

**CITY OF HARPER WOODS  
PLANNING COMMISSION  
BYLAWS**

**City of Harper Woods, Michigan**

**As adopted  
June 1997**

**Reviewed and Reaffirmed  
March 22, 2000**

**Reviewed and Reaffirmed  
September 24, 2008**

**Reviewed and Reaffirmed  
June 24, 2009**

**ARTICLE I  
GENERAL STATUTES, ORDINANCES,  
AND RULES OF PROCEDURE**

The Planning Commission of the City of Harper Woods, Michigan, hereinafter referred to as " the Commission," has been created by Chapter 19 of the Harper Woods Code of Ordinances, pursuant to Act 285 of the Public Acts of 1931, and shall be governed by all of the following statutes, ordinances, and rules:

**ARTICLE I  
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The Planning Commission of the City of Harper Woods, Michigan, hereinafter referred to as " the Commission," has been created by Chapter 19 of the Harper Woods Code of Ordinances, pursuant to Act 285 of the Public Acts of 1931, and shall be governed by all of the following statutes, ordinances, and rules:

**1.1 APPLICABLE STATE STATUTES AND LOCAL ORDINANCES AND RULES**

- a. State statutes applying generally to public Commissions, Commission members and officials, including:

*Michigan Public Act of 1976, No. 267, as amended (the Open Meetings Act)*

*Michigan Public Act of 1976, No. 442, as amended (the Freedom of Information Act)*

- b. State statutes relating to activities of the Planning Commission including:

*Michigan Public Act of 2008, No. 33 as amended (the Michigan Planning Enabling Act)*

*Michigan Public Act of 2008, No. 110 as amended (Michigan Zoning Enabling Act)*

*Michigan Public Act of 1943, No. 222, as amended (Certification of City and Village Plats)*

- c. Code of Ordinances, City of Harper Woods, Michigan, adopted July 20, 1981, as amended.
- d. The Harper Woods Zoning Ordinance.
- e. The rules of the Commission, as set forth herein.

## **1.2 RULES OF THE COMMISSION TO BE AVAILABLE TO PUBLIC**

The official copy of the Bylaws of the Commission shall be kept current by the Recording Secretary for the Commission, and shall be made available to the public, upon request, at the office of the Recording Secretary.

## **1.3 LOCATION OF COMMISSION OFFICE**

The office of the Commission is located at City Hall, 19617 Harper Avenue, Harper Woods, Michigan, 48225. All communications to the Commission shall be addressed to its Chairperson through the City Clerk located at the above address.

# **ARTICLE II COMMISSION POWERS AND MEMBERSHIP**

## **2.1 POWERS OF THE COMMISSION**

The Commission shall have all and only such powers as are delegated to it by state enabling legislation, by Section 4.12 of the City Charter, and by the Zoning Ordinance and shall exercise such powers only in the manner, for the purposes, and in accordance with the procedures set forth therein.

## **2.2 NUMBER OF MEMBERS; APPOINTMENT; TERMS; PROCEDURE FOR REMOVAL; PROCEDURE FOR FILLING VACANCIES; AND TERMS OF MEMBERS APPOINTED TO FILL VACANCIES**

The number of members, the method of appointments, qualifications, terms, compensation, procedure for removal, procedure for filling vacancies, and terms of members appointed to fill vacancies shall be as provided in Section 5.1 of the City Charter and Chapter 19, Code of Ordinances.

## **2.3 CAUSES FOR REMOVAL FROM COMMISSION**

Causes for removal of members from the Commission by the City Council shall include malfeasance, misfeasance and nonfeasance (wrongdoing, misconduct, and failure to perform

a duty) generally, and removal shall be in accordance with Section 5.1 of the City Charter and Section 15 (9) of the Michigan Planning Enabling Act (Michigan Public Act 33 of 2008, as amended).

## **2.4 RESIGNATIONS AND VACATION OF OFFICE**

If feasible, a member wishing to resign shall give written notice of intent to the City Council and Chairperson, in such a manner as to allow time for appointment of a replacement.

