

SHELLEY CLOWER

Place 2, Chair

TANITIA MARVELS

Place 3

ROBERT MCCURDY

Place 4, Vice Chair

BILLY

FLOW

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Place 1



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THOMAS BOSQUEZ

Place 5-

STACEY ROBAR

Place 6

KEVIN UNGER

Place 7

REGULAR MEETING

August 22, 2024 @ 6:00 PM

Venus Civic Center

210 South Walnut Street

Venus, Texas 76084

Page

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance:

2. Public Comment Period:

3. Consent Agenda:

3.1 Consider the approval of meeting minutes for Regular P&Z on July 25, 2024.

I make a motion to approve/deny the consent agenda.

4. Public Hearing and Consideration items:

4.1 Conduct Public Hearing to consider amending Chapter 34 "Zoning", Article I, "In General", by repealing in their entirety Section 34-13 "Planning and Zoning Commission" and Section 34-14 "Board of Adjustment".

3 - 17

Open Public Hearing:

Close Public Hearing:

Discuss and consider amending Chapter 34 "Zoning", Article I, "In General", by repealing in their entirety Section 34-13 "Planning and Zoning Commission" and Section 34-14 "Board of Adjustment".

[Agenda Item Cover sheet-.pdf](#)  [VENUS ordinance amend code add ch 36.pdf](#)  [COV- POLICY \(USE\).pdf](#) 

I make a motion to approve/deny amending Chapter 34 "Zoning", Article I, "In General", by repealing in their entirety Section 34-13 "Planning and Zoning Commission" and Section 34-14 "Board of Adjustment".

5. Adjournment:

In accordance with TEXAS GOVERNMENT CODE §551.001, et seq. the City of Venus Planning & Zoning Commission may recess into Executive Session (closed meeting) at any time during this meeting to discuss matters listed on the agenda or if any of the following matters should arise during the course of the meeting: §551.071 Consultation with Attorney; §551.072 Deliberation regarding Real Property, §551.074 Personnel Matters, §551.076 Deliberation regarding Security Devices, §551.087 Deliberation regarding Economic Development Negotiations.

This is to certify that a copy of this Notice of Meeting was posted on the bulletin board of City Hall, 700 W Hwy 67, Venus TX, at a place readily accessible to the general public at all times, and to the City's website, **www.cityofvenus.org**, not less than 72 hours prior to the meeting.

Callie Green, TRMC

City Secretary

If you plan to attend the public meeting and have a disability requiring accommodation, please make your request at least 48 hours in advance of the meeting, if possible. To make arrangements call (972) 366-3348 and leave a message if it is after hours.

Removed: _____

Time: _____



**Planning and Zoning Agenda Item Report
August 22, 2024**

Callie Green, City Secretary
972-366-3348 ext. 207
cgreen@cityofvenus.org

Discuss and consider amending Chapter 34 "Zoning", Article I, "In General", by repealing in their entirety Section 34-13 "Planning and Zoning Commission" and Section 34-14 "Board of Adjustment".

1. **BACKGROUND/HISTORY:** The creation of the P&Z is in the Zoning Ordinance. To make any changes on how the P&Z Commission operates, there must be a Public Hearing.
2. **FINDINGS / CURRENT ACTIVITY:** The City Council would like to see consistency among all City Boards, Commissions, and Committees. The P&Z Ordinance will more than likely be changing, which calls for the Public Hearing before P&Z, then to the City Council. There are four changes to the P&Z Commission.
 - 1- Removing even and odd years for terms.
 - 2- Removing the appointment date on July 1st of the calendar year.
 - 3- Adding language, "All seven (7) Commissioners shall be residents of the City of Venus, also appointed by the City Council of the City of Venus according to Place (for example, Councilmember Place 1 appoints Board Member Place 1, and so forth), Each member of Council, including the Mayor, shall appoint, in accordance with the Place each Councilmember occupies, a member to the Board, with the Mayor appointing Place 7. The sixth (6th) place on the Board shall be appointed by the Council at large. Each member of the Board of Commission shall serve at the pleasure of the City Council for a term of two years. Each member of the Board of Commissioners shall be entitled to one vote upon the business of the Commission. Each term of each Board member shall begin in June of the year they are appointed, regardless of when said Board member is appointed, and run for two (2) years and end on the 31st of May every two (2) years."
 - 4- Taking the P&Z Commission out of the Zoning Ordinance and creating a new chapter (Chapter 36) titled, "Boards, Commissions, and Committees".
3. **RECOMMENDATIONS:** Recommend to the City Council for approval
4. **ATTACHMENTS:** Ordinance and Ex.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, AMENDING THE CODE OF ORDINANCES, BY CREATING A NEW CHAPTER, CHAPTER 36, ENTITLED “BOARDS, COMMISSIONS AND COMMITTEES” AND WHICH IS ATTACHED HERETO AS EXHIBIT “A’ AND FULLY INCORPORATED HERIEN TO THIS ORDINANCE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has the authority to establish, by ordinance or resolution, such boards, commissions or committees as it may deem necessary for the conduct of City business and management of municipal affairs; and

