

**CITY OF RICHMOND BOARD OF ZONING APPEALS
BY-LAWS AND RULES OF PROCEDURE**

ARTICLE I: NAME

Sec. 1 The name of the organization shall be the “CITY OF RICHMOND BOARD OF ZONING APPEALS”.

ARTICLE II: AUTHORITY

Sec. 1 These by-laws and rules of procedure are adopted by the City of Richmond Board of Zoning Appeals pursuant to Section 5. (1) of the City or Village Zoning Act, Public Act 207 of 1921, as amended. The Board of Zoning Appeals shall perform such legally permissible duties and shall carry out such processes and procedures as may be required by the City or Village Zoning Act or the City of Richmond Zoning Ordinance.

ARTICLE III: MEMBERS

Sec. 1 **MEMBERSHIP COMPOSITION.** The City of Richmond Board of Zoning Appeals shall consist of seven members appointed by the Richmond City Council. In addition, the City Council may appoint not more than two (2) alternate members.

Sec. 2 **COMPENSATION.** All appointed members of the Board may be compensated at a rate to be determined by the City Council.

Sec. 3 **RESTRICTIONS.** An alternate member shall only serve on the board in the absence of a regular member or during the abstention of a regular member for reasons of a conflict of interest. The alternate members shall serve in the case until a final decision has been made.

Sec. 4 **TERMS OF OFFICE.** The terms of office of regular and alternate members shall be three (3) years arranged such to provide as nearly as possible for the appointment of an equal number of members each year.

Sec. 5 **VACANCIES.** A vacancy on the Board occurring otherwise than through the expiration of the term shall be filled for the unexpired term by the City Council.

Sec. 6 **VOTING RIGHTS OF ALTERNATE MEMBERS.** Alternate members shall only have the right to vote upon those specific matters in which they have been called upon to serve in the absence of a regular member or called upon to serve due to the abstention of a regular member as a result of a conflict of interest. The alternate member shall then continue to hear those cases for which they were called to serve until final disposition of those cases.

ARTICLE IV: OFFICERS

Sec. 1 **SELECTION.** The City of Richmond board of Zoning Appeals shall elect its Chairman, Vice Chairman, and Secretary from amongst the regular members of the Board. The Board may create and fill such other of its offices as it may determine to be necessary.

- Sec. 2 **TERMS OF OFFICERS.** The terms of the Chairman, Vice Chairman, and Secretary shall be one (1) year in length or until their successors are elected, with eligibility for re-election.
- Sec. 3 **DUTIES.** The chairman shall preside over all meetings of the Board and shall perform the duties prescribed by these by-laws and by the parliamentary authority adopted by the Board. The Vice Chairman shall perform the duties of the Chairman in the absence or disability of the Chairman. The Secretary shall be responsible for keeping a written record in the English language of the resolutions, transactions, findings, and determinations of the Board, which record shall be a public record subject to the provisions of the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended. The Secretary shall also be responsible for the preparation and dissemination of Board meeting and public hearing notices pursuant to the Michigan Open Meeting Act, Public Act 267 of 1976, as amended. The secretary shall also perform other duties as prescribed by these by-laws, State and local laws, and the parliamentary authority adopted by the Board.
- Sec. 4 **VACANCIES.** If a vacancy should occur in any office, the Board shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.

ARTICLE V: MEETINGS

- Sec. 1 **REGULAR MEETING.** The city of Richmond Board of Zoning Appeals shall meet on the second Thursday of each month, at a time to be established by resolution of the Board.
- Sec. 2 **ANNUAL MEETING.** The regular meeting of the Board of Zoning Appeals in July of each year shall be known as the Annual Meeting and shall be for the purpose of electing offices, receiving annual reports of offices and committees, and for any other business that may arise.
- Sec. 3 **SPECIAL MEETINGS.** Special meetings may be called by the Chairman or City Clerk. The purpose of the meeting shall be stated in the call. The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with the Michigan Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act, and the City Clerk shall send written notice of a special meeting to Board members not less than one (1) day in advance of the meeting, except that any such meeting at which all regular members of the Board are present or have waived notice in writing shall be a legal meeting for all purposes without notice, subject to the Michigan Open Meetings Act.
- Sec. 4 **QUORUM.** Four (4) members of the Board shall constitute a quorum of the Board for the conduct of business, except that it shall be necessary to have a minimum of five (5) members present and voting in the affirmative to approve land use variances permitted in the Zoning Ordinance. When a quorum is not present, no official action of the Board, except for closing of the meeting, may take place. Due to its quasi-judicial nature, the Board of Zoning Appeals shall not engage in discussion on any mater during any time in which a quorum of the Board is not present for the conduct of business. All public hearing without a quorum present shall be rescheduled for the next regular or special meeting and no additional public

