

**BYLAWS OF THE  
HARRIS TOWNSHIP PLANNING COMMISSION**

**ARTICLE I  
NAME AND AREA**

- A. This Board shall be known as the Harris Township Planning Commission, hereafter known as the "Planning Commission."
- B. These Bylaws are adopted by the Planning Commission to facilitate the performance of its duties as outlined in PA 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 Planning Commission for administration of a Zoning Ordinance as outlined in PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

**ARTICLE II  
MEMBERSHIP**

- A. The membership of the Planning Commission shall consist of five (5) members appointed by the Harris Township Supervisor and approved by the Harris Township Board, pursuant to the Harris Township Planning Commission Ordinance of March 9, 2011, as amended.
  - 1. Each member shall represent and advocate what is best for Harris Township as a whole, putting aside personal or special interests.
  - 2. Each member shall represent insofar as possible, major interests of the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry.
  - 3. All members shall be qualified electors of the Township, except one member may be a non-qualified elector.
  - 4. One member shall be a member of the Township Board.
- B. Term of Office: Term of each member shall be three years, except that of the members first appointed 1/3 shall serve for one year, 1/3 for two years and 1/3 for three years. One member of the Township Board shall serve on the Planning Commission.
- C. Vacancies: Vacancies that occur before the term of a member expires shall be filled in the same manner as in Section A for the unexpired term.
- D. Attendance: Whenever a member of the Planning Commission fails to attend three consecutive regular meetings without cause, the Chairperson shall send a letter to the member requesting an explanation and inquiring as to whether the member wishes to

remain a member of the Planning Commission. If the member resigns, or if there is no response from the member, the Chairperson shall contact the Township Supervisor requesting that a new appointment be considered. The Chairperson shall submit to the Township Board a written memorandum of the attendance record of such members.

- E. Incompatibility of Office: 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:
1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
  2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
  3. 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.
  4. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
  5. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of his or her household.
  6. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
    - a. an applicant or agent for an applicant, or
    - b. has a direct interest in the outcome.
  7. 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.
  8. When a conflict of interest exists, the member of the Commission, or committee, shall do all of 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 or committee meetings, or in any other manner, or represent one's self before 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.
  9. 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.

- F. Removal: A member may be removed by the Township Supervisor, after a hearing, with the approval of the Township Board.
- G. Compensation: Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may develop a policy to establish travel and reimbursement procedures for its members and employees when engaged in performing authorized activities, including attending conferences and meetings.

**ARTICLE III  
AUTHORITY AND DUTIES**

- A. The Planning Commission shall be constituted and exercise the duties and responsibilities granted to it by the Zoning Act, as amended.
- B. It is the mission of the Planning Commission to act as the principal planning, policy and program development body, which provides advice to the Township Board on issues related to planning and zoning within the township. Specifically, the Planning Commission shall:
  - 1. Make, adopt, amend, extend, or add to a Plan for the Township of Harris;
  - 2. Review public improvements proposed for development in Harris Township, including streets, squares, parks, grounds, open space, public buildings or structures, etc., to determine if the location, character and extent thereof is consistent with the goals of the adopted Plan;
  - 3. Review plats and other matters relating to land development and present recommendations to the township board;
  - 4. Prepare the text of a zoning ordinance for the Township of Harris, and subsequent amendments to such ordinance, for submittal to the Township Board for action;
  - 5. Carry out the administrative duties authorized by the Zoning Ordinance;
  - 6. Make studies, investigations and surveys relative to short- and long-term issues concerning Harris Township;
  - 7. Prepare and submit a detailed budget to the Township Board for approval;
  - 8. Develop, at a conceptual level, specific projects recommended to help implement township plans and policies; and,
  - 9. Adopt bylaws and such standing rules as it feels necessary for the effective and efficient functioning of the Planning Commission.

- C. No member of the Planning Commission shall have the power to bind the Planning Commission nor act on its behalf, nor use its name, unless the power to act has been granted by the Planning Commission at a duly called regular or special meeting.
- D. All authorizations for the expenditure of funds or resolutions obligating the Planning Commission financially shall be approved and submitted by the Planning Commission to the Township Board prior to the expenditure or obligation.
- E. To avoid potential confusion or the appearance of favoritism or conflict of interest, the Zoning Administrator, or in the absence thereof the Chairperson, shall be the single source of information regarding requests requiring a public hearing under the Zoning Ordinance. Once the Planning Commission has been informed that a petition has been submitted, members of the Planning Commission shall not discuss requests with the petitioner or others, except at the designated public hearing. Members may, however, visit the site and conduct research individually.
- F. Not Voting on the Same Issue Twice: Any member of the Planning 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:
  - 1. When the appeal is of an administrative or other decision by the Planning Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
  - 2. When the appeal is of an administrative or other decision by any committee of the Commission, Township Board or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
  - 3. When the case is an administrative decision which was decided by the Commission and sent to the Township Board for further action, and the member of the Commission sits both on the Commission and Township Board.

