

**PLANNING COMMISSION  
BYLAWS AND RULES OF PROCEDURE**



**City of Hart  
Oceana County, Michigan**

**Adopted by the City of Hart Planning Commission**

**on December 6, 2018**

**Adopted by the City of Hart City Council**

**on December 11, 2018**



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# **ARTICLE I**

## **AUTHORITY AND RESPONSIBILITIES**

### **1.1 NAME**

This organization shall be named and known as the “City of Hart Planning Commission.” Throughout these Bylaws and Rules of Procedure, the City of Hart Planning Commission may be referred to as the “Planning Commission.”

### **1.2 AUTHORITY**

These Bylaws and Rules of Procedure are adopted by the City of Hart Planning Commission pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, and the Open Meetings Act, Public Act 267 of 1967, as amended. The Planning Commission shall have all and only such powers as are delegated to it by state enabling legislation, the MPEA, and by City ordinance or resolution, and shall exercise those powers only in the manner for those purposes, and in accordance with the procedures set forth within this document.

### **1.3 PURPOSE**

The general purpose of the Planning Commission shall be to guide and promote the efficient and coordinated development of the City in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the City and its historic and natural resources; and address the goals and principles of the City of Hart Master Plan.

### **1.4 DUTIES**

The Planning Commission shall perform the following duties:

- A. Review the City of Hart Master Plan at least every five (5) years and prepare updates as determined to be necessary.
- B. Draft regulatory language, conduct public hearings, and prepare recommendations to the City Council regarding Zoning Ordinance amendments.
- C. Provide advisory recommendations concerning the City’s Capital Improvement Program projects.
- D. Review and recommend appropriate actions to the City Council on Subdivision, Site Condominium, Zoning Map amendment, and Planned Unit Development requests, along with holding public hearings if applicable.
- E. Decide upon Site Plan and Special Land Use applications, along with holding public hearings if applicable.
- F. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a Planning Commissioner.
- G. Perform other duties and responsibilities that may be requested by the City Council.

H. Prepare an annual report for the City Council, in accordance with Section 6.3.

## **1.5 MEMBERSHIP COMPOSITION**

The City of Hart Planning Commission membership shall consist of seven (7) persons who shall be appointed by the City Council. Members of the Planning Commission shall be residents of the City of Hart. At least one (1) of the seven (7) persons shall be a member of the City Council as an ex-officio member, but no more than two (2) City Council members shall serve on the Planning Commission. Ex-officio members shall have full voting privileges but shall not serve as an officer of the Planning Commission. An employee of the City shall not serve as a member of the Planning Commission. Planning Commission members shall be representative of the various interests and characteristics of the City as well as geographically representative.

## **1.6 TERMS OF OFFICE**

The term of each appointed member shall be three (3) years, and members may be reappointed by the City Council in accordance with city protocol. The term of the ex-officio members from the City Council shall be the same as their term in office or until they are replaced by another representative from the City Council. In the case of resignation, removal, or vacancies for other reasons, openings shall be filled by the City Council for the remainder of the unexpired term.

## **1.7 REMOVAL, ABSENCES, AND RESIGNATIONS**

- A. Removal. Upon written charges and after a public hearing, a Planning Commission member may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office. Failure to disclose a conflict of interest shall constitute malfeasance in office.
- B. Absences. Any member missing three (3) consecutive regular meetings of the Planning Commission or at least fifty (50%) of the regular meetings during any given calendar year, shall be automatically deemed negligent of duty, unless such absences are excused by the Chair, and shall be removed from the Planning Commission after a public hearing before the City Council.
- C. Resignation. A member may resign from the Planning Commission by notifying the City Council or the Planning Commission Chair by a written letter or through email correspondence.

## **1.8 ELECTIONS AND TENURE OF CHAIR, VICE-CHAIR, SECRETARY**

- A. Election of Officers. At the first regular meeting of each calendar year, the Planning Commission shall elect officers from its membership, including a Chair, Vice-Chair, and Secretary. All current officers are eligible for re-election. A City employee may be elected as the Secretary, however, will have no voting rights or authority as a Planning Commission member.
- B. Nominations. The method of nomination shall be open nominations from the Planning Commission members, as outlined in Robert's Rules of Order.

