

**FLINT ZONING BOARD OF APPEALS
BYLAWS**

ARTICLE I. GENERAL GOVERNING RULE

Section 1. The Zoning Board of Appeals shall be governed by Act. 110, P.A. 2006, as amended, of the State of Michigan, commonly known as the Michigan Zoning Enabling Act and the Zoning Ordinance of the City of Flint, Ordinance No. 2046, as amended. All Board members shall familiarize themselves with these laws. (Amended 1-16-2007)

ARTICLE II. OFFICERS AND THEIR DUTIES

Section 1. The officers of the Zoning Board of Appeals shall consist of a Chair and a Vice-Chair. The City Planner shall be secretary, ex-officio, without vote, of the Board.

Section 2. The Chair shall preside at all meetings and hearings of the Zoning Board of Appeals. He or she shall perform all duties required by law, ordinance and these rules. The Chair shall decide on all points of order and procedure subject to these rules unless directed otherwise by a majority of the Zoning Board of Appeals in session at the time. He or she shall have the privilege of discussing all matters before the Zoning Board of Appeals and to vote thereon. The Chair may appoint any committees deemed necessary to investigate any matters before the Zoning Board of Appeals.

Section 3. The Vice-Chair shall act for the Chair in his or her absence and shall have, at such time, all the powers and duties of said Chair.

Section 4. The Secretary ex-officio, or a person of his or her choosing, shall keep minutes of the proceedings of the Zoning Board of Appeals, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of the Zoning Board of Appeals examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Board of Appeals and shall be a public record.

ARTICLE III. ELECTION OF OFFICERS

Section 1. Nominations for the offices of Chair and Vice-Chair shall be made from the floor at a regular meeting in April of each year and the elections shall follow immediately thereafter. (Amended 1-16-2007)

Section 2. A candidate receiving a majority vote of those present at such meeting of the Zoning Board of Appeals shall be declared elected and shall serve for one year, or until his or her successor shall take office.

Section 3. Vacancies in office shall be filled by regular election procedures at the first regular meeting of the Zoning Board of Appeals after such vacancy occurs.

ARTICLE IV. MEETINGS

Section 1. The regular meetings of the Zoning Board of Appeals shall be held on the third Tuesday of each month at 6:00 p.m. in the City Council Chambers, Third Floor, City Hall unless otherwise designated. (Amended 1-16-2007)

Section 2. Special Meetings
Special meetings of the Zoning Board of Appeals may be called by the Chair, or in the absence of the Chair, the Vice-Chair. It shall be the duty of the Chair, or in the absence of the Chair, the Vice-Chair to call a special meeting when requested to do so by a majority of the Board. At least forty-eight (48) hours' notice of the time and place set for special meetings shall be given each member. (Amended 1-16-2007)

Section 3. Cancellation
Whenever there are no appeals or applications for variances or other business at a regular meeting, the Zoning Administrator may cancel such meeting by notice to all members not less than forty-eight (48) hours prior to the time set for such hearing. (Amended 1-16-2007)

Section 4. Re-hearings
The Board of Appeals shall hold no re-hearings. An application asking for the same relief in connection with the same property that has previously been heard and acted upon shall not be received, except where a showing is made in the application that substantial change in conditions has occurred since the previous hearing, which justifies the Board in treating the matter as a regular new application.

Section 5. Quorum and Voting
A quorum shall consist of a majority of members of the Zoning Board of Appeals. Members may be present at Board meetings by teleconference, web conference, or interactive videoconference, in lieu of being present in person at those meetings, in order to be considered present or to vote at those meeting and for purposes of determining whether a quorum is present at those meeting, provided that a minimum of four members including the chair or vice chair are present in person in order to count toward a quorum at those meetings.

Action on all types of appeals shall be by resolution or motion, and the concurring vote of a majority of members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or any other administrative official, or decide in favor of an applicant in any matter on which it is required to pass under this ordinance, or to effect any variance from the requirements stipulated in this chapter. However, a concurring vote of 2/3 of the members of the Zoning Board of Appeals shall be necessary to grant a variance from uses of land permitted in this ordinance (chapter). The grounds of every such determination shall be set forth upon the record. (Amended 1-16-2007, 8-19-2008, 10-20-09)

Voting on other matters on which the Zoning Board of Appeals may wish to act shall require an affirmative vote of a majority of those present.

