

CITY OF PLAINWELL
Zoning Board of Appeals
Bylaws and Rules and Procedures

Section 1- Authority:

These Bylaws and Rules of Procedures are adopted by the Zoning Board of Appeals of the City of Plainwell, County of Allegan, (hereafter known as the ZBA) pursuant to Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act; and Public Act 267 of 1976, as amended, the Open Meetings Act.

Section 2 - Membership:

Pursuant to the applicable Public Acts, and consistent with the requirements of *Chapter 53 Zoning: Article XX Board of Zoning Appeals* of the Plainwell Code of Ordinances, the ZBA shall consist of the current members of the Plainwell City Council.

Duties: The Chair shall preside at all meetings and shall conduct all meetings by the rules provided herein. The Vice-Chair shall act in the capacity of the chair in the absence of the Chair. The City Clerk shall act as the recording Secretary and be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, reports, and related items of business of the ZBA, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed ZBA operations. In the event the Secretary is absent, the chair or acting chair shall appoint a temporary secretary for such meeting.

Section 3 - Meeting Time and Place:

Meetings of the ZBA shall be held at the call of the Chair and at other times as the Board may specify. The business which the ZBA may perform shall be conducted at a public meeting held in compliance with the Michigan Zoning Enabling Act. Public notice of the time, date, and location of the meeting shall be given in a manner as required by the Michigan Zoning Enabling Act. All meetings of the ZBA shall be public. For the ZBA to conduct business or take official action, a quorum consisting of at least 3 members shall be present.

Section 5 – Officers:

The Chair (or Vice-Chair in the absence of the Chair) shall preside at all meetings of the ZBA. The Chair shall be considered a first among equals, having no superior authority or vote in the actions taken by the ZBA.

Section 6 - Quorum:

A majority of the current members of the ZBA shall constitute a quorum.

Section 7 - Voting Procedure:

A quorum being present, a simple majority of those voting shall be required for the adoption of a general motion.

Section 8 - Method of Calling a Special Meeting:

If during a regular meeting, it is determined that extra or special meetings are warranted, it shall be so moved and supported, and must receive a majority vote of the members present, to schedule.

A special meeting of the ZBA may be called by the Secretary on the request of the Chair, or any two members of the Board on eighteen (18) hours' notice to each member of the ZBA, designating the purpose of such meeting. Notice of such a meeting including time, date, location and topic shall be posted in accordance with statute.

Section 9 - Membership Responsibility:

Each member of the ZBA shall be responsible for the following:

- a) Attendance at all regularly scheduled meetings of the ZBA.

Should a member be unable to attend a scheduled meeting, the member shall contact the Chair or City Administrative staff before noon on the day of the meeting.

- b) Voting on all matters brought before the ZBA.

Each member of the ZBA who shall be recorded as present at any meeting, shall be required to vote on all matters cited by the ZBA at such meeting unless excused by three (3) of the members present or in any case where there is a conflict of interest. Any member not excused can be considered in violation of these rules when so determined by the ZBA.

- c) Familiarity with the subject matter of the meeting.

This includes the actions taken at previous meetings and timely preparation and submission of assigned projects or research material.

- d) Knowledge of the fundamentals of Robert's Rules of Order, covering parliamentary procedure with respect to making motions, supporting motions, etc.

- e) Becoming familiar with the variety of background information necessary to contribute to the ZBA.

This includes, but is not limited to, an understanding of all levels of government, land use planning, zoning, plan review standards, and other functions of the Board.

Section 10 – Conflict of Interests:

For purposes of these Bylaws, a conflict of interest is a direct personal or financial interest in a matter before the ZBA that is not generally shared by members of the community. Knowingly voting upon any matter in which a member has a conflict of interest shall constitute malfeasance in office.

Section 11 - Amendments:

These rules as adopted shall be effective for the term of the ZBA and may be amended by a vote of a majority of the members of the Board.

ADOPTED: December 23, 2024