

**CITY OF WILLIAMSTON
ZONING BOARD OF APPEALS
BY-LAWS, RULES AND PROCEDURES**

Adopted 5-11-06 Amended _____

ARTICLE I – AREAS OF ACTION

- A. The area of action of the City of Williamston Zoning Board of Appeals (hereafter, “the Board”) is to review and decide questions, appeals, and variance requests arising under the City of Williamston Zoning Ordinance.

ARTICLE II – PURPOSE

The purpose of the Board is to perform the duties set forth in the following:

- A. City and Village Zoning Act (as amended), Public Act 207 of 1921, MCL 125.581 et seq., and/or the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq.
- B. City of Williamston Zoning Ordinance 256 (as amended), Appendix A to the Williamston Code of Ordinances.
- C. Other Ordinances enacted by the City Council delegating specific duties to the Zoning Board of Appeals.

ARTICLE III – DUTIES

The duties of the Board shall be as provided by law, including but not limited to the following:

- A. Hear and decide appeals from and review any order, requirements, decision, or determination made by the Planning Commission or other administrative body of the City of Williamston charged with enforcement of the Zoning Ordinance.
- B. Hear and decide matters referred to the Board or upon which the Board is required to pass under the Zoning Ordinance.
- C. Hear and decide requests for variances from the requirements of the Zoning Ordinance. In granting variance requests, the Board shall ensure that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

ARTICLE IV – ORGANIZATION, RULES, OFFICERS

A. Members shall consist of seven registered electors of the City who shall represent insofar as possible the different professions and occupations.

B. Terms of members:

1. Six registered electors of the City shall be appointed for three year terms by the Mayor with approval of the City Council. The Planning Commission shall by Resolution appoint one of its members to serve, ex officio, for a term set by City Council not to exceed the member's term of office as a Planning Commission Member. All terms shall commence on January 1st.
2. All members shall hold office until their successors are appointed.
3. Members may be compensated at a rate to be determined by the City Council.
4. Members may, after a Public Hearing, be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office.

C. Vacancies

1. Members are requested to inform the Zoning Administrator, in writing, at least two months prior to their term expiring whether or not they wish to be considered for re-appointment for another term. The Zoning Administrator will forward the members' letters to the Mayor for consideration.
2. Member vacancies are filled for the unexpired balance of the term in the manner provided for original appointment to the commission.
3. The Board shall make recommendations to the Mayor and City Council of persons available for appointment to fill a vacancy, after review of their completed applications and personal interviews during a regular Board meeting.
4. It is expected that the Mayor shall appoint and City Council will confirm new members not more than 30 days after terms expire or a vacancy occurs, if possible.

D. Regular Meetings shall be held at least once monthly unless there is no business to be conducted.

- a) Dates, time, and place of Regular Meetings shall be established annually at the December meeting each year.
- b) Change of Regular Meeting date, time, and or place may be done by approval of a majority of members present at a Regular or Special Meeting, or when determined by the Chair that the Regular Meeting date, time or place conflicts with an election, City Council Meeting, or other major event or will result in a lack of quorum.

E. Officers elected by members of the Zoning Board of Appeals at the Regular Meeting in July of each year shall be:

- 1. Chair
- 2. Vice-Chair
- 3. Secretary

F. Duties of Officers:

- 1. Chair
 - a) The Chair shall preside at all meetings of the Board, both Regular and Special.
 - b) The Chair may designate the Vice-Chair to preside in his/her seat at any meeting if he/she desires.
 - c) The Chair (or any three members) may issue a call for a Special Meeting by making a written or oral request to the City Clerk's office.
 - d) The Chair shall direct the City staff to establish the agenda for Regular and Special Meetings, and the order thereof including such items of old business and other items that may have been deferred at previous meetings and shall provide this information to the City Clerk's office.
 - e) Sign such correspondence and documents as may need the signature of the Chair.

- f) Appoint members to such regular and special committees as may be authorized and approved by a majority of the Board.

2. Vice-Chair:

- a) The Vice-Chair shall preside at meetings of the Board in the absence of the Chair, or when requested to do so by the Chair.
- b) The Vice-Chair shall perform all duties of the Chair when the Chair is unable to perform his/her duties or when requested by the Chair.

3. Absence of Chair and Vice-Chair:

In the absence of both the Chair and Vice-Chair from a Regular or Special Meeting of the Board, the members by a majority vote shall select a temporary Chair to preside. The duties of the temporary Chair shall be ad hoc for that meeting only.