- C. Tenure. The Chair, Vice-Chair, and Secretary shall take office immediately at the meeting at which their election occurred and shall hold office for a term of one (1) year or until their successors are elected and assume office, whichever occurs first.

## 1.9 SUCCESSION OF OFFICE

If the Chair, Vice-Chair, or Secretary position becomes vacant before the end of the respective term of office, the Planning Commission shall elect a new officer from its membership to assume the position that became vacant for the remainder of the term.

## 1.10 DUTIES OF OFFICERS

### A. Duties of the Chair.

- 1. Presiding at Meetings. The Chair shall preside at all meetings and hearings of the Planning Commission. If the Chair is absent or unable to preside, the Vice-Chair shall preside.

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

- 2. Delegation to Vice-Chair. The Chair may delegate any or all duties to the Vice-Chair as necessary to insure Planning Commission functions are performed in a timely manner.
- 3. Managerial Responsibilities. The Chair shall direct the official business of the Planning Commission, request needed legal or other staff assistance, and perform other duties as may be requested by motion of the Planning Commission.
- 4. Agenda. The City administration, in cooperation with the Chair, shall prepare an agenda and order of business prior to each meeting. Each member shall receive a copy of the agenda prior to the meeting.

- B. Duties of the Vice-Chair. The Vice-Chair shall perform all duties delegated by the Chair, and in the case of absence of the Chair shall perform any or all duties of the Chair. If both the Chair and Vice Chair are absent, the remaining members present shall appoint a temporary Chair to preside.

### C. Duties of the Secretary.

- 1. Minutes. The Secretary, or their delegate, is the recording officer responsible for preparation of the meeting minutes in accordance with Article VI. The Secretary or their delegate shall submit the official minutes of all Planning Commission prior to the following meeting.

2. Correspondence. Upon designation by the Chair, the Secretary or their delegate shall be responsible for all correspondence of the Planning Commission and shall execute documents in the name of the Planning Commission.
3. Attendance and Training Records. The Secretary or their delegate shall be responsible for maintaining an attendance and training record for each Planning Commission member and shall report those records annually to the Planning Commission for inclusion in the Annual Report.

## **1.11 DUTY OF THE CITY COUNCIL REPRESENTATIVES**

City Council representations on the Planning Commission shall report on the actions of the Planning Commission to the City Council on a regular basis.

## **1.12 COMMITTEES**

The Planning Commission may establish committees for special projects. Members of a committee shall be designated by the Chair, subject to approval by a majority of the Planning Commission members present at the meeting. Committee members may include members who are not members of the Planning Commission.

# **ARTICLE II CONDUCT OF PLANNING COMMISSION MEMBERS**

## **2.1 CONFLICT OF INTEREST**

- A. Circumstances. Planning Commission members shall declare a conflict of interest and abstain from participating in any hearing, deliberations, discussion, or vote on a request when:
  1. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision. For the purpose of this section, a family member is considered a spouse, child, step-child, grandchild, parent, sibling, grandparent, parents in-law, grandparent in-law, or member of their household.
  2. The Planning Commission member is an applicant or 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 all property falling within a 300-foot radius for the proposed development.
  4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.



5. The majority of the members of the Planning Commission present vote in the affirmative that they believe a member has a conflict of interest in the matter before them.
- B. Declaring a Conflict. A Planning Commission member may individually decide to declare a conflict or may ask the other Planning Commission members to decide whether or not their presence is determined to be a conflict of interest. When a conflict is declared, the Planning Commission member shall do all of the following:
1. The Planning Commission member shall state the nature of the conflict.
  2. The member declaring a conflict shall leave the room during consideration of the matter.
  3. The member declaring a conflict shall not make any presentations to the Planning Commission as a representative of any proposal.

### **2.3 ABSTENTION FROM VOTING**

It is the duty of the Planning Commission members to vote on issues presented to the Planning Commission for consideration. A member shall abstain from voting on any issue where it is determined that the member has a conflict of interest. A member shall not abstain from voting for any other reason, except for actions considering the minutes of a meeting at which the member was absent.

### **2.4 EX PARTE CONTACT**

Planning Commission members shall avoid ex parte communication concerning any matters that are scheduled, or will be scheduled, for Planning Commission consideration. In a case where ex parte communication is unavoidable or occurs for any reason, the member shall provide the Planning Commission with a verbal report on what was discussed during the conversation.

