

City of Clare, Michigan
Zoning Board of Appeals Bylaws & Rules of Procedure

AUTHORITY

These By-laws & Rules of Procedure are adopted by the Zoning Board of Appeals of the City of Clare, County of Clare, Michigan (hereinafter referred to as the zoning board of appeals, the ZBA, or Board) pursuant to Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act; Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act; the City of Clare Zoning Ordinance; and Public Act 267 of 1976, as amended, the Open Meetings Act.

MEMBERSHIP

The Zoning Board of Appeals shall consist of five voting members, all of whom shall be nominated by the mayor of the City of Clare and appointed by the Clare City Commission. One of said members shall concurrently serve as a member of the City of Clare Planning Commission and another shall be a member of the Clare City Commission. Appointments shall be for three-year terms without limit to the number of terms served. All appointments shall be at the will of the Clare City Commission and may be terminated with or without cause and with or without advance notice and shall be without monetary compensation. Appointed ZBA members may resign their appointments by informing the Mayor of the City of Clare in written form of their intentions to do so.

OFFICERS & THEIR DUTIES

The officers of the ZBA shall consist of a chairperson, a vice-chairperson, and a secretary. The role of secretary shall be performed by the City Clerk of the City of Clare or the City Clerk's designated representative. The secretary shall be solely an administrative role and shall not be an appointed or voting member of the ZBA, nor shall the secretary participate in the conduct of ZBA's business except as outlined in the duties described herein. The chairperson and vice-chairperson shall be elected by a simple majority vote of the voting ZBA members. The term of office runs with the respective term of appointment to the ZBA. However, elected officers may resign their positions and continue serving as a board member. Vacancies in office shall be filled at the next meeting of the ZBA.

Chairperson. The chairperson shall preside at all meetings and hearings of the Zoning Board of Appeals in accordance with the rules approved herein. The chairperson shall execute all official documents of the ZBA.

Vice-Chairperson. The vice-chairperson shall preside at all meetings and hearings of the Board in the absence of the chairperson in accordance with the rules approved herein. In the absence of the chairperson, the Vice-chairperson shall execute all official documents of the Board.

Secretary. The Secretary shall take and prepare minutes of all meetings; keep all pertinent public records for the Board; deliver communications, reports, and related items of business of the Board; issue required notices of meetings and public hearings; in concert with the chairman and

the Clare City Manager, prepare meeting agendas; and perform other administrative duties of the Zoning Board of Appeals as necessary to ensure the efficient conduct of business by the ZBA.

MEETINGS

Meeting Notice. Meetings of the Zoning Board of Appeals shall be called upon receipt of a request for a variance to any matter related to the city's zoning laws and regulations; upon a request for interpretation of any matter related to the City's zoning codes; upon a request for appeal to any zoning matter or decision made by the City Commission of the City of Clare, the City of Clare planning Commission, or the Staff of the City of Clare; and upon the call of the Board chairperson/vice-chairperson. Notice of all meetings shall be posted in accordance with the State of Michigan Open Meetings Act.

Quorum. In order for the Zoning Board of Appeals to conduct business or take any official actions, a majority of the five appointed voting members of the Board shall be present. When a majority is not present, no official action, except for the closing of the meeting, shall take place. The members of the ZBA may discuss matters of interest when a quorum is not present, but they shall take no action until the next meeting wherein a quorum is present. All public hearings without a quorum shall be scheduled for the next meeting and no additional public notice is required provided the date, time, and place is announced at the non-quorum meeting.

Meeting Attendance. If a Board member shall miss three consecutive meetings or 30% or more of meetings in any calendar year, his/her office shall be considered vacant unless the ZBA shall formally excuse such absence in advance and a record of said excusal is annotated in the official proceedings of the Board.

Conduct of Meetings. All meetings shall be chaired and controlled by the chairperson or vice-chairperson. In absence of the chairperson and the vice-chairperson, the Secretary shall call the meeting to order and, subsequent to the Pledge of Allegiance and Roll Call, shall call for a motion for designate a ZBA member present to chair the meeting. Upon majority vote of the appointed Board members, the designated Board member shall then chair and control the meeting. Except where exempted by a specific procedure outlined within these By-laws, the conduct of all meetings and rules of procedure shall be in accordance with *Robert's Rules of Order, Newly Revised Edition*.

Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinances cited within these By-Laws. Public hearings shall be run in an orderly and timely fashion. Prior to the conduct of any scheduled public hearing, the chairperson shall read the public hearing announcement as published in the newspaper and then call for a motion and a support of a motion for opening of the public hearing; any voting Board member may make said motions. All persons desiring to speak or be heard at the Public Hearing shall first be recognized by the chairperson and then announce their name and address for the record and shall be provided the opportunity to present written comments for the record. Persons speaking without being recognized shall be considered out of order. Speakers shall address all comments and questions to the members of the ZBA and not engage in discussion with other members of the public present at the meeting. Unless waived by the chairperson, each speaker

shall be provided not more than five minutes to speak and shall be provided one opportunity of not more than two minutes to rebut comments made by a subsequent speaker. A group of people may designate one person to act as their spokesman and designate the speaker accordingly; the designated group speaker is similarly limited to five minutes of comment and one rebuttal opportunity of two minutes. Everyone present at the public hearing shall be allowed a first opportunity to speak before rebuttal comments shall be accepted. Normal civil discourse and decorum is expected by all present at the public hearing. Applause, shouting, outbursts, demonstrations, name-calling, and other provocative speech or behavior may result in removal from the hearing or an adjournment. When all public comments have been stated, the chairperson shall close the hearing by call for a motion and a supporting motion to do so.

MOTIONS. No item of business listed on an agenda or amended agenda of the ZBA shall be formally decided or acted upon except by appropriate motion, support of motion(s), discussion (if applicable), and vote as outlined in the procedures for motions and votes in *Roberts Rules of Order, Newly Revised Edition*.

VOTING. All business of the ZONING BOARD OF APPEALS shall be decided by majority vote of the APPOINTED MEMBERS.

Adopted 11/20/2015