

**TOWNSHIP OF MILTON
PLANNING COMMISSION**

BYLAWS

ADOPTED January 10, 2019

SECTION 1: PURPOSE

The Milton Township Planning Commission hereby adopts these Bylaws in order to facilitate the performance of its duties as outlined in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 125.3801 et seq.) and to facilitate the duties for the administration of the Township Zoning Ordinance as outlined in PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).

SECTION 2: MEMBERSHIP

- A. The Milton Township Planning Commission shall be composed of seven (7) members.
- B. Members of the Planning Commission are appointed by the Township Supervisor with the concurrence of the Township Board pursuant to township ordinance.
- C. Each member of the Planning Commission shall represent and advocate what is best for the township government as a whole putting aside personal and special interests. Each member shall also represent an important segment of the community pursuant to the Planning Act.
- D. The Township Board representative shall be the liaison between the Planning Commission and the Township Board and shall be responsible for presenting recommendations of the Planning Commission to the Township Board concerning the Zoning Ordinance, subdivision ordinance modifications and plat or condominium development proposals for Township Board final approval when applicable.
- E. The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Planning Commission and update the Zoning Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals. This representative on the Zoning Board of Appeals cannot be chairperson of the Zoning Board of Appeals and is appointed by the Township Board. The Planning Commission may recommend such appointment to the Township Board.

SECTION 3: DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall perform the following duties:

- A. Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
- B. Take such action on petitions, staff proposals and Township Board requests for amendments to the Master Land Use Plan as required.
- C. Prepare an annual report to the Township Board.
- D. Prepare a suggested budget, to be included in the annual report.
- E. Take such actions as are required by the Michigan Zoning Enabling Act and/or Michigan Planning Enabling Act, as amended.
- F. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
- G. Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board.
- H. Attend training sessions, conferences or meetings as needed to properly fulfill the duties of Planning Commissioners and for which appropriations of funds have been approved by the Township Board, either in the annual Planning Commission budget or otherwise.
- I. Perform other duties and responsibilities as requested by the Township Board or other authorized township official or agency.
- J. Prepare & maintain the Master Plan.

SECTION 4: OFFICERS

- A. **Selection and Tenure.** At the first regular meeting of July each year, the Planning Commission shall select from its membership a chairperson, vice chairperson and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for reelection for consecutive terms for the same office.

- B. **Chairperson**. The chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission.
- C. **Vice Chairperson**. The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the office of vice chairperson for the unexpired term.
- D. **Secretary**. The secretary, or designee shall execute documents in the name of the Planning Commission, perform the duties hereinafter listed below, and shall perform such other duties as the Planning Commission may determine.
 - 1. **Minutes**. The secretary shall be responsible for preparing or having prepared the minutes of each meeting and public hearing and shall arrange for their recording in a suitable permanent record maintained by the township clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and a record of attendance. Minutes of public hearings shall contain a synopsis of public comments.
 - 2. **Correspondence**. The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Planning Commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the Planning Commission. The secretary will forward copies of all written documents to the township clerk.
 - 3. **Attendance**. The secretary shall be responsible for reporting the attendance record for each Planning Commission member to the township clerk.
 - 4. **Notices**. The secretary shall cause to be issued such notices as may be required by the Planning Commission.

SECTION 5: ABSENCES, REMOVALS, RESIGNATIONS AND VACANCIES

- A. All members are expected to attend all Planning Commission meetings. To be excused, members of the Planning Commission shall notify the Planning Commission chairperson or other Planning Commission member when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. 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 on such removal.

- C. A member may resign from the Planning Commission by sending a letter of resignation to the township supervisor, township board or Planning Commission chairperson stating the date of such resignation.
- D. Vacancies shall be filled by the township Supervisor with board approval for the remainder of the unexpired term of the position being filled. Members terms shall be for three years and until their successor is appointed and has been qualified.

SECTION 6: CONFLICT OF INTEREST

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

Conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as MCL 168.2:An individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
 2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
 3. The planning commission member owns or has a financial interest in neighboring property. A neighboring property shall include any property immediately adjoining the property involved in the request.
 4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.
- A. Planning Commission members shall acknowledge and declare a conflict of interest and abstain from participating in a hearing or deliberations on a decision of the Planning Commission in which the conflict exists. Such a conflict exists under the following circumstances:

1. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
 2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
 3. The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance or statute; or
 4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict or by a majority of the remaining Planning Commission members.
- B. The Planning Commission member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the commission. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. If he or she decides not to abstain and a vote of the remaining members of the commission is called for by a Planning Commission member, a majority vote of such remainder shall determine whether or not the conflict is sufficient to require abstention. A member thus abstaining should remove himself or herself from the council table during the discussion and vote on the issue. The abstaining member and/or representative of the abstaining member could, however, present facts to the commission concerning said issue.

