

RULES OF PROCEDURE
BOARD OF ZONING AND BUILDING APPEALS | BZBA
CITY OF GAHANNA, OHIO

Adopted: _____

1. FORCE AND EFFECT

- 1.1. No provisions or section of these rules which conflicts with, or restricts those rights provided by the Constitution of the United States, the Constitution of the State of Ohio, the Charter, or Code of the City of Gahanna, Ohio, or the common law, shall have any force or effect.
- 1.2. Robert's Rules of Order, 11th Edition, shall control where no provisions are made in these rules or where not in conflict with these rules.

2. PRESIDING OFFICER

- 2.1. The Chair of the Board of Zoning & Building Appeals shall be elected by a passing motion and roll call vote at the Organizational Meeting.
- 2.2. The Chair shall serve as the presiding officer of the Board, and shall be responsible for the conduct and order of the meetings of the Board.
- 2.3. The Chair shall be responsible for determining whether or not scheduled meetings will be cancelled or postponed due to inclement weather conditions.
- 2.4. The Vice Chair of the Board of Zoning & Building Appeals shall be elected by a passing motion and roll call vote at the Organizational Meeting.
- 2.5. In the absence of the Chair, the Vice Chair shall serve as the presiding officer; in the absence of the Vice Chair, the most senior Board member shall serve as the presiding officer.
- 2.6. Nothing in these rules shall diminish the task of the presiding officer of their duties and obligations as a Board member.

3. MEMBERS OF THE BOARD OF ZONING AND BUILDING APPEALS

- 3.1. Any Board of Zoning & Building Appeals member that will not be present at any meeting shall notify the Clerk and the Chair at least 72 hours prior to the meeting to verify a quorum.
 - 3.1.1. If it is determined that a quorum will not be present the Chair shall postpone the meeting and the Clerk shall notify the Board of Zoning & Building Appeals and any involved parties.

4. CLERK OF THE BOARD

- 4.1. The Council Office shall provide a Clerk to the Board of Zoning & Building Appeals.
- 4.2. The Clerk shall attend all meetings.
- 4.3. The Clerk shall prepare a record of all proceedings of all meetings.
- 4.4. The Clerk shall record the time of the late arrival and/or early departure of a member for each meeting.
- 4.5. The Clerk shall maintain the record and file of all recommendations, minutes, and other formal actions of the Board of Zoning & Building Appeals.
- 4.6. The Clerk shall prepare an agenda for each meeting in conjunction with the Chair.
- 4.7. The Clerk shall be responsible for distribution of any related business material to the members in a timely manner.
- 4.8. The Clerk shall, upon receipt of an appeal, proceed as required by Code.

- 4.9. The Clerk shall sign all actions and Record of Action letters that are a result of action taken at a meeting of the Board of Zoning & Building Appeals.
- 4.10. The Clerk shall perform all clerical duties incidental to the office and all other duties as directed by the Chair.

5. ADMINISTRATIVE STAFF

- 5.1. Appropriate administrative staff may be requested to attend a meeting and answer any questions asked by the Board of Zoning & Building Appeals. Such requests shall be made at least 24 hours prior to the scheduled meeting.

6. MEETINGS

- 6.1. **REGULAR MEETINGS** may be held at City Hall, in Council Chambers, at 6:30 p.m., as needed, on the day established in the organizational meeting.

- 6.1.1. Such meetings may be held in any other place within the confines of the City of Gahanna, provided that plans are announced at least 72 hours prior to the scheduled meeting.
- 6.1.2. All members of the Board shall be notified not less than 48 hours in advance of the date, time, place and purpose of such meetings.

- 6.2. **SPECIAL MEETINGS** may be called by the Chair or any three members of the Board acting as a group and may be held at City Hall, in Council Chambers, on a day and time established.

- 6.2.1. Such meetings may be held in any other place within the confines of the City of Gahanna, provided that plans are announced at least 72 hours prior to the scheduled meeting.
- 6.2.2. Such meetings do not negate the public notice requirements or any requirements established by the Charter or Code.
- 6.2.3. All members of the Board shall be notified not less than 24 hours in advance of the date, time, place and purpose of such meetings.

- 6.3. **EXECUTIVE SESSION** – The members of the Board of Zoning & Building Appeals may hold an executive session, in accordance with the Ohio Open Meetings Act, at a regular or special meeting for the sole purpose of the matters listed in O.R.C. 121.22.

Commented [KH1]: Does the BZBA need to have special mtgs?

7. ORDER AND CONDUCT OF BUSINESS

- 7.1. **APPEALS** heard by the Board at a Regular or Special Meeting shall have official action taken prior to the adjournment of the meeting, unless a quorum is not present. Appeals shall be given a descriptive title for the agenda.
- 7.2. **AGENDAS** shall be distributed by the Clerk. The agenda distribution shall serve as notification of the meeting.
- 7.3. **ORDER OF BUSINESS** shall be conducted by the Chair and outlined in the agenda. The items for a regular meeting agenda should include the following:
 - A. Call meeting to order / Pledge of Allegiance / roll call.
 - B. Additions or corrections to the agenda.
 - C. Swear in applicants & speakers.
 - a. *NOTE: Anyone who wishes to address the Board of Zoning & Building Appeals will be sworn in by the City Attorney, or their designee, or anyone who is authorized under Ohio law.*
 - D. Appeal Hearings.

