

## **CITY CHARTER: ARTICLE XII. - BOARD OF ZONING AND BUILDING APPEALS**

### **SECTION 12.01 - COMPOSITION AND TERM.**

The Board of Zoning and Building Appeals shall consist of five (5) members.

On the first January 2 following the effective date of this Charter, one (1) of the five (5) electors shall be appointed by the City Council to serve a term of three (3) years, one (1) shall be appointed by the City Council to serve a term of two (2) years, one (1) shall be appointed by City Council to serve a term of one (1) year, one (1) shall be appointed by the Mayor to serve a term of three (3) years, and one (1) shall be appointed by the Mayor to serve a term of two (2) years. Thereafter, on each January 2 (if January 2 is a Sunday, then on January 3) and as the terms expire, appointments shall be made for a term of three (3) years by the respective appointing authorities for the position for which the term is expiring. (Amended Nov. 5, 1991.)

No person shall serve as a member of the commission at the same time the person is an employee or official of the City. (Amended Nov. 5, 1991.)

A member of the Board of Zoning and Building Appeals may be removed for just cause by the appointing authority appointing the member to that position. A removed member shall not be eligible for reappointment to the Board of Zoning and Building Appeals for a period of five (5) years following removal. (Amended Nov. 5, 1991.)

A vacancy occurring during the term of any member of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the manner authorized for an original appointment providing this is done within forty-five (45) days after the date such vacancy occurs. If appointment is not made by the appropriate appointing authority within forty-five (45) days after the date such vacancy occurs, the other appointing authority shall make appointment to the Board of Zoning and Building Appeals for the unexpired term. (Amended Nov. 5, 1991; Nov. 6, 2001.)

### **SECTION 12.02 - ORGANIZATION.**

The Mayor shall establish the date, which shall be not later than thirty (30) days after January 2, for the first meeting each year, at which the Board of Zoning and Building appeals shall organize under a chairman elected from among its members for a term of one (1) year. (Amended Nov. 8, 1966).

### **SECTION 12.03 - JURISDICTION.**

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals as follows:

- (a) For exceptions to ordinances, resolutions, and regulations of the City pertaining to zoning, building, and landscaping in the City.
- (b) From the decisions, measures and orders of City officials, boards, commissions and agencies pertaining to zoning, building, and landscaping in the City.
- (c) The Board shall decide its cases to afford justice and avoid unreasonable hardship to citizens. Further, the Board's authority shall be exercised subject to such reasonable standards as shall be prescribed by Council. Further, the Board shall have such other powers as may be granted to it by Council.

The subject of appeal shall be suspended until action is taken or decision rendered by such Board of Zoning and Building Appeals. (Amended Nov. 6, 2001.)

### **SECTION 12.04 - MEETINGS AND PROCEDURE.**

Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings shall be open to the public and a record shall be kept showing the vote of each member on each question.

Procedure before the Board of Zoning and Building Appeals shall be in accordance with ordinance of Council and/or rules or regulations established by the Board not inconsistent therewith. (Amended Nov. 6, 2001.)