WHEREAS, the City Council shall prescribe the purpose, composition, functions, duties, accountability, and tenure of each board, commission or committee as prescribed by law or its ordinances; and

WHEREAS, the City Council of Venus finds it is in the best interest to implement uniform regulations for all boards, commissions and committees of the City.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF VENUS, TEXAS THAT:

SECTION 1. That the City of Venus Code of Ordinances is hereby amended by creating a new chapter, Chapter 36 “Boards, Commissions and Committees”, which is attached hereto as Exhibit “A” and is incorporated herein to this ordinance as if fully recited.

SECTION 2. That all ordinances of the City of Venus, Texas in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Venus, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional

by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

SECTION 5. The Recitals of this Ordinance are fully incorporated herein as if fully written.

DULY PASSED by the City Council of the City of Venus, Texas, on the ___ day of August 2024.

APPROVED:

Alejando Galaviz, Mayor

ATTEST:

Callie Green, City Secretary

“... ”

CHAPTER 36. BOARDS, COMMISSIONS AND COMMITTEES

Division 1. Generally

Sec. 1.01 (RESERVED)

Division 2. Rules and Procedures

Sec. 2.01 Establishment

This is hereby created and established within the City of Venus's Boards, Commissions and Committees by Ordinance **XXX-2024-08** which shall be subject to the jurisdiction of the City Council and shall constitute a Board, Commission or Committee to the City Council.

Sec. 2.02 Policy

- a) The City Council shall appoint citizens to various Boards, Commissions, and Committees. All appointments and removals are made at the sole discretion of the City Council. This policy is intended to create consistency for all Boards, Commissions, and Committees of the city; therefore, any portion of an ordinance or policy which conflicts with this policy, as amended, is repealed. All other portions of said ordinances or policies shall remain in full force and effect.
- b) The Boards, Commissions and Committees Matrix, attached to Ordinance 804-2024-08, as Appendix A, setting forth a summary of the membership, requirements, terms, dates and times, and other information, is hereby incorporated herein and adopted by the City Council. To the extent that there is a conflict between the Boards, Commissions and Committees Matrix and the text of this ordinance, the text of this ordinance will control.

Sec. 2.03 Members

Members of such Boards, Commissions and Committees as established by the City Council, shall be composed of members appointed by the City Council that are depicted in Appendix A. Each member of the board, commission or committee shall meet the eligibility requirements established by the Ordinance and depicted in Appendix A. The members shall serve at the pleasure of the City Council and may be removed at the sole discretion of the City Council at any time.

Sec. 2.04 Qualifications of Board or Commission or Committee members

- a) Unless stated to the contrary herein, each board or commission or committee member must reside within the corporate limits of the City at the time of the appointment to the board or commission and must be a registered voter within the City, as depicted in Appendix A, which is attached and incorporated herein by reference.

- b) Additional board, commission or committee qualifications may be specified by the City Council in the board- and commission-specific portions of Section 3 herein.
- c) Any board, commission or committee member ceasing to possess any of the qualifications set forth in this section, or in the board and commission specific portions of Section 3, herein, applicable to their particular board, shall immediately have his or her seat declared vacant by law without any action by the City Council.

Sec. 2.05 Appointment

All appointments to Boards, Commissions and Committees of the City shall be made by the City Council. Each nomination shall be subject to approval by majority vote of the City Council present.

