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## **SECTION 1 AUTHORITY**

The following rules of procedure are hereby adopted by the City of Belding Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Act 33 of the Michigan Public Acts of 2008, as amended. The requirements and procedures of the City of Belding City Charter, Chapter 7, and the requirements of the City Code of Ordinances, Chapter 2, Article 4, which continues the Planning Commission under Act 33 of 2008, are hereby included in and made a part of these By-Laws.

## **SECTION 2 MEMBERSHIP**

Membership shall consist of five (5) members, appointed by the City Council and shall represent, insofar as it is possible, important segments of the community, such as the economic, governmental and social development of the city. The Planning Commission members shall be citizens of the United States of America and qualified electors of the City of Belding. The membership shall be representative of the entire geography of the City to the extent practicable.

## **SECTION 3 OFFICERS**

At the first regular meeting in January of each year, the Planning Commission shall select from its membership a Chairperson, Vice-Chairperson, and Secretary. All officers shall serve a term of one (1) year, or until their successors are selected and assume office. All officers shall be eligible for reelection for consecutive terms for the same office.

### **Duties**

The Chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Planning Commission.

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.

The Secretary shall execute documents in the name of the Planning Commission and shall perform such other duties as the Planning Commission may determine.

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**Mayor or Other City Council Representative**

The Mayor or other City Council representative shall present the recommendations of the Planning Commission, as required by the Zoning Ordinance, Subdivision Ordinance, or other Ordinance, to the City Council prior to their consideration of such request.

**Board of Zoning Appeals Representative**

The Planning Commission representative to the Board of Zoning Appeals shall report the actions of the Board of Zoning Appeals to the Planning Commission and update the Board of Zoning Appeals on actions by the Planning Commission that relate to the functions and duties of the Board of Zoning Appeals.

**SECTION 4 MEETINGS**

The Planning Commission shall hold a minimum of four meetings each year and shall schedule one regular meeting each month on the 4<sup>th</sup> Tuesday; provided, however, that if there is no business to be brought before the Planning Commission, the chairperson may cancel a scheduled meeting.

A quorum of the Planning Commission shall consist of three (3) members. In the event that a quorum is not present at a meeting of the Planning Commission, the meeting will be adjourned and no interested parties shall be heard on any matter. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place are announced at the meeting.

All meetings of the Belding Planning Commission will adhere to the Open Meetings Act (Public Act 267 of 1976, as amended). The public is encouraged to attend and give comment at all meetings of the Belding Planning Commission.

At all meetings of the Planning Commission each member attending, including ex officio members, will be entitled to cast one (1) vote on each item.

Parliamentary procedure shall prevail at meetings and shall be governed by “Robert’s Rules of Order,” current edition.

Special Meetings - Special meetings may be called by the Chairperson, or by at least three (3) members of the Planning Commission. 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.

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Notice of special meetings shall be given to the members of the Planning Commission at least eighteen (18) 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.

All meetings, minutes, records, documents, correspondence, and other materials of the Planning Commission shall be open to public inspection, except as may otherwise be provided by law.

The chairperson will restate motions before a vote is taken. The names of the maker and supporter shall be recorded.

A majority vote of the members present shall be necessary to pass any matter before the Planning Commission unless State Law preempts these by-laws. All members of the Planning Commission, including the ex officio member, shall have full voting rights.

Filing deadlines shall be established at the first regular meeting in January of each year. The membership shall also set goals for training and continuing education at the January meeting.

A written notice containing the decision of the Planning Commission will be sent to the applicants and originators of the case.

Minutes of the Planning Commission shall be sent to the City Council as soon after the meeting as possible.

## **SECTION 5 CONFLICT OF INTEREST**

In the event that any member shall have a conflict of interest of any kind in a matter before the Planning Commission, that member will disclose his or her interest, recuse him- or herself from the bench and abstain from participation and voting upon the matter. Failure of a member to disclose a conflict of interest as required by these bylaws constitutes impropriety 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 the planning commission member's spouse, the member and member's spouse's children (including adopted) and their spouses, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and

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their spouses, grandparents, parents in-law, grandparents in-law, or any person residing in the planning commission member's household.

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 the purposes of this section, a neighboring property shall include any property immediately adjoining the property involved in the request.
4. The planning commission member has close ties with the applicant, which is apparent to the casual observer, such as long term or close friendship.
5. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

In the case of a conflict of interest, the member shall state the conflict and recuse him or herself and shall abstain from participating in planning commission deliberations and voting on the matter.

## **SECTION 6 AGENDA FORMAT**

A written agenda for all meetings will be prepared by the City Clerk using the following order of business.