When a member dies or resigns, the Chairperson shall promptly indicate to the City Council that a vacancy exists. When a member becomes unable to perform the duties of office permanently or for what appears to be a protracted period, or moves from the jurisdiction, or becomes no longer qualified for office for any other reason, and fails to resign, the Chairperson shall notify the City Council of such relevant facts and request that appropriate investigation and action be taken in accordance with Section 15(1) of the Michigan Planning Enabling Act (Michigan Public Act 33 of 2008, as amended)

## **2.5 ANNUAL BUDGET**

The Commission may annually prepare a proposed budget. Such budget shall address all expected expenditures and contracts necessary for the performance of the Commission's duties, including estimates of funds needed for professional planning assistance, expenses incurred by Planning Commission in the course of normal planning assignments and other overhead costs of the commission's work. Budget preparation shall commence at the regular Commission meeting in May of each year and shall be completed by the regular August meeting. The budget shall be submitted to the City Manager for information for the preparation of the City's annual operating budget.

# **ARTICLE III OFFICERS, COMMITTEES, EMPLOYEES, DUTIES**

## **3.1 ELECTION AND TENURE OF CHAIRPERSON, VICE CHAIRPERSON, SECRETARY**

- A. Election. At the first regular meeting in January of each year, the Commission shall elect from its membership a Chairperson, Vice Chairperson, and Secretary following nominations from the floor. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. The Chairperson, Vice Chairperson, and Secretary currently serving are eligible for re-election.
- B. Tenure. The Chairperson, Vice Chairperson, and Secretary shall take office at the meeting at which their election occurred, and shall hold office for a term of one year.

### **3.2 SUCCESSION OF OFFICE**

Vacancies in offices shall be filled immediately by the election procedure specified in Section 3.1 A, above, of the next regular meeting following the creation of the vacancies or in the case of resignation, acceptance of the resignation by the City Council.

### **3.3 DUTIES OF CHAIRPERSON, VICE CHAIRPERSON, SECRETARY; APPOINTMENT OF TEMPORARY CHAIRPERSON TO PRESIDE AT MEETINGS**

- A. Presiding at Meetings. The Chairperson shall preside at all meetings and hearings of the Planning Commission. If the Chairperson is absent or unable to preside, the Vice Chairperson shall preside. If both are absent or unable to preside, the remaining members present shall appoint a temporary Chairperson to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order and may, at any time, change the order of business at his discretion, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The presiding officer shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons.

- B. Other Responsibilities and Duties of Chairperson; Delegation to Vice Chairperson. The Chairperson shall have further duties and responsibilities, as indicated below. He or she may delegate any or all duties to the Vice Chairperson as necessary to ensure that Commission functions are performed in a timely manner. The Vice Chairperson shall perform all duties so delegated, and in the case of absence or incapacity of the Chairperson, on approval by majority of the Commission, shall perform any or all duties of the Chairperson, whether or not delegated.

- 1) Managerial Responsibilities. The Chairperson shall direct the official business of the Commission, request needed legal or staff assistance, and perform other duties as may be ordered by the Commission.
- 2) Appointment of Committees. The Chairperson shall appoint such committees as may be found necessary for the proper conduct of business and as provided for in Section 3.5.
- 3) Reporting to the Commission. The Chairperson shall report to the Commission on any transactions which have not otherwise come to the attention of the Commission. The Chairperson shall also make or cause to be made any reports concerning the affairs of the Commission required or requested by the City Manager, Mayor, or City Council.

