

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
Wednesday, December 8, 2020 – 7:00 PM
REMOTE MEETING –AGENDA**

To reduce the spread of COVID-19, protect the public health, and provide essential protections to Van Buren Township residents; this Van Buren Township’s scheduled regular Board of Zoning Appeals meeting will be conducted remotely.

- Join by weblink: <https://zoom.us/j/93915303178>
- Or dial in by phone: 1 929 436 2866
- Webinar ID: 939 1530 3178

For instructions on [how to join a Zoom meeting, make a public comment, ADA information, and virtual meeting compliance from the State of Michigan](#) please click here.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

BZA Chair Aaron Sellers	_____
BZA Vice-Chair Amos Grissett	_____
BZA Secretary / Planning Commission Representative Donald Boynton, Jr.	_____
BZA Member / Trustee Kevin Martin	_____
BZA Member John Haase	_____
BZAA Member John Herman	_____
BZA Alternate Member Charles Larocque	_____
Planning Commission Alternate Representative Bryon Kelley	_____
Recording Secretary Tammy Dohring	_____
Director Dan Power	_____
Executive Assistant Elizabeth Renaud	_____
Director Matthew Best	_____

ACCEPTANCE OF AGENDA

1. Agenda Revisions

APPROVAL OF MINUTES: Approval of minutes from August 11, 2020

CORRESPONDENCE

PUBLIC HEARING (for non-new business items)

- A. Open Public Hearing.
- B. Public Comment.
- C. Close Public Hearing.

UNFINISHED BUSINESS

NEW BUSINESS

- 1. 2021 Meeting Schedule**
- 2. Election of Officers for 2021**

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

- 1. Overview of key topics for 2021: BZA Roles, Rules of Procedure, Trainings, and Michigan Public Meeting Procedures**

ADJOURNMENT

CHARTER TOWNSHIP OF VAN BUREN
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DRAFT MINUTES

Prior to the start of the meeting, the public was given instructions on how to take part in the meeting.

The meeting was called to order at 7:03 pm via Zoom by Chairperson Aaron Sellers.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Haase, Herman, Larocque, Boynton, Martin, Grissett, Sellers

Absent Excused: Kelley

Staff: Power, Renaud, Best, Dohring

Audience: 3

ACCEPTANCE OF AGENDA: Boynton motioned; Herman seconded to approve the agenda.

ROLL CALL:

Yeas: Haas, Herman, Larocque, Boynton, Martin, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

APPROVAL OF MINUTES: Boynton motioned; Haase seconded to approve the minutes from the July 14, 2020 meeting.

ROLL CALL:

Yeas: Haas, Herman, Larocque, Boynton, Martin, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

CORRESPONDENCE: None

NEW BUSINESS:

1. Case Number: 20-009 – Clover Communities Van Buren LLC

Location: 8470 Belleville Rd. Parcel ID# 83 036 99 0002 702.

Request: The applicant is requesting a variance from the following section of the Charter Township of Van Buren Zoning Ordinance:

- **Architectural standards** of section 6.309 (C) (Belleville Road Overlay District-Architectural and Site Design Standards) of the Van Buren Township Zoning Ordinance and relatedly section 5.143(l)(5), which requires that senior housing buildings located within the BROD shall comply with the architectural standards set forth in Section 6.309:

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- **Required:** Use of unpainted red brick, brown brick, natural stone, or similar high-quality materials as the primary building material.
- **Proposed:** Application of Hardie plank siding to approximately 70% of the building façade
- **Accessory building requirements** of 7.202(a) (Accessory Structure and Buildings - All Districts) of the Zoning Ordinance which limits the size of the detached accessory buildings:
 - **Required:** The maximum lot coverage of all detached accessory buildings on any lot shall be 4,800 square feet
 - **Proposed:** 9,600 square feet of total detached accessory garage building area.

Boynton motioned, Herman seconded to open public hearing.

ROLL CALL:

Yeas: Haas, Herman, Martin, Larocque, Boynton, Martin, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

Beth Ernat with Clover Communities introduced herself along with Jared Kime and John Ackerman of Atwell Engineering. Ms. Ernat began her presentation explaining that Clover Communities is a market rate housing alternative for seniors that are 55+ years old. They don't have healthcare or dining and the residents control their own schedule. The building setback is 400 ft. from Belleville Rd. Out lot is created for future commercial use. 125 units, 3 story, 40 garages, 118 surface parking spaces, sidewalk connection to Belleville Rd. Lot to remain wooded with exception of building pad and stormwater area. Each unit has a private outdoor living space (balcony or patio). Communal open space located in the courtyard. The proposed development is in the BROD district. All other multi-family or residential on Belleville Rd were removed from the BROD district and are not identified for redevelopment. Proposed development is comparable to Westlake Apartments, less than ½ mile away. BROD standards were created for commercial/mixed use properties that generate higher rents than market rate senior living (avg. rent \$1300/mo.). Senior living & aging in place opportunities identified as core need for Van Buren Township. Proposed building will be developed with 'durable material'. Cost of brick or stone for 90% of the façade is not feasible. Proposed building was moved back 400ft. from Belleville Rd to allow commercial out lot to enhance BROD corridor. Due to mature trees identified for preservation the building will barely be visible from Belleville Rd. Senior independent living is a special use in district and is unique by nature of special use, thus not likely to create precedent.

Ms. Ernat stated the proposed accessory structure coverage of 9600 square feet is for garages. The garages will reduce the amount of surface parking needed to serve the development, screen the property from surrounding industrial use, and increase the marketability of the units. The size of the accessory structures would be permitted in the RM district.

