



City of Petoskey

Office of City Planner

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500

BY-LAWS OF THE PETOSKEY ZONING BOARD OF APPEALS

- I. Regular Meeting Date and Place – The regular Zoning Board of Appeals meeting shall be conducted in the evening of the first Tuesday of the month in City Hall if there is business pending.
- II. Election and Role of Officers – The current members of the Zoning Board of Appeals of the City of Petoskey shall elect from among their members a chair and vice chair/ secretary during its first regular or special meeting following the month of April of each year. Each person elected shall serve until the next election of officers or until his or her tenure on the board is terminated if it occurs before the next election.

The chair shall preside at all meetings and shall decide points of order and procedure, subject to the provisions of these rules and with the guidance of Robert's Rules of Order, as revised. The chair may also work with the zoning administrator to develop meeting agendas.

The vice-chair/ secretary shall assume the duties of the chair in the absence of the chair, and review the meeting minutes before they are sent to the full board for approval.

- III. Minutes of the Meeting – A written record of the Zoning Board of Appeals regular and special meetings shall be retained and available for public review at the City Offices.
- IV. Membership – The Zoning Board of Appeals shall have six (6) members with the option of a seventh member alternate. One member of the Board of Appeals may also be a member of the Planning Commission.
- V. Quorum and Majority – A quorum of the Zoning Board of Appeals shall consist of at least four members. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, determination, or to decide in favor of the applicant.
- VI. Attendance – Members who miss consecutive regular meetings shall provide adequate notice or reason for their absences to the Chairperson. Consistent absence from meetings by a member may warrant the Chairperson to request review of the membership by the Mayor.

The attendance of the alternate will be expected for any meeting at which less than six (6) regular members can be present.

- VII. Conflict of Interest – A Zoning Board of Appeals Member who determines that there is a personal conflict of interest pertaining to a matter before the Board of Appeals shall disclose the conflict prior to any Board discussion or action regarding the matter. The Board member shall then be disqualified from any participation in discussion as a member of the Board, and shall abstain from any vote of the Board that impacts the matter.
- VIII. Representation of the Zoning Board of Appeals – No Zoning Board member shall claim to represent the Board to an individual or organization unless authorized at the direction of the Chairperson, or by Zoning Board of Appeals resolution.
- IX. Open Meetings and Freedom of Information Provisions – Deliberations and decisions of the Zoning Board of Appeals are governed by the Michigan Open Meetings Act being Act. 267 of the Michigan Public Acts of 1976, as amended.

Persons shall be permitted to address the Zoning Board of Appeals by first receiving permission from the Chairperson or Acting Chairperson.

Records, files, correspondence, and other materials pertaining to Zoning Board of Appeals agenda topics are available to the public for reading, copying, and other valid purposes as governed by Act 442 of the Michigan Public Acts of 1976, as amended.

- X. Notification and Public Hearing Requirements – The City shall provide for due notification of public hearings, in local newspapers and by direct mailings as required for variances or special exceptions in accordance with the Michigan Zoning Enabling Act of 2006 (Act 110 of 2006), as amended.

A public hearing shall initially be held only at an evening meeting or weekend meeting. In the event of adjournment or postponement, of a public hearing, public notice of the time and place of the public hearing shall be provided by posting written notice at the City offices. A rescheduled public hearing shall meet all requirements for notification and scheduling of an initial public hearing.

- XI. Conditions for Request Submittals – All plans and materials for review at a regular meeting of the Zoning Board of Appeals shall be submitted to the City staff no later than 5:00 P.M. of the Tuesday three weeks prior to the regularly scheduled Zoning Board meeting.

Any plan drawings and materials submitted shall include all information as required on the Zoning Board of Appeals Application. Required fees and signed copies of required forms shall also be provided at this time.

- XII. Special Meetings – Special meetings may be scheduled by resolution of the Zoning Board of Appeals or by the Chairperson or Vice-Chairperson of the Board of Appeals in consultation with City staff.

At a special meeting, the Board shall only consider those agenda items identified in the public notice. Written public notice of the time, place and purpose of any special meeting shall be posted at the City offices at least 48 hours prior to the meeting. If a public hearing is to be conducted at the special meeting, then the

meeting shall be scheduled at a time and place to provide for an adequate and proper public notice as required in Article IX of these By-laws.

- XIII. Training – Training will be periodically offered to Board members to ensure understanding of their roles and responsibilities.

Any member who attends training not attended by all Board members will give a summary of the training and how it relates to the functioning of the Board.

- XIV. Amendment of Bylaws – The Zoning Board of Appeals may amend these bylaws as needed by a majority vote of the Board.

These Bylaws were adopted on this 7th day of January, 2020 by the City of Petoskey Zoning Board of Appeals.