### 3.4 DUTIES OF THE SECRETARY

- A. Holder of Office. The elected Secretary shall designate the City Clerk, or other City employee designated and authorized by the City Clerk, as the Recording Secretary to the Planning Commission.
- B. Duties. The Recording Secretary is the officer responsible for maintaining the records of the Commission and shall, with the assistance from staff or consultants, attend to all correspondence of the Commission; prepare, send out, and/or cause to be published all notices required; maintain the Commission records and minutes of meetings; maintain a list of all standing and special committees in existence; and generally perform or supervise all clerical work of the Commission. The Secretary shall also perform the following duties, with assistance from staff or consultants:
- 1) Agenda. The Secretary shall prepare an agenda prior to each meeting, giving the order of business and showing the exact order of what is necessary to come before the Commission as specified in Section 6.7. Each Commission member shall receive a copy of the agenda prior to the meeting.
  - 2) Maintain Official Minutes. The Secretary shall maintain the official minutes of all Commission meetings. The minutes shall record the Commission's proceedings, showing attendance and absences and indicate whether the absences were excused or unexcused by the Chairperson, any disqualified members, the record of proceedings and all official actions, and the vote of each member voting on every question. The minutes of the Commission shall be a public record, kept in the office of the City Clerk.
  - 3) Rules of Procedure. The Secretary shall maintain a book for the Planning Commission Rules of Procedure which shall be kept current. All amendments shall refer to the date and page of the minutes where recorded.

### 3.5 COMMITTEES

- A. Establishment. The Chairperson shall determine the title, job description, and number of members of all committees and shall make all appointments thereto.
- B. Appointment and Tenure. The Chairperson shall appoint committee members for a term of no more than one (1) year. members currently serving on committees may be reappointed.
- C. Vacancies. Vacancies shall be filled by appointment by the Chairperson.

D. Standing Committees. Standing committees consisting of no more than three (3) members may be appointed for specific purposes or to address specific on-going issues. The Commission shall establish the following committees:

1) Ordinance

E. Special Committees. Special committees may be appointed by the Chairperson for purposes and terms which the Commission approves.

### **3.6 PLANNING CONSULTANT**

Whenever appropriate, the Planning Commission shall seek professional planning counsel from the City's Planning Consultant, consistent with the City's current contract with the Planning Consultant and consistent with the City's administrative procedures.

### **3.7 LEGAL COUNSEL**

Whenever necessary, the Planning Commission shall seek legal advice from the City Attorney or other designated special counsel on matters under its jurisdiction. Advice of counsel shall be received and entered in the record before a decision on any question or matter requiring legal interpretation or advice.

## **ARTICLE IV CONDUCT OF COMMISSION MEMBERS AND STAFF**

### **4.1 REPRESENTATION OF APPLICANTS**

No member of the Commission shall represent applicants on matters on which the Commission is to make determinations.

### **4.2 CONFLICT OF INTEREST**

No member of the Commission shall participate in any case in which he/she has financial or personal interest in the property or action concerned, or will be directly affected by the decision, or has or believes he/she has any other conflict of interest as defined by applicable law. No member of the staff or of any agency serving the Commission shall prepare or present arguments or reports, or attempt to influence decisions of the Commission in any case in which the staff member or agency has similar interest.

As soon as any Commission member, staff member, or any agency serving the Commission, becomes aware of a potential conflict of interest in any case to come before the Commission, he/she shall notify the Chairperson or acting Chairperson. Where the Chairperson finds that

conflict exists or could exist, the Chairperson shall excuse or disqualify the Commission member, staff member, or agency from acting in the case and cause the Secretary to enter the circumstances in the record.

Where the Chairperson or acting Chairperson has reasonable doubt as to whether the facts and applicable law indicate a degree of conflict justifying disqualification or excuse from service, he/she shall seek advice from legal counsel to the Commission. If counsel advises that, a conflict appears to exist based on circumstances reported and applicable law, the Chairperson shall proceed to excuse or disqualify as provided above.

#### **4.3 IMPROPER INFLUENCE - GROUNDS FOR DISQUALIFICATION**

A member may disqualify himself or herself from voting whenever any applicant, or his/her agent, has sought to influence the vote of the member outside of a public meeting.

### **ARTICLE V APPLICATIONS**

#### **5.1 APPLICATIONS**

All requests requiring Commission consideration or approval shall be filed with the Building Inspector in accordance with procedures and requirements set forth in the Zoning Ordinance. In the absence of specific requirements in the Zoning Ordinance, all such requests shall be submitted to the City at least fifteen (15) days prior to the meeting, and shall contain the following information at a minimum: names and addresses of applicant and property owner, identification of the specific parcels of land (if applicable), detailed information concerning circumstances of the case and action requested, the date of filing, and other information deemed necessary by the Planning Commission to make an informed decision.