Director Power gave an overview of the applicants BZA variance requests, reiterating what the architectural standards are of the BROD district, and what Clover Development is proposing, as well as accessory building requirements, noting that community garages are permitted in the RM zoning districts.

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Vidya Krishnan of McKenna Associates presented her letter dated July 5, 2020 recommending subject to any additional information presented and discussed by the applicant, Board, and/or public during the public hearing and incorporated into the record prior to any findings being made, that the Board of Zoning Appeals take the following action for the proposed development located at 8470 Belleville Road.

1. **Deny** the variance requested from the architectural standards
2. **Approve** the requested variance to construct 9,600 square feet of accessory structures.

Public Comments: Mr. Roland of Clover Development stated that in the vicinity of the proposed project, the materials they are proposing to use would match and possibly be an upgrade, and the façade would have breaks in the materials. They have several projects throughout the country using Hardie plank, and it is the top of the mountain for them as far as materials and is generally an upgrade for neighborhoods. The cost of the required exterior materials would kill the project.

Boynton moved to close the public hearing, Grissett seconded.

ROLL CALL:

Yeas: Haas, Herman, Larocque, Boynton, Martin, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

BOARD DISCUSSION

Commissioners requested clarification of the 90% brick or stone, and 50% also mentioned in the presentation. Director Power answered that the primary building material must be red or brown brick or natural stone, which reasonable interpretation of primary would be more than half of the building façade.

Commission asked applicant if consideration to increase the amount of stone shown on design so that all elevation sections matched having some stone on the façade.

Vidya Krishnan clarified that the ordinance does not state it needs to be 100% brick or stone, the ordinance states that up to 25% metal panelized veneer, up to 25% fiber siding, mix of materials up to 75%, and then 10% accent material including Hardie plank.

Ms. Ernat replied they put the attention into visible areas, Hardie plank is durable up to 50 years, it's a concrete fiber siding, it will have less maintenance than stone or brick. As far as increasing the amount of stone or brick, they can look at it, they were really focusing on the entrances and what is visible from Belleville Road.

Commissioners expressed concern that allowing a variance to the facade requirements, after making past developments follow the ordinance requirements, sets an unwanted precedent.

Vidya Krishnan pointed out that that it is the BZA's role to approve or deny the variance requests, the actual design of the façade is up to the Planning Commission to approve or deny.

Director Power supported Ms. Krishnan's statement on the role of the BZA and stated that it important to act on the variance requests at this time. He added that there is more specificity in the Senior Housing ordinance in regards to the façade material, with percentages, the BROD standards have the general requirements.

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Commission questioned if the application thru the Planning Commission was zoning driven or attempting a special land use because of the references to the expense of the brick. There was no mention of the benefits to the Township for this cost savings. It was also pointed out that pictures of the applicant's current properties with the proposed Hardie siding material might have been helpful to the presentation, as well showing the percentages of the materials used in the pictures. Applicant responded that it is a special use in the C-2 district. The public benefit of this property would be to allow aging in place within Van Buren Township, which is not a product the township currently has, and was a product being sought by the Planning Commission. Ms. Ernat also stated that she was not present for the Planning Commission meetings where the architectural standards were discussed. They would be open to bringing back an alternative design. Commission again reiterated that the job of BZA was to vote yes or no on the variance requests and the negotiations should be left up to the Township.

Martin motioned, Haase, seconded to deny applicants request for variance on architectural aspect of the project.

ROLL CALL:

Yeas: Haas, Herman, Larocque, Boynton, Martin, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

Herman motioned, Martin seconded to approve variance on accessory structures.

ROLL CALL:

Yeas: Haas, Herman, Larocque, Boynton, Martin, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

Director Best stated to the applicant that Director Power would be in contact for next steps. The Township is available to work with Clover Communities to follow the rules and standards in the zoning ordinance to make sure that senior housing development can get up and running.

Herman motioned, Boynton seconded to adjourn meeting 8:18pm.

ROLL CALL:

Yeas: Haas, Herman, Larocque, Boynton, Martin, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

Respectfully submitted,

Tammy Dohring, Recording Secretary

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
MEETING SCHEDULE 2021**

The Board of Zoning Appeals Meetings are held on the 2nd Tuesday of the month at 7:00 p.m. in the Board of Trustees Room at Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111.

January 12, 2021

February 9, 2021

March 9, 2021

April 13, 2021

May 11, 2021

June 8, 2021

July 13, 2021

August 10, 2021

September 14, 2021

October 12, 2021

November 9, 2021

December 14, 2021

In Compliance with the Americans with Disabilities Act, reasonable accommodations will be made available with advance notice.

For more information, please call the Department of Public Services at (734) 699-8913.



MEMO

TO: Van Buren Township Board of Zoning Appeals

FROM: Dan Power– Director of Planning and Economic Development

RE: Election of Officers

DATE: December 2, 2020

Per the BZA rules of procedure, the BZA is required to select from its membership at the first meeting of the calendar year a Chairperson, Vice-Chairperson, and Secretary. The 2020 Officers are as follows:

Chairperson – Aaron Sellers
Vice-Chairperson – Amos Grissett
Secretary – Bryon Kelley

Typically the process for electing officers requires a nomination, a support of that nomination, and a vote on the nomination. These positions will be filled through 2021. Note that the Secretary position is filled by the Planning Commission's liaison to the BZA. If there is a change in this role based on the Planning Commission's election of officers, the BZA will be given another opportunity to appoint a Secretary. Please feel free to contact me with any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power', with a stylized flourish at the end.

