

**NOTICE
PUBLICATION BY POSTING
YORK CHARTER TOWNSHIP
ORDINANCE NO. 137**

AN ORDINANCE TO CONFIRM THE ESTABLISHMENT OF THE YORK CHARTER TOWNSHIP PLANNING COMMISSION UNDER THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008, MCL §125.3801, ET. SEQ., TO PROVIDE FOR THE COMPOSITION OF THE PLANNING COMMISSION; TO PROVIDE FOR THE POWERS, DUTIES, AND LIMITATIONS OF THE PLANNING COMMISSION; AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES OR RESOLUTION IN CONFLICT WITH THIS ORDINANCE.

At a regular meeting of the Charter Township of York Board of Trustees held on May 10, 2011, the above-mentioned Ordinance had second reading and was adopted at said meeting.

Publication of Ordinance No. 137 was made by posting, and a copy of said Ordinance may be reviewed and inspected, in the Office of the York Township Clerk, 11560 Stony Creek Road, Milan, MI 48160, and on the Township's website at www.twp-york.org pursuant to Section 8 of the Charter Township Act, being MCL 42.8,3(b).

Helen Neill, Clerk, Charter Township of York

Published: May 19, 2011

**CHARTER TOWNSHIP OF YORK
WASHTENAW COUNTY, MICHIGAN
ORDINANCE No. 137
EFFECTIVE DATE: May 19, 2011**

AN ORDINANCE TO CONFIRM THE ESTABLISHMENT OF THE YORK CHARTER TOWNSHIP PLANNING COMMISSION UNDER THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008, MCL §125.3801, ET. SEQ., TO PROVIDE FOR THE COMPOSITION OF THE PLANNING COMMISSION; TO PROVIDE FOR THE POWERS, DUTIES, AND LIMITATIONS OF THE PLANNING COMMISSION; AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES OR RESOLUTION IN CONFLICT WITH THIS ORDINANCE.

THE CHARTER TOWNSHIP OF YORK, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION I - SCOPE, PURPOSE, AND INTENT.

This Ordinance is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL §125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL §125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

The purpose of this Ordinance is to provide that the York Township Board shall hereby confirm the establishment of the York Charter Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL §125.3801, et seq., formerly established under the Township Planning Act, Public Act 168 of 1959, MCL §125.321, et seq.; to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

SECTION II - ESTABLISHMENT.

The Township Board hereby confirms the establishment of the York Charter Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL §125.3801, being formerly established under the Township Planning Act, Public Act 168 of 1959, MCL §125.321, et seq. The York Charter Township Planning Commission shall have seven (7) members. Members of the York Charter Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL §125.3801, et seq.

SECTION III - APPOINTMENT AND TERMS.

Subject to approval by a majority vote of the elected and serving members of the Township Board, the Township Supervisor shall appoint all members of the Planning Commission, including one member of the Township Board who shall serve as an ex officio member with full voting rights. The Planning Commission members, other than the ex officio member, shall serve for terms of three (3) years each. The ex officio member's term shall expire with his or her term on the Township Board. A Planning Commission member shall hold office until his or her successor is appointed. A vacancy shall be filled by appointment to the unexpired term in the same manner as the original appointment. Other than the ex officio member, no other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

Planning Commission members shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable.

SECTION IV - REMOVAL.

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

SECTION V - 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 this Ordinance constitutes malfeasance in office.

For the purposes of this Section, 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:

- (a) An immediate family member is involved in any request for which the planning commission is asked to make a decision. For the purpose of this Section,

“immediate family member” is defined as “spouse, mother, father, sister, brother, son, or daughter, including an adopted child or a grandchild.”

- (b) 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.
- (c) The planning commission member owns or has a financial interest in neighboring property. For the purposes of this Section, a neighboring property shall include any property immediately adjoining the property involved.
- (d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

SECTION VI - COMPENSATION.

The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws regarding how members must record, report, and submit requests for compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

SECTION VII - OFFICERS AND COMMITTEES.

The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. The ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be one (1) year, with opportunity for reelection as specified in the Planning Commission Bylaws. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

SECTION VIII - BYLAWS, MEETINGS, AND RECORDS.

The Planning Commission shall adopt Bylaws for the transaction of business.