4. Secretary

- a) In the absence of the City staff, the Secretary shall record the proceedings of a meeting of the Board. Copies of the draft minutes of the proceedings shall be available at City Hall for public review within ten business days, and shall be sent with the agenda of subsequent meetings.
- b) The Secretary shall conduct such correspondence as he/she may deem necessary, or that he/she may be requested to do by the Chair or Board as a whole.
- c) The Secretary may call upon City staff to obtain necessary word processing, copies and other materials and supplies.
- d) The Secretary shall sign such documents as are deemed necessary.

G. A quorum shall consist of a majority of the entire Board membership.

H. Special Meetings will be held whenever the Chair or 3 members believe it is imperative and necessary, by advising the City Clerk's

office either orally or in writing, and designating those items to be placed on the agenda. At least 3 days notice of a Special Meeting shall be given the members. Notice of a special meeting will be given by mail, personal delivery or may, when a Special Meeting is deemed to be an emergency in which time is of the essence, be given by telephone or personal contact.

- I. Work sessions may be called by the Chair, giving sufficient notice as stated for Regular or Special Meetings. The Work session is considered a "Committee of the Whole" meeting, and specific actions are not considered official. The Board Chair may request there be a record of the highlights or summary of a Work session, but it is not necessary that there be formal minutes taken.
- J. All meetings shall be open to the public.
- K. The agenda and all pertinent background information necessary for the meeting shall be sent to members by mail or messenger at least 3 days prior to the meeting. Only those items on an agenda of a meeting shall be considered unless otherwise provided by unanimous consent of all members present.
- L. Copies of the minutes of the prior meeting or meetings shall be available at City Hall for public review within ten business days, and shall accompany the agenda of Regular Meetings.
- M. Additional background information that is pertinent to items on the agenda of meetings shall be forwarded with copies of the agenda.
- N. The local media, or anyone else requesting it, shall receive copies of the agenda, minutes and pertinent background information, sent by the City by mail, or personal delivery, at the same time it is sent to members. The party requesting the information may be charged for copies at a cost per page set by City Council, as well as for any mailing charges. A public copy shall be made available for review at City Hall and at the public library at the same time it is sent to members.
- O. Any interested person may request copies of agendas or other pertinent background information from the City Council after they have been approved by the Board. The party requesting the information may be charged for copies at a cost per page set by City Council, as well as for any mailing charges.
- P. Copies of the draft minutes of the Zoning Board of Appeals may be submitted to City Council by the Zoning Administrator before they have been approved by the Zoning Board of Appeals. Additionally, after the

minutes have been approved by the Zoning Board of Appeals, copies of the approved minutes must be forwarded to the City Council.

ARTICLE V – BOARD BUDGET

- A. The Board may provide input to the City Manager in January of each year that shall be considered when the Manager develops and presents the budget to the City Council in April. The proposals of the Board shall also be considered by the City Council when it adopts its Annual Budget in June.
- B. The Board shall have the right to expend money appropriated for items stipulated in the official City budget within administrative procedures established by the City Manager and the City Council.

ARTICLE VI – PARLIAMENTARY PROCEDURES

- A. The Board shall be governed by the Michigan statutes regulating planning and zoning; these By-Laws adopted on May 11, 2006 and as amended; these parliamentary rules and procedures; and the Michigan Open Meetings Act.
- B. Voting in all matters of importance, including the expenditure of funds, shall be by roll call vote. For all other voting matters the Chair shall decide whether or not a roll call or voice vote is necessary, unless there is a specific request from any member for a roll call vote.
- C. A roll call vote shall be by a rotating call method.
- D. The member serving as Chair at any meeting does not lose the right to vote when presiding at a meeting.
- E. A majority of the entire Board Membership shall be required to pass any official action, unless a greater majority on a specific motion being voted upon is required by law.
- F. Members of the Board shall vote on all matters, but may abstain from voting upon a matter in which the member has a direct or indirect financial or personal interest, or for other good and sufficient reason. The Planning Commission member must abstain from voting on any appeals from the Planning Commission.
- G. Rules of Order

1. Except as otherwise provided in these by-laws all business of the Board shall be conducted according to the most current edition of Roberts Rules of Order.
 2. Notice of regular meetings shall conform to all requirements of law.
- H. Agenda for Regular Meetings should be arranged according to the following (except the Chair may exercise the prerogative of changing the order of business if determined necessary).
1. Call to order
 2. Pledge of Allegiance
 3. Roll call (determination of quorum)
 4. Acceptance of action on agenda
 5. Audience participation on non-agenda items
 6. Review and approval of minutes
 7. Old business*
 8. New business.* For each item, discussion and debate follow these priorities:
 - i) Presentation by staff
 - ii) Comments by applicant
 - iii) Questions from Board members
 - iv) Comments from proponents*
 - v) Comments from opponents*
 - vi) Action
 9. Items for discussion and/or action*
 10. Items of interest/information only
 11. Committee reports
 12. Second opportunity for audience participation on non-agenda items
 13. Placement of items on future agenda
 14. Board member comments
 15. Adjournment