Dan Power, AICP
Planning and Economic Development Director
Public Services Department
Charter Township of Van Buren



MEMO

TO:	Van Buren Township Board of Zoning Appeals (BZA)
FROM:	Dan Power– Director of Planning and Economic Development
RE:	Overview of key topics for 2021: BZA Roles, Rules of Procedure, Trainings, and Michigan Public Meeting Procedures
DATE:	December 2, 2020

In 2020, the BZA has met infrequently but has successfully held meetings on February 11th, July 14th, and August 11th to process three (3) variance requests by two (2) applicants and to hold a discussion regarding a withdrawn request by another applicant. As the BZA looks forward to 2021, I would like to take this opportunity to provide an overview of some key topics, including the BZA roles, rules of procedure, and State of Michigan public meeting procedure requirements in 2021.

BZA Roles

The BZA will continue to meet as necessary to fulfill their roles. Broadly, the BZA's roles in the Township include the appeal of zoning decisions made administratively by Township staff or by the Planning Commission, the review of variances, and the interpretation of the zoning ordinance. Most commonly, the BZA will consider requests for variances. In evaluating the merits of a variance request, the BZA must consider whether a practical difficulty has been adequately presented by the applicant and they also must consider the Van Buren Township Zoning Ordinance's standards of approval for variances. Sections 12.403(C) and 12.403(D) of the Van Buren Township Zoning Ordinance, which explain these requirements in greater detail, are attached to this packet.

Rules of Procedure

I have attached the BZA's current rules of procedure to this packet for reference. The rules of procedure contain information regarding the authority, membership, officers, administrative duties, meetings, conflict of interest obligations, powers, and other duties of the BZA. I encourage the BZA members to become familiar with these rules of procedure.

Trainings

All members of the BZA shall attend a minimum of four (4) hours of Township approved training classes or sessions annually according to the Township's adopted BZA bylaws. After delays and cancellations of several key training opportunities in the Spring of 2020, trainings have taken on a new and largely remote format over the course of the remainder of the year and are likely to continue to do so in 2021. I will keep a log of training opportunities and update the BZA regularly of training opportunities in 2021. In the meantime, if you have questions about trainings or educational opportunities, please do not hesitate to contact me.

State of Michigan Public Meeting Procedures

The State of Michigan has enabled the continuation of remote public meetings through 2020 and enacted rules governing remote public meetings for the year 2021 via Public Act 228 of 2020, which is an amendment to the State's Open Meetings Act (PA 267 of 1976). These rules will govern remote public meetings held by the BZA in 2021.

Within the rules set forth under PA 228 of 2020, under a State of Emergency declared locally or by the State of Michigan, BZA members may participate remotely in public meetings. Members must declare that they are attending remotely and from where they are attending, and must be enabled to participate via two-way communication.

A full summary of PA 228 of 2020 is provided in this packet courtesy of the Michigan Townships Association.

I look forward to navigating the remote public meeting process with the BZA. If any questions arise, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power", written in a cursive style.

Dan Power, AICP
Planning and Economic Development Director
Public Services Department
Charter Township of Van Buren

Chapter 4 Variances and Appeals

Section 12.401 Appeal and Notice Requirements

- (A) **Appeal of Planning Commission Decision.** An appeal from the Planning Commission shall be taken to the Board of Zoning Appeals, a written appeal shall be filed within thirty (30) days after the decision.
- (1) No appeal shall be taken to the BZA from a decision of the Planning Commission and/or the Township Board in connection with a special approval use.
- (2) No appeal shall be taken to the BZA from a decision of the Planning Commission in connection with an approved and/or proposed site plan unless such appeal has first been reviewed by the Planning Commission and comments regarding the variance are provided in the minutes.
- (B) **Appeal of Administrative Decision.** An appeal may be taken to the BZA by any person, firm or corporation or by any officer, department, board or bureau aggrieved by a decision of the Township Building Official. Such appeal shall be taken within such time as shall be prescribed by the BZA by general rule, by filing with the building official and with the BZA a notice of appeal, specifying the grounds thereof. The building official shall forthwith transmit to the BZA, all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official certifies to the BZA, after notice of appeal has been filed with him or her, that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed, otherwise than by restraining order which may be granted by a court of record.
- (C) **Public Hearing Notice.** Notice of a public hearing by the BZA shall be given pursuant to [Article 12, Chapter 6](#).

Section 12.402 Jurisdiction

The BZA may reverse or affirm, wholly or partly or may modify the order, requirement decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the BZA shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provision so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done. Nothing herein contained shall be construed to give or grant to the BZA the authority to make changes in the Zoning Ordinance or the zoning map, such power and authority being reserved to the Township Board of Trustees in the manner herein provided by law.

Section 12.403 Powers and Duties

The BZA shall have the following specified powers and duties:

Article 12: Administrative Procedures

Chapter 4: Variances and Appeals

- (A) **Administrative Review.** To hear and decide appeals where it is alleged by the appellant and there is an error in any order, requirement, permit, decision or refusal made by the building official or any other administrative official in carrying out, enforcing, any provision in this Ordinance.
- (B) **Interpretation.** To hear and decide in accordance with the provisions of this Ordinance:
- (1) Appeals for the interpretation of the provisions of this Ordinance.
 - (2) Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the zoning map, when there is dissatisfaction with the decision on such subject pursuant to [Section 3.103](#).
- (C) **Variances.** The BZA shall have the power to authorized, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations; such requirements as off-street parking and loading space, requirements, sign regulations and other similar requirements as specified in the Ordinance, provided such modifications will not be inconsistent with the purpose and intent of such requirements. To obtain a variance, the applicant must show “practical difficulty,” by demonstrating:
- (1) That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons;
 - (2) That a variance would do substantial justice to the applicant, as well as to other property owners in the district, (the BZA, however, may determine that a reduced relaxation would give substantial relief and be more consistent with just to others);
 - (3) That plight of the owner is due to the unique circumstances of the property; and
 - (4) That the problem is not self-created.
- (D) **Standards of approval.** In consideration of all appeals and all proposed variances under this Ordinance, the BZA shall, before granting any appeals or variances in a specific case first determine the following:
- (1) That the proposed appeal or variance is related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
 - (2) The proposed appeal or variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets;
 - (3) Will not increase the hazard of fire or flood or endanger the public safety;
 - (4) Will not unreasonably diminish or impair established property values with in the surrounding area;

- (5) Will not in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township;
- (6) Will not alter the essential character of the neighborhood; and
- (7) Is necessary to meet the intent and purpose of the zoning regulations; is related to the standards established in the Ordinance for the land use or activity under consideration, and is necessary to ensure compliance with those standards.