Section 6. Parliamentary Authority
All meetings of the Zoning Board of Appeals shall be conducted in accordance with these bylaws and *Roberts Rules of Order Newly Revised Latest Addition*. (Adopted 1-16-2007)

Section 7. Open to Public
All meetings of the Zoning Board of Appeals shall be open to the public.

Section 8. Rules of the Public Forum

- A. The public will be allowed to address the Zoning Board of Appeals on any item on the agenda.
- B. During this time, the speaker will address the Zoning Board of Appeals.
- C. Speakers will refrain from the use of profanity as well as any attacks on elected and appointed officials.
- D. Speakers will be limited to 3 minutes.
- E. Failure to comply with any of the above rules shall result in the speaker being ruled out-of-order and informed that his or her time is up.

(Adopted 1-16-07)

Section 9. Section 8 will be printed on the back of the agenda.
(Adopted 1-16-2007)

Section 10. Lack of Quorum
If, by the time of the start of the public hearing as indicated in Article VI, Section 1 (J), a quorum is not present, the meeting shall be called for a lack of quorum and all matters shall be carried forward to the next regularly scheduled meeting. (Adopted 1-15-1991)

ARTICLE V. PUBLIC HEARINGS

Section 1. The Zoning Board of Appeals shall provide for the holding of all public hearings required by law, and the publication of notices thereof, and further, for any public hearing deemed by the Zoning Board of Appeals to be in the public interest. (Adopted 1-16-2007)

Section 2. The conduct of a public hearing for the purpose of considering a requested zoning appeal/variance shall generally be:

- A. Presentation of request by planning staff;
- B. Comments by petitioner;
- C. Comments by proponents and opponents; and,
- D. Discussion and/or action by Zoning Board of Appeals.

(Adopted 1-16-2007)

Section 3. All other public hearings shall be conducted at the discretion of the Zoning Board of Appeals. (Adopted 1-16-07)

Section 4. Public Address
In order to allow all interested parties an opportunity to address the Zoning Board of Appeals and to provide for the orderly conduct of meetings, public address, insofar as possible, shall be limited to five (5) minutes per person.
(Adopted 1-16-2007)

Section 5. Applicant request to postpone
Upon the applicant's timely request for the postponement of a public hearing, the administrator shall grant the request; provided, however, the applicant shall be assessed the cost of any additional public notifications. Only one postponement of a public hearing is allowed at the request of the applicant.
(Adopted 1-16-2007)

Section 6. Public conduct during a Public Hearing

- A. All speakers will address the Zoning Board of Appeals and not the audience.
- B. Each speaker speaking in favor or opposing the matter will be allowed to speak once.
- C. If there are several individuals who would like to have one person be their spokesperson, the Zoning Board of Appeals may at its discretion, allow the spokesperson additional time.
- D. All speakers must refrain from any verbal attacks on elected and appointed officials, as well as against the applicant.
- E. All speakers will refrain from the use of profanity.
- F. Failure to comply with any of the above rules shall result in the speaker being ruled out-of-order and requested to sit down.

(Adopted 1-16-2007)

Section 7. Section 6 will be printed on the back of the agenda.
(Adopted 1-16-2007)

ARTICLE VI. ORDER OF BUSINESS

Section 1. The order of business at regular meetings shall be:

- A. Roll Call
- B. Adoption of Agenda
- C. Approval of Minutes
- D. Reports of Committees
- E. City Attorney Report
- F. Communications
- G. Hearing of Cases
- H. Unfinished Business
- I. New Business
- J. Public Forum
- K. Adjournment

(Amended 1-16-2007)

ARTICLE VII. AMENDMENTS

Section 1. Amendment of these by-laws may be made by the Zoning Board of Appeals at any meeting, provided that notice of said proposed amendment is given all Board Members in writing at least five (5) days prior to such meeting, and shall be adopted by an affirmative vote of a majority of those present at a regular meeting of the members.
(Amended 1-16-2007)

Amended: December 20, 1988; January 15, 1991; January 16, 2007; August 19, 2008, October 10, 2009