

CITY OF MUSKEGON HEIGHTS ZONING BOARD OF APPEALS BYLAWS

OFFICERS

The offices to be filled by the Zoning Board of Appeals are:

1. Chairperson
2. Vice-Chairperson
3. Representative to the Zoning Board of Appeals (appointed by the mayor)

ELECTION OF OFFICERS

Officers shall be elected January of each year. Officers shall serve for a one (1) year term.

DUTIES

A Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of chairperson in the event of a vacancy in that office.

REGULAR MEETINGS

The Zoning Board of Appeals shall schedule at least twelve (12) regular meetings per year. All regular meetings, special meetings, and/or hearings shall be conducted in compliance with the Open Meetings Act P.A. 267 of 1976 and the Zoning Enabling Act P.A. 110 of 2006.

All meetings shall be publicly posted at least 18 hours in advance of the meeting in a place visible to the public.

The schedule of regular meetings will be posted for the public within fifteen (15) days of the first meeting of the calendar/fiscal year.

All regular meetings shall be held on the first Tuesday of each month at 5:15 p.m. in the Council Chambers located at City Hall.

SPECIAL MEETINGS

A special meeting may be called by the Chairperson or staff after a paid application is received. Two members of the Zoning Board of Appeals may also call a meeting upon written request to the Planning Department. The business which the Zoning Board of Appeals may perform shall be conducted at a public meeting of the Zoning Board of Appeals held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Opening Meetings Act, and the Planning Department shall send written notice of a special meeting to Board members not less than 48 hours in advance of the meeting.

QUORUM OF THE BOARD

Three (3) members of the total five (5) members serving constitutes a quorum for the transaction of business. The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order requirement, decision, or determination of the Zoning Administrator or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance.

Whenever a quorum is not present, those present shall adjourn the meeting or hearing to another date. The members of the Zoning Board of Appeals may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required, other than the 18-hour notice dictated by the Open Meetings Act, provided the date, time, and place is announced at the meeting.

All motions shall be passed with at least a majority vote of the quorum, with the exceptions stated above.

MOTIONS

Motions shall be restated by the administrative assistant before a vote is taken. The identities of the maker and supporter of the motions shall be recorded.

VOTING

All votes shall be made by "yes" or "no" and recorded in the minutes in a manner which ascertains how each member voted.

All members are expected to exercise their obligation to vote upon a question unless a conflict of interest is present.

The order of the roll call vote shall be varied from meeting to meeting and from one vote to the next in a random manner.

ABSTENTION FOR A VOTE

A Zoning Board of Appeals member shall request abstention from a vote if the member might gain personal and/or financial benefits or if direct involvement exists which prevents objectivity. The abstaining member shall state so at the time the item is addressed on the agenda and shall not participate in the discussion as a member of the Board. A Board member may request to abstain from voting with explanation.

GOVERNING PROCEDURE

The Michigan Statutes and the Robert's Rules of Order Revised, in that order, shall govern the order of business before the Zoning Board of Appeals.

Robert's Rules shall not apply when they conflict with federal law, Michigan Statutes or they deny a member his/her Constitutional rights.

COMMUNICATIONS WITH CITIZENS

Contact with the Zoning Board of Appeals members by citizens falls into two categories:

The first category would be contacts of general information seeking (i.e.; meeting dates, composition of Board, procedure to appear before, location of meeting site, or others that merely describe the system.) These may be shared or noted in the minutes at the discretion of the individual Board member.

The second category consists of significant communications, written or verbal, that address Zoning Board of Appeals business and shall be shared and noted in the minutes. Ex-parte contact shall be avoided by Zoning Board of Appeals members, if possible. Persons wishing to discuss issues with the Zoning Board of Appeals should address concerns either in writing to the Board as a whole or at a Zoning Board of Appeals meeting.

Complaints should be referred to the appropriate City Official.

CITIZEN PARTICIPATION

The receipt of public comment shall be as follows:

Any persons who wishes to speak on an item included on the printed meeting agenda may do so when they are recognized by the Chair, at which time they will be required to step forward to a microphone and state their name and address and then be allowed three (3) minutes maximum to address the Board. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Board. The applicant for an item included on the printed meeting agenda (or the applicant's representative) will be allowed ten (10) minutes to address the Board.

DISORDERLY CONDUCT AT MEETINGS

Persons addressing the Zoning Board of Appeals shall make responsible comments and shall refrain from making personal, impertinent, slanderous or profane remarks. The Chairperson may call to order any person who is being disorderly by speaking longer than the allotted time; or by speaking vulgarities. Such persons shall thereupon be seated until the Chair shall have determined whether the person is in order. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the Police Department to remove the person from the meeting.

ATTENDANCE

Members shall follow the attendance policy as follows:

The Chairperson shall be responsible to see that attendance is recorded at each meeting.

When deemed appropriate by the Chairperson, a letter will be sent to any member whose attendance is not satisfactory. The letter shall ask if the member is interested in continued appointment.

On a yearly basis, staff shall submit a report to the City Council showing member attendance and indicating correspondence notices sent to members.

At any time the Chairperson deems it appropriate to do so, the Chairperson may recommend replacement of a member for reasons related to the member's attendance.

AMENDMENTS

These rules may be amended by the Zoning Board of Appeals by a concurring vote, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.