Items marked with an asterisk (*) are opportunities for public comment recognized by the Chair. Depending on the length of the agenda and the number of persons waiting to speak, the Chair may limit the length of any agenda item, including presentation by an applicant and comments by those supporting or opposing the question on the floor. The Chair may rule out-of-order any comments that are non-germane, derogatory, disruptive, or repetitive. The Chair may order any disruptive person from the room. In the event of general disruption, the Chair may recess the meeting.

- I. Agenda for Special Meetings:

1. Call to order
 2. Roll Call
 3. Only items specifically placed in advance on the agenda of a Special Meeting shall be considered, unless otherwise provided by unanimous consent of the members present at the Special Meeting.
 4. Items for future agendas
 5. Adjournment
- J. PUBLIC HEARINGS. If there are several separate items to be heard at one Public Hearing, the same procedures shall be followed for each.
1. Agenda for Public Hearings.
 - a) Chair opens Public Hearing
 - b) Chair states purpose of hearing and rules of procedure as deemed necessary by the Chair, including processes for submission of written testimony and sign-up forms for those wishing to speak.
 - c) Presentation by staff summarizing the item
 - d) Questions from Board members to staff
 - e) Presentation by applicant
 - f) Questions from Board members to applicant
 - g) Testimony from public
 - a) Presentation of written comments
 - b) Presentation of oral comments by those who have completed form to speak
 - i. Supporters of request/issue
 - ii. Opponents of request/issue
 - h) Concluding comments from applicant
 - i) Concluding comment of staff
 - j) Concluding questions or comments from Board members
 - k) Chair closes Public Hearing
 2. If the hearing is on an issue proposed by staff and there is no applicant, agenda items (e), (f), and (h) shall be eliminated and the public shall be heard on the issue in the order in which each signed up to speak.
 3. Depending on the number of persons waiting to speak, the Chair may set a time limit for each speaker. Those persons representing an organization may be given more time than individuals speaking on their own behalf, if the organization has designated only one person to represent it. The time each

speaker has the floor shall be kept by a staff member of the City as needed, using a mechanical timer. Speakers shall be informed 30 seconds before their time is to expire.

4. The Chair may rule out-of-order any comments that are non-germane, derogatory, disruptive, or repetitive.
5. The Chair may order any disruptive person from the room. In the event of general disruption, the Chair may recess the meeting.
6. Zoning Board of Appeals members who have not attended a Public Hearing on a particular issue shall state for the record the method(s) they used to become informed in order to vote, (e.g., listened to a tape of the hearing, read the transcript or minutes of the hearing, made a site visit to the property in question, or became familiar with the issue by other means).

ARTICLE VII PUBLIC HEARINGS

- A. The Board may hold Public Hearings for any of the purposes outlined in the Zoning Ordinance.
- B. Notice for all Public Hearings shall conform to all requirements of the laws of the State of Michigan and the Zoning Ordinance of the City of Williamston, as amended. The Public Hearing may be held prior to a Regular or Special Meeting of the Zoning Board of Appeals.
- C. In addition, notices of certain Public Hearings shall be made by registered U.S. mail to each public utility company, and each railroad company owning or operating any public utility or railroad within the geographical confines of the City of Williamston and as additionally outlined in the City of Williamston Zoning Ordinance (as amended), and as outlined in the State of Michigan statutes regulating planning and zoning.
- D. At the Public Hearing, the Chair of the Board shall preside. He or she shall state such rules of procedure as he or she deems necessary to proceed in an orderly fashion, including processes for submitting written testimony and sign up forms for those wishing to speak, so that all desiring to speak may be heard.

ARTICLE VIII – PROCEDURE FOR AMENDING BY-LAWS

- A. Any member of the Board may submit a proposed amendment to the By-laws in writing to the Chair.
- B. Upon receipt of a proposed amendment to the By-Laws, the Chair shall place the proposed amendment on the agenda for discussion at the next Regular Meeting.
- C. An amendment to the By-laws shall not be voted upon at the meeting at which it is presented, but a vote shall be taken on the matter at the next Regular Meeting, and it shall be on the agenda of the meeting for such consideration as shall be deemed appropriate.
- D. At least a two-thirds (2/3) majority of the entire Board membership is required to amend these By-Laws.