

# BY-LAWS - BOARD OF ZONING APPEALS CITY OF PAINESVILLE

## **Article I. Name of Board**

The name of this organization shall be the City of Painesville Board of Zoning Appeals.

## **Article II. Authorization**

The authorization for the establishment of the Board of Zoning Appeals is set forth in the Charter of the City of Painesville, Ohio, including all amendments in effect January 1, 1974, specifically as set forth in Article XI, Section 11<sup>1</sup>

## **Article III. Membership**

<sup>1</sup>The membership of the Board of Zoning Appeals shall be, as stated in the Charter of the City of Painesville, Article XI, Section 11<sup>1</sup>. Each member shall be entitled to one vote.

## **Article IV. Officers**

Section 1. The officers of the Board of Zoning Appeals shall consist of a Chairman and Vice-Chairman.

Section 2. The Chairman shall preside at all meetings and hearings of the Board of Zoning Appeals and shall have the duties normally conferred by parliamentary usage on such officers.

Section 3. The Vice-Chairman shall act for the Chairman in his absence.

Section 4. The City Manager's designee<sup>1</sup> shall provide secretarial service to the Board. Such services shall include keeping of the minutes and records of the Board; preparation of the Agenda of regular and special meetings under the direction of the Community Development Director; providing notice of all meetings to Board members; arranging proper and legal notice of hearings; attending to correspondence of the Board and such other duties as are normally carried out by a Secretary.

## **Article V. Election of Officers**

Section 1. An organization meeting shall be held every two years, said meetings being the first meeting of the Commission held subsequent to the reorganization of City Council.

Section 2. Nominations for Chairman and Vice-Chairman shall be made from the floor at the organization meeting and an election shall follow immediately thereafter.

Section 3. A candidate receiving a majority vote of the entire membership of the Board of Zoning Appeals shall be declared elected, and shall serve for two years or until his successor shall take office.

Section 4. Vacancies in office shall be filled immediately by regular election procedure.

**Article VI.      Meetings**

Section 1.      Meetings will be held on the third Thursday of each month at 7:30 P.M. at City Hall, unless the Chairman cancels the regularly scheduled meeting, for the reason that there will be no items of discussion on the Board’s Agenda. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting<sup>1</sup>.

Section 2.      All meetings of the Board shall be open to the public and notices posted stating the time, place and purpose of said meetings.

Section 3.      The Board shall keep minutes if its proceeding showing the vote of each member upon each questions, or, if absent or failing to vote, indicating such fact.

Section 4.      Three (3<sup>1</sup>) members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three members of the Board shall be necessary to reverse any order or determination of the Administrator<sup>1</sup>. The concurring vote of three members of the Board shall be necessary to decide in favor of an application in any matter of which the Board has original jurisdiction under the Zoning Ordinance or to grant any variance from the requirements stipulated in the Zoning Ordinance of the City of Painesville<sup>1</sup>.

Section 5.      Unless otherwise specified, Robert’s Rules of Order shall govern the proceedings at the meetings of the Board.

**Article VII.     Order of Business**

Section 1.      The order of business at regular meetings shall be:

- A.      Call to Order
- B.      Action on Minutes of previous meeting
- C.      Communications
- D.      New Business/Public Hearing Items<sup>1</sup>
- E.      Business
- F.      Adjournment

Section 2.      A motion from the floor must be made and passed in order to dispense with any item on the Agenda.

**Article VIII.    Public Hearings**

In carrying out their official duties, the Board of Zoning Appeals from time-to-time must conduct public hearings as required by law. In fulfilling this obligation, the following procedures will apply:

Section 1.      The Chairman of the Board shall preside at the hearing and shall open same as close to the prescribed time as possible.

Section 2. The Chairman or his designee will review the subject at hand, explain its content and purpose and conclude with a resume of the question before the Board. Other members of the Board may speak at this time or ask questions relative to the subject.

Section 3. Public Comment. The floor is then opened to the public with the proponents of the measure given the first opportunity to speak and then the opponents. Each individual speaking will give their name and address. At the conclusion of these presentations, Board members, as well as the general public shall have an opportunity to ask questions of both the proponents and opponents. After all who wish to be heard have done so, rebuttals will be invited. A Public Hearing may be adjourned and continued if there is a lack of time for all sides to be heard of if the public debate is such that it will contribute materially to an improvement of a proposal. Public notice need not be issued for adjourned hearings.

Section 4. At the close of the meeting, the minutes shall be transcribed, and a copy sent to all members of the Board for their perusal.

**Article IX. Amendments**

These by-laws may be amended by a majority vote of the entire membership of the Board of Zoning Appeals.

Adopted this date, July 21, 2016

January 1, 1974

**Amended:** July 21, 2016<sup>1</sup>

Attested:

\_\_\_\_\_  
Secretary

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Chairman