Section 12.404 Prohibited Variances

- (A) No variance shall be made in connection with a condition attached to a special approval use approved by the Township Board.
- (B) No variance shall be made in the use of land, and the Board of Zoning Appeals shall not consider use variance requests.

Section 12.405 Attachment of Conditions

The BZA may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

- (A) Be designed to protect natural resources, the health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
- (B) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (C) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- (D) The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the land owner. The approving authority shall maintain a record of changes granted in conditions.

Section 12.406 Approval Period

No order of the Board permitting the erection of a building shall be valid for a period longer than six (6) months unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit within one (1) year of the date of the order of the BZA unless a six (6) month extension is granted by the

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS RULES OF PROCEDURE

Effective: June 5, 2018

ARTICLE 1: AUTHORITY

These rules of procedure are adopted by the Charter Township of Van Buren Board of Zoning Appeals (hereinafter referred to as the "BZA"), to facilitate the duties of the BZA as outlined in Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et. seq.) and the Charter Township of Van Buren Zoning Ordinance.

ARTICLE 2: MEMBERSHIP

Section 1. The BZA shall consist of seven (7) regular members and two (2) alternate members appointed by the Charter Township of Van Buren Board of Trustees as follows:

- A. Planning Commission Liaison.** One (1) member shall be a member of the Township Planning Commission.
- B. Township Board Liaison.** One (1) member of the Township Board may be a regular member or alternate member of the BZA, but shall not be the chairperson of the BZA.
- C. Other Members.** The remaining members shall be electors of the Township selected and appointed by the Township Board from among the electors, residing in the unincorporated area of the Township, who shall be representative of the population distribution and of the various interests present in the Township. No employee or contractor of the Township Board may serve simultaneously as a member or employee of the BZA.
- D. Alternates.** The Township Board shall appoint two (2) alternate members to the BZA who shall have authority to vote on appeals that come before the BZA. The alternate members shall only be allowed to sit in place of a regular member of the BZA. The alternate members shall only be allowed to sit as members of the BZA and/or vote when a regular member of the BZA is absent. Alternates shall be expected to attend all BZA meetings regardless as to whether they are sitting as members or not.
- E. Terms.** Terms of members and alternates of the BZA shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members and alternates are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- F. Removal.** Appointed members may be removed for misfeasance, malfeasance, or nonfeasance in office by the Township Board only after misconduct of written charges and a public hearing by the Township Board, pursuant to Public Act 110 of 2006 as amended. Failure of a member to disqualify him/herself from a vote in which he has a conflict of interest shall constitute malfeasance in office.

- G. Resignation.** A member may resign from the BZA by sending a letter of resignation to the Township Supervisor or the Township Board.

Section 2. Members of the BZA shall be subject to the following membership requirements.

- A. Attendance.** If any member of the BZA is absent from three (3) consecutive meetings, whether excused or unexcused, then that member shall be considered delinquent. Delinquency can be grounds for the Township Board to remove a member of the BZA for nonperformance of duty or misconduct after holding a public hearing on the matter.
- B. Training.** Each member shall have attended at least four (4) hours of training per year in planning and zoning during the member's current term of office. Failure to meet the training requirements may result in the member not being reappointed to the BZA. Training can be provided from a variety of sources which may include the Michigan Association of Planning, Michigan State University Extension, Michigan Township Association, Michigan Municipal League, or any other applicable organization.
- C. Staff Support.** Township staff will have the ability to participate in discussion with the BZA and nothing else. Township staff cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements in these rules of procedure. Township staff includes employees, agents and consultants of Charter Township of Van Buren. Other individuals may be allowed to participate in discussion at the discretion of the chairperson.

ARTICLE 3: OFFICERS

Section 1. The BZA shall elect a Chairperson, a Vice Chairperson and a Secretary from its members and may create and fill such other officers or committees as it may deem advisable. The BZA may appoint advisory committees outside of its membership. The terms of all officers shall be for one (1) year.

- A. Duties of the Chairperson.** The Chairperson retains his or her ability to discuss, make motions, and vote on issues before the Appeals Board. The Chairperson shall:
1. Preside at all meetings with all powers under parliamentary procedure;
 2. Shall sign all decisions of the BZA pursuant to M.C.L. 125.3606(3);
 3. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the BZA;
 4. Restate all motions or request the Recording Secretary to restate all motions prior to voting on said motions;
 5. Appoint committees;
 6. May call special meetings pursuant to Section 5.3 of these Rules of Procedure;
 7. Review with staff, prior to an BZA meeting, the items to be on the agenda if he or she chooses to do so;
 8. Acts as the BZA's chief spokesman to represent the BZA at local, regional, and state government levels;
 9. Represent the BZA, along with the Township Board BZA member before the Township Board;

10. Represent the BZA along with the Planning Commission member, before the Planning Commission; and
11. Perform such other duties as may be ordered by the BZA.

