

**BY-LAWS
OF THE
CITY OF NORTHVILLE
BOARD OF ZONING APPEALS**

ARTICLE I - PREAMBLE

SECTION 1.1 - BASIS:

Pursuant to the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended, the Northville City Council has created the City of Northville Board of Zoning Appeals (BZA), with the power to exercise the authority conferred on the BZA as set forth in the City of Northville Zoning Ordinance and the Michigan Zoning Enabling Act.

SECTION 1.2 - TITLE:

The official title of this body shall be the City of Northville Board of Zoning Appeals, hereinafter referred to as the "BZA".

ARTICLE II - AREA

SECTION 2.1:

The area served by the BZA shall include all lands legally within the present or future boundaries of the City of Northville.

ARTICLE III - PURPOSES

SECTION 3.1:

The purpose of the BZA shall be to carry out the provisions set forth in Article 25 of the City of Northville Zoning Ordinance, and to consider any other matters upon which the BZA is called upon to act under law or other ordinances.

ARTICLE IV - MEMBERSHIP

SECTION 4.1:

The BZA shall consist of not less than seven (7) members who shall be selected in accordance with the Michigan Zoning Enabling Act, MCL 125.3101 et seq. One member of the City Council may be a member of the BZA. One member of the Planning Commission shall be appointed to the BZA. Two (2) alternate members may also be appointed.

Alternate members who have been appointed may attend meetings of the BZA. However, if an alternate member is not sitting on the BZA for a particular meeting in that capacity, the alternate member shall sit in the audience rather than at the BZA table, and shall be recognized by the Chairperson for comments or questions only in the same manner that the Chairperson would recognize any other attending member of the public.

SECTION 4.2 - APPOINTMENT:

All members of the BZA shall be appointed by the City Council. Members may be removed by the City Council for misfeasance, malfeasance, or nonfeasance upon written charges and after a public hearing.

SECTION 4.3 - TERM:

The term of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or City Council, whose term shall be limited to the time they are members of the Planning Commission or City Council, respectively. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be for the remainder of the term.

SECTION 4.4 - SUCCESSION:

Each member shall serve until his/her term shall expire. Members may be reappointed by the City Council. Vacancies resulting from resignation and/or removal shall be filled, and shall be appointed for the remainder of the term of the resigning member.

SECTION 4.5 - COMPENSATION:

BZA members shall not be compensated.

SECTION 4.6 - BZA EMPLOYEES:

The City Council and/or City Manager may employ appropriate staff and other employees and/or contract for part-time or full-time service of individuals or firms to assist the BZA in its responsibilities and duties.

ARTICLE V - OFFICERS

SECTION 5.1 - SELECTION:

At the first meeting of each year, the BZA shall elect from its membership a Chairperson, Vice-Chairperson, Secretary, and any other officers deemed necessary. All officers are eligible for reelection. The member of the City Council shall not serve as Chairperson of the BZA.

SECTION 5.2 - TERM:

The term of all officers shall be one (1) year and each officer shall serve until reelected or his/her successor shall have been elected.

SECTION 5.3 - ELECTION:

The Chairperson, Vice-Chairperson and Secretary shall be elected by a majority vote of the regular membership of the BZA present at the time of election.

SECTION 5.4 - ATTENDANCE:

Members of the BZA who are absent from three (3) consecutive BZA meetings or four (4) meetings held within the calendar year may be subject to review and/or removal from the BZA by action of the City Council.

ARTICLE VI - DUTIES OF OFFICERS

SECTION 6.1 - CHAIRPERSON:

The Chairperson shall be the chief executive officer of the BZA and shall preside at all meetings of the BZA. The Chairperson shall conduct all meetings in accordance with the rules promulgated herein. The Chairperson shall recognize members of the audience during the portion of hearings reserved for public comment, and may also recognize members of the audience during other agenda items at the Chairperson's discretion. The Chair shall have a vote on all items before the BZA.

SECTION 6.2 - VICE-CHAIRPERSON:

In the event that the office of Chairperson becomes vacant by death, resignation or otherwise, the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.

In the event of the absence of the Chairperson, or inability to discharge the duties of that office, such duties shall, for the time being, devolve upon the Vice-Chairperson or Secretary. Other members may temporarily assume the position of chair for the subject meeting if no other officers are present. The person temporarily assuming the position of chair for the subject meeting shall be elected by a majority vote of the BZA members in attendance.

