

# Joint Zoning Board of Appeals Bylaws

The following rules of procedure are hereby adopted by the Fremont Community Joint Zoning Board of Appeals (JZBA) to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

## SECTION 1: Membership

Membership of the Joint Zoning Board of Appeals shall consist of three members from each of the Fremont Community member jurisdictions. Each municipality's board or council shall appoint their respective representatives for three (3) year terms, except that one (1) of each municipality's representatives shall be a member of the Joint Planning Commission (JPC) who shall serve their term as provided for on the Commission. A member of each township board and city council may also be a member of the JZBA but may not chair the Board.

## SECTION 2: Officers

- A. Selection and Tenure**— At the first meeting each calendar year, the JZBA shall select from its membership a chairperson, vice-chairperson, and secretary. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson**—The chairperson shall preside at all meetings, appoint committees and perform such other duties as ordered by the JZBA or as agreed to by the unanimous direction of the Fremont Community member jurisdictions. An alternate member shall not serve as chairperson.
- C. Vice Chairperson**—The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the JZBA shall select a successor to the office of vice chairperson for the unexpired term.
- D. Secretary**—The secretary shall execute documents in the name of the JZBA and shall perform such other duties as the JZBA may determine.

## SECTION 3: Meetings

The business the JZBA may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The JZBA may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings**—The JZBA may schedule regular meetings each year and shall determine the time and place of such meetings. There shall be not less than one regular meeting per calendar year held for administrative purposes, such as election of officers and establishing the meeting schedule. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the JZBA shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular JZBA meetings shall be posted at the member jurisdictions' offices after the JZBA administrative meeting in each calendar year in accordance with the Open Meetings Act.

- B. Special Meetings**—Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the JZBA.

Notice of special meetings shall be given to the members of the JZBA at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Notice**—Notice required for specific requests or actions will be given in accordance with the Michigan Zoning Enabling Act or other applicable statute.
- D. Public Hearings**—All public hearings held by the JZBA must be held as part of a regular or special meeting of the JZBA.
- E. Agenda**—The chairperson shall be responsible for preparing an agenda for JZBA meetings. The agenda may be modified by action of the JZBA.
- F. Quorum**—A majority of the regular members of the JZBA shall constitute a quorum for transacting business and taking official action for all matters. The JZBA shall not conduct business unless a majority of the regular members is present.
- G. Voting**—To pass or deny any dimensional variance, appeal or other official action required by the Zoning Ordinance, an affirmative vote of at least a majority of the total regular membership of the JZBA is required. Voting shall be by voice vote; a roll call vote shall be required if requested by any JZBA member or directed by the chairperson. Except in the case of a conflict of interest, all JZBA members, including the chairperson, shall vote on all matters.
- H. Public Records**—All meetings, minutes, records, documents, correspondence and other materials of the JZBA shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

#### **SECTION 4: Duties of the JZBA**

The JZBA shall perform the following duties:

- A.** Act on applications for dimensional variances, appeals, interpretations, or other matters as authorized or required by the joint zoning ordinance and the Michigan Zoning Enabling Act.
- B.** Perform other duties and responsibilities as requested by joint agreement of the member jurisdictions or as may be specified in the joint zoning ordinance.
- C.** Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

#### **SECTION 5: Absences, Removals, Resignations, Vacancies and Alternates**

- A.** To be excused, JZBA members shall notify the JZBA chairperson or JZBA secretary when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- B.** Members of the JZBA may be removed by their respective jurisdiction's governing body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C.** A member may resign from the JZBA by sending a letter of resignation to their township board or city council.
- D.** A successor shall be appointed by the participating municipality as soon as possible. Successors shall serve out the unexpired term of the member being replaced, with the exception of the joint planning commission representative, whose term shall run consecutively with their term as joint planning commissioner.
- E.** Each member jurisdiction may appoint not more than one alternate to the JZBA. An alternate member may be called to serve as a member of the JZBA as provided for in the Joint Zoning Ordinance and the Michigan Zoning Enabling Act.

## **SECTION 6: Conflict of Interest**

- A.** Before casting a vote on a matter on which a JZBA member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the JZBA. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- B.** Conflict of interest is defined as, and a JZBA member shall declare a conflict of interest and abstain from participating in JZBA deliberations and voting on a request, when:
  - 1. An immediate family member is involved in any request for which the JZBA is asked to make a decision. "Immediate family member" is defined as: The JZBA member's spouse, the member and member's spouse's children (including adopted) and their spouses, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, grandparents, parents in-law, grandparents in-law, or any person residing in the JZBA member's household.
  - 2. The JZBA member 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 JZBA member owns or has a financial interest in neighboring property. Neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the Joint Zoning Ordinance or other applicable ordinance.
  - 4. There is a reasonable appearance of a conflict of interest, as determined by the JZBA member declaring such conflict.
  - 5. The JZBA member is also a member of the JPC or a member jurisdiction's governing body, and voted on the same matter as a member of the JPC or that body. However, the member may consider and vote on other unrelated matters involving the same property.
- C.** The JZBA member declaring a potential conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the JZBA. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. If he or she prefers, the member declaring a conflict may ask the other JZBA members to decide if he or she should abstain, although this is not required. The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the JZBA as a representative of the proposal.

## **SECTION 7: Amendments**

These bylaws may be amended at any meeting by a vote of a majority of the membership of the JZBA.

Adopted by the Fremont Community Joint Zoning Board of Appeals at a regular meeting on April 2, 2013.