

VILLAGE OF ORTONVILLE
ZONING BOARD OF APPEALS
BYLAWS, RULES AND PROCEDURES
Adopted by the Zoning Board of Appeals December 20, 2021

ARTICLE I - JURISDICTION

- A. The jurisdiction of the Village of Ortonville Zoning Board of Appeals (hereafter, “the Board”) is the review of and decision on questions, appeals, and variance requests arising under the Village of Ortonville Zoning Ordinance.

ARTICLE II - PURPOSE

The purpose of the Board is to perform the duties set forth in the following:

- A. The Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq.
- B. Village of Ortonville Zoning Ordinance (as amended).

ARTICLE III - DUTIES

The duties of the Board shall be as provided by law, including but not limited to the following:

- A. Hear and decide appeals from and review any order, requirements, decision, or determination made by the Planning Commission or other administrative body of the Village of Ortonville charged with enforcement of the Zoning Ordinance.
- B. Hear and decide matters referred to the Board or upon which the Board is required to pass under the Zoning Ordinance.
- C. Hear and decide requests for variances from the requirements of the Zoning Ordinance. In granting variance requests, the Board shall ensure that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

ARTICLE IV - ORGANIZATION, RULES, OFFICERS

- A. The Village Council shall act as the Zoning Board of Appeals.
- B. Meetings shall be called subject to the call of the Chairperson.
- C. The President shall be the Chairperson of the Zoning Board of Appeals. The President Pro-Tempore shall be the Vice-Chairperson. The Village Clerk shall serve as the Recording Secretary.
- D. Duties of Officers:
 - a. Chairperson
 - i. The Chairperson shall preside at all meetings of the Board.
 - ii. The Chairperson may designate the Vice-Chairperson to preside in their seat at any meeting if they desire.
 - iii. The Chairperson (or any three members) may issue a call for a Meeting by making a written or oral request to the Village Manager’s office.
 - iv. The Chairperson shall direct the Village staff to establish the agenda for Meetings, and the order thereof, including such items of old business and other items that may have been deferred at previous meetings, and shall provide this information to the Village Manager’s office.

- v. Sign such correspondence and documents as may need the signature of the Chairperson.
 - b. Vice-Chairperson
 - i. The Vice-Chairperson shall preside at meetings of the Board in the absence of the Chairperson, or when requested to do so by the Chairperson.
 - ii. The Vice-Chairperson shall perform all duties of the Chairperson when the Chairperson is unable to perform their duties or when requested by the Chairperson.
- E. Village Clerk/Recording Secretary
 - a. The Village Clerk/Recording Secretary shall record the proceedings of a meeting of the Board. Copies of the draft minutes of the proceedings shall be available at the Village Office and electronically by request for public review within eight business days, and shall be sent with the agenda of subsequent meetings.
 - b. The Village Clerk/Recording Secretary shall conduct such correspondence as they may deem necessary, or that they may be requested to conduct by the Chairperson or Board as a whole.
 - c. The Village Clerk shall sign such documents as deemed necessary.
- F. A quorum shall consist of a majority of the entire Board membership.
- G. Meetings will be held whenever the Chairperson or three members believe it is imperative and necessary, by advising the Village Manager's office either orally or in writing, and designating those items to be placed on the agenda. At least three days' notice of a meeting shall be given to the members. Notice of a meeting will be given by electronic mail, regular mail, personal delivery, or by telephone or personal contact, as deemed necessary.
- H. All meetings shall be open to the public.
- I. The agenda, along with all support information, will be provided to the Board no later than three days prior to the meeting. Meeting packets will be available electronically, a printed version can be picked up at the village office, or delivered to the trustee's place of residence upon request.
- J. Copies of the draft minutes of the prior meeting or meetings shall be available at the Village Office and electronically by request for public review within eight business days, and shall accompany the meeting agenda. Board minutes may be combined with Village Council minutes.
- K. Additional background information that is pertinent to items on the agenda of meetings shall be forwarded with copies of the agenda.

ARTICLE V - PARLIAMENTARY PROCEDURES

- A. The Board shall be governed by the Michigan statutes regulating planning and zoning; these By-Laws adopted on December 20, 2021, as amended; these parliamentary rules and procedures; and the Michigan Open Meetings Act.
- B. Voting shall be by voice vote as long as it is unanimous. If not unanimous, then there shall be a roll call vote.

- C. The member serving as Chairperson at any meeting does not lose the right to vote when presiding at a meeting.
- D. A majority of the entire Board shall be required to pass any official action, unless a greater majority on a specific motion being voted upon is required by law.
- E. Members of the Board shall vote on all matters, but may abstain from voting upon a matter in which the member has a direct or indirect financial or personal interest, or for other good and sufficient reason.
- F. Rules of Order
 - a. Except as otherwise provided in these by-laws all business of the Board shall be generally conducted according to Roberts Rules of Order. However, strict compliance with Roberts Rules of Order is not required.
 - b. Notice of regular meetings shall conform to all requirements of law.
- G. PUBLIC HEARINGS. If there are several separate items to be heard at one Public Hearing, the same procedures shall be followed for each.
 - a. Agenda for Public Hearings.
 - i. Chairperson opens Public Hearing
 - ii. Chairperson states purpose of hearing and rules of procedure as deemed necessary by the Chairperson, including processes for submission of written testimony
 - iii. Presentation by staff summarizing the item
 - iv. Questions from Board members to staff
 - v. Presentation by applicant
 - vi. Questions from Board members to applicant
 - vii. Testimony from public
 - 1. Presentation of written comments
 - 2. Presentation of oral comments
 - a. Supporters of request/issue
 - b. Opponents of request/issue
 - viii. Concluding comments from applicant
 - ix. Concluding comment of staff
 - x. Concluding questions or comments from Board members
 - xi. Chairperson closes Public Hearing
 - b. If the hearing is on an issue proposed by staff and there is no applicant, agenda items (v), (vi), and (viii) shall be eliminated and the public shall be heard on the issue.
 - c. The Chairperson may rule out-of-order any comments that are non-germane, derogatory, disruptive, or repetitive.
 - d. The Chairperson may order any disruptive person from the room. In the event of general disruption, the Chairperson may recess the meeting.

ARTICLE VI - PROCEDURE FOR AMENDING BY-LAWS

These by-laws may be amended by a concurring vote during any meeting, provided that all members have received an advance copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered. These by-laws will be reviewed

at the first meeting of the Village Council, after trustees elected at the Village's regular election have taken office and when a quorum is present. Following discussion and any amendments, the Zoning Board of Appeals should adopt the by-laws.

By-laws adopted by the Village Council of Ortonville on December 20, 2021.

STATE OF MICHIGAN
VILLAGE OF ORTONVILLE

I hereby certify that this is a true and complete copy of the action taken by the Village Council of the Village of Ortonville, County of Oakland, State of Michigan, at a meeting held on December 20, 2021, and that public notice of said meeting was given pursuant with Act No. 267, Public Acts of Michigan 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Jenna Palmer, Village Clerk
Village of Ortonville