussion of any raised issue may result in questions directed back to the individual or representative of an organization or group addressing the Commission. Time limits in this regard shall be at the discretion of the Commission.

Individuals or representatives wishing to address the Commission from outside the Township on particular issues pertaining to the Township shall have the time allotted at the Commission’s discretion.

ARTICLE XIII – EFFECTIVE DATE

SECTION 13.1 – Effective Date

These rules of procedure of the Milan Township Planning Commission, Milan Township, Monroe County, Michigan were adopted at a regular meeting of the Milan Township Planning commission held on March 6, 2003. The rules shall have immediate effect.

ARTICLE XIV – EFFECT AND INTERPRETATION OF BYLAWS

All bylaws and parts thereof which conflict with any of the terms of these bylaws are hereby rescinded. The catchline headings which precede each section of these bylaws are for convenience and reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of these bylaws. Where conflicts exist between these bylaws and State laws, or Township Ordinance governing Township Zoning and Planning, such laws and/or ordinances shall govern.

These rules were adopted following a motion by Commissioner Phil Bowerman and Supported by Commissioner Sharon Wurster.

Dated March 6, 2003

Signed:

John F Schauer, Chair, Milan Township Planning Commission

_____, Secretary, Milan Township Planning Commission