B. Duties of the Vice-Chairperson. The Vice-Chairperson shall:

1. Act in the capacity of Chairperson, with all the responsibilities, powers, and duties outlined in these Rules of Procedure, in the Chairperson's absence; and
2. Perform such other duties as may be ordered by the BZA.

C. Duties of the Secretary. The Secretary shall:

1. Preside at meetings in the absence of the Chairperson and the Vice-Chairperson; and
2. Perform such other duties as may be ordered by the BZA.

D. Absence of Elected Officers. Should neither the Chairperson, Vice-chairperson, nor the Secretary be present at a meeting, a temporary chairperson shall be elected by a majority vote of the members present under the following process:

1. Any member of the BZA may call the meeting to order.
2. The first order of business after calling the roll will be to appoint a temporary chairperson for that evening's meeting. The temporary chairperson will be appointed by a simple majority of the members present.
3. The temporary chairperson shall assume the position immediately following their appointment.

Section 2. The election of officers shall be carried out in the following manner.

A. Elections. At the first meeting of the calendar year, the BZA shall select from its membership a Chairperson, a Vice-chairperson, and a Secretary who shall serve for a twelve-month (12) period and who shall be eligible for re-election. A candidate receiving a majority vote of the membership present shall be declared elected. Newly elected officers will assume their office at the next meeting.

B. Vacancies. Vacancies in office shall be filled by regular election procedure and shall only serve the remainder of the term.

ARTICLE 4: ADMINISTRATIVE DUTIES

Section 1. Duties of Township Staff. Township Staff is responsible for the execution of documents in the name of the BZA and shall perform the duties hereinafter listed below, and other such duties as the BZA may determine.

A. Records. Township staff shall keep, or cause to be kept, a record of BZA meetings, which shall at a minimum include an indication of the following:

1. A copy of the meeting posting as required in Section 6.D, 6.E, 6.F, 6.G of these Rules of Procedure.
2. A copy of the minutes of the meeting.
3. A signed statement indicating that notices, as required in Section 6.D, 6.E, 6.F, 6.G of these Rules of Procedure, were sent out, with a list of to whom, and an indication of by whom, and a copy of a newspaper notice, if one was published.

4. A copy of the Application for Appeal, including any maps, drawings, site plans, etc.
5. The records of any action on a case by the zoning administrator.
6. The records of all past records regarding the property involved in a case (previous permit, special use permit, variances, appeals).
7. Any relevant maps, drawings, photographs, presented as evidence at a hearing.
8. Copies of any correspondence received or sent out in regard to a case.
9. A copy of relevant sections, or a list of citations of sections of the zoning ordinance.
10. A copy of any follow-up correspondence to or from the petitioner regarding the decision.

B. Minutes. BZA minutes shall be prepared by the Recording Secretary. The minutes shall contain the following:

1. Time and place the meeting was called to order.
2. Attendance.
3. Indication of others present (listing names if others choose to sign in and/or a count of those present).
4. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
5. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter, if it is provided in written form.
6. Full text of all motions introduced, whether seconded or not, who made the motion, and who seconded the motion. For each motion, the following should be included:
 - a. Who testified and a summary of what was said.
 - b. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
 - c. The location of the property involved (tax parcel number and description, legal description is best).
 - d. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
 - e. What evidence was considered (summary of discussion by members at the meeting).
 - f. The administrative body's findings of fact.
 - g. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
 - h. The decision (e.g. approve, deny, approve with modification).
 - i. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
 - j. List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)
 - k. Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix 'A', and made a part of these minutes...").
7. A summary of all points made by members and staff in debate or discussion on the motion or issue.
8. Who called the question.
9. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."

10. That a person making a motion withdrew it from consideration.
11. All the Chairperson's rulings.
12. All challenges, discussion, and vote/outcome on a Chairperson's ruling.
13. All parliamentary inquiries or points of order.
14. When a voting member enters or leaves the meeting.
15. When a voting member or staff has a conflict of interest and when the voting member ceases or resumes participating in discussion, voting, and deliberations at a meeting.
16. All calls for an attendance count, the attendance, and the ruling if a quorum exists or not.
17. The start and end of each recess.
18. All chair's rulings of discussion being out of order.
19. Full text of any resolutions offered.
20. Summary of announcements.
21. Summary of informal actions, or agreement on consensus.
22. Time of adjournment.

- C. Correspondence.** Township Staff shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the BZA.
- D. Attendance & Training.** Township Staff shall be responsible for maintaining an attendance & training record for each member of the BZA.
- E. Notices/Agenda.** Township Staff shall issue such notices and prepare the agendas for all meetings.
- F. Retention.** The record of each meeting shall be permanently kept on file with a copy filed with the Township Clerk. All pertinent documents and minutes for each case shall be maintained by the Planning & Economic Development office.

ARTICLE 5: MEETINGS

Section 1. Regular Meetings. Regular meetings of the BZA shall be scheduled the second Tuesday of every month. The dates and times shall be posted at the Township Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted in the same manner as originally established. When a regular meeting falls on or near a legal holiday, suitable alternate dates in the same month shall be selected in accordance with the Open Meetings Act.

Section 2. Meeting Notices. All meetings shall be posted at the Township Hall according to the Open Meetings Act. The notice shall include the date, time and place of the meeting.

Section 3. Special Meetings. A special meeting may be called by three members of the BZA upon written request to the chairperson or by the chairperson himself/herself. The business which the BZA may perform shall be conducted at a public meeting 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 Open Meetings Act, and Township Staff shall send notice of a special meeting to BZA members.

Section 4. Open Meetings. All meetings of the BZA shall be opened to the public and held in a place available to the general public. A person shall be permitted to address the BZA during public comment or during the public hearing on a specific item before the BZA. A person shall not be excluded from a meeting of the BZA except for breach of the peace, committed at the meeting. The Chairperson may limit the amount of time allowed for each person wishing to make public comment at a BZA meeting.

