

**CITY OF EAST TAWAS
ZONING BOARD OF APPEALS BYLAWS
IOSCO COUNTY, MICHIGAN**

ARTICLE 1

The name of this commission shall be the City of East Tawas Zoning Board of Appeals.

ARTICLE 2

The general purpose of the City of East Tawas Zoning Board of Appeals shall be to interpret the East Tawas Zoning Ordinance, grant variances and hear appeals as per, and in strict accordance with, the *Michigan Zoning Enabling Act* (P.A. 110 of 2006), MCL §§125.3101, *et seq.*, as amended, and the East Tawas Zoning Ordinance, being Chapter 44, Section XIV - Zoning Board of Appeals, of the *City of East Tawas Code of Ordinances*.

ARTICLE 3

Section 1. Membership

The Board shall consist of five (5) members, four (4) members being citizens of the City of East Tawas who shall be representatives of the various interests and population distribution of the City. These four (4) members shall be appointed by the City Council. The fifth member shall be a Planning Commission representative who is appointed by the Planning Commission.

Section 2. Terms of Office

The Planning Commission member shall serve a three-year term concurrent with their term on the Planning Commission. The four additional members shall serve three-year terms which will be staggered based on the terms of the current Board members, and so that not more than two members are appointed each year. Should a vacancy occur, the City Council shall appoint a replacement within 60 days to fill the unexpired term.

ARTICLE 4

Section 1. Officers

The Board shall elect members to serve as Chairperson, Vice-Chairperson, and Secretary.

Section 2. Chairperson

The Chairperson shall preside at all meetings and perform such duties as may be delegated by the board. The Chairperson shall have a vote on all motions of the Board.

Section 3. Vice Chairperson

The Vice-Chairperson shall preside and perform the duties of the Chairperson in the latter's absence.

Section 4. Secretary

The Secretary shall take and maintain minutes of all meetings, a record of all transcripts, records, plans, and other documentation brought before the Board. Such duties may be performed by an office staff employee of the City when delegated by the Board.

Section 5. Council Representative

The Mayor shall appoint a representative from the City Council to the Zoning Board of Appeals. The Council representative shall not serve as an officer and shall not have voting rights as per Chapter IV, Section 4.4 (g) of the City Charter.

ARTICLE 5

Section 1. Meetings

All meetings shall be conducted in accordance with the Open Meetings Act, and held at the call of, and pursuant to required Notice prepared by, the City Clerk.

Members may be compensated for attendance at meetings as determined by the City Council.

The purpose of the meetings will be to make decisions on pending business matters, to accept new business matters for processing, to approve minutes of previous meetings, and to conduct any other business lawfully before it in accordance with statute and the City Charter.

Section 2. Agenda

There shall be an agenda prepared for every meeting, which shall set forth the business matters to be acted upon by the Zoning Board of Appeals in accordance with Article 7, Section 4 hereof.

Section 3. Public Participation

Any public participation in the meeting shall be pursuant to the agenda as determined by the Board.

Section 4. Removal of Board Members - Conflict of Interest

The City Council may remove a member of the Board for misfeasance, malfeasance, nonfeasance, or other misconduct or dereliction of duties in office upon written charges and after a public hearing, subject to the provisions of the Open Meetings Act. A member absent from three (3) consecutive meetings without being excused by the Board shall be reported to the City Council for possible removal.

A member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest may constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, the member may be disqualified from voting on the matter upon a majority vote of the remaining members of the Board.

A conflict of interest exists if any member has a personal or financial interest in a matter which will be acted on or has an interest such that the member cannot be unbiased in the decision-making process. A board member shall declare a conflict of interest when:

1. A relative or other family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision.
2. The Zoning Board of Appeals 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 Zoning Board of Appeals member owns or has a financial interest in neighboring property. For purposes of this section, this shall include property falling within the notification radius for the proposed development as required by the Zoning Ordinance or other applicable ordinance or law.
4. There is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.

Section 5. Parliamentary Authority

Meetings shall be conducted in accordance with the current edition of Robert's Rules of Order Newly Revised, unless and to the extent superseded by the Open Meetings Act MCL.15.261 or these bylaws.

ARTICLE 6

Section 1. Election of Officers

Election of Officers of the Board shall be held annually at the first regular meeting following the appointment or re-appointment of Zoning Board of Appeals members by the City Council.

- A. The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of Zoning Board of Appeals members for the subsequent year by the City Council. The immediately preceding Chairperson shall continue to preside at the meeting until the election of the new Chairperson is complete.
- B. Should an Officer be unable to complete his term of office, a special election of the Board shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action of the City Council.

ARTICLE 7

Section 1. Rules

Three (3) members shall constitute a quorum for conducting business.

Section 2. Voting

A minimum of three (3) votes in favor is necessary to pass any motion. In the event the absence of one or more members of the Zoning Board of Appeals results in the inability of the

Board to achieve three (3) votes in favor of a motion, no action shall be deemed taken, and the item shall be postponed and placed on the agenda of the next regular meeting.

Section 3. Report to City Council

A report to the City Council shall be prepared annually by the Zoning Administrator and submitted at or before the annual meeting of the City Council, Boards and Commissions.

Section 4. Order of Business

The conduct of a regular meeting shall require the following order of business:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Public Comments
6. Public Hearing
7. Staff Reports or Comments
8. Unfinished Business
9. New Business
10. Communications/Committee Reports
11. Board Member Comments
12. Adjournment

Section 5. Amendment to Bylaws

The Bylaws may be amended at any meeting by a majority vote of the members of the Zoning Board of Appeals, provided that the proposed changes have been read at a preceding meeting.

CERTIFICATION

The foregoing bylaws were fully adopted by the City of East Tawas Zoning Board of Appeals on the ____ day of _____ 2022.

Julie Potts, Clerk/Treasurer