**ARTICLE IV  
OFFICERS**

- A. The officers of the Planning Commission shall be a Chairperson, Vice-Chairperson and Secretary. Election shall be by a majority vote of all members present, except in the event of more than one nomination for the position of Chairperson. If there is more than one nomination for Chairperson, the candidate receiving the most votes shall be elected Chairperson. In the case of a tie, repolling shall continue until a candidate receives a plurality of votes. Officers shall serve without remuneration. There shall be no limit to the number of terms that an officer may be elected to and serve. Each officer's term is one year.

- B. The Chairperson shall preside at all meetings and will appoint such Standing and Ad Hoc Committees as the Planning Commission feels necessary to carry out specific tasks. When an amendment to the zoning ordinance is proposed the Chairman shall see that the proposed amendment is transmitted to the county planning commission and a written report of the amendment is presented to the township board. The Chairperson or his/her appointee shall attend the Township Board meeting when the report is submitted.
- C. The Vice-Chairperson shall act as Chairperson in his/her absence.
- D. The Secretary shall call the roll of members at each meeting; shall keep an accurate record of the proceeding of all meetings, hearings, etc. held by the Planning Commission; shall prepare written minutes of each meeting for the subsequent meeting of the Planning Commission; and shall prepare written reports and correspondence required to carry out the responsibilities of the Planning Commission outlined in Article II. All contracts, meetings minutes ordinances and plans shall be filed with the Township Clerk.

**ARTICLE V  
MEETINGS**

- A. The Planning Commission shall meet no less than four (4) times each calendar year, determining the time and place of the meetings by resolution. Meetings shall be held at the Harris Township Hall unless otherwise ordered by the Planning Commission. Meetings which are rescheduled, insofar as possible, shall fall within the month for which they were originally scheduled. Reorganization of the Planning Commission shall take place annually at the January meeting or at the next regular meeting of the Planning Commission in the event there is no January meeting.
- B. Special meetings can be called by the Chairperson, or upon written request of two (2) members of the Planning Commission. Such meetings shall be held at such a place and time as may be designated by the Chairperson. Not less than 48-hours written notice shall be given to each member of the Planning Commission before the holding of a Special Meeting. Posting notices for special meetings must be in accordance with the Michigan Open Meetings Act.
- C. Three (3) members of the Planning Commission shall constitute a quorum for any and all meetings.
- D. The Order of Business for Planning Commission meetings shall be:
  - 1. Call to Order
  - 2. Pledge of Allegiance
  - 3. Roll Call
  - 4. Approval of Minutes

5. Public Participation
  6. Approval of Agenda
  7. Zoning Administrator's Report
  8. Public Hearings
  9. Old Business
  10. New Business
  11. Announcements
  12. Adjourn
- E. Every member who shall be present when a question is last stated by the Chairperson shall vote for or against the same. Should a member have a conflict of interest as recognized by Michigan laws or Attorney General's Opinion shall state their conflict; it shall take a 75% majority of the full board to adopt such action to which there is a perceived conflict.
- F. All Planning Commission and Committee of the Board meetings will be held and notices published in accordance with the provisions of the Michigan Open Meetings Act.
- G. When there is a lack of business items, or due to adverse weather conditions, or by reason of other emergency, there is little prospect of having a quorum of the Planning Commission membership present for a scheduled meeting, the Chairperson, or, in his/her absence, the Vice-Chairperson, following a telephone poll of the membership on the day of such meeting to determine likelihood of such attendance, may elect to cancel such scheduled meeting by telephone message to the membership before 4:00 p.m. on the day of the meeting. A notice will be posted at the Harris Township Hall informing the public of the cancellation and the reason.
- H. 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.
  3. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- I. Retention of Records: Commission records shall be preserved and kept on file according to the following schedule:
1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
  2. General ledger: 20 years.
  3. Account journals: 10 years.

4. Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
5. Correspondence: Permanent.

## **ARTICLE VI ZONING RESPONSIBILITIES**

Zoning Responsibilities: All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.

- A. 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. 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 district or the zoning jurisdiction as a whole; and
  4. The manner of administering and enforcing the zoning ordinance.
- B. 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.
- C. Site Plan Review. The Commission shall review and act on all 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 these Bylaws.
- D. 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.

**ARTICLE VII  
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 Township Board, the Planning Commission shall hold a public hearing on the matter. Notice of the time and place of the public 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 Planning Commission will be sent to petitioners and originators of a request for the Planning Commission to study a special problem.

**ARTICLE VIII  
ADOPTION, REPEAL, AMENDMENTS**

- A. Upon adoption of these bylaws of \_\_\_\_\_, 2011, they shall become effective and all previous Bylaws shall be repealed.
  
- B. The Planning Commission may suspend any one of these Bylaws, for duration of not more than one agenda item or meeting.
  
- C. These bylaws may be amended. It shall require three affirmative votes to amend. Proposed amendments may be offered by any member and shall be presented in writing to the Planning Commission at any regular meeting and thereafter be attached to the Secretary's notice for the call of the next regular meeting and shall state that the same will come up for consideration at the meeting.