The Chairperson may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the BZA meeting with an extended time limit.

Section 5. Public Record. All meetings, minutes, records, documents, correspondence, and other materials of the BZA shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

Section 6. Quorum. In order for the BZA to conduct business or take any official action, a quorum consisting of the majority of the voting members of the BZA shall be present. When a quorum is not present, no official action, except for closing of the meeting shall occur. The members of the BZA 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 available regular meeting.

Section 7. Voting. Any decision made by the BZA shall require a majority vote of the membership of the BZA. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any BZA member or directed by the chairperson. All BZA members shall vote on every motion placed on the floor unless there is an impermissible conflict of interest, as established in ARTICLE 6 or is otherwise prohibited.

Any member of the BZA shall avoid situations where they are sitting in judgement and voting on a decision, which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making at a minimum shall include, but not necessarily be limited to, the following:

- A. When the appeal is of an administrative or other decision by the Planning Commission, and the member of the BZA sits both on the Planning Commission and BZA.
- B. When the appeal is of an administrative or other decision by the Township Board, and the member of the BZA sits both on the Township Board and BZA.
- C. When the appeal is of an administrative or other decision by any committee of the Planning Commission, Township Board, other committee, and the member of the BZA sits both on that committee and the BZA.

Any member abstaining from a vote shall indicate their intention to abstain prior to any discussion on that item and shall not participate in the discussion of that item.

Section 8. Agenda. A written agenda for all regular meetings shall be prepared as follows: The required agenda items for all regular meetings shall be:

- A. Call to Order, Pledge of Allegiance, and Roll Call
- B. Approval of Agenda and Minutes
- C. Correspondence
- D. Public Comment
- E. Unfinished Business
- F. New Business
- G. Announcements, Comments, and Open Discussion
- H. Adjournment

Section 9. Rules of Order. All meetings of the BZA shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order” as modified by the BZA.

Section 10. Public Hearings. Hearings shall be scheduled and due notice given in accordance with the Charter Township of Van Buren Zoning Ordinance and the Michigan Zoning Enabling Act. Public hearings conducted by the BZA shall be run in an orderly and timely fashion. This shall be accomplished by the established hearing procedures as follows.

- A. Announce Subject.** The chairperson announces each agenda item and describes the subject to be considered.
- B. Open Public Hearing.** The chairperson summarizes the hearing rules and then opens the hearing to the floor.
- C. Close Public Hearing.** The chairperson should give ample opportunity for comment, including a “last call” for comments. The chairperson will then close the hearing.
- D. Deliberation.** Any action of the BZA must be supported by reasonable findings and conclusions, which will become part of the record through minutes, resolutions, staff reports, etc. All motions shall summarize these findings, or provide reasons for the suggested action. If a matter is tabled to a specific meeting date, it is not necessary to re-advertise the hearing so long as the public hearing was opened and closed and proper notice as specified in the zoning ordinance and Zoning Enabling Act was given.
- E. Action.** After deliberation, the BZA may take any of the following actions:
 - 1. In the event of a variance request, the BZA may table the request, approve the request, deny the request or approve the request with conditions.
 - 2. In the event of an administrative appeal, the BZA may decide in favor of the Zoning Administrator or may reverse any order, requirements, decision, or determination of the Zoning Administrator.
 - 3. In the event of a request to make an interpretation of the zoning ordinance, the BZA may take action explaining the interpretation.

Section 11. Postponement of a Decision on a Variance Request. The BZA may postpone a decision on a variance request until the next regular meeting provided that the date and time of the meeting is provided in the motion. The BZA shall not authorize more than two (2) requests to postpone a variance decision. If additional time is needed by the applicant that would require a decision to be postponed more than twice, the BZA may, after written request from the applicant, remove the item from the agenda and allow the applicant to reapply at a later date. If the applicant reapplies then the variance request shall be treated as a new request with a new case number, a new public hearing notice as required by the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et. seq.), and a new application fee shall be paid.

ARTICLE 6: CONFLICT OF INTEREST

Section 1. Declaration of Conflict. No BZA member shall participate in any matter where they have an impermissible conflict of interest. BZA members shall declare a conflict of interest when any one (1) or more of the following occur:

- A.** The BZA 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.
- B.** A relative or other family member of a BZA 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.
- C.** Where an action made by the BZA will result in a monetary benefit to the BZA member.
- D.** The employer or an employee of the BZA member is an applicant, agent for an applicant, or has a direct interest in the outcome.
- E.** The BZA member or a relative or other family member of a BZA member owns or has a financial interest in neighboring property. For purposes of this Section, a neighboring property shall include any property falling within the three hundred (300) foot notification radius for the request, as required by the Zoning Ordinance and Michigan Zoning Enabling Act.
- F.** There is a reasonable appearance of a conflict of interest, as determined by the BZA member declaring such conflict.

Section 2. Requirements. When a conflict of interest exists, the member of the BZA shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- A.** Prior to the meeting in which they have a conflict, the BZA member shall contact either Township staff or the Chairperson to make them aware of the conflict. Township staff and/or the Chairperson shall then contact the alternate(s) to ensure there are a sufficient number of members present and without conflict to conduct business at the meeting;
- B.** Declare a conflict exists at the meeting;
- C.** Cease to participate at the BZA meetings, or in any other manner, or represent one's self before the BZA, its staff, or others; and
- D.** During the deliberation of the agenda item before the BZA, the member declaring a conflict of interest shall leave the meeting room until that agenda item is concluded.