## **ARTICLE III PUBLIC NOTICE**

Where the Michigan Planning Enabling Act or Michigan Zoning Enabling Act requires a public hearing notice, the Planning Commission shall direct staff to issue a publication in a newspaper of general circulation in the City, issue written notifications when applicable in accordance with the Michigan Zoning Enabling Act, and post a notice at the City Hall in accordance with the Open Meetings Act. Compliance with state statute is determined to be the minimum public notice required. Additional proactive public notification and outreach efforts may be implemented on a case-by-case basis, including, but not limited to: additional newspaper notices, press releases, expanded area for written notices, open houses, workshops, stakeholder's meetings, and surveys. The Public Participation Guidebook may be consulted to determine appropriate proactive public involvement strategies.

## **ARTICLE IV MEETINGS**

### **4.1 REGULAR MEETINGS**

Regular meetings of the Planning Commission shall be held at the Hart City Hall in accordance with the annual calendar adopted by the Planning Commission, provided that such meetings are held and proper notice is given in compliance with the Michigan Open Meetings Act. The Planning Commission shall hold no less than four (4) regular meetings per year. The dates and times shall be posted at the City Hall and a notice shall be published in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Planning Commission shall select a suitable alternate date in the same month, in accordance with the Open Meetings Act.

### **4.2 SPECIAL MEETINGS**

Special meetings for any purpose may be held at the call of the Chair, or upon request of two (2) or more members of the Planning Commission. Notice of the time and place of any special meeting shall be processed in accordance with the Open Meetings Act.

### **4.3 CANCELLATION**

If no business is scheduled or if there is an insufficient number of available members to achieve quorum, a meeting may be canceled by the Chair by giving notice to all members at least eighteen (18) hours before the time set for such meeting.

### **4.4 QUORUM**

A simple majority of four (4) members of the seven (7) member Planning Commission shall constitute a quorum. No official business of the Planning Commission may be taken without a quorum present. All public hearings without a quorum shall be rescheduled with public notice in accordance with Article III.

### **4.5 VOTING**

An affirmative vote of the majority of the members of the Planning Commission (4) is required to approve any part of the Master Plan or amendments to the Plan. Unless otherwise required by statute, other actions or motions placed before the Planning Commission may be approved by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice vote and a roll call vote shall be required if requested by any Planning Commission member or directed by the Chair. All Planning Commission members shall vote on every motion placed on the floor unless there is a conflict of interest.

### **4.6 OPEN PUBLIC MEETINGS**

All meetings of the Planning Commission involving official action shall be fully open to the general public, with formal notice as required by law. All deliberations and decisions of the Planning Commission shall be made at a meeting open to the public. A person

shall be permitted to address the Planning Commission under the rules established in Section 5.1, and to address the Planning Commission concerning non-hearing matters under the public comment portion of the agenda, as established in Section 4.7, to the extent that the comments are applicable to planning and zoning issues. A person shall not be excluded from a meeting of the Planning Commission except for breach of the peace committed at the meeting.

#### **4.7 AGENDA AND ORDER OF BUSINESS**

The order of business at Planning Commission meetings shall be as follows:

1. Call to order and roll call, with recording of members present and absent and indications as to whether absences are excused or unexcused with consent of the Chair.
2. Agenda review and approval.
3. Action on minutes of previous meeting(s).
4. Public comments on topics not scheduled on the agenda.
5. Official business and public comments related to official business.
6. Other business and communications from Planning Commission members.
7. Adjournment.

#### **4.8 ROBERT'S RULES OF ORDER**

Except as otherwise specified within this document, parliamentary procedures of the Planning Commission during meetings shall be in general accordance with the latest edition of Robert's Rules of Order.

#### **4.9 PUBLIC RECORD**

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.

#### **4.10 SITE VISITS**

If determined by the Planning Commission that a site visit by a quorum of the members is essential to conduct business and to make an informed decision on a matter, it shall be treated as an official meeting and shall be advertised in accordance with the Michigan Open Meetings Act. Further, adequate measures shall be taken to ensure that the requirements of the Americans With Disabilities Act (ADA) are satisfied.