notice shall be required, provided that the date, time and a place for the rescheduled public hearing is announced at the meeting.

Sec. 5 **ORDER OF BUSINESS.** A written agenda for all regular and special meetings shall be prepared and followed. The order of business shall, at a minimum, be:

Call to Order
Roll Call
Approval of Minutes
Approval of Agenda
Public Hearing
Correspondence
Unfinished Business
New Business
Adjournment

Sec. 6 **HEARINGS.** Hearings shall be scheduled and due notice given in accordance with the provisions of the Michigan Open Meeting Act and the relevant enabling act under which the public hearing is being held. **The applicant or representative of the applicant must be present at the scheduled public hearing for an appeal or the complaint, or the issue will be tabled by the Board.** Public hearings conducted by the Board shall be run in an orderly and timely fashion, which shall be accomplished by adhering to the following public hearing procedure:

A. **OPENING ANNOUNCEMENT.** The chairman shall give an official opening announcement of the public hearing indicating the basic nature of the request and citing how public notice was provided of the hearing.

B. **ANNOUNCEMENT OF ORDER OF HEARING.** The Chairman shall explain the order of the public hearing as being as follows:

- (1) Explanation of request as received by the Board
- (2) The position of the city of Richmond administration on the matter at hand
- (3) Comments and explanations by the applicant
- (4) Comments and explanations by the City of Richmond administration
- (5) Questions by the Board
- (6) Responses by the applicant and/or City administration
- (7) Opening of hearing for public comments
- (8) Closing of hearing to public comments
- (9) Consideration of action by Board.

C. **RULES OF CONDUCT.** The Chairman shall then announce the rules of conduct of the public hearing as follows: (1) All comments shall be addressed to the Chair; (2) Each person shall be given an opportunity to be heard, but second comments will not be permitted until every person has had the opportunity to speak for the first time; (3) In the interest of fairness to the public, statements from the floor should be as concise as possible; (4) The Chairman reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand;

- (5) For large hearings, a time limit of three (3) minutes per person shall be placed on public comments; (6) At all times during the public hearing, the Chair expects courtesy from all participants and catcalls, booing, or other outbursts from the public shall not be tolerated; and (7) Decision of the Board shall be based upon finding of fact based upon proper facts and the authority vested in the Board by State statute and City of Richmond Zoning Ordinance.
- D. **PRESENTATION OF PROPOSAL.** The Chairman shall then turn the meeting over to the applicant and City administration for presentations. The applicant presents a brief review of the reasons for the appeal; responds to questions raised by the Board; and responds to questions by City administration. The City administration then presents its reports of finding and compliance with local ordinance and requirement; conformance with desirable and established principles of development; conflicts and discrepancies; recommendations, and answers questions from the Board and applicant for reasons of clarification.
- E. **OPENING OF HEARING TO FLOOR.** The Chairman then opens the public hearing to comments from the floor, reminds the public of the rules of conduct, and indicates that once a person has been recognized by the Chair they shall stand and give their name and address and a concise statement of their questions and/or concerns. In the event of large hearing, the Chairman may encourage groups in attendance to be represented by a spokesperson. When individual time limits have been imposed, the Chairman reserves the right to limit the amount of time allocated to be a spokesperson to avoid filibustering. The Chairman may elect during the course of public comments to obtain brief answers from the City administration or from the applicant if such comments may expedite the hearing. The Chairman shall receive for the official record any letter and/or petitions received by the Board regarding the matter at hand and shall read and/or summarize these materials.
- F. **CLOSING OF PUBLIC HEARING.** When all public comments have been received, the Chairman shall close the public hearing.
- G. **CONSIDERATION OF MATTER BY BOARD.** One the public hearing has been closed to public comments, the Chairman may recognize any Board member to discuss and seek additional information from others concerning the matter at hand. Board members shall address the Chairman when speaking and shall request additional information through the Chairman. When discussion on the matter at hand by Board members has been completed, the Board may take of the following four actions on the matter: (1) Approve the request as presented; (2) approve the request with conditions; (3) Deny the request as presented; or (4) Table/adjourn the matter to a future meeting. Motions for approvals or denials and motions to table or adjourn a matter to a future meeting should include reasons for such actions. Motions for tabling or adjournment should also include the date, time, and place at which the matter will be further considered.
- Sec. 7 **MOTIONS.** Motions shall be restated by the Chairman before a vote is taken. The name of the maker and those who seconded the motions shall be recorded.

