

# Silver Creek Township

## Zoning Board of Appeals

### Bylaws Rules of Procedure

Adopted:

#### Article 1: Purpose

- A. The following rules of procedure are hereby adopted by the Silver Creek Township Zoning Board of Appeals (ZBA) to facilitate the performance of its duties as outlined in the Silver Creek Township Zoning Ordinance.

#### Article 2: Membership

- A. **Members:** The members of the ZBA shall be appointed according to the provisions in the Silver Creek Township Zoning Ordinance.
- B. **Attendance:** Regular members are expected to attend all regular meetings of the ZBA. If a regular member knows they will not be able to attend a scheduled meeting of the ZBA, they shall notify the Township's clerk's office as soon as possible so an alternate member may substitute.
- C. **Absences:** If a regular member is absent from 3 consecutive scheduled meetings, that member may be considered delinquent. The ZBA secretary shall notify the Township Board in writing whenever any member of the ZBA is absent from three (3) consecutive scheduled meetings. The Township Board can consider action, allowed under the law, including removing the member of the ZBA for nonperformance of duty.
- D. **Training:** ZBA members are strongly encouraged to attend at least four(4) hours per year of training in planning and zoning .

#### Article 3: Conflicts of Interest

- A. Each ZBA member shall avoid conflicts of interest. A conflict of interest shall at a minimum include the following:
  - 1. A case concerning the member.
  - 2. A case concerning work on land owned by the member or land adjacent to land owned by the member.
  - 3. A case involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where the member or the member's family may stand to have a financial gain or loss.
  - 4. A case in which action results in a financial benefit to the member.
  - 5. A case which involves the member's family.
  - 6. A case in which the member's employee or employer has a direct interest in the outcome.
- B. If there is a question if a conflict of interest exists or not, the question shall be put before the ZBA, for determination by roll call vote, at the request of any ZBA member.

- C. When a conflict of interest exists, the ZBA member shall do the following:
  - 1. Contact the township supervisor.
  - 2. Declare a conflict exists.
  - 3. Assign an alternate as needed.

#### **Article 4: Duties of Members**

##### **A. Ex Parte Contact**

- 1. Member shall avoid ex parte contact with interested parties concerning appeals before the ZBA whenever possible.
- 2. If such contact is not avoidable the member shall share as much detail and information as possible about the encounter with all ZBA members at the related public hearing.

##### **B. Site Inspection**

- 1. ZBA members are encouraged to make site inspections.
- 2. No more than one (1) ZBA member shall visit a site at the same time.

##### **C. Not Voting On the Same Issue Twice**

- 1. Any member of the ZBA shall avoid voting on the situation twice:
  - a. When an appeal is of an administrative or other decision by Planning Commission and the ZBA member sits on both the Planning commission and ZBA.
  - b. When the appeal is of an administrative or other decision by the Township Board, and the ZBA member sits on both the Township Board and ZBA.

##### **D. Accepting gifts**

- 1. Gifts shall not be accepted by a member of the ZBA from anyone connected with an agenda item before the ZBA.
- 2. Includes; Cash, any tangible item, or service, regardless of value, and food valued over \$10.

- E. **Oath of Office.** Each member, within 30 days of appointment , shall take an oath of office.

#### **Article 5: Officers**

**A. Selection.** An organizational meeting shall be called January of each year. The ZBA shall select from its membership a Chairperson, Vice Chairperson, and Secretary. All officers are eligible for reelection. If the office of Chairperson becomes vacant, the Vice chairperson shall assume this office for the unexpired term. If the office of Secretary becomes vacant, the ZBA shall select a member to serve for the remaining unexpired term. If both the Chairperson and Vice-Chair are absent from a meeting the ZBA Secretary shall call for members present to select a Chair to serve for that meeting.

**B. Tenure.** The Chairperson, Vice-Chairperson, and Secretary shall take office immediately following their selection and hold office for a term of one (1) year or

until their successors are selected and assume office.

**C. Chairperson's Duties.** The chairperson retains their ability to discuss, make motions and vote on items before the ZBA. The Chairperson shall:

1. Preside at all meetings with the powers under parliamentary procedure.
2. Shall rule out of order on irrelevant, personal, discriminatory, profane, or other remarks which are not on the topic before the ZBA.
3. Restate all motions prior to a vote.
4. Call a special meeting.
5. Review pending appeals with Zoning Administrator or others prior to a ZBA meeting.
6. Represent the ZBA before the Township Board or Planning Commission along with the ZBA members from those boards.
7. Perform other duties as may be assigned by the ZBA.

