

City Council Agenda Items
and
Contracts, Leases or Agreements

5/15/2012

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 12-4119: Administrative Item (City Code Article XII): Submitted by City Planning Staff and the City Attorney. The proposal is to amend Article XII of City Code to reduce the number of Board of Adjustment members from seven to five, and reduce the term limits from five to three years.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

Wm C. Baker
Department Director 0425.2012
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney April 25, 2012
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bisher
Finance and Internal Services Director APRIL 25-2012
Date

Received in City Clerk's Office 04-25-12 A10:59 RCVD
Kim J.

[Signature]
Chief of Staff 4/25/12
Date

Received in Mayor's Office
ENTERED 4/25/12
PK

[Signature]
Mayor 4/26/12
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Development Services Director 

Date: April 24, 2012

Subject: Modification to Board of Adjustment Members and Terms (ADM 12-4119)

RECOMMENDATION

Planning staff recommends approval of an ordinance amending Article XII of City Code to modify the number of members and term limits for the Board of Adjustment. Staff recommends the number of members be reduced from seven to five, and the term limits be reduced from five years to three years.

BACKGROUND

Over the past several years the City has had difficulty obtaining members for the Board of Adjustment. This board has frequently operated at a fewer number of appointees than required due to lack of applications. This has resulted in difficulty in making quorum at meetings. Staff's opinion is that because this board meets only once a month, and deals with technical zoning variances, there is a somewhat limited pool of volunteer applicants. Additionally, because of the long term limits it is difficult to obtain volunteers that are willing to commit to a five-year term. The proposed term limits would be consistent with the three-year limit for our planning commission, and the reduced number of members should make it easier to have a fully appointed Board of Adjustment.

BUDGET IMPACT

None.

ARTICLE XII BOARD OF ADJUSTMENT

33.250 Composition; Membership

The Board of Adjustment shall consist of ~~seven~~ five members with its members to be appointed by the City Council, each for a term of ~~five~~ three years. Appointments shall be staggered. A majority of the membership of the Board of Adjustment shall constitute a quorum. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected. (Code 1965, App. A, Art. 12(1); Ord. No. 1747, 6-29-70; Code 1991, §160.170; Ord. No. 4099, §1, 6-16-98)

33.251 Proceedings Of Board Of Adjustment

- (A) The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of the unified development ordinance. Meetings shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. The chairperson, or in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (B) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the city planner.

(Code 1965, App. A, Art. 10(i); Ord. No. 1747, 6-29-70; Code 1991, §160.174; Ord. No. 4099, 6-16-98)

33.252 Administrative Review

The Board of Adjustment shall hear and decide appeals where it is alleged there is error or ambiguity in any order, requirement, decision, interpretation, or determination made by the city planner in the enforcement of Zoning, Chapters 160 through 164.

(Ord. No. 4099, 6-16-98)

Cross reference(s)--Appeals, Ch.155; Variances, Ch. 156.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §33.250 COMPOSITION; MEMBERSHIP OF THE BOARD OF ADJUSTMENT TO REDUCE THE NUMBER OF MEMBERS FROM SEVEN TO FIVE AND THE TERM FROM FIVE TO THREE YEARS

WHEREAS, it has been difficult to attract enough citizens to fill the current seven positions on the Board of Adjustment with its five year terms of office; and

WHEREAS, lowering the number of members to five and reducing the term of office to three years should help to ensure the necessary quorum for this important board will be achieved for each meeting.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §33.250 **Composition; Membership** of the Board of Adjustment by replacing “seven” with “five” for the number of members and “five” with “three” for the period of years for each member’s term, all as shown on Exhibit A attached.

PASSED and APPROVED this 15th day of May, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

CITY CODE ARTICLE XII

33.250 Composition; Membership

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