CITY OF SOUTH HAVEN
ZONING BOARD OF APPEALS

RULES OF PROCEDURE

1. AUTHORITY

These Rules of Procedure are adopted by the City of South Haven Zoning Board of Appeals (hereinafter referred to as the ZBA) pursuant to Public Act 33 of 2008, as amended, (the Michigan Planning Enabling Act), The City of South Haven Zoning Ordinance, as amended, and Public Act 267 of 1976, as amended (the Open Meetings Act).

2. OFFICERS

2.1 Selection. At the first regular meeting of the ZBA following the regular appointment of members in May, the ZBA shall elect from its membership a chairperson and vice-chairperson who shall serve for the following year and who shall be eligible for re-election.

2.2 Duties. The chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of chairperson in the event of a vacancy in that office, in which case the ZBA shall select a successor to the office of vice-chairperson at the earliest practicable time.

3. SECRETARIAL DUTIES

3.1 Secretarial duties for the ZBA shall be performed by City staff personnel as designated by the city manager. Such staff personnel shall be responsible for preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports and related items of business to the ZBA, issuing notices of public hearings, and performing related administrative staff duties to assure efficient and informed ZBA operations.

4. MEETINGS

4.1 All meetings of the ZBA shall be held at the South Haven City Hall, unless otherwise designated by the chairperson, with public notice.

4.2 Regular Meetings. Regular meetings of the ZBA shall be held on the fourth Monday of each month at 7:00 p.m., unless otherwise designated by the chairperson, with public notice.
4.3 **Special Meetings.** Special meetings shall be held at the call of the chairperson, provided that at least eighteen (18) hours prior public notice is issued; or such meetings may be scheduled in advance during a regular meeting. The notice of a special meeting shall specify the purpose for the meeting, and no other matters may be considered; except that, if all members of the ZBA are present and approve, the ZBA can transact other business that could lawfully be transacted at a public meeting.

4.4 **Workshop Meetings.** Workshop meetings may be held as needed for the purpose of discussing matters of a general nature which relate to ZBA operations and responsibilities. No official action shall be taken on any matters considered during a workshop meeting, and a quorum shall not be required. Workshop meetings may be scheduled in advance or called by the chairperson during a regular meeting, and at least eighteen (18) hours prior public notice shall be provided.

4.5 **Quorum.** A quorum consisting of at least five of the seven voting members of the ZBA shall be present at any regular or special meeting in order for the ZBA to conduct business or to take any official action, except to adjourn a meeting if a quorum is not present.

4.6 **Voting.** An affirmative vote of the majority of those ZBA members present for the conduct of business shall be required for the approval of any requested action or motion placed before the ZBA, except as otherwise required by statute, charter or ordinance. Voting shall be ordinarily by voice vote; provided, however, that a roll call shall be required if requested by any ZBA member or directed by the chairperson. All members shall vote on all issues, except as excused by the chairperson.

4.7 **Conflict of Interest.** Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning ZBA. The member is disqualified from voting on the matter by a majority vote of the remaining members of the planning ZBA. Failure of a member to disclose a potential conflict of interest as required constitutes malfeasance in office.

4.8 **Applicant Attendance Required.** The applicant or his/her representative shall be present at the meeting when their application is discussed. Failure of the owner or representative to appear at the meeting will cause the ZBA to postpone any action on the request until such time as the applicant or representative is present.

4.9 **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinance cited in Section 1 hereof; and in addition, the following rules shall be observed:
Public hearings conducted by the ZBA shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

1. The chairperson shall announce the matter of business to be considered and open the hearing on the matter for receipt of public comment on the subject.

2. The chairperson shall read the public hearing announcement as published in the newspaper and also give a brief description of the hearing subject and any history if necessary. This step may be delegated to another member or to the Zoning Consultant or staff person.

3. The chairperson shall enforce the following hearing rules:
   a. This is a public hearing designated to receive comments on the above subject. Only comments regarding the subject of the hearing will be accepted.
   b. All persons wishing to comment shall be given an opportunity.
   c. Any person wishing to speak shall first be recognized by the chairperson.
   d. This person shall stand, if able, be recognized by the chairperson, state their name and address, and make comments directly to the chairperson. Any questions shall also be directed to the chairperson.
   e. Each person shall limit their comments to three (3) minutes.
   f. Everyone shall have an opportunity to speak before someone is allowed to speak a second time.
   g. Persons desiring to make comments are requested to be brief and to comment on matters relevant to the subject under consideration. The chairperson has the discretion to request a person to conclude comments that are irrelevant, repetitious of comments made by others, or in excess of time limits.
   h. Once all public comments have been received or if, at any time during the hearing, a ZBA member feels no other relevant or non-repetitious comments are being presented, a motion to close the public hearing may be made, or the chairperson may advise that such a motion would be entertained.
4. During the course of the public hearing or subsequent deliberations, if the chairperson desires to answer questions, or direct someone else to answer a question, this may be done at the discretion of the chairperson.

5. During the Hearing, the chairperson shall acknowledge any correspondence received. This can be worked in between public comments.

4.9 Open Meeting Provisions.

(A) All meetings of the ZBA shall be open to the public and held in a place available to the general public.

(B) All deliberations and decisions of the ZBA shall be made at a meeting open to the public.

(C) A person shall not be required as a condition of attendance at a meeting of the ZBA to register or otherwise provide his name or other information or otherwise fulfill a condition precedent to attendance.

(D) A person shall be permitted to address the ZBA at a hearing under the rules established herein in Subsection 4.7, and to address the ZBA concerning non-hearing matters during general comment periods provided in the agenda for meetings under Subsection 4.9.

(E) A person shall not be excluded from a meeting of the ZBA except for a breach of peace committed at the meeting.

(F) All meetings of the ZBA shall be noticed and conducted in accordance with the Open Meetings Act.

4.10 Order of Business: Agenda. A written agenda for all regular meetings shall be prepared and followed, and the order of business generally shall be:

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of Minutes
4. Public Comments Concerning Items not on the Agenda
5. Communications Concerning Items not on the Agenda
6. Public Hearings
7. Unfinished Business
8. New Business
9. Adjournment
A written agenda for special meetings shall be prepared and followed; however, items 3, 4, 5 and 8 as enumerated above shall be excluded.

4.11. Rules of Order. The rules of parliamentary practice/procedure as contained in Robert’s Rules of Order, Modern Edition, shall govern the ZBA in all matters to which such rules are applicable, provided they are not in conflict with these Rules of Procedure, or with state law or City Charter or Ordinances.

5. AMENDMENT

5.1 These rules may be amended by the ZBA by a concurring vote, pursuant to Subsection 4.5, during any regular meeting, provided that all members have received an advance copy of any proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

THESE RULES OF PROCEDURE ADOPTED THIS 21st DAY OF JULY, 2015.

Dennis Lewis (Signature on file)
Chairperson, City of South Haven Planning ZBA