

Village of Lexington
Zoning Board of Appeals (ZBA)
Bylaws - Rules of Procedure
Adopted: October 23, 2023

1. Purpose

The following rules of procedure are hereby adopted by the Village of Lexington Zoning Board of Appeals (hereinafter known as ZBA) to facilitate the performance of its duties as outlined in the Village of Lexington Zoning Ordinance.

2. Membership

A. The ZBA will consist of up to five (5) and no less than three (3) members appointed by the Village Council.

1. The members of the ZBA shall be selected from the electors of the village. The members selected shall be representative of the population distribution and the various interests present in the village. An employee or contractor of the Village Council may not serve as a member of the Zoning Board of Appeals.
2. Terms shall be for three (3) years and the period stated in the resolution appointing them. 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 (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
3. The Village Council may appoint not more than two (2) alternate members for the same term as regular members to the board. The alternate member has the same voting rights as a regular member of the board when serving. The alternate member appointed to a case shall serve on the case until a final decision is made. An alternate member may be called to serve as a regular member of the board if;
 - a) the regular member is absent from or will be unable to attend one (1) or more meetings or
 - b) a regular member needs to abstain for reasons of conflict of interest.

B. Attendance. If any member of the ZBA is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Village Council to remove a member from the ZBA for nonperformance of duty or misconduct after holding a public hearing on the matter. The ZBA secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and notify the Village Council whenever any member of the ZBA is absent from three consecutive regularly scheduled meetings so the Village Council can consider further action allowed under law or excuse the absences.

C. Training. Each member will complete at least four (4) hours per year of training in planning and zoning during the member's current term of office. Failure to meet the training requirements shall result in the member not being reappointed to the ZBA. The village will fund the training, and the Planning Commission will provide suggestions for it. One or more of the following organizations shall provide the training: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, Wayne State University, or a similar organization.

D. Liaisons. The purpose of liaisons is to provide specific Village of Lexington and quasi-Village of Lexington officials the ability to participate in discussion with the ZBA in addition to speaking during public comment and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements pursuant to Section 2.B of these Rules of Procedure. Liaisons are:

1. Planning Department Staff and their agents and consultants
2. Zoning Administrator.
3. The ZBA's attorney.
4. The County Surveyor.
5. The County Register of Deeds.

3. Conflict of Interest and Incompatibility of Office.

A. Each member of the ZBA shall avoid situations that are conflicts of interest or incompatibility of office.

B. As used here, a conflict of interest shall, at a minimum, include, but not necessarily be limited to, the following: Issuing, deliberating on, voting on, or reviewing a case:

1. concerning them.
2. concerning work on land owned by them or which is within 300 feet of land owned by them.
3. involving a corporation, company, partnership, or any other entity in which they are part-owner or any other relationship where they may stand to have a financial gain or loss.
4. which is an action that results in a pecuniary benefit to them.
5. concerning their spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of their household.
6. where their employee or employer is an applicant or agent for the applicant or has a direct interest in the outcome.

C. When a conflict of interest exists, the member of the ZBA shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

1. declare a conflict exists at the next meeting of the ZBA:
2. cease to participate at the ZBA meetings, or in any other manner, or represent oneself before the ZBA, its staff, or others, and
3. during deliberation of the agenda item before the ZBA, either leave the meeting or remove oneself from the front table where members of the ZBA sit until that agenda item is concluded.

D. If a member of the ZBA is appointed to another office that is an incompatible office with their membership on the ZBA, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the ZBA. If a member of another office is appointed to the ZBA, which is an incompatible office with their membership in the other office, then on the effective date of the appointment to the ZBA, that shall result in an automatic resignation from the other office.

4. Duties of all members.

A. *Ex Parte* Contact

1. Members shall avoid *ex-parte* contact about cases where an administrative decision is before the ZBA whenever possible.
2. Despite one's best efforts, avoiding *ex-parte* contact is sometimes impossible. When that happens, the member should take detailed notes on what was said and report what was said at the ZBA hearing or public meeting so that every member and other interested parties are made aware of it.