#### **5.2 DEFICIENCIES IN INFORMATION**

The Commission may require such surveys, plans or other information necessary for proper evaluation or consideration of a matter. When applications are submitted, they shall be examined by the Building Inspector for completeness and accuracy, and to determine

whether all information necessary to make an informed decision has been supplied. Where information is lacking or inadequate at time of submission and the deficiency cannot be remedied immediately, the Commission shall table the matter until such time as the required information has been furnished.



### **5.3 PLACEMENT OF APPLICATIONS ON THE AGENDA**

Completed applications shall be considered at the next available meeting date and may be decided at the same meeting, at another regular meeting of the Commission, or at a special meeting.

Items shall be placed on the agenda generally according to the date and time the completed application has been received, although the Secretary may change the order of the agenda for the purposes of efficiency and expediency or convenience of the public.

### **5.4 PUBLIC HEARINGS**

Where a public hearing is required by the Zoning Ordinance and/or state enabling legislation, the Commission shall cause notice of the public hearing to be issued. The timing and manner of publication of public notice for such public hearing items shall be as provided in the Zoning Ordinance and state enabling legislation.

## **ARTICLE VI MEETINGS**

### **6.1 REGULAR MEETINGS**

Regular meetings of the Commission shall normally be held at 7:00 p.m. in City Hall, on the fourth Wednesday of the month or in accordance with the annual calendar adopted by the Commission, provided that such meetings are held and proper notice is given in compliance with the Open Meetings Act.

### **6.2 SPECIAL MEETINGS**

Special meetings for any purpose may be held at the call of the Chairperson, or upon request of two (2) or more members of the Commission. At least 48 hours written notice of the time and place of any special meeting shall be given by the Secretary in accordance with the Open Meetings Act.

### **6.3 RECESS OR ADJOURNMENT**

Any regular or special meeting may be recessed or adjourned from time to time, day to day, or to the time of any previously announced regular or special meeting. If such recess or adjournment to a specific time and place is for less than a 36 hour period, additional public

notice shall not be required. If there is cause to change the specified time or place, however, the required provisions for public notice shall be met.

#### **6.4 CANCELLATION**

If no business is scheduled or if there are insufficient members to achieve quorum, a meeting may be canceled by the Chairperson by giving notice to all members at least 18 hours before the time set for such meeting.

#### **6.5 QUORUM**

A simple majority (five) of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a simple majority of the Commission members in attendance at such meeting where a quorum is present, except for the adoption or amendment of the City's Master Plan, or any portion thereof, which shall require a minimum of six (6) affirmative votes.

#### **6.6 PUBLIC MEETINGS OF THE COMMISSION; NOTICE; OTHER ACTIVITIES OF THE COMMISSION; SCHEDULE**

All meetings of the Commission involving official action shall be held in accordance with the Open Meetings Act (Act 267 of 1976, as amended).

#### **6.7 AGENDA, ORDER OF BUSINESS**

The Secretary shall prepare an agenda for each Commission meeting. Order of business shall be as follows:

- a. Call to order
- b. Roll call, with recording of members present and absent and indications as to whether absences are excused or unexcused with consent of the Chairperson.
- c. Action on minutes of previous meeting(s).
- d. Routine business
- e. Tabled and pending items.
- f. New business.
- g. Committee reports.

- h. Hearing of the public.
- I. Discussion by Commission members.
- j. Adjournment.

Tabled and continued items shall be given priority over new items except where the Chairperson finds that circumstances of the tabled item require a different order, in which event he/she may change the order so as to conclude the tabled item as soon as is reasonably possible.

## **ARTICLE VII PROCEDURES AT PUBLIC HEARINGS**

### **7.1 APPLICANT REPRESENTATION**

At public hearings, any applicant or person may appear or be represented by authorized agents. Such agents shall, upon request, present evidence of their authorization to act on behalf of the applicant or other person. If the applicant or authorized agent is not present at a meeting, the Planning Commission may refuse to hear or take action on the case unless required.

