

## S U M M A R Y

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, Article II, *Review and Decision-Making Bodies*, Division 5, *Board of Zoning Appeals*, by amending Section 50-2-63, *Membership; terms of office; compensation; vacancies; removal*, and Section 50-2-65, *Meetings*, to increase the number of members on the Board of Zoning Appeals to nine.

1 **BY COUNCILMEMBER** \_\_\_\_\_:

2 **AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, Article  
3 II, *Review and Decision-Making Bodies*, Division 5, *Board of Zoning Appeals*, by amending  
4 Section 50-2-63, *Membership; terms of office; compensation; vacancies; removal*, and Section 50-  
5 2-65, *Meetings*, to increase the number of members on the Board of Zoning Appeals to nine.

6 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

7 **THAT:**

8 **Section 1.** Chapter 50 of the 2019 Detroit City Code, *Zoning*, Article II, Division 5,  
9 Sections 50-2-63 and 50-2-65 be amended to read as follows:

10 **CHAPTER 50. ZONING**

11 **ARTICLE II. REVIEW AND DECISION-MAKING BODIES**

12 **DIVISION 5. BOARD OF ZONING APPEALS**

13 **Sec. 50-2-63. Membership; terms of office; compensation; vacancies; removal.**

14 (a) The Board of Zoning Appeals shall be composed of ~~not fewer than five or more~~  
15 ~~than nine members who~~ each of whom shall be, in accordance with Section 601(1) of the Michigan  
16 Zoning Enabling Act, being MCL 125.3601(1), ~~are~~ appointed by a majority vote of City Council  
17 members serving. The members shall be residents of the City of Detroit and, in accordance with  
18 Section 4-201 of the Charter, at least one member shall be a resident of each of the seven non-at-  
19 large districts. As provided for in Section 601(4) of the Michigan Zoning Enabling Act, being  
20 MCL 125.3601(4), not more than one member may also be a member of the City Planning  
21 Commission.

22 (b) In accordance with Section 601(10) of the Michigan Zoning Enabling Act, being  
23 MCL 125.3601(10), the members shall have staggered terms of three years each. ~~Pursuant to~~

1 ~~Section 4-201 of the Charter, the membership of the Board shall consist of one member from each~~  
2 ~~of the seven non-at-large district.~~

3 (c) In accordance with Section 601(8) of the Michigan Zoning Enabling Act, being  
4 MCL 125.3601(8), compensation of members may be paid at a reasonable per diem rate and  
5 members may be reimbursed for expenses actually incurred in the discharge of their duties.  
6 Compensation of members shall be fixed by City Council through adoption of a resolution.

7 (d) In accordance with Section 601(11) of the Michigan Zoning Enabling Act, being  
8 MCL 125.3601(11), a vacancy on the Board shall be filled by the City Council for the remainder  
9 of the unexpired term in the same manner as the original appointment.

10 (e) In accordance with Section 601(9) of the Michigan Zoning Enabling Act, being  
11 MCL 125.3601(9):

12 (1) A member may be removed for cause by the City Council for misfeasance,  
13 malfeasance, or nonfeasance in office upon written charges and after public  
14 hearing;

15 (2) A member shall disqualify himself or herself from a vote in which the member has  
16 a conflict of interest; and

17 (3) Failure of a member to disqualify himself or herself from a vote in which the  
18 member has a conflict of interest constitutes malfeasance in office.

19 **Sec. 50-2-65. Meetings.**

20 (a) In accordance with Section 602(2) of the Michigan Zoning Enabling Act, being  
21 MCL 125.3602(2), regular meetings of the Board of Zoning Appeals shall be held at the call of  
22 the chairperson and at other times as the Board may specify in its rules of procedure. Meetings of

1 the Board shall be conducted in compliance with the Michigan Open Meetings Act, being MCL  
2 15.261 et seq.

3 (b) In accordance with Section 601(12) of the Michigan Zoning Enabling Act, being  
4 MCL 125.3601(12), ~~four~~ a majority of the members of the Board shall constitute a quorum for the  
5 conduct of business. The Board shall have the power to subpoena and require the attendance of  
6 witnesses, compel testimony or the production of books, papers, files, or other evidence pertinent  
7 to the matter before the Body. The chairperson or, in his or her absence, the vice-chairperson, may  
8 administer oaths and compel the attendance of witnesses.

9 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,  
10 safety and welfare of the People of the City of Detroit.

11 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are  
12 repealed.

13 **Section 4.** This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication  
14 in accordance with Section 401(6) of Public Act 110 of 2006, as amended, MCL 125.3401(6), and  
15 Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to Form:

  
Conrad L. Mallett  
Corporation Counsel