**D. Vice-Chairperson's Duties.**

1. Act as the Chairperson with all the powers and duties in the Chairpersons Absence.
2. Perform such other duties as may be assigned by the ZBA.

**E. Secretary's Duties.**

1. Be responsible for minutes of each meeting in conjunction with the Recording Secretary.
2. Review the draft of the minutes, sign them, and submit them for approval to the ZBA. Copies of minutes shall be distributed to each member of the ZBA prior to the next meeting.
3. Receive and read letter or other communications pertaining to ZBA hearing.
4. Verify attendance records with Recording Secretary.
5. Verify notice to public and members for meetings with the Township Clerk's Office.
6. Verify agenda for ZBA meetings with the Recording Secretary.
7. Perform other duties as may be assigned by the ZBA.

**Article 6: Application for Appeals**

A. Applications for appeals to the ZBA shall be processed in accordance with the standards of the Silver Creek Township Zoning Ordinance.

**Article 7: Meetings, Public Hearings.**

A. Meetings shall comply with Michigan Open Meetings Act.

B. A (Special) meeting may be called by the Chair or any two (2) ZBA members for a purpose other than C. or D. as described below.

C. **Regular meetings:** An organizational meeting will be held at the Silver Creek Township hall as scheduled by these bylaws. The agenda will be developed by the Chairperson and Secretary.

D. **Public Hearing.** A Public Hearing shall be called as needed in response to the receipt of an Application for a Variance.

- a. The agenda and accompanying materials shall be delivered to and received by

ZBA members at least one (1) week prior to the ZBA meeting

**E. Order of Business and Agenda.** The Secretary, or designee, shall prepare an agenda for each meeting, and the order of business therein shall be as follows, unless the ZBA amends the agenda at the meeting:

1. Call to order and Pledge of Allegiance.
2. Roll Call.
3. Approval of Agenda.
4. Approval of the previous meetings Minutes.
5. Meeting.

**a. Meeting Notice.** Chairperson reads Meeting notice and instructs those in attendance of the Rules of Procedure for the Hearing.

**i. Zoning Administrator presents.**

**ii. Applicant Presentation.** Applicant presents his case, including witnesses and demonstration materials. No time limit will be imposed on the Applicant. ZBA members are allowed to ask direct questions to the Applicant.

**iii. ZBA members Reports.** ZBA members shall report any conversation with the Applicant or others while conducting a site inspection. All ex-parte contact shall be reported.

**iv. Public Hearing.** Chairperson shall open the Public Hearing.

I. Rules for speakers:

- a. You must be recognized by the chairperson before you speak.
- b. State your name and address for the record.
- c. Limit your comments to 3 minutes.
- d. Address all your comments to the Chairperson.
- e. Only one turn per speaker.

II. Those in favor of the Application speak.

III. Those in opposition to the Application speak.

IV. The Applicant may explain questions or clarify issues.

**v. Close of Public Hearing.** Close the public hearing.

**vi. Discussion.** ZBA members shall discuss the facts of the appeal.

Review Silver Creek Township Zoning Ordinance  
Standards of review.

**viii. Action on pending Appeal.**

I. Offer a motion and Roll call vote.

- a. Chairperson shall restate the motion before a vote is taken.  
The motion and vote shall be taken and acted upon.

II. ZBA may temporarily Adjourn for fact finding , to a later date.

**ix. Public comment** (non-agenda items)

**x. Concerns** of ZBA members, Zoning Administrator, Recording Secretary.

**xi. adjournment.**

**F. Quorum.** A total of three (3) members shall constitute a quorum for the transaction of business and the taking of official action for all matters before the ZBA.

**G. Voting.** Voting shall be by roll call vote for motions, variances and interpretations. Votes shall be recorded by “yea” or “nay”. Other votes may be by voice vote or roll call if the Chairperson or ZBA calls for a roll call vote.

**H. Parliamentary Procedure.** Parliamentary Procedure for a ZBA meeting shall be informal.

#### **Article 8: Record**

A. Minutes and Record. The ZBA Secretary shall cause to keep a record of ZBA meetings Which shall include the Date, Time, Attendance, Notice of meeting and evidence presented at a Public Hearing.

#### **Article 9. Other Duties**

A .The ZBA may also formulate and provide advice and policy to the Planning Commission, Township Board, or any committee thereof, on issues dealing with the Zoning Ordinance.

#### **Article 10. Adoption, Repeal, Amendments.**

A. Upon adoption the Rules of Procedure shall become effective.

B. These Rules of Procedure may be amended at any regular or special meeting by an affirmative vote of four (4) ZBA members, provided a notice of the proposed amendment is provided to ZBA members proceeding the meeting providing no conflict exists with state law, or the Zoning ordinance.