ARTICLE 7: POWERS OF THE BZA

Section 1. Powers and Duties. The BZA shall have the following powers/duties as granted by the Michigan Zoning Enabling Act and the Charter Township of Van Buren Zoning Ordinance:

- A. Administrative Review.** To hear and decide appeals where it is alleged by the appellant and there is an error in any order, requirement, permit, decision or refusal made by the building official or any other administrative official or body in carrying out, enforcing, any provision of the Zoning Ordinance.
- B. Interpretation.** To hear and decide in accordance with the provisions of the Township's Zoning Ordinance.
 - 1. Appeals for the interpretation of the provisions of the Zoning Ordinance.
 - 2. Requests to determine the precise location of the boundary lines between zoning districts as they are displayed on the zoning map.
- C. Variances.** The BZA shall have the power to authorized, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations; such requirements as off-street parking and loading space, requirements, sign regulations and other similar requirements as specified in the Ordinance, provided such modifications will not be inconsistent with the purpose and intent of such requirements. To obtain a variance the applicant must show practical difficulty by meeting the specified criteria in the Zoning Ordinance.
- D. Belleville Lake Shoreline District Special Exceptions.** The BZA may interpret the Belleville Lake Shoreline District (Section 3.120) section of the Zoning Ordinance if questions arise and may approve modifications to particular provisions of this Section, and grant special exceptions for a given case in accordance with the standards for special exceptions (Section 3.120(F)(7)(c)). In exercising its powers, the BZA shall have the primary goal of reaching an equitable conclusion and allocation of use of the Township Lake property for the purposes stated in [Section 3.120\(A\)](#) of the Zoning Ordinance.

Section 2. Prohibited Variances. The BZA is prohibited from granting the following variances:

- A. Special Approval Uses.** No variance shall be made in connection with a condition attached to a special approval use approved by the Township Board.
- B. Use Variance.** No variance shall be made in the use of land, and the BZA shall not consider use variance requests.

ARTICLE 8: OTHER DUTIES

Section 1. Duties. The following are duties which are expected of the individual members of the ZBA.

- A. Ex Parte Contact.** Ex parte contact occurs when a party to a case or someone involved with a party, talks or writes to or otherwise communicates directly with a BZA member about the issues in a case without the other BZA members or party's knowledge. Members shall avoid Ex Parte contact, whenever possible. Sometimes it is not possible to avoid Ex Parte contact. When this occurs the member should take detailed notes about what was discussed and report it to the BZA at a public meeting so that every member and other interested party is made aware of what was said.
- B. Site Inspections.** Members may perform site inspections, however, no more than one (1) member may perform a site inspection at the same time. Members should avoid discussing the merits of the request with the applicant, family member of the applicant or agent of the applicant.

- C. Accepting Gifts.** Per the Township's Ethics Policy, no BZA member shall solicit, accept, or receive, directly or indirectly, any gift, compensation, or anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality or any other form, or a promise of any of these things for an agreement that the vote or decision of the BZA member would be influenced thereby.
- D. Conduct.** Each member of the BZA, upon appointment, shall comply with all applicable Township policies and ordinances.
- E. Policy.** The BZA may also formulate and provide advice and may advise policy to the Planning Commission, Township Board, or any committee thereof, on issues dealing with administration, text, map, and enforcement of the Zoning Ordinance.

ARTICLE 9: ADOPTION, REPEAL, AND AMENDMENTS

Section 1. Adoption. Upon adoption of these Rules of Procedure, they shall become effective and all previous rules of procedure, as amended, shall be repealed.

Section 2. Amendments. These Rules of Procedure may be amended at any regular or special meeting by a majority vote of the total members of the BZA, so long as such amendment does not result in a conflict with state law, zoning ordinance, or court decision.

Section 3. Temporary Suspension of the Rules of Procedure. Any Rule of Procedure may be temporarily suspended by a majority vote of the total members of the BZA, so long as such temporary suspension does not result in a conflict with state law, zoning ordinance, or court decision.



Township Meetings and Facilities Under Public Act 228 of 2020 (Senate Bill 1108), effective October 16, 2020, and **REVISED** MDHHS Emergency Order November 18, 2020-- “Gatherings and Face Mask Order”

Under the [MDHHS Order](#) effective November 18, 2020, **ALL indoor meetings of a public body must be held completely virtually**, if at all, between Nov. 18 and Dec. 8, 2020. The Open Meetings Act, as amended by Public Act 228 of 2020, allows virtual meetings to be held for or any reason through Dec. 31, 2020. See Page 6 for more on the Order.

Open Meetings Act Options for Electronic Meetings

On **Oct. 16, 2020**, [Senate Bill 1108 was signed into law, with immediate effect, by the governor as Public Act 228 of 2020](#), amending the Open Meetings Act to provide:

From March 18, 2020, until Dec. 31, 2020:

- **Physical quorum and location NOT required.** Meetings held “electronically” (by telephonic or video conferencing) in whole or in part **since March 18, 2020, and through Dec. 31, 2020**, if held in compliance with new section 3a. and the OMA provisions regarding nonelectronic (*in-person*) meetings, are valid under any circumstances, **including but not limited to**, absence of any member of the public body due to:
 - Military duty
 - Medical condition, defined as “an illness, injury, disability, or other health-related condition”
 - Statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of the members of the public or public body if the meeting were held in person
 - Note that the only authority at the township level to declare a state of emergency is under the [Emergency Management Act](#), which provides that a township supervisor in a township that has appointed an emergency management coordinator under the act may declare a local state of emergency but only in the circumstances provided in the act and cannot be continued or renewed for more than seven days unless the township board consents. ([MCL 30.410](#), see excerpt below)

From Jan. 1, 2021, until Dec. 31, 2021:

Electronic meetings will be allowed **only in limited circumstances.**

- **Military duty and medical condition.** These circumstances apply to individual members, and only those members may participate remotely. The other members must be physically present to participate. A member of a public body may **participate** electronically due to the following:
 - Military duty (***Only the member absent due to military participation may participate remotely.***)
 - Medical condition defined as an illness, injury, disability or other health-related condition (***Only the member absent due to this reason may participate remotely.***)
 - Any other member who is not on military duty or does not have a medical condition must be physically present at the meeting to participate.
- **Statewide or local state of emergency or state of disaster.** This circumstance could apply to individual members or the entire public body, allowing a meeting to be held completely electronically, without a quorum physically present.
 - Statewide or local state of emergency or state of disaster declared that would risk the personal health/safety of the public or members of the public body.
 - Only to permit the electronic meeting of a public body that usually holds its meetings in the affected area, and only to permit the electronic attendance of a member of the public body who resides in the affected area.
 - Note that the only authority at the township level to declare a state of emergency is under the [Emergency Management Act](#), which provides that a township supervisor in a township that has appointed an emergency management coordinator under the act may declare a local state of emergency but only in the circumstances provided in the act and cannot be continued or renewed for more than seven days unless the township board consents. ([MCL 30.410](#), see excerpt below)

Starting Jan. 1, 2022:

Military duty. All meetings must be conducted in-person, including a quorum of all other attendees physically present in the meeting place, with the **sole exception** of a member participating electronically due to:

- Military duty (***Only the member absent due to military participation may participate remotely.***)
- Any other member who is not on military duty or does not have a medical condition must be physically present at the meeting to participate.

Conducting electronic meetings (and meetings with members participating electronically):

- An electronic meeting must be conducted in a manner that permits two-way communication between members and participants (*at a minimum--everyone can hear everyone else*).
- Technology may be used to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the public body and other participants to satisfy the requirement that members of the public be permitted to address the electronic meeting (*public comment period and public hearings*) and be heard by others during the electronic meeting.
- Members of a public body and the public participating electronically in a meeting are considered present and in attendance at the meeting for all purposes. (*Including voting for members of the public body participating electronically*)
- Each member of the public body attending a meeting remotely must announce at beginning of meeting they are participating remotely and, except for military absence, must identify the county, city, township, or village and state from which they are attending remotely.
- If a public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the public body must, in addition to other notices that may be required under the OMA, post advance notice of a meeting held electronically on a portion of the website that is fully accessible to the public—on either the homepage or a separate webpage dedicated to public notices for special meetings or electronic public meetings with a “prominent and conspicuous” link on the website’s homepage that clearly describes its purpose for public notification of special meetings or electronic public meetings.
 - Any scheduled meeting of a public body to be held as an electronic meeting must have notice posted at least 18 hours before the meeting begins.
 - Notice must clearly explain all of the following:
 - Why the public body is meeting electronically
 - How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically
 - How members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at a meeting
 - How persons with disabilities may participate in the meeting
- If an agenda exists for an electronic meeting and the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the public body must make the agenda available at least two hours before the electronic meeting begins on a portion of the website that is fully accessible to the public. This “publication” of the agenda does not prohibit subsequent amendment of the agenda at the meeting.
- A public body cannot require a person to register or provide his or her name or other information, or require a person to otherwise fulfill a “condition precedent” as a condition of participating in an electronic meeting, other than mechanisms established and required by the public body necessary to

permit the person to participate in a public comment period of the meeting. *(Log-in information may be required by the virtual meeting platform/software/service.)*

- Members of the public are excluded from participating in a closed session of a public body held electronically, if that closed session complies with the act.

Declaring a local state of emergency:

**EMERGENCY MANAGEMENT ACT (EXCERPT)
Act 390 of 1976**

30.410 Powers of county and municipality: mutual aid or reciprocal aid agreements or compacts; assistance of emergency management coordinator.

Sec. 10.

(1) **Each county and municipality that has appointed an emergency management coordinator under section 9 may do 1 or more of the following:**

(a) Direct and coordinate the development of emergency operations plans and programs in accordance with the policies and plans established by the appropriate federal and state agencies. Each department or agency of a county or municipality specified in the emergency operations plan to provide an annex to the plan shall prepare and continuously update the annex providing for emergency management activities, including mitigation, preparedness, response, and recovery, by the department or agency and those other emergency activities the department or agency is specified to coordinate. Emergency operations plans and programs developed under this subsection shall include provisions for the dissemination of public information and local broadcasters shall be consulted in developing such provisions. Emergency operations plans and programs developed under this subdivision shall include local courts.

(b) **Declare a local state of emergency if circumstances within the county or municipality indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or human-made cause exists and, under a declaration of a local state of emergency, issue directives as to travel restrictions on county or local roads. This power shall be vested in the chief executive official of the county or municipality or the official designated by charter and shall not be continued or renewed for a period in excess of 7 days except with the consent of the governing body of the county or municipality. The declaration of a local state of emergency shall be promptly filed with the emergency management division of the department, unless circumstances attendant upon the disaster prevent or impede its prompt filing.**

(c) Appropriate and expend funds, make contracts, and obtain and distribute equipment, materials, and supplies for disaster purposes.

(d) Provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster.

(e) Direct and coordinate local multi-agency response to emergencies within the county or municipality.

(f) Appoint, employ, remove, or provide, with or without compensation, rescue teams, auxiliary fire and police personnel, and other disaster workers.

(g) Appoint a local emergency management advisory council.

(h) If a state of disaster or emergency is declared by the governor, assign and make available for duty the employees, property, or equipment of the county or municipality relating to fire fighting; engineering; rescue; health, medical, and related services; police; transportation; construction; and