- E. New and Unfinished business.
- F. Poll members for comment.
- G. Adjournment.

7.4. APPEAL HEARING ORDER

7.4.1. The appeal title shall read aloud.

7.4.1.1. If there is more than one appeal on the same project, they may be discussed as one and all appeal titles shall be read aloud.

7.4.2. The Board may discuss, make comment, and ask questions to administrative staff, the public, the appellant or appellee, or their representatives at any time during the hearing.

7.4.3. The appellant, or their representative, shall be given fifteen (15) minutes to make a presentation or comment. Anyone making comment on the application(s) shall fill out a speaker form, available at the meeting, and turn into the Clerk prior to speaking.

7.4.4. The appellee, or their representative, shall be given fifteen (15) minutes to make a presentation or comment. Anyone making comment on the application(s) shall fill out a speaker form, available at the meeting, and turn into the Clerk prior to speaking.

7.4.5. Public comment will be opened with one (1) minute allowed per speaker. Speakers must come to the podium and state their name. Additional time, if needed, may be requested and permission is at the discretion of the Chair. Anyone making comment on the application(s) shall fill out a speaker form, available at the meeting, and turn into the Clerk prior to speaking.

7.4.6. Administrative staff shall be given five (5) minutes to make a presentation or comment.

7.4.7. The appellant and the appellee, or their representative(s), shall be given ten (10) minutes in total to rebuttal, cross examine, or make further comment. Additional time, if needed, may be requested and permission is at the discretion of the Chair.

7.4.8. A motion shall be made.

7.5. MOTIONS shall be considered official action and may be made by any Board member, regardless of their vote. All motions require a second, unless otherwise stated. The Chair shall ask for discussion on the motion, between Board members, after a second but before the vote.

No motion shall be proper, except the following:

7.5.1. Motion to adjourn. *Does not require a second, roll call vote, or discussion on the motion, unless there is opposition.*

7.5.2. Motion to recess.

7.5.3. Motion to end discussion and move to a vote.

7.5.4. Motion to postpone to a date certain to a regular meeting.

7.5.5. Motion to postpone indefinitely. *A motion to postpone indefinitely, if passed, shall declare the item lost or denied. This motion shall be debatable only as to the motion itself.*

7.5.6. Motion to affirm.

7.5.7. Motion to reverse.

7.5.8. Motion to remand to a City official or meeting body for further consideration and/or action.

7.5.9. Motion to amend. *Shall be susceptible to one amendment. The amendment shall be declared in the motion. A motion to amend that fails, shall not be moved again in the same form or moved for reconsideration.*

Commented [KH2]: Should match Code (147.05)

7.5.10. Motion to go into executive session. The purpose of the executive session shall be stated in the motion.

7.6. ROLL CALL order shall be as follows: the person making the motion, the person seconding the motion, proceeding with a rolling alphabetical order. The accuracy of the order of roll call, shall not alter the vote.

7.7. VOTING

7.7.1. All voting shall be oral and open.

7.7.2. The Clerk shall call the roll and each Board of Zoning & Building Appeals member shall respond “yes”, “no”, or “abstain for reasons of conflict interest”. A member may abstain for reasons of conflict interest, but the basis for such conflict need not be stated. Any abstain vote shall be considered a vote not cast.

7.7.3. A quorum shall be considered four (4) or more members being present

7.7.4. A quorum shall be established before a motion can made and voted on.

7.7.5. A simple majority is more than half of the votes cast.

7.7.6. A motion shall be considered passed if the motion received a simple majority “yes” vote.

7.7.7. A motion shall be considered failed if the motion received a simple majority “no” vote.

7.7.8. A motion receiving a tie vote shall be considered failed.

7.7.9. A Board of Zoning & Building Appeals member making or seconding a motion may either vote “yes” or “no” on the motion.

7.8. DEBATE ON A MOTION shall be controlled by the Chair. No person shall be permitted to speak on any motion longer than that period of time, or number of times, which is considered appropriate by the Chair.

8. ELECTED AND APPOINTED OFFICIALS OF THE CITY may be requested to attend a meeting and answer any questions asked by the Board of Zoning & Building Appeals. Such requests shall be made at least 48 hours prior to the scheduled meeting.

8.1. LEGAL ADVISOR for the Board shall be the City Attorney, or their designee.

ADOPTED BY THE BOARD OF ZONING & BUILDING APPEALS OF THE CITY OF GAHANNA, OHIO, this _____ day of _____, _____.

CHAIR NAME HERE
Chair, Board of Zoning & Building Appeals

ATTEST:

Kimberly Banning
Clerk of Council