

# **City of Belding Zoning Board of Appeals By-Laws**

## AUTHORITY

The following rules of procedure are hereby adopted by the Zoning Board of Appeals to facilitate the performance of its duties and responsibilities as provided for in the Belding City Code and in the Michigan Zoning Enabling Act, Act No. 110 of the Michigan Public Acts of 2006, as amended.

## MEMBERSHIP

Membership of the Zoning Board of Appeals shall consist of five (5) members appointed by the Belding City Council for a three year term. Each member of the Board shall have been a resident of the City for at least one year immediately prior to the day of his appointment and shall be a qualified and registered elector of the City on such day and throughout his tenure of office.

One member of the Board shall be a member of the Planning Commission.

One member of the zoning board of appeals may be a member of the city council, but shall not serve as chairperson of the board of zoning appeals.

Up to two (2) alternate members may be appointed for three year terms

## OFFICERS

Annually, the Zoning Board of Appeals shall select from its membership a Chairperson and Vice Chairperson and Secretary. All officers shall serve for one year or until their successors are appointed and assume office. All officers shall be eligible for re-election for three (3) consecutive terms for the same office.

## DUTIES

**CHAIRPERSON.** The Chairperson shall preside at all meetings, appoint committees as needed, and perform such other duties as may be ordered by the members of the Zoning Board of Appeals.

**VICE-CHAIRPERSON.** The Vice-Chairperson shall act in the capacity of the Chairperson in his or her absence. In the event that the position of Chairperson becomes vacant, the

Vice-Chairperson shall succeed to this office for the unexpired term and the members of the Zoning Board of Appeals shall select a successor to the office of Vice-Chairperson for the unexpired term.

#### CITY COUNCIL

The Mayor may appoint a member of the City Council to the Zoning Board of Appeals to serve as a liaison to the City Council. Such appointees are not eligible to serve as a voting member of the Zoning Board of Appeals.

#### MEETINGS

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine.

A quorum of the Zoning Board of Appeals, or three members, is required to transact business. In the event that a quorum is not present, the meeting will adjourn and no interested parties shall be heard on any matter.

Meetings without a quorum where public hearings are scheduled will be adjourned until the next regularly scheduled meeting or rescheduled as a special meeting. No testimony will be taken unless a quorum is present. No additional notice will be required to be posted.

All meetings will be held in accordance with the provisions of the Michigan Open Meetings Act, Act No. 267 of the public acts of 1976, as amended.

Each member attending shall be allowed to cast one vote on each item presented for action.

Parliamentary procedure shall prevail at all meetings and shall be governed by Robert's Rules of Order, current edition.

Special meetings may be called by the Chairperson, or by a majority of the entire membership. Notice of a Special Meeting shall be provided to members of the Zoning Board of Appeals at least eighteen hours in advance of the meeting. Such notice shall state the time, location and purpose of the meeting. Notice of Special Meetings shall also be posted on the City of Belding website and posted in City Hall as required by the Michigan Open Meetings Act.

All Zoning Board of Appeals meeting minutes, records, documents, correspondence and other materials shall be open and available for public review, except as may otherwise be required by law.

A written notice containing the decision of the Zoning Board of Appeals shall be provided to the applicant or originator at the conclusion of the meeting and sent by U.S. mail or electronic mail, to the applicant or originator of the request.

Written minutes of the meeting of the Zoning Board of Appeals shall be available for public inspection within seven days following adjournment of the meeting.

### RECORDS

A written record of the actions of the Zoning Board of Appeals during any regular or special meeting shall be maintained by the City Clerk. In addition to any requirements set forth by the Michigan Open Meetings Act, the minutes shall include a brief synopsis of the meeting, but not a verbatim record.

Included in the minutes shall be the following:

- A recording of the attendance by members.
- A restatement of all motions.
- A summary of the pertinent points and conditions related to the item under consideration.
- A summary of the pertinent points of discussion.
- A recording of the votes on the motion.

All records related to the activities of the Zoning Board of Appeals shall be maintained by the City Clerk and shall be open to public inspection upon request.

### CONFLICT OF INTEREST

A "conflict of interest" is defined as meeting one of the following conditions:

- A member of the Zoning Board of Appeals' immediate family is involved in any request for which a Zoning Board of Appeals decision is requested. Immediate family means the Zoning Board of Appeals member's spouse, children (including adopted and or step-children), parents, brothers and sisters, grandchildren, or any person residing in the Zoning Board of Appeals member's household.
- A member of the Zoning Board of Appeals has a business or financial interest in the property for which the decision is sought.
- A member of the Zoning Board of Appeals owns or has a financial interest in the neighboring or abutting property for which a decision is sought.

- A member of the Zoning Board of Appeals has close ties with the applicant for whom the decision is sought, which is apparent to the casual observer, such as a long-term or close friendship.
- There is a reasonable appearance of a conflict of interest as determined by a majority vote of the remaining members of the Zoning Board of Appeals.

In the case of a conflict of interest, the member of the Zoning Board of Appeals shall state the conflict for the record and recuse themselves from discussing or voting on the matter.

#### AGENDA FORMAT

A written agenda shall be prepared in advance for every meeting held by the Zoning Board of Appeals.

The format shall be as follows:

1. Call to Order
2. Excuse of absent members
3. Approval of Agenda
4. Approval of Minutes from past meetings
5. Reports, if necessary
6. Unfinished Business
7. New Business
8. Citizen Comments
9. Member Comments
10. Adjournment

#### ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES

Members of the Zoning Board of Appeals are expected to attend all regular and special meetings.

If a member intends to be absent from a regular or special meeting, that member MUST notify the Chairperson or the City Clerk that he or she will be unavailable for the upcoming meeting.

The Zoning Board of Appeals will formally excuse the subject member at its next regular or special meeting and so note that excuse in the minutes of that meeting.

Members who miss three consecutive regular or special meetings without being excused by the Zoning Board of Appeals or three unexcused regular or special meetings during any twelve month period, will automatically lose their seat on the Zoning Board of Appeals. The City Council will declare the position vacant and seek candidates to fill the position. No action by the sitting body will be necessary for the position to be declared vacant by the City Council.

Members of the Zoning Board of Appeals may be removed by the City Council upon written request by the majority of the members of the Zoning Board of Appeals, or by majority action of the City Council for dereliction of duty, impropriety or other willful neglect while in office.

#### FILLING OF VACANCIES

The appointment of a candidate to fill a vacant position on the Zoning Board of Appeals is the responsibility of the City Council. When a vacancy occurs, a notice of the same will be posted on the city's website for one month following the vacancy. Interested persons will be encouraged to submit an application for the position on a form provided by the City Clerk. At the end of the one-month period, the City Clerk will provide copies of interested applicants to the Zoning Board of Appeals and schedule them for a personal interview at their next regularly scheduled meeting. Following the interview process, the Zoning Board of Appeals will recommend their preferred candidate for approval by the City Council at its next regularly scheduled meeting. If no applications are submitted, the process will remain open until such time as an acceptable candidate is determined.

#### AMENDMENTS

These by-laws may be amended or changed by the Belding City Council.

*(this format was adopted by Belding City Council on July 18, 2017)*

City Council adoption: June 19, 2018

Amendment adopted by City Council on December 7, 2021