Sec. 2.06 Term of office

The term of office of each board, commission or committee member shall be two (2) years.

Sec. 2.07 Officers

The board, commission or committee shall have a Chair/President and a Vice-Chair/President, whose terms shall be one (1) year. The Chair/President and Vice-Chair/President shall be nominated by a majority vote of the board, commission, or committee.

The Chair/President and Vice-Chair/President shall be elected each year at the first regular meeting after the board, commission or committee members are appointed and have taken their oath of office.

If both the Chair/President and Vice-Chair/President are absent from a meeting of the board, the board members present at the meeting shall elect a member of the board to serve as the temporary presiding officer during the meeting.

Duties of the officers shall be as follows:

- a. Chair/President:
 - I. Preside at all meetings.
- b. Vice-Chair/President:
 - I. Assist the Chair/President in directing the affairs of the board, commission or committee and act in the Chair/President's absence.

Vacancies in office shall be handled as follows:

- a. In the event of resignation or incapacity of the Chair/President; the Vice-Chair/President shall become the Chair for the unexpired portion of the term.
- b. Vacancy of the Vice-Chair/President shall be filled for the unexpired term by a majority vote of the members of the respective Board, Commission or Committee.

Sec. 2.08 Roles

Although State law controls and this ordinance seeks to comply with all such State law which controls its Boards, Commissions and Committees, the City declares the general roles of its Boards, Commissions and Committees' are as follows:

- Advise the City Council on policies that assist the City Council in carrying out its responsibilities.
- Provide citizen input by being positive representatives of a board, commission, or committee member in the community.
- Provide opinion, support, and expertise, as needed.
- Review data and circumstances pertaining to their respective boards, commissions, or committees, and formulate and recommend to the City Council, for its adoption, policies and regulations consistent with the overall city plan and ordinances.
- Study the need for and encourage the development of knowledge of each board.
- Each board, commission, or committee at the direction of the City Council, shall study and submit reports on any topics within their purview that the City Council deems appropriate.
- Members of each board and commission shall comply with all statutory time limits, public notices, and the Texas Open Meetings Act, V.T.C.A., Government Code § 551.001 et seq.

The Staff Liaison shall be the City Administrator or his/her designee.

The Staff Liaison's roles are as follows:

- Provide administrative support to the boards or commissions under the guidance of the department head (and ultimately, the City Administrator).
- The Staff Liaison for each board will communicate updates on City-related matters to the board, commission, or committee's contribution to advancing the City's goals and objectives.

Relationships with Staff Liaisons

The staff liaison handles administrative duties, prepares meeting agendas, and records minutes. Members may not direct the staff liaison to initiate programs, conduct major studies, or establish official policy without the approval of the City Council.

Members should feel free to contact the assigned staff liaisons for inquiries and/or support purposes. It should be understood; however, that members are responsible for all work for its board or commission. Staff liaisons may provide clerical and administrative support to boards or commissions on an as-needed basis.

City boards, commissions, or committees are not involved in the administration or operation of city departments. The city's staff reports to the department head, who in turn reports to the City Administrator. It is, therefore, the responsibility of the department head and/or the City Administrator to allocate staff time and effort and direct the priority of work.

The staff liaisons are not considered members of a board, commission, or committee and have no power to vote on matters.

City staff liaisons serve boards, commissions, and committees in an advisory capacity – much the same as the board or commission serves the Council. Staff liaisons are selected

on the basis of their professional abilities and are expected to provide recommendations based on their professional analysis of the situation, regardless of personal opinion or consideration of political consequence.

Members should be aware of the staff's responsibility to also provide professional advice to the City Council. The City Council values both the opinion of the board or commission as well as staff since staff expresses their opinion from a strictly professional perspective.

Sec. 2.09 Meetings/Quorum/Training

The meetings of the board, commission or committee must meet at least once for open meetings act training. Such training must be held within ninety (90) days of the new member's appointment to the board. All City Boards, Commissions, and Committees shall operate according to the provisions of the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code), as amended.

A simple majority of the regular members shall constitute a quorum at all meetings of the board, commission, or committee. If a quorum is not present, the meeting shall be cancelled after fifteen minutes after the time for which the meeting was called.