### **7.2 CONDUCT DURING MEETINGS**

The Chairperson, Commission members, or staff may direct any questions to the applicant or any person from the audience, to bring out pertinent facts. The Chairperson or Commission members may call for pertinent facts from the staff, or make appropriate comments pertinent to the case. No Commission member should debate or argue with persons in the audience.

### **7.3 ORDER FOR PRESENTING INDIVIDUAL CASES**

The Chairperson shall recognize individuals presenting information and comments on individual cases. If a group of individuals wish to speak on the same item, the Chairperson may require that a spokesman for the group be chosen to represent the group. All comments shall be directed to the Chairperson.

The Secretary shall distribute written rules of procedure for public hearings to the members of the audience.

The general order for presenting comments shall be as follows:

- a. The Chairperson introduces and describes the nature of the case. At the discretion of the Chairperson, the Secretary may be requested to specify the issue to be decided, the commission's options for actions, the criteria established upon which the decision is based, and any other pertinent information.
- b. The Planning Consultant presents a detailed report.
- c. The applicant presents his/her proposal, responds to staff comment and provides any additional information.
- d. The Commission asks questions and discusses the proposal publicly.
- e. The Chairperson opens the meeting to public testimony and public comments.
- f. The Chairperson closes public testimony and the Commission asks additional questions and discusses the proposal further. Additional information may be solicited from Planning Consultant, applicant, and public.
- g. A Commission members offers a motion; another member supports the motion.
- h. The motion as discussed and voted upon. If the motion fails, another motion is offered.

## **ARTICLE VIII RECORDS OF COMMISSION DECISIONS**

All decisions of the Commission shall be recorded in the Commission minutes. Such minutes shall show the basis for the determination, with a summary of the information introduced, and the findings made by the Commission. The minutes shall also record all those speaking before the Commission on an individual case.

A draft of proposed minutes shall be transmitted to each Commission member in advance of the meeting at which they are to be considered for approval. Following approval, as submitted or as amended, the minutes shall be filed in the official minutes book by the Secretary.

**ARTICLE IX  
WITHDRAWAL OF APPLICATIONS  
AND TABLING CONSIDERATION**

**9.1 WITHDRAWAL OF APPLICATION**

On written request from the applicant or authorized agent, an application may be withdrawn at any time before the Commission makes its decision in the case, except that a verbal request may be made at the scheduled public meeting.

**9.2 TABLING CONSIDERATION**

On its own motion, or on approval of requests by applicants or their authorized agent, the Commission may table consideration of cases. Unless the time and place when the case will be reconsidered is stated in the motion to table, new public notice shall be required, with fees paid by the applicants.

**ARTICLE X  
AMENDING OR WAIVING RULES**

**10.1 AMENDING RULES**

These rules may be amended by a majority of the entire Commission membership except where such amendment would be contrary to requirements or limitations set by state law, the City Code of Ordinances, or the Zoning Ordinance. An amendment may be proposed at any regular meeting of the Commission, and shall not be acted upon until the following regular meeting.

**10.2 WAIVING OR SUSPENDING RULES**

A rule of procedure may be suspended or waived at any meeting by unanimous vote of Commission members present unless such rule is set by state legislation, the City Code of Ordinances, or the Zoning Ordinance.

**ARTICLE XI  
SEVERABILITY**

These Bylaws and each of the various parts, sections, sub-sections, provisions, sentences and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of these Rules, which shall remain in full force and effect.

**ARTICLE XII**  
**ADOPTION AND REPEAL**

These Bylaws shall become effectively immediately upon adoption by the Planning Commission of the City of Harper Woods, and all previous rules of procedure, shall be repealed.

These rules were adopted by the Harper Woods Planning Commission on the 24th day of September, 132008, and shall take effect immediately.

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Gregory A. Vargo  
Chairperson

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Valerie J. Kindle  
Secretary