B. Site Inspections

1. Site inspections shall be done by the zoning administrator or other staff. They shall orally present a written report of the site inspection at the ZBA public hearing or meeting on it.
2. Less than a quorum of the ZBA may make a site inspection at one time, or there will be a quorum and would need to be posted as a meeting.
3. The ZBA member will refrain from discussion with the applicant or neighbors.
4. The ZBA member will report on the site inspection at the ZBA public hearing or meeting on it.

C. Accepting gifts

1. Gifts shall not be accepted by a member of the ZBA or liaisons from anyone connected with an agenda item before the ZBA.
2. As used here, gifts shall mean cash, any tangible item, or service, regardless of value.

D. Spokesperson for the ZBA.

1. Free and open debate should take place on issues before the ZBA. Such debate shall only occur at meetings of the ZBA.
2. Once a vote is taken and an issue is decided by vote, it is the duty of each member of the ZBA to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the ZBA.
3. From time to time, or on a specific issue, the ZBA may appoint a spokesperson for the ZBA for all matters that occur outside of the meetings of the ZBA.

5. Officers

A. Selection. At the regular meeting in May of each year, the ZBA shall select a Chair, Vice-Chair, and Secretary from its membership. All officers are eligible for reelection. If the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term, and the ZBA shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the ZBA shall choose a successor for the unexpired term. The ZBA or Secretary may also designate another person who is not a member of the ZBA to be the recording secretary.

B. Tenure. The Chair, Vice-Chair, and Secretary shall take office in May following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

C. Chair's Duties. The Chair retains their ability to discuss, make motions, and vote on issues before the ZBA. The Chair shall:

1. Preside at all meetings with all powers under parliamentary procedure;
2. Shall sign all decisions of the ZBA pursuant to M.C.L. 125.3606(3);
3. Shall rule out of order any irrelevant remarks; personal remarks; comments about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the ZBA;
4. Restate all motions as pursuant to Section 7.K. of these Rules of Procedure;
5. May call special meetings pursuant to Section 7.B of these Rules of Procedure;
6. Appoint an acting secretary if the Secretary is absent from a ZBA meeting.
7. Review with the Secretary or staff, prior to a ZBA meeting, the items to be on the agenda if they so choose;
8. Represent the ZBA before the Council and the Planning Commission
9. Perform such other duties as may be requested by the ZBA.

D. Vice-Chair's Duties. The Vice-Chair shall:

1. Act in the capacity of Chair, with all the powers and duties found in Section 5.C of these Rules of Procedure, in the Chair's absence; and
2. Perform such other duties as may be requested by the ZBA.

E. Secretary's Duties. The Secretary shall:

1. Execute documents in the name of the ZBA;
2. Be responsible for the minutes of each meeting pursuant to section 6.A of these Rules of Procedure if there is not a recording secretary.
3. Review the draft of the minutes, sign them, and submit them for approval by the ZBA and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the ZBA prior to the next meeting of the ZBA (the Secretary may delegate this duty to Village staff);
4. May have a ZBA recording secretary (who shall not be a member of the ZBA);
5. Receive all communications, petitions, and reports to be addressed by the ZBA, delivered or mailed to the Secretary in care of the Village Office;
6. Keep attendance records pursuant to Section 2.B of these Rules of Procedure;
7. Provide notice to the public and members of the ZBA for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 *et seq.* (the Secretary may delegate this duty to Village staff);
8. Prepare an agenda for ZBA meetings pursuant to Section 7.F. of these Rules of Procedure (the Secretary may delegate this duty to Village staff);
9. Perform such other duties as requested by the ZBA.

- F. Recording Secretary's Duties. The Recording Secretary shall not be a member of the ZBA or any of its committees and shall:
1. At each meeting, take notes for minutes and prepare the first draft of minutes for review and signature by the Secretary and
 2. Perform such other duties as requested by the ZBA or secretary.

