

# CHAPTER 3

## BOARD OF ADJUSTMENT

### SECTION:

- 2-3-1: *Creation of Board of Adjustment*
- 2-3-2: *Authority to Create Separate Board*
- 2-3-3: *Rules and Regulations*
- 2-3-4: *Records*

2-3-1:                   **CREATION OF BOARD OF ADJUSTMENT:** There is hereby created a Board of Adjustment to be composed of the Mayor and members of the City Council to aid in the administration of the zoning ordinance.

2-3-2:                   **AUTHORITY TO CREATE SEPARATE BOARD:** The City Council may, by resolution duly adopted, in lieu of acting as a Board of adjustment of the City appoint a separate Board to aid in the administration of the zoning ordinance with powers and duties as directed herein or in the zoning ordinance. Said Board, if appointed, shall consist of three (3) members to be appointed by the Mayor, with the consent of the majority of the City Council, each for a term of three (3) years. The term shall expire on December 31st of the third year following their appointment. The terms of the members of the Board initially shall be staggered so that a term of the member shall expire each year. If any vacancy should occur, the Mayor, with the consent of the majority of the City Council, shall appoint a qualified person to fill the unexpired term of any member of the Board in an event of a vacancy. The Board shall elect its own chairperson and may appoint other officers from among its members. The zoning official shall serve as a nonvoting ex officio member of the Board.

2-3-3:                   **RULES AND REGULATIONS:** The Board, whether composed of the Mayor and City Council or a duly appointed Board as provided, shall have such duties and authority as set forth in the zoning ordinance and shall perform other duties as required by state law or as directed by the City Council.

2-3-4:                   **RECORDS:** The Board shall hold meetings when necessary and shall keep minutes of its proceedings showing the vote of each member on every question. The

meetings, minutes and records of the Board shall be open to public. Decisions of the Board in approving or denying an application before the Board shall be in writing and shall be based upon findings of fact made by the Board.