Sec. 2.10 Attendance

All staff liaison providing support to the various city boards and commissions shall maintain attendance records that shall be provided to the city secretary on a quarterly basis. The city secretary or designee shall make the records available to the City Council. A board, commission, or committee member should regularly attend meetings in order to ensure that a quorum can be met, and business transacted. Three (3) consecutive absences, or a total of five (5) absences during a twelve-month period shall cause the City Council to consider removal of the member. Failure to meet these attendance requirements will also bar the member from being re-appointed for a subsequent term.

Sec. 2.11 Removal for absences

The members shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Board, Commission, and Committee members are expected to maintain regular attendance at meetings in accordance with the attendance policy stated in Section 2.10.

Sec. 2.12 Advisory Boards and Statutory Boards

Each Board, Commission, and Committee shall be identified as "Advisory" or "Statutory", or as special purpose corporations such as economic development corporations. Advisory boards shall serve only in an advisory capacity and shall make recommendations to the City Council for further action and consideration. Statutory boards and special purpose corporations may possess decision-making and/or quasi-judiciary powers and functions as designated by their applicable enabling statute.

Sec. 2.13 Amendments

These bylaws may be amended by the City Council at its sole discretion at any regular meeting..

Division 3. Boards, Commissions and Committees – Specific Provisions

Sec. 3.01 Venus Community Service Development Corporation – (Type B)

- (a) The Venus Community Service Development Corporation (“Corporation”) is a Type B economic development corporation incorporated, and had its initial bylaws approved on June 14, 1994, and amended several times with the newest addition on July 22, 2024, by Resolution No. 18-2024-07, and currently operates under such amended bylaws as approved by City Council. The Type B is created and governed by Chapters 501 and 505 of the Texas Local Government Code and this ordinance is not intended to conflict with anything in those chapters. To the extent there is a conflict between this ordinance and those Chapters, those Chapters shall control.
- (b) In accordance with State law, the Corporation shall consist of seven (7) directors. All seven (7) Directors shall be residents of the City of Venus, also appointed by the City Council of the City of Venus according to Place (for example, Councilmember Place 1 appoints Board Member Place 1, and so forth), Each member of Council, including the Mayor, shall appoint, in accordance with the Place each Councilmember occupies, a member to the Board, with the Mayor appointing Place 7. The sixth (6th) place on the Board shall be appointed by the Council at large. Each member of the Board of Directors shall serve at the pleasure of the City Council for a term of two years. Each member of the Board of Directors shall be entitled to one vote upon the business of the Corporation. Each term of each Board member shall begin in June of the year they are appointed, regardless of when said Board member is appointed, and run for two (2) years and end on the 31st of May every two (2) years.
- (c) The Board of Directors shall appoint, at a minimum, a President and a Vice-President.
- (d) The Board of Directors shall have no limitations on the number of years served.
- (e) The Committee is established pursuant to Texas Local Government Code, Section 505.003, to promote authorized projects and to perform all duties as authorized by Chapter 505 of the Texas Local Government Code for Type B corporations.

Sec. 3.02 Planning & Zoning Commission

- (a) The Planning & Zoning Commission was previously established by the City pursuant to Chapter 211 of the Texas Local Government Code and is designated as a Statutory Board of the City of Venus, Texas.
- (b) The Director of Planning, or the designee of the City Administrator shall serve as the Secretary of the Commission.

(c) The Commission is established pursuant to Section 211.007 of the Texas Local Government Code, and is vested with the following powers and duties:

1. to advise the City Council and make recommendations concerning adoption of, or amendments to, zoning regulations and the zoning map;
2. to advise the City Council and make recommendations concerning adoption of, or amendments to the City's Comprehensive Plan, Thoroughfare Plan, and Open Space Plan and implementation thereof;
3. to oversee the City's regulations governing the platting and recording of subdivisions, including matters pertaining to the dedication of public facilities, and to advise the Council on matters pertaining to public improvements, traffic, utility extension and the provision of public facilities and services, in order to implement the City's Comprehensive Plan;
4. to undertake such actions as are necessary to exercise its delegated powers, as indicated by adopted ordinance, including the granting of exceptions to zoning standards;
5. to approve certain matters relating to platting and recording of subdivisions as dictated by the City's ordinances; and
6. other duties and powers as authorized by Chapter 211 of the Texas Local Government Code and other applicable state law.