6. Request for Appeal or Variance

- A. Filing. The following may file for an appeal or variance
1. Any aggrieved person or the person's authorized agent;
 2. Officer, department, board, or bureau of the state; and
 3. Officer, department, board, or bureau of a local unit of government.
- B. The filing for an appeal of a decision or for a variance shall be in writing on a form provided by the zoning administrator and upon payment of a fee, as the Council may establish from time to time. Such request for an appeal of a decision shall be filed with the zoning administrator not more than 30 days from the date of the decision being appealed. A request for a variance shall be filed with the zoning administrator at any time.
- C. Notification. Within ten (10) days from the date of the receipt of the request for an appeal or variance which is found to be complete, the zoning administrator shall contact the Chair of the ZBA and set up a date and time for the ZBA to meet to hold a hearing and a meeting to consider and act on the case. Notice of such meeting(s) shall be made by the zoning administrator as specified in Section 6.D, 6.E, 6.F, 6.G of these Rules of Procedure.
- D. The notice sent to members of the ZBA shall include:
1. Copies of the request for an appeal or variance form;
 2. the entire content of the zoning administrator's file and/or other file(s) on the case;
 3. other relevant correspondence, permits by other applicable enforcement agencies;
 4. previous zoning permits and record of ZBA actions concerning the property in question; and
 5. anything else that is relevant.
- E. The zoning administrator shall prepare copies of the above for inclusion in the package sent to ZBA members.
- F. The notice shall include the following information:
1. Describe the nature of the request
 2. Indicate the property(ies) which is(are) subject of the hearing.
 3. A listing of all existing street addresses within the property(ies) which is(are) subject of the appeal. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, another means of identification may be used.)
 4. A statement of when and where the issue will be considered.
 5. An indication of when and where written comments will be received concerning the issue.

- G. The notices shall be given not less than 15 days before the date of consideration for approval. Notices shall be:
1. Sent by mail or personal delivery to owners of property(ies) for the land, which is the subject of the appeal.
 2. For variance requests, published in a newspaper of general circulation in Lexington. (Note: "General circulation" means a newspaper with a paid subscription and not a free-distribution advertiser or similar publication.)
 3. For variance requests, sent by mail or personal delivery to all persons to whom real property is assessed or who occupy structures within 300 feet of the property(ies), which is the subject of the appeal regardless of whether the owner and property are located in the zoning jurisdiction or not.
 4. Sent by mail or personal delivery to the person requesting the interpretation.
 5. Sent by mail or personal delivery to the governing body's attorney's office.
 6. Sent by mail or personal delivery to the landowner and
 7. Sent by registered mail with return receipt to the person and/or agent seeking the appeal or variance.
- H. Deadline for Action. The above notwithstanding, the ZBA shall hear the case and render and file its decision with a statement of reasons for the decision with the zoning administrator not more than 30 days after receipt of the case unless a longer period of time is mutually agreed upon by the petitioner and ZBA.
- I. Notice of Decision. The Secretary, or designate, shall cause to have notices of the ZBA decision delivered in person or by first-class mail to the zoning administrator, the governing body's attorney's office, and anyone else requesting a copy in writing. Further, a certified written notice of the decision to the petitioner or his agent, filing the request for an appeal or variance, shall be sent by restricted registered mail with a return receipt.

7. Meetings.

- A. Regular Meetings. The ZBA shall meet at least once each year during the month of May. Any other meetings of the ZBA will be called as needed in response to receipt of a request for an appeal or variance so long as the meeting is scheduled within 20 days of the request. The meeting can be called by the zoning administrator, the chairman of the ZBA, or, in the Chair's absence, the Vice-Chair.
- B. Other meetings. Meetings shall be called by giving meeting notice to members of the ZBA at least seven days before such meeting (so that members receive the notice before the weekend before the meeting date). The notice shall state the purpose, time, and location of the meeting.
- C. Public. All meetings, hearings, records, and accounts shall be public and posted in compliance with P. A. 267 of 1976, as amended (the Michigan Open Meetings Act). All regular and special meetings, hearings, records, and accounts shall be open to the public.
1. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes, the ZBA may direct

questions to members of the public. Public comment is at the beginning of the meeting so the ZBA can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public prepare for the meeting, any written material shall be made available for the cost charged by the Village for copies for FOIA.