Sec. 8 **VOTING.** An Affirmative vote of the majority of the Board's regular membership shall be required for the approval of any requested action or motion placed before the Board, except that at least five (5) members voting in the affirmative shall be required to approve a variance of any land use permitted under the City of Richmond Zoning Ordinance. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Board member or directed by the Chairman. All members of the Board including the Chairman shall vote on all matters, but the chairman shall vote last. Any member may be excused from voting only if that person has a bona fide conflict of interest as recognized by the majority of the remaining members of the Board, during which case an alternative member shall serve on the Board to hear the merits of that specific case until a final determination on the case is made by the Board. Any member abstaining from a vote shall not participate in the discussion of that item.

Sec. 9 **NOTICE OF DECISIONS.** A written notice containing the decision of the Board of Zoning Appeals will be sent by the City Clerk to petitions and originators of a request.

Sec. 10 **MEETING MINUTES.** Board minutes shall be prepared by the Office of the City Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk upon approval by the Board.

ARTICLE VI: OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

Sec. 1 All meetings of the Board shall be open to the public and shall be held in a place available to the general public. All deliberations and decisions of the Board shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the Board under the rules established by these by-laws. A person shall not be excluded from a meeting of the Board except for breach of the peace committed at a meeting. All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

ARTICLE VII: COMMITTEES

Sec. 1 **STANDING COMMITTEES PROHIBITED.** There shall be no standing committees of the Board of Zoning Appeals.

Sec. 2 **SPECIAL COMMITTEES.** Special or ad-hoc committees may be appointed by the Chairman of the Board as the Board shall from time to time deem necessary to carry on the work of the Board of Zoning Appeals. The Chairman shall be ex officio a member of all special or ad-hoc committees of the Board.

ARTICLE VIII: EMPLOYEES

Sec. 1 The Board may appoint employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the city.

ARTICLE IX: CONTRACTS

Sec. 1 The Board may contract with city planners, engineers, architects and other consultants for such services as it may require, subject to council approval as to expenditures.

ARTICLE X: EXPENDITURES

Sec. 1 All expenditures of the Board, exclusive of the expenditure of gifts, shall be within the amount appropriated for Board purposes by council. The council shall provide the funds, equipment and accommodations necessary for the Board's work. The Board shall prepare its recommended budget for the ensuing fiscal year for submission to the City Manager not later than its regular meeting in February of each year.

ARTICLE XI: PARLIAMENTARY AUTHORITY

Sec. 1 The rules contained in the current edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall govern the Board of Zoning Appeals in all cases to which they are applicable and in which they are not inconsistent with these by-laws and any special rules of order the Board may from time to time adopt.

ARTICLE XII: AMENDMENT OF BY-LAWS

Sec. 1 These by-laws may be adopted and amended at any regular meeting of the Board by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting. All by-laws amendments shall be subject to final approval by the City Council.

THESE BY-LAWS WERE DULY ADOPTED BY A TWO-THIRDS VOTE OF THE CITY OF RICHMOND BOARD OF ZONING APPEALS DURING ITS REGULAR MEETING HELD ON THE 10th DAY OF AUGUST, 2000.

As amended (dates reflect date of final City Council action):

01/20/03 – Amendment #1 (amend Article V, Section 6 – HEARINGS, to add language requiring the applicant or representative to be in attendance at the public hearing at which their appeal is presented to the Board)