



City of Negaunee

Zoning Board of Appeals By-Laws

A. Name

1. The name of this board shall be called the City of Negaunee Zoning Board of Appeals (hereinafter called the Board).

B. Object

1. The Board shall have the powers and responsibilities granted by Act 207, P.A. 1921 (City and Village Zoning Act) as amended and as granted by all other applicable laws.
2. The Board shall also have all powers and responsibilities as granted by the Codified Ordinances of the City of Negaunee.

C. Members

1. The Board shall consist of five (5) members representing the public as a whole.
2. Two (2) alternate members shall also be appointed.
3. The members of the Board shall be appointed by the City Council.
4. The term of appointment of each member shall be three (3) years.

D. Officers

1. Officers of the Board shall be a Chairman and a Vice-Chairman.
2. The term of office of the Board's officers shall be one (1) year.
3. Officers will be elected at the first meeting of each year.

E. Meetings

1. Meetings will be held as needed.
2. All meetings of the Board shall be open to the public in accordance with the Open Meetings Act, P.A. 267, 1976.

3. Meetings shall be held in the Michigan Room of the Library.
4. A quorum for the transaction of business by the Board shall be three (3) members.
5. The concurring vote of a majority of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of 2/3 of the members of the board is necessary to grant a variance from uses of land permitted in an ordinance.
6. A special meeting fee as set by the City Council will be charged.
7. Notice of the Public Hearing shall be given by the Zoning Administrator, 5 to 15 days prior to the hearing, to all persons in the City by placing a legal notice in the newspaper of general circulation and posting a notice at the front entrance of City Hall. Notice shall also be given by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question. Upon the hearing, a party may appear in person or by agent or by attorney.

F. Map

1. The boundaries of the 10 districts (R-1, R-2, RR, B-1, B-2, I, PA, M, NR, & TL) are hereby established as shown on a map entitled "Zoning Map, City of Negaunee, Michigan," dated November 12, 2009, which is on file in the office of the Zoning Administrator and which is hereby made a part of this Zoning Code. Except where specifically designated on said Map, the district boundary lines are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-way lines, 1/4 section lines, 1/8 section lines, or the city limits. Where a district boundary line does not coincide with lot lines, said boundary line shall be dimensioned on the Zoning Map.

G. Agenda

1. All items to be placed on the agenda must be submitted to the Zoning Administrator not less than thirty (30) days prior to a meeting.

2. Items which are not on an agenda may be submitted at a meeting during the time allotted for citizens wishing to address the Board. The Board may consider these items upon permission of the majority of the members present.
3. The rules governing all meetings shall be Robert's Rules of Order.
4. The order of the agenda shall be as follows:
 - A. Call to Order
 - B. Roll Call
 - C. Approval of Agenda
 - D. Approval of Minutes (of the previous meeting)
 - E. Public Comment
 - F. Items to be Addressed
 - G. Adjournment

H. Procedures

1. Support materials presented by the petitioner shall be submitted to the Zoning Administrator prior to 5:00 p.m., seven (7) calendar days prior to the date of the hearing. All materials shall be considered property of the City and must remain on file.
2. Locational sketches or surveys indicating all existing and proposed construction must be submitted for all public hearings involving dimensional variances.
3. The Board of Zoning Appeals shall decide the appeal within a reasonable time. The board shall have the power, in passing upon appeals, to vary or modify any of its rules, regulations, or provisions relating to the construction, structural changes in equipment, or alteration of buildings or structures, so that the spirit of this Code shall be observed, public safety secured, and substantial justice done.
4. An appeal shall stay all proceedings in furtherance of the action being appealed.
5. In addition to its general powers, the board shall have the authority, in specific cases after public notice and hearings, to authorize, by permit, a variation of the application of the use, height, and area regulations established in this Zoning Code in harmony with their general purpose and intent, as follows:
 - A. A temporary building for commerce or industry, in a Residence District, which is incidental to the residential

development, such permit to be issued for a period not to exceed 1 year.

- B. The erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any location, to a greater height or larger area than the district requirements established in this Zoning Code, which the board shall find reasonably necessary for the public convenience.
- C. A building or use in an Industrial District otherwise excluded from such District, provided that such building or use is distinctly incidental and essential to a use permitted in an Industrial District, and provided, further, that not more than 25% of the employees of the entire plant are engaged therein.
- D. In the event that a building has been destroyed by fire or other calamity, the building may maintain its nonconforming use status if the building is rebuilt on the same footprint as the destroyed building within 12 months of the date of the calamity.