2. The Chair may limit the amount of time allowed for each person wishing to make public comment at a ZBA meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is chosen, that individual shall be able to make public comment at the ZBA meeting without a time limit or for an extended time limit.
- D. Quorum. Half the total filled positions of regular members of the ZBA rounded up to the next whole number, shall be the quorum for the transaction of business and the taking of official action for all matters.
- E. When a petitioner, agent, or attorney fails to appear at a properly scheduled meeting of the ZBA, the Chair may entertain a motion from the ZBA to dismiss the case for lack of presence of the petitioner. In the absence of a motion by the ZBA, the chair shall rule. In cases dismissed for want of presence of the petitioner, the petitioner will be furnished written notice of the action by the Secretary. The petitioner shall have seven (7) days from the date of the notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown and upon repayment of a fee set by Council. All cases reinstated in the above-described manner will be docketed and re-advertised in the usual manner prescribed for new cases.
- F. Order of Business. Agenda. The Secretary, or designee, shall prepare an agenda for each meeting, and the order of business therein shall be as follows:
1. Call to order, roll call, and Pledge of Allegiance.
 2. Election of officers, if necessary.
 3. Public Hearings. The Chairman will declare a hearing open and state its purpose.
 - a. The Chairman shall summarize, provide copies, or conspicuously post the procedure for public hearing as outlined in Sections 7.C, 7.F of these Rules of Procedure for any members of the public in attendance or provide copies.
 - b. Case Number
 - 1) The zoning administrator presents the petitioner's request, his action on the matter, reasons for his decisions, and a written copy of the petitioner's request.
 - 2) The petitioner, their agent, or attorney may present their case, including presenting witnesses on their behalf. No time limit will be imposed on the petitioner.
 - 3) Members of the ZBA shall report on their site inspection and any conversations with the petitioner they may have had.
 - 4) Members of the public who support the petitioner speak and correspondence is read. At the chairman's option, he may:
 - a) recess the meeting for a short time to allow those in support to caucus in order to have one speak on their behalf for an unlimited period of time if

there are a large number of people present on an issue or for a set duration of time.

- b) allow many to speak in favor of the petitioner and can impose a time limit for the speaker that is three (3) minutes or more per speaker.
- 5) Members of the public who oppose the petitioner speak and correspondence is read. At the chairman's option, he may:
 - a) recess the meeting for a short time to allow those in opposition to caucus in order to have one speak on their behalf for an unlimited period of time if there are a large number of people present on an issue.
 - b) allow many to speak in opposition of the petitioner and can impose a time limit for the speaker that is three (3) minutes or more per speaker.
- 6) Rebuttal. Anyone may ask the Chairman questions on presentations or speeches given at this hearing. The Chairman will seek an answer to the question. Answers shall be given to the Chairman. No discussion, questioning, or answering shall take place between any two or more people except between the Chairman and the individual who has the floor.
 - 7) Close the hearing. (At this point, all public participation on the issue ends.)
6. Public Comment for items on this agenda but are not items subject to a hearing at this meeting.
7. Housekeeping Business.
 - a. Approval of minutes from previous meeting.
 - b. Other.
8. Business Session.
 - a. Action on pending case number.
 - 1) Discussion: Review of the facts based on all information presented (from the application, written request for appeal or variance, zoning ordinance, physical characteristics of the parcels, staff reports, and hearing testimony). Discussion continues until a member is confident enough to propose a motion that includes a "finding of fact" and/or "conclusions," "rationale explaining why conclusions are reached," and "conditions," if any.
 - 2) Motion is proposed on "finding of fact."
 - 3) Discussion on the motion.
 - 4) Action on the motion
 - 5) Discussion focusing on standards and requirements of the ordinance.
 - 6) Motion is proposed on "rationale, conclusions, conditions."
 - 7) Discussion on the motion
 - 8) Action on the motion
 - b) Other business of the ZBA.
9. Public comment for items not on this agenda or subject to a hearing at this meeting.
10. Adjournment.