SECTION 7: MEETINGS

- A. **Regular Meetings.** The Planning Commission shall hold not less than four regular meetings each year and by resolution shall determine the time and place of such meetings. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Planning Commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular or scheduled Planning Commission meetings shall be posted at the principal township office within 10 days after the

Planning Commission's first meeting in each fiscal year in accordance with the Open Meetings Act.

- B. **Special Meetings.** Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the Planning Commission or a vote by the Planning Commission. The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.

Notice of special meetings shall be given to the members of the Planning Commission at least forty-eight hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act. If all members are present at a special meeting, the lack of the foregoing notice to members of the Planning Commission shall be waived.

- C. **Public Records.** All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. **Quorum.** Four (4) members of the Seven (7) member Planning Commission shall constitute a quorum for transacting business and taking official action for all matters except for those decisions required by statute to be made by a majority of the membership. When a quorum is not present, those present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act. No action shall be taken at a meeting at which a quorum is not present. If a meeting involves a scheduled public hearing and a quorum is not present, those present may accommodate the public present by listening and recording their comments for the information of those members not present and for review at the time of the rescheduled public hearing. The date of the rescheduled public hearing shall be publicly determined and announced at the scheduled public hearing.
- E. **Voting.** An affirmative vote of the majority of the Planning Commission membership is required to adopt any part of the master plan or amendments to the plan. Unless required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson. The chairperson is required to vote last. All Planning Commission members, including the chairperson, shall vote on all matters, excluding members with a conflict of interest.

F. **Agenda**. The chairperson shall be responsible for preparing an agenda for Planning Commission meetings. The order of business for meetings shall include all of the following:

1. Call to order
2. Roll Call and Recognition of Visitors
3. Approval of Minutes
4. Approval of Agenda
5. Public Comments — limited to 3 minutes/person
6. Scheduled Public Hearings
7. Old Business
8. New Business
 - a. Setting Public Hearing Dates
 - b. Other New Business
9. Report of the Township Board Representative.
10. Report of the Zoning Board of Appeals Representative.
11. Comments from Planning Commission members.
12. Correspondence Received
13. Open discussion for issues not on the agenda-members of audience
14. Adjournment

G. **Public Hearings**. All public hearings held by the Planning Commission shall be scheduled as part of a regular or special meeting of the Planning Commission. An applicant may ask the Planning Commission to schedule a different date for the public hearing on the applicant's request but if permitted, shall require the applicant to pay to the township at least 20 days before the scheduled hearing the full cost of publication and mailing of notices of the hearing, the per diem fee of the Planning Commission members for a regular meeting of the commission, the township attorney and consultant fees estimated by said professionals pertaining to such special hearing, and the cost of any extra information or investigation required by the Planning Commission pertaining to the application.

The following rules of procedure shall apply to such public hearings:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes the procedures/rules to be followed during the hearing.
3. Township planner/engineer/other consultants present their report and recommendation.
4. Applicant presents the main points of the application.
5. Persons speaking in support of the application are recognized.
6. Persons speaking in opposition to the application are recognized.

7. Chairperson closes the public hearing and returns to the regular/special meeting.
8. Planning Commission begins deliberation and arrives at a decision with specified reasons for the decision. A decision can be postponed by a vote of the commission for reasons identified in the motion for postponement.

Note: All comments by the public, staff and Planning Commission members shall be directed to the chairperson and shall relate to the subject of the public hearing; unrelated comments shall be ruled out-of-order by the chairman.

- H. **Motions:** All motions should be made and seconded before discussion can occur. Motions regarding zonings, special use permits, site plan review, planned unit developments and other applicable actions shall include a finding of fact listing what the commission determines to be relevant facts in order to make a decision and the action taken shall include reasons based on the facts for the commission's action.

SECTION 8: AMENDMENTS

These bylaws may be amended at any meeting of the Planning Commission by a majority vote of the membership of said commission. The proposed amendment shall be included on the agenda for the meeting at which it is to be discussed and decided which agenda shall include a summary of the content of such amendment.

CERTIFICATION

The foregoing bylaws were adopted by the Milton Township Planning Commission at a regular meeting of said Commission held on June 1, 2009 by a majority vote of said Planning Commission membership.

MILTON TOWNSHIP PLANNING COMMISSION

Jackie Pflug, Secretary

AMENDMENT CERTIFICATION – JULY 2013

Amended Section 4, Part A, to change officer elections to January of each year.

Kelly Sweeney, Secretary

AMENDMENT CERTIFICATION – (Insert Month and Year)

Amended Section 4 Part A, to change officer elections to July of each year.

Ken Filipek, Secretary