- All remarks, questions, commentary and observations shall be directed through the Chairperson.
  1. Call to order and opening introductions of the Planning Commission and Staff.
  2. Approval of agenda
  3. Approval of minutes from past meetings
  4. Reports
    - a. Planning Commission Chairperson
    - b. Board of Appeals
    - c. Staff Report
    - d. City Council
  5. Unfinished Business
  6. New Business
    - a. Chairman opens hearing and announces case
    - b. Explanation and review of case by staff
    - c. Comments by applicant
    - d. Public comments on application



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- i. Address the commission from the podium
  - ii. State name and address for the record
  - iii. At the discretion of the Chairperson, public comments may be limited to no more than 5 minutes per speaker, unless the Chairperson determines that a longer time period is appropriate.
  - e. Questions by Commissioners and Staff
  - f. Applicant may respond to public concerns. At the discretion of the Chairperson, the applicant's responses may be limited to no more than 5 minutes per speaker, unless the Chairperson determines that a longer time period is appropriate.
7. Citizen Comments
- For the purpose of public participation during the public hearing, or at the request of the Chairperson for comment from citizens interested in an appeal, every speaker shall state their name and address for the record, and address the Commission only. At the discretion of the Chairperson, no speaker shall be allowed to speak more than once on a given issue, or longer than 5 minutes.
8. Comments from Commissioners & Staff
9. Adjournment

## **SECTION 7 DUTIES OF THE PLANNING COMMISSION**

The Planning Commission shall perform the following duties:

1. Take such action on petitions, staff proposals, City Council, and Board of Appeals' requests for amendments to the Zoning Ordinance as required.
2. Prepare, amend, approve and recommend for adoption by the City Council the Belding Master Plan.
3. Prepare an Annual Report to the City Council.
4. Take such actions as are required by the City or Village Zoning Act, Act 207 of the Michigan Public Acts of 1921, as amended.
5. Review Subdivisions proposals and recommend appropriate actions to the City Council.
6. Prepare special studies and plans, as deemed necessary by the Planning Commission or City Council and for which appropriations of funds have been approved by the City Council, as needed.



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7. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of Planning Commissioner, and for which appropriations of funds have been approved by the City Council, as needed.
  8. Complete a Capital Improvements Plan, unless exempted from such responsibilities by the City Council. If so exempted, the City Council may request that the Planning Commission review the Capital Improvements Plan and provide a recommendation thereon.
  9. Perform other duties and responsibilities as may be requested by any department, committee, board or commission of the City or the City Council.

## **SECTION 8 COMMITTEES**

The following committees may be appointed at the discretion of the chairperson.

**Comprehensive Plan Committee** - develops, updates, and revises the comprehensive plan and coordinates the work of other committees, which relate to the plan development.

**Land Use Committee** - prepares and maintains an inventory of land uses within the City of Belding, and is responsible for the preparation of land use maps.

**Subdivision Committee** - drafts subdivision regulations and subsequent amendments. Examines subdivision applications and makes recommendations to the Commission after reviewing staff comments.

**Zoning Committee** - drafts zoning ordinance and subsequent amendments. Reviews applications for rezoning, special exceptions, or use permits and makes recommendations to the Commission.

**Capital Improvements Committee** – reviews and annually and offers recommendations and updates to the City Manager for a capital improvements program (CIP) in conjunction with Belding administrative officials. Assures that the CIP is in conformance with the comprehensive plan.

The chairperson for purposes and terms approved by the Commission may appoint special committees.

The chairperson shall be an ex-officio member of every committee.

## **SECTION 9 ABSENCES, REMOVALS, RESIGNATIONS AND VACANCIES**

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In order to be excused, members of the Planning Commission shall notify the City Clerk or the City Manager or the Planning Commission Chairperson when they intend to be absent from the following meeting or any subsequent meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence. More than three (3) unexcused absences per year from regular Commission meetings for which advance notice of the absence was not provided as required shall be considered dereliction of duty while in office.

Members of the Planning Commission may be removed by the City Council upon written request and majority recommendation of the Planning Commission, or by majority action of the City Council for dereliction of duty, impropriety or any other willful neglect while in office.

### **SECTION 10 RECORDS**

Planning Commission minutes shall be prepared by the Secretary or other individual appointed by the Planning Commission. In addition to the requirements of the State Open Meetings Act, the minutes shall include, but not be limited to, a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All Planning Commission documents shall be maintained by the City Clerk's office as public record open to public inspection in accordance with State Open Meetings Act and the Freedom of Information Act (PS 442 of 1976, as amended).

### **SECTION 11 AMENDMENTS**

These by-laws may be amended by a majority vote of the entire membership of the Planning Commission and by formal action of the Belding City Council.

*Adopted this Date: 1 May 2003*

*Amended: October 22, 2013*

*Amended: July 5, 2016*