G. Placement of Items on the Agenda.

1. The Zoning Administrator shall be the office of record for the ZBA.
2. The Zoning Administrator may receive items on behalf of the ZBA between the time of the adjournment of the previous ZBA meeting and eight business days prior to the next regularly scheduled ZBA meeting.
3. Items received by the Zoning Administrator between seven business days prior to the next regularly scheduled ZBA meeting and the next regularly scheduled ZBA meeting shall be set aside to be received by the ZBA at its next regularly scheduled ZBA meeting. The ZBA may act on those items of a minor nature or table action to the subsequent regular or special ZBA meeting.

Those items of a major nature, including all variances, ordinance, and map interpretations, items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special ZBA meeting.

4. The deadline to add items to the ZBA's meeting agenda shall be seven business days prior to the next regularly scheduled ZBA meeting.

H. Comments Out of Order. The chair shall rule out of order any irrelevant remarks, personal remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics, profanity, or any other remarks not about land use.

I. Recesses. The Chair, or the ZBA, after the meeting has been in session for two hours (not including site inspections), shall suspend the ZBA's business and evaluate the remaining items on its agenda. The ZBA shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable, such action shall include the time, day, month, date, year, and location the ZBA will reconvene. If more than 18 hours will pass before the reconvened ZBA meeting, public notice shall be given to comply with P.A. 267 of 1976, as amended (Michigan Open Meeting Act M.C.L. 15.261 *et seq.*).

Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The ZBA shall resume with the same meeting agenda, proceeding at the same point where they left off without adding more business.

J. Parliamentary Procedure. ZBA meetings shall be governed by *Roberts Rules of Order Newly Revised* (11th Edition, Perseus Publishing, New York, 2000) for issues not specifically covered by these Rules. Where these Rules of Procedure conflict or are different than *Robert's Rules of Order*, then these Rules of Procedure control.

K. Motions.

1. Motions shall be restated by the Chair before a vote is taken.
2. Findings of Fact. All actions taken in an administrative capacity (including but not limited to appeals, subdivisions, zoning, site plan review, variances, and determination of compliance with an adopted plan shall include each of the following parts.
 - a. A finding of facts, listing what the ZBA determines to be relevant facts (including parcel owner, parcel legal description, what is applied for) in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - b. Conclusions, listing reasons based on the facts for the ZBA's action.

- c. The ZBA's action, recommendation or position, approval, approval with conditions, or disapproval.
3. Any other motion shall be stated in prose or in the form of a resolution.
- L. Voting. Voting shall be by roll call vote and shall be recorded by "yes" or "no." Members must be present to cast a vote. A motion is only adopted if over half the total membership of the ZBA (regardless of the number actually present at the meeting) casts their votes in favor of the motion. A motion to adopt a use variance requires a $\frac{2}{3}$ vote of the total membership. Total membership is defined as the total number of currently filled regular positions on the Zoning Board of Appeals, with a minimum of three (3).