SECTION 6.3 - SECRETARY:

The Secretary shall attend all meetings of the BZA. Other members may temporarily assume the position of secretary for the subject meeting if the Secretary cannot attend. The City Council or City Manager may provide a recording secretary to take meeting minutes.

SECTION 6.4 - ASSUMPTION OF OFFICE:

The officers shall take office immediately following their election.

ARTICLE VII - MEETINGS

SECTION 7.1 - REGULAR MEETING:

The regular meeting of the BZA shall be held on the first Wednesday of every calendar month, starting with January, excluding legal holidays. If a regular meeting date falls on a legal holiday, then the BZA meeting will be held on the Wednesday of the following week.

A schedule of regular meetings for the forthcoming year will be determined during the last meeting of the year. This schedule and time of meetings will be delivered to the City Clerk and posted in general view of the public at the City Hall. Notice of any meetings shall include the date, time, and place of all regularly scheduled meetings. Any changes in the date, time or location of the regular meeting shall be posted in a like manner. The schedule of meetings may be subsequently amended or cancelled as needed.

SECTION 7.2 - SPECIAL MEETINGS:

Special meetings may be held as required, subject to the call of the Chair or by two (2) members upon written request to the Secretary and City Clerk.

Special meetings may be requested by members of the public by making application for said meeting with the City Clerk after receiving approval of the Chair, and paying all necessary costs and additional fee, as set by City Council, in connection with the meeting. The application shall include a written narrative explaining why it is not possible to include the case in the next regularly-scheduled meeting. Missing the application deadline shall not be a reason to hold a special meeting. The option of a special meeting will be dependent upon the availability of BZA members and meeting room, and noticing requirements.

Notice of special meetings shall be given by the City Clerk to members of the BZA. Notice shall also be provided to others requiring notice in compliance with the requirements of the Michigan Zoning Enabling Act. The notice shall state the purpose and time of the meeting. The business which the BZA may perform at the special meeting shall be conducted at a public meeting in compliance with the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended.

Agenda items that may be legally added without public notice may not be added at a special meeting unless a majority of regular BZA members are present and approve an addition to the agenda.

SECTION 7.3 - AGENDA:

The BZA and City staff shall establish deadlines for items to be included on the agenda. Unless proper notice is required or necessary, items may be added to the agenda upon the majority consent of the BZA members present at a regular meeting. Added agenda items shall be listed in order of those items closest to needing deadline action.

SECTION 7.4 - WORKSHOP MEETINGS:

Workshop meetings for the purpose of performing BZA studies or for educational purposes may be called at the request of the Chairperson or any three (3) members of the BZA. No formal action by motion or resolution may be voted upon at a workshop meeting.

SECTION 7.5 - QUORUM:

A majority of the total number of members (a minimum of four of the seven members) shall constitute a quorum for the transaction of business and the taking of official action for all matters.

A majority vote of the total number of members (a minimum of four of the seven members), at a regular or special meeting, is required to effectuate an action or a decision of the BZA and all other matters of business. Five (5) affirmative votes are required for a use variance.

Whenever a quorum is not present at a regular or special meeting, the meeting shall be adjourned, and no discussion of any agenda items shall take place.

SECTION 7.6 - ORDER OF BUSINESS:

The order of business for regular or special meetings shall be:

1. Call to order by the Chairperson or Vice-Chairperson
2. Roll call
3. Approval of the agenda
4. Approval of the Minutes of that last preceding meeting
5. Cases to Be Heard – By Case
 - A. Case is called
 - B. Appellant presents case
 - C. Board asks questions
 - D. Public comments on the case
 - E. Board comments and discusses case; a motion is made and seconded; discussed then voted upon; the results are announced by the Chair
6. List of cases
7. Public Comments (a maximum of two minutes shall be allotted to each person , not to exceed twenty minutes total time for all presenters – only on matters NOT on the agenda).

8. Discussion

9. Adjournment

This order of business may be revised by a majority vote of the members of the BZA present at the meeting.

SECTION 7.7 - MOTIONS:

Motions may be restated by the Secretary before a vote is taken. The name of the maker and the supporter of a motion shall be recorded for the minutes.

SECTION 7.8 - VOTING:

Voting on minutes, opening and closing of public hearings, election of officers, adopting of agenda, recess and adjournment shall be by voice and shall be recorded by yeas and nays, unless a roll call vote is requested by any member of the BZA. Roll call votes will be recorded on all other matters before the BZA.