The Planning Commission shall hold at least four (4) regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the Planning Commission’s Bylaws, a special meeting of the Planning Commission may be called by the chairperson or by two (2) other members, upon written request to the secretary. Unless the Bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least forty-eight (48) hours before the meeting.

The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL §15.261, et seq.

The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the

public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL §15.231, et seq.

SECTION IX - ANNUAL REPORT.

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

SECTION X - AUTHORITY TO MAKE MASTER PLAN.

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL §125.3801, et seq., and other applicable planning statutes, the Planning Commission shall make a Master Plan as a guide for development within the Township's planning jurisdiction. The procedure for adoption or amendment of a Master Plan shall be as prescribed in Article III of the Act, MCL §125.3831 through §125.3851.

Final authority to approve a Master Plan or any amendments thereto shall rest with the Township Board after recommendation of the Planning Commission in accordance with the Act. The Township Board shall pass a resolution in accordance with MCL §125.3843(3) asserting its right to approve or reject a master plan.

Unless rescinded by the Township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL §125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL §125.3801, et seq.

SECTION XI - ZONING POWERS.

The Township Board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL §125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL §125.3101, et seq.; or other applicable zoning statutes to the York Charter Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL §125.321, et seq.

Any existing Zoning Ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.

SECTION XII - CAPITAL IMPROVEMENTS PROGRAM.

To further the desirable future development of the Township under the Master Plan, the Township Board, after the Master Plan is adopted, shall prepare or cause to be prepared by the Township Supervisor or by a designated non-elected administrative official, a Capital Improvements Program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six (6) year period. The prepared Capital Improvements Program, if prepared by someone other than the Township Board, shall be subject to final approval by the Township Board. The Planning Commission is hereby exempted from preparing a Capital Improvements Program.

SECTION XIII - SUBDIVISION AND LAND DIVISION RECOMMENDATIONS.

The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The

Planning Commission shall give notice of the time and place of the public hearing not less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within the Township.

The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967, MCL §560.101, et seq. The Planning Commission shall recommend approval, approval with conditions, or disapproval of a plat within sixty-three (63) days after the plat is submitted to the Planning Commission unless the plat proprietor waives this requirement and consents to an extension of the sixty-three (63) day period. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than fifteen (15) days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the Township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

SECTION XIV - SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

SECTION XV - REPEAL.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict. The resolution or ordinance establishing the York Charter Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL §125.321, et. seq., is/are hereby repealed and replaced by this Ordinance.

SECTION XVI - APPROVAL, RATIFICATION, AND RECONFIRMATION.

All official actions taken by any York Charter Township Board of Trustees preceding the commission created by this Ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Planning Commission created by this Ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous York Charter Township Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

SECTION XVII - PUBLICATION AND EFFECTIVE DATE.

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the Ordinance.

This Ordinance was duly adopted by the York Charter Township Board at its regular meeting called and held on the 10th day of May, 2011, and was ordered given publication in the manner required by law.

Helen Neill, Clerk
Charter Township of York
Dated: _____, 2011

Joseph B. Zurawski, Supervisor
Charter Township of York

First Reading: April 12, 2011
First Publication by Posting: April 28, 2011
Adoption: May 10, 2011
Final Publication by Posting: May 19, 2011
Effective Date: May 19, 2011

CLERK'S CERTIFICATE

I, Helen Neill, Clerk of the Charter Township of York, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of York Charter Township Ordinance No. 137, which was duly adopted by the Township Board of York Charter Township at a Regular Meeting of said Board, held on May 10, 2011, after said Ordinance had previously been introduced at a Regular Meeting of the Board held April 12, 2011, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Jane Kartje moved for adoption of said Ordinance, and that Member Wayne Meier supported said motion.

I further certify that the following Members voted for adoption of said Ordinance Kartje, Hargrove, Meier, Zajac, Neill, Zurawski, Donahue, and that the following Members voted against adoption of said Ordinance, none, and that the following Members were absent or abstained from voting on the adoption of said Ordinance none.

I further certify that after its passage the Ordinance was published in the *The Milan News-Leader*, *The Saline Reporter* papers and on the Township's website via publication by posting on May 19, 2011, in accordance with P.A. 359 of 1947, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

Helen Neill
Charter Township of York Clerk

Dated: _____, 2011