Application for zoning changes

Any person, firm or corporation requesting a zoning change shall make application to the Planning Department on such forms as may be from time to time prescribed by the city council, such applications to contain the following information:

- (a) The legal description of the land on which the zoning change is requested, together with the local street address.
- (b) The name and address of the legal owner of the property.
- (c) The name and address of the person making the application, if made by anyone other than the legal owner, together with a sworn statement that the person making the application is authorized to act for the owner in making the application.
- (d) The present use under which the property is being regulated at the time of the application and the use requested by the applicant.

Filing fee

Upon the filing of an application for zoning change, the applicant shall pay such filing fee as established by the Master Fee Schedule that is adopted by resolution of the City Council.

Organization and membership

- (a) All seven (7) commissioners shall be residents of the City of Venus, also appointed by the City Council of the City of Venus according to Place (for example, Councilmember Place 1 appoints Board Member Place 1, and so forth), Each member of Council, including the Mayor, shall appoint, in accordance with the Place each Councilmember occupies, a member to the Board, with the Mayor appointing Place 7. The sixth (6th) place on the Board shall be appointed by the Council at large. Each member of the Board of commissioners shall serve at the pleasure of the City Council for a term of two years. Each member of the Board of commissioners shall be entitled to one vote upon the business of the Commission. Each term of each Board member shall begin in June of the year they are appointed, regardless of when said Board member is appointed, and run for two (2) years and end on the 31st of May every two (2) years.
- (b) The Board of commissioners shall appoint, at a minimum, a President and a Vice-President.
- (c) The Board of commissioners shall have no limitations on the number of years served.
- (d) Commissioners shall serve at the will and pleasure of the city council. Any member of the planning and zoning commission may be removed by majority vote of the city council for absence, inefficiency, neglect of duty, or malfeasance in office

General procedures

- (a) All meetings and hearings of the planning and zoning commission are subject to state laws governing open meetings.
- (b) Any action calling for a formal vote shall take place only at a public meeting.
- (c) Executive sessions shall not be open to the public and shall be conducted in accordance with the procedures consistent with the statues of the State of Texas.
- (d) The planning and zoning commission may adopt its own rules of procedure consistent with Texas law and city Ordinances. All meetings and hearings of the planning and zoning commission shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure.

- (e) The planning and zoning commission shall hold regular meetings and shall designate the time and place of the meetings. The planning and zoning commission may hold special meetings as provided in its rules of procedure.
- (f) It shall require a three-fourths vote of the elected members of the city council to approve any zoning change, amendment or regulation of any kind, upon which the planning and zoning commission has recommended denial.

Sec. 3.03 Board of Adjustment

- (a) The Board of Adjustment was previously established by the City pursuant to Chapter 211.008 of the Texas Local Government Code and is designated as a Statutory Board of the City of Venus, Texas.
- (b) The City Council shall serve as the Board of Adjustment.
- (c) The board shall consist of five members who are residents of the city, each to be appointed by the city council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one member as chairperson. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made.
- (d) The city council may appoint two alternate members of the board who shall serve in the absence of one or more of the regular members when requested to do so by the chairperson of the board or city secretary, as the case may be. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.
- (e) All cases to be heard by the board will always be heard by a minimum of 75 percent of the number of regular members.
- (f) Each term of each Board member shall begin in June of the year they are appointed, regardless of when said Board member is appointed, and run for two (2) years and end on the 31st of May every two (2) years. Board members may be appointed to successive terms.
- (g) Appointments of members and alternate members of the board shall be made at the first regular city council meeting in the month of June of each year. Newly appointed members and alternate members shall be installed at the first regular board meeting after their appointment. If there is a sitting board, they shall continue to serve

Operational procedure.

- (a) The board shall adopt rules to govern its proceedings; provided, however, that such rules are not consistent with this chapter or state law. Meetings of the board shall be held at the call of the chairperson or staff liaison and at such

times as the board may determine. The chairperson or in their absence, the acting chairperson, may administer oath and compel the attendance of witnesses.

