

CITY OF HARTFORD
ZONING BOARD OF APPEALS RULES OF PROCEDURE (BYLAWS)

ARTICLE I
AUTHORITY

1.1. Authority. These Rules of Procedure, otherwise known as the ZBA Bylaws, are adopted by the City of Hartford Zoning Board of Appeals (hereinafter referred to as the ZBA) pursuant to Public Act 33 of 2008, as amended (the Michigan Planning Enabling Act), Public Act 110 of 2006, as amended (the Michigan Zoning Enabling Act), the City of Hartford Zoning Ordinance, as amended.

ARTICLE II
COMPOSITION AND OFFICERS

2.1. Composition. The Hartford City Commission has been designated to serve as the ZBA and to carry out all duties assigned to zoning boards of appeals in the Michigan Zoning Enabling Act. Accordingly, the ZBA shall consist of the 7 members of the City Commission sitting in an *ex officio* capacity.

2.2. Officers

a. The Mayor shall serve as the Chairperson of the ZBA, and the Mayor Pro-Tem shall serve as the Vice-Chairperson of the ZBA.

b. 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.

ARTICLE III
MEETING PROCEDURE

3.1. Meetings.

a. Meetings of the ZBA shall be held at City Hall at such times as shall be prescribed by the Chairperson.

b. Notice of any meetings shall be given in accordance with the Open Meetings Act (Act No. 267 of the Public Acts of 1976). Notices shall be posted at the offices of the City in the manner and time provided under that Act. Any changes in the date, time or location of the regular meetings shall be posted and noticed in the same manner as originally established.

c. A quorum as defined by the Michigan Zoning Enabling Act shall consist of four of the seven total members. No business may be conducted or official action taken except to adjourn the meeting if a quorum cannot be met.

d. Except to the extent of any conflict with these rules or any applicable provision of the zoning ordinance or state statute, meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised (12th ed).

3.2. Applicant Attendance and Participation. The applicant or his/her representative shall be present at the meeting when their application is heard and discussed. Failure of the applicant or representative to appear at the hearing will cause the ZBA to postpone any action on the request

until such time as the applicant or a representative is present. If the applicant or representative fails to make attendance for two consecutive hearings without notifying the ZBA or City staff, the application shall be dismissed. The Chairperson shall give the applicant/representative adequate time during the meeting to present his or her case to the ZBA. Such time may exceed the 3-minute limitation provided for general public comment (as provided in section 3.3 below) and shall be determined based on the complexity of the case.

3.3. Hearings.

- a. The City shall provide for notification of public hearings in a local newspaper and by direct mailings as required under the Michigan Zoning Enabling Act.
- b. 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, which shall be governed by the following rules:
 1. Only comments regarding the subject of the hearing will be accepted.
 2. All persons wishing to comment shall be given an opportunity to do so.
 3. Any person wishing to speak shall first be recognized by the ZBA Chairperson.
 4. Speakers shall stand, if able, be formally recognized by the Chairperson, state their full name and address, and make comments directly to the Chairperson. Any questions shall also be directed to the Chairperson.
 5. Each speaker shall limit their comments to three (3) minutes.
 6. The Chairperson has the authority to order a person to conclude comments that are irrelevant, misleading, repetitious of comments made by other commenters, or in excess of their allotted time limits.
 7. 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.
- c. 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.
- d. During the hearing the Chairperson shall acknowledge any correspondence received.

3.4. Motions. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

3.5. Voting. An affirmative vote of four (4) ZBA members shall be required to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the zoning ordinance, or to grant a variance (other than a use variance) from the zoning ordinance. Voting shall be ordinarily accomplished by voice vote; provided, that the roll call shall be required if

requested by any ZBA member or directed by the ZBA Chairperson. A Use Variance may only be granted if authorized by the zoning ordinance and upon the affirmative vote of five (5) ZBA members.

3.6. Secretarial Duties. 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 records, delivering communications, petitions, reports, other 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.

ARTICLE IV DUTIES OF THE ZBA

4.1. Duties. The ZBA shall perform all duties proscribed under the Michigan Zoning Enabling Act or the City's zoning ordinance.

ARTICLE V OPEN MEETINGS AND FREEDOM OF INFORMATION COMPLIANCE

5.1. Compliance with Acts.

- a. Meeting notices and in-meeting deliberations and decisions of the ZBA are governed by the Michigan Open Meetings Act, Act 267 of the Michigan Public Acts of 1976, as amended, MCL 15.261 et seq.
- b. Records, files, correspondence, and other materials pertaining to ZBA agenda topics are available to the public for reading, copying, and other valid purposes as governed by the Michigan Freedom of Information Act, Act 442 of the Michigan Public Acts of 1976, as amended, MCL 15.231 et seq.

ARTICLE VI CONFLICTS OF INTEREST

6.1. Conflicts of Interest.

- a. For purposes of these bylaws, a conflict of interest is defined as, and a ZBA member shall declare a conflict of interest and abstain from participating in ZBA deliberations and voting on a request, when:
 1. An immediate family member is involved in any request for which the ZBA is asked to make a decision. "Immediate family member" is defined as an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
 2. The ZBA member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
 3. The ZBA member owns or has a financial interest in a property abutting the property involved in the request. For purposes of this section, a lot shall be considered with another lot if it shares a common property line or would share a common property line if not for an intervening public right-of-way. (In other words, a lot immediately across the street from another lot shall be considered abutting).

- b. The procedure for handling conflicts of interest shall be as follow:
1. If a member has a conflict of interest, he or she shall disclose that interest during a ZBA meeting prior to any discussion on the item to which it pertains, and shall then remove himself or herself from the hearing, discussions and decision-making process until the matter is over. Physical removal minimizes any public perception that the member with the conflict of interest is unduly influencing his or her fellow members by the member's physical presence.
 2. If a member is aware of circumstances that a reasonable person may consider to create an appearance of a conflict of interest, he or she shall disclose that interest during a ZBA meeting prior to any discussion on the item to which it pertains. The remaining members of the ZBA shall then take a vote to determine whether or not to require the member to abstain from participating on that item.

ARTICLE VII EX PARTE COMMUNICATIONS

7.1 Ex Parte Communications.

- a. The ZBA must act as a board and not as individuals.
- b. Communication of any kind (other than at ZBA meetings or hearings) ("Ex Parte Communications") by members of the ZBA with applicants, developers, applicant's or developer's representatives, or interested neighbors regarding a matter to come before the ZBA is to be avoided, except for limited necessary contact during fact-finding site visits.
- c. Members may view sites only if they can do so without any unnecessary contact with the applicant, developer, applicant's or developer's representatives, or interested neighbors and for the specific purpose of gathering physical facts or data.
- d. If a member is contacted by an applicant, developer, or their representatives, or an interested neighbor, the member shall promptly inform that party that he or she will not discuss the matter or have any contact other than at a ZBA hearing or meeting except for site visits. The member shall then immediately welcome the party to attend the ZBA meetings to discuss their views, wishes, etc. or to deliver written comments to the City Clerk for distribution to ZBA members.

ARTICLE VIII AMENDMENTS

8.1 Amendments. The ZBA may amend these bylaws by a majority vote of the members, provided that all members have received a copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered. These bylaws supersede any previously adopted bylaws of the City's ZBA.

I HEREBY CERTIFY that the above Bylaws, as amended, were adopted on _____, 2025.

_____, Chairperson