



# City of Parchment Zoning Board of Appeals

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## BYLAWS

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### Sec 1. *AUTHORITY*

These Bylaws and Rules of Procedure are adopted by the City of Parchment Zoning Board of Appeals (hereinafter referred to as the “Board”) to facilitate the performance of its duties as outlined in PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act, hereinafter “MZEA”.

### Sec 2. *POWERS*

2.1 ***Duties.*** The Zoning Board of Appeals shall perform the following duties:

- a. Act on applications for variances, appeals, interpretations, or other matters as required by the Zoning Ordinance and the MZEA.
- b. Conduct site visits as deemed necessary to evaluate an application and supporting material.
- c. Perform other duties and responsibilities as requested by the City Commission or as may be specified in another City ordinance.

2.2 ***Absences, Removals, Resignations, Vacancies and Alternates.***

- a. If any member of the Board is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the City Commission to remove a member from the Board for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Board Chairperson shall notify the City Commission whenever any member of the Board is absent from three consecutive regularly scheduled meetings so the City Commission can consider further action allowed under law or excuse the absences.
- b. A member may be removed by the City Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.



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- c. A member may resign from the Board by sending a letter of resignation to the City Commission.
- d. Vacancies shall be filled by the City Mayor, with the approval of the City Commission. Successors shall serve out the unexpired term of the member being replaced.

### 2.3 ***Conflict of Interest.***

- a. Zoning Board of Appeals members shall declare a conflict of interest and abstain from participating in any hearing, deliberations, discussion, or vote on a request when:
  - 1. An immediate family member or member of his/her household is involved in the request.
  - 2. The Board member is the/an applicant or 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 Board member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include all property falling within the notification radius for the application or proposed development, as required by the Zoning Ordinance or other applicable ordinance or state statute.
  - 4. The Board member will receive a pecuniary benefit from reviewing, deliberating on, or voting on the request.
  - 5. The Board member's employer or employee is involved in the request or has a direct interest in the outcome.
- b. If there is a question whether a conflict of interest exists or not, the question shall be put before the Board and shall be determined by a majority vote of the remaining members of the Board.
- c. When a conflict of interest exists, the Board member shall declare a conflict exists and abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict should remove himself/herself from the table (and the room) in which the



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discussion takes place. The member declaring a conflict shall not make any presentations to the Board as a representative of the proposal.

### Sec 3. Membership

- 3.1 **Selection of Officers.** At the first regular meeting of each calendar year, the Board shall select from its membership a Chairperson. The City Commission representative is not eligible to serve as Chairperson.
- 3.2 **Tenure of Chairperson.** The Chairperson shall take office immediately following his/her selection and shall hold office for a term of one (1) year, or until his/her successors are selected and assume office. The Chairperson is eligible for reelection for consecutive terms.
- 3.3 **Duties of Chairperson.** The Chairperson shall preside at all meetings, appoint committees and perform other duties as may be ordered by the Board or the City Commission.
- 3.4 **Planning Commission Representative.** One (1) of the members of the Board may be a member of the Planning Commission. The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Board to the Planning Commission and update the Board on actions by the Planning Commission that relate to the functions of the Zoning Board of Appeals.
- 3.5 **City Commission Representative.** One (1) member of the Board may be a member of the City Commission. The City Commission representative to the Zoning Board of Appeals shall report the actions of the Board to the City commission and update the Board on actions by the City Commission that relate to the functions of the Zoning Board of Appeals.

### Sec 4. Meetings

- 4.1 **Regular Meetings.** Regular meetings of the Board shall be held on the third Thursday of every month at 5:30 p.m. in the Parchment City Hall. When the regular meeting day falls on or near a legal holiday, the Board shall select a suitable alternate date in the same month.
- 4.2 **Special Meetings.** A special meeting may be called at the request of the Chairperson, or at the written request of any two (2) members of the Board.



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Public notice of the time, date, location, and purpose of the special meeting shall be given at least 18 hours prior to such meeting and in accordance with PA 267 of 1976, as amended, being the Open Meetings Act.

4.3 **Notice.** Meetings shall be noticed in accordance with the requirements of the Zoning Ordinance. Meeting notices shall state the purpose, time and location of meetings and shall be posted in accordance with the Open Meetings Act.

4.4 **Quorum.** A majority of the membership of the Board (three (3) members) shall constitute a quorum for transacting business and taking official action on all matters. No official action of the Board may be taken without a quorum present. All public hearings without a quorum shall be rescheduled for the next regular meeting or a special meeting and no additional public notice shall be required provided the date, time, and location of the public hearing is announced at the meeting.

4.5 **Order of Business:** A written agenda for Board meetings shall be prepared as follows:

- Call to Order
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Public Comments Concerning Non-Public Hearing Items
- Public Hearing Items
- Unfinished Business
- New Business
- Communications
- Adjournment

The agenda may be modified by action of the Board.

4.6 **Public Hearings.** Public hearings shall be scheduled and due notice given in accordance with the provisions of the Act cited in Section 1.

4.7 **Rules of Procedure.** The following rules of procedure shall apply to public hearings held by the Zoning Board of Appeals:

- Announcement of order of hearing
- Explanation of request
- Review/presentation by staff



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- Comments by applicant
- Open hearing to public comment
- Close hearing to public comment
- Board deliberation
- Motion/vote on motion

4.8 **Rules for Public Comment.** The following rules shall apply to public comment during public hearings held by the Zoning Board of Appeals:

- a. The Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows.
- b. The Chairperson may elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson may permit additional comments.
- c. All comments by the public shall be directed to the Board.

4.8 **Voting.** An affirmative vote of the majority of the total membership of the Board shall be required to grant or deny any variance, appeal, or other official action required by the Zoning Ordinance. Voting shall ordinarily be by voice vote; provided, however, that a roll call vote shall be required if requested by a member of the Board. Members must be present to cast a vote.

4.9 **Parliamentary Procedure.** Parliamentary procedure in Board meetings shall be informal.

4.10 **Public Record.** Board meeting minutes shall be prepared by appointed staff. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes, conditions and/or recommendations made on any action and a record of attendance. The official minutes shall be deposited with the City Clerk.

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



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## *Sec 5. AMENDMENTS*

These Bylaws may be amended by the Board by a majority vote during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

THESE BYLAWS ARE ADOPTED THIS 25<sup>th</sup> DAY OF JUNE 2024.

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