- (b) All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (c) Appeals to the board can be taken by any person aggrieved or by an officer, department, or board of the municipality affected by any decision of the administrative official. Such appeal shall be taken within 15 days after the decision has been rendered by the administrative official by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the records upon which the action appealed from was taken.
- (d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certified to the board, after the notice of appeal shall have been filed with the officer, that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or a court of record on application or notice to the officer from whom the appeal is taken and on whom due cause is shown.
- (e) No appeal to the board from the same or related variance on the same piece of property shall be allowed prior to the expiration of six months from a previous ruling of the board on any appeal to such body unless other property in the immediate vicinity has, within the said six month period, been changed or acted on by the board or city council so as to alter the facts and conditions on which the previous board action was based. Such change of circumstances shall permit the re-hearing of an appeal by the board prior to the expiration of the six-month period, but such conditions shall in no way have any force in law to compel the board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
- (f) At a public hearing relative to any appeal, any interested party may appear in person, or by agent, or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the board on any appeal. Any special exception or variance granted or authorized by the board, under the provisions of this chapter, shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 90 days from the date of the favorable action of the board, unless said board shall have, in its action, approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been applied for within said 90-day period, or such extended period as the board may have specifically

granted, then the special exception or variance shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

Actions of the Board of Adjustment

- (a) In exercising its powers, the board may, in conformity with the provisions of the statutes of the state as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken. The board shall have the power to impose reasonable conditions to be complied with by the applicant.
- (b) The concurring vote of 75 percent of the number of regular members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this chapter or to affect any variance in said chapter.
- (c) Any person or persons jointly or severally aggrieved by any decision of the board, or any taxpayer, or any officer, department, or board of the municipality may present to a court of records (district court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.
- (d) Notice of hearing before Board of Adjustment required. The board shall hold a public hearing on all appeals made to it, and written notice of such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made. Measurements shall be taken inclusive of public streets. Such notice shall be given no less than ten days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Post Office. Notice shall also be given by publishing the same in the official publication of the city at least ten days prior to the date set for hearing, which notice shall state the date, time and place of such hearing.
- (e) Jurisdiction of board of adjustment. When, in its judgment, the public convenience and welfare will be substantially served, and the appropriate use of the neighboring property will not be substantially or permanently injured, the board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special variances and exceptions to the regulations herein established, and take action, relative to the continuance and discontinuance of a nonconforming use:

1. Consider applications for conditional uses as set forth in Section 34-11

2. To hear and decide appeals where it is alleged there is error on any other, requirement, decision, or determination made by the administrative official in the enforcement of this chapter;
3. Interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning district map and none of the rules set forth in Section 34-7 apply;
4. Initiate, on its motion or cause presented by interested property owners, action to bring about the discontinuation of a nonconforming use;
5. Require the discontinuation of a nonconforming use under any plan, whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter;
6. Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of Section 34-12;
7. Permit the enlargement of a nonconforming use in accordance with the provisions of Section 34-12;
8. Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgement of the board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure, and provide that such actions conform to the provisions of Section 34-12;
9. Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated, or substandard;
10. Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, or building size required, where the literal enforcement of the provisions of this chapter would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land, which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.

Appendix A

| BOARDS, COMMISSIONS, AND COMMITTEES | | | |
|-------------------------------------|--|--|--|
| | Zoning Board of Adjustment | Community Development Corporation, Type B | Planning & Zoning Commission |
| Members | 6 - Members (Full body of City Council) | 7- Directors | 7- Members |
| Board Officers | Chair and Vice-Chair | Chair and Vice-Chair | Chair and Vice-Chair |
| Membership Requirements | Shall reside within the corporate limits of the City and must be a registered voter within the City. | Shall reside within the corporate limits of the City and must be a registered voter within the City. | Shall reside within the corporate limits of the City and must be a registered voter within the City. |
| Terms | 2 yrs. (Expires on May 31) | 2 yrs. (Expires on May 31) | 2 yrs. (Expires on May 31) |
| Meeting Date & Times | Shall meet, as needed, on the 2nd or 4th Mondays of each month. | Shall meet quarterly, and as needed, on the 2nd Monday 6:00 p.m. | Shall meet, as needed, on the 4th Thursday of each month 6:30 p.m. |