

**DRAFT AMENDMENT TO ZONING BOARD OF APPEALS PROCEDURES ORDINANCE**  
**(Article XIII, Section 1307 (D)(2))**

Sec. 1307. – Procedure.

The ZBA shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the City Clerk, and shall be public record. The ZBA shall render all decisions without unreasonable delay.

- (A) Meetings and Hearings. All meetings of the ZBA shall be held at the call of the Chair, and as such times as the ZBA may determine. All hearings conducted by the ZBA shall be open to the public. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

The ZBA shall select a reasonable time and place for hearings, and shall give due notice thereof to the parties in accordance with [Section 1101](#) of this Ordinance and [Section 401](#) of the Michigan Zoning Enabling Act. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

- (B) Stay of Proceedings. An appeal to the ZBA shall stay all proceedings in furtherance of the appealed action, unless the Planning Commission or zoning official certifies to the ZBA, after the notice of appeal shall have been filed, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property; in which case proceedings shall not be stayed other than by a restraining order granted by the Circuit Court.

- (C) Notice. The ZBA shall take no action authorized by this Ordinance or the Michigan Zoning Enabling Act, except as related to a specific case and after a public hearing has been conducted. The ZBA shall, by general rule or in specific cases, determine the interested parties who may be affected by any matter brought before it, which shall in all cases include all owners of record of property (according to the most current City assessment records) within 300 feet of the premises in question. Such notice may be delivered either personally or by mail addressed to said respective owners as disclosed by the assessment roll, and to the tenant(s) at the address given for the property in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used.

The ZBA may require any party applying to the ZBA for relief to give such notice to other interested parties as the ZBA shall prescribe. Such notice shall contain the address, if available, and location of the property for which the variation or other ruling by the ZBA is sought, as well as a brief description of the nature of the request.

- (D) Concurring Vote Required.**

- (1) Appeals, Exceptions, Interpretations and Dimensional Variances. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; and to grant a variance from any non-use or dimensional standard of this Zoning Ordinance.
- (2) Use Variances. The concurring vote of a minimum of four (4) members of the ZBA shall be necessary to grant a variance from the use provisions of this Ordinance.

(Ord. No. 404, 10-20-2016)