## **ARTICLE V PROCEDURES AT PUBLIC MEETINGS**

### **5.1 CONDUCT AT MEETINGS**

- A. Communications. The Planning Commission members, City administration members, consultants or staff, and any person from the audience shall direct questions to the Chair. The Chair may call for pertinent facts from the City consultants or staff or make appropriate comments pertinent to the issue. No Planning Commission member should debate or argue directly with any person in the audience, but rather address all comments through the Chair.
- B. Public Hearings. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the established procedures. A person may address the Planning Commission when the official public comment period is opened by the Chair.
- C. General Public Comment. A person shall be permitted to address the Planning Commission concerning non-hearing matters under the public comment portion of the agenda, as established in Section 4.7, to the extent that they are applicable.
- D. Rules of Public Comment. The Chair shall officially open the hearing or public comment period. If determined to be necessary, the Chair shall also announce the following rules:
  - 1. All persons wishing to comment shall be given an opportunity to do so.
  - 2. The person addressing the Planning Commission should state their name and address and comments should be directed to the Chair.
  - 3. Unless determined otherwise by the Planning Commission, a person is limited one (1) time allotment of three (3) minutes during the general public comment time and for each public hearing during the meeting.
  - 4. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to address the Planning Commission in excess of three (3) minutes, to the discretion of the Chair.
  - 5. During the public hearing or public comment period, the Planning Commission, applicant, and staff shall not be required to answer questions posed by members of the public unless deemed appropriate by the Chair.
  - 6. At the discretion of the Chair, a person may be allowed to speak a second time, provided, all other attendees have had the opportunity to speak.
  - 7. If at any time during the hearing, the Chair feels no other relevant comments are being stated or the public is out of order, a motion may be requested to close the public hearing. The Chair may, at their discretion,

terminate unreasonably repetitive, irrelevant, or lengthy comments which are non-productive to the issue at hand.

## **5.2 REVIEW OF APPLICATIONS**

Official review of applications shall occur in the following manner:

1. Explanation of request as received by City by the Chair.
2. Comments by applicant.
3. Review/recommendation by the Zoning Administrator or other City representatives.
4. Opening and closing of a public hearing, if applicable, or non-hearing public comments.
5. Questions by Planning Commission.
6. Responses by Zoning Administrator or other City representatives, and/or applicant.
7. Discussion and consideration for action by Planning Commission.
8. Motion and vote on the motion.

## **ARTICLE VI RECORDS OF PLANNING COMMISSION DECISIONS**

### **6.1 DECISIONS**

All decisions of the Planning Commission shall be recorded in the minutes. The minutes shall show the basis for any determination, with a summary of the information introduced, and the findings made by the Planning Commission.

### **6.2 MINUTES**

The minutes shall record the Planning Commission's official proceedings in a brief synopsis. Minutes shall also reflect attendance and absences and shall indicate whether the absences were excused or unexcused by the Chair. All official actions and individual member voting on each item shall be recorded in the minutes.

A draft of proposed minutes shall be transmitted to each Planning 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 by the City Clerk.

### **6.3 ANNUAL REPORT**

The Planning Commission shall prepare an annual report for the City Council which lists the attendance of each member, training attendance by members, the activities

performed by the Planning Commission during the year, common enforcement or appeals issues, and recommendations regarding Master Plan implementation and zoning activities for the coming year. This report shall be for activity through December 31<sup>st</sup> of each year and submitted to the City Council in February of each year.

## **ARTICLE VII AMENDMENTS**

These bylaws and rules of procedure may be amended by a two-thirds majority vote of the membership of the Planning Commission. An amendment may be proposed at a regular meeting and acted on at the following regular meeting of the Planning Commission. Amendments to these bylaws shall be affirmed by the City Council to become effective.

## **ARTICLE VIII SEVERABILITY**

The parts, sections, sub-sections, provisions, sentences, and clauses in this document 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 this document, which shall remain in full force and effect.

## **ARTICLE IX ADOPTION AND REPEAL**

The Bylaws and Rules of Procedure shall become effective upon adoption by the Planning Commission and affirmation by Hart City Council, and all previous bylaws and rules of procedure shall be repealed.

The Bylaws and Rules of Procedure were adopted by the City of Hart Planning Commission on the 6th day of December , 2018.

**Betty Root**  
Planning Commission Chair

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Planning Commission Secretary

Effective Date: December 11, 2018