8. Records

- A. Preparation. The ZBA Secretary shall keep, or cause to be kept, a record of ZBA meetings, which shall, at a minimum, include an indication of the following:
 1. A copy of the meeting posting as required in Section 6.D, 6.E, 6.F, 6.G of these Rules of Procedure.
 2. A signed statement indicating that notices, as required in Section 6.D, 6.E, 6.F, 6.G of these Rules of Procedure, were sent out, with a list of to whom, and an indication of by whom, and a copy of a newspaper notice if one was published.
 3. A copy of the Request for Appeal or Variance, including any maps, drawings, site plans, etc.
 4. The original of the minutes of the meeting (including the hearing and site inspection) which shall include, in chronological sequence of occurrence:
 - a. Time and place the meeting was called to order.
 - b. Attendance.
 - c. Indication of others present (listing names if others choose to sign in and/or a count of those present).
 - d. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
 - e. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
 - f. Full text of all motions introduced, whether seconded or not, who made the motion, and who seconded the motion. For each motion, the following should be included:
 - 1) Who testified, and a summary of what was said.
 - 2) A statement of what is being considered (e.g., appeal of a decision on a permit for a special land use, subdivision, land division, or a variance)
 - 3) The location of the property involved (tax parcel number and description, legal description is best).
 - 4) What exhibits were submitted (list each one, describe each, number or letter each, and refer to the letter or number in the minutes).
 - 5) What evidence was considered (summary of discussion by members at the meeting).

- 6) The administrative body's findings of fact.
 - 7) Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance that would be violated or with which not complied.)
 - 8) The decision (e.g., approve, deny, approve with modification).
 - 9) A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
 - 10) List of all changes to the map/drawing/site plan that was submitted. (Sometimes, it is easier to use a black flair felt pen and draw the changes on the map of what was applied for rather than listing the changes. Do not use different colors. The map will most likely be photocopied. Then, the colors on the copy will not show at all or just be black.)
 - 11) Make the map/drawing/site plan part of the motion (e.g., "...attached to the original copy of these minutes as appendix `A,' and made a part of these minutes...").
- g. A summary of all points made by members and staff in debate or discussion on the motion or issue.
 - h. Who called the question.
 - i. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained, or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "The motion passed/failed after a voice vote."
 - j. That a person making a motion withdrew it from consideration.
 - k. All the Chair's rulings.
 - l. All challenges, discussion, and vote/outcome on a Chair's ruling.
 - m. All parliamentary inquiries or points of order.
 - n. When a voting member enters or leaves the meeting.
 - o. When a voting member or staff has a conflict of interest and when the voting member ceases or resumes participating in discussion, voting, and deliberations at a meeting.
 - p. All calls for an attendance count, the attendance, and the ruling if a quorum exists.
 - q. The start and end of each recess.
 - r. All chair's rulings of discussion being out of order.
 - s. Full text of any resolutions offered.
 - t. Summary of announcements.
 - u. Summary of informal actions or agreement on consensus.
 - v. Time of adjournment.
5. The records of any action on a case by the zoning administrator.
 6. The records of all past records regarding the property involved in a case (previous permit, special use permit, variances, appeals).

7. Any relevant maps, drawings, and photographs presented as evidence at a hearing.
 8. Copies of any correspondence received or sent out regarding a case.
 9. A copy of relevant sections or a list of citations of sections of the zoning ordinance.
 10. A copy of any follow-up correspondence to or from the petitioner regarding the decision.
- B. Retention. The record of each meeting shall be permanently kept on file and spread in suitable volumes, with a copy filed with the clerk of the Village of Lexington. All the pertinent documents and minutes for each case before the Board of Appeals shall be copied and filed with the zoning administrator's office. Copies of the minutes shall be distributed to each member of the ZBA. Copies of the minutes shall be available to the public within seven days of the meeting.

9. Other Duties

- A. The ZBA may also formulate and provide advice and may advise policy to the Planning Commission, Council, or any committee thereof on issues dealing with administration, text, map, and enforcement of the zoning ordinance.

10. Adoption, Repeal, Amendments

- A. Upon adoption of these Rules of Procedure on October 23, 2023, they shall become effective, and all previous rules of procedure, as amended, shall be repealed.
- B. These Rules of Procedure may be amended at any regular or special meeting by a two-thirds ($\frac{2}{3}$) vote of the total members (as defined in section 7.L) on the ZBA, so long as such amendment does not result in a conflict with state law, zoning ordinance or court decision.