SECTION 7.9 - CONFLICT OF INTEREST

A member of the BZA should only abstain from voting on a motion if he/she has a bonafide conflict of interest. Situations which give rise to a conflict of interest may include:

- a) A relative or other family member is involved in any request for which the BZA is asked to make a decision.
- b) The BZA member has a business or financial interest in the property involved in the request, has a business or financial relationship with the applicant, or a financial interest in the applicant's company.
- c) The BZA member owns or has a financial interest in a neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the application, as required by the Zoning Ordinance or the Michigan Zoning Enabling Act.
- d) There is a reasonable appearance of a conflict of interest. An example of this includes a situation where the BZA member is on the Board of Directors of an applicant association.

Any member abstaining from a vote shall not participate in the discussion of that item and shall excuse himself/herself from the table.

SECTION 7.10 - NOTICE OF DECISION:

A written notice or copy of the minutes containing the decision of the BZA will be sent by the City, to the applicant(s) of any case.

SECTION 7.11 - ADJOURNMENT OF MEETING:

BZA meetings shall adjourn no later than 10:00 p.m, unless the BZA members present decide by a majority vote to continue past this time. New agenda items shall not be taken up after 9:30 p.m., unless the BZA members present decide by a majority vote to continue with one or more agenda items after that time.

SECTION 7.12 - MINUTES:

BZA minutes shall be prepared by the Secretary or designated appointee of the BZA. The minutes shall include a brief synopsis of the meeting, including information presented and a restatement of all motions and recording of votes; statement of the conditions or recommendations made on any action; and recording of attendance. All BZA minutes shall be maintained by the City Clerk's office as public records open to public inspection in accordance with the Open Meetings Act and the Freedom of Information Act, Act 442 of the Public Acts of 1976, as amended.

ARTICLE VIII - PERIODIC REPORTS

SECTION 8.1 - PERIODIC REPORTS:

The BZA, through the City Council representative, shall make periodic reports of its activities to the City of Northville City Council.

ARTICLE IX - FISCAL YEAR

SECTION 9.1 - FISCAL YEAR:

The fiscal year of the BZA shall be the same as the fiscal year of the City Council.

ARTICLE X - AMENDMENTS

SECTION 10.1 - AMENDMENTS:

The Board of Zoning Appeals may recommend to City Council that these By-laws, in whole or in part, be altered, amended, added to or repealed by an affirmative vote of at least four (4) regular members of the BZA at any regular or special meeting provided that notice of proposed alterations, amendments or repeals shall be submitted by mail to all members of the BZA at least seven (7) days before the regular or special meeting of the BZA at which they are to be considered.

ARTICLE XI - PARLIAMENTARY PRACTICE

SECTION 11.1 - PARLIAMENTARY PRACTICE:

For meetings of the BZA, the rules of parliamentary practice as set forth in "Robert's Rules Of Order", as revised, shall govern in all cases in which they are not inconsistent with the provisions of these By-laws and not contrary to any existing laws of the State of Michigan.

In addition, the BZA shall have the right, on its own initiative, to reconsider a prior decision rendered by it under the following circumstances:

1. That a Motion for Reconsideration occurs at the next regularly scheduled meeting after the decision in question; and
2. That the Motion for Reconsideration is made by a member of the BZA who voted with the prevailing side.

Further, the BZA shall always have the right, on its own initiative, to reconsider a prior decision rendered by it, at any time, if the BZA later obtains information that the applicant obtained the relief through fraud or misrepresentation.

ARTICLE XII - EFFECTIVE DATE

SECTION 12.1 - EFFECTIVE DATE:

These rules of procedure of the City of Northville Board of Zoning Appeals were adopted at a regular meeting of the City Council held on **August 17, 2020**. The rules shall have immediate effect.

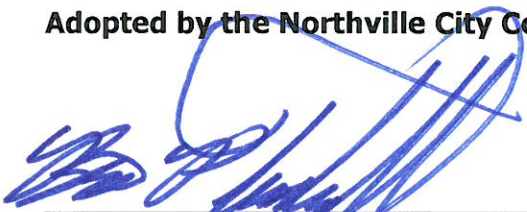
ARTICLE XIII - EFFECT AND INTERPRETATION OF BY-LAWS

SECTION 13.1 – EFFECT AND INTERPRETATION OF BY-LAWS:


All By-laws and parts thereof which conflict with any of the terms of these By-laws, are hereby rescinded. The catch line headings which precede each section of these By-laws are for convenience and reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of these By-laws.

Approved by the Board of Zoning Appeals on August 5, 2020.

Adopted by the Northville City Council on August 17, 2020.



Brian P. Turnbull, Mayor



Dianne Massa, City Clerk