

Sec. 10.4. - Zoning board of adjustment—Organization and qualifications.

- (a) There is hereby created a zoning board of adjustment which shall consist of five (5) members.
- (b) The membership shall consist of one (1) person appointed by the council from its membership as an ex officio member and four (4) persons, not members of [the] council, who shall be appointed by the council.
- (c) [The] city council shall appoint three (3) alternate members to serve in the absence of regular members, including the absence of the ex officio member.
- (d) All members of the zoning board of adjustment shall be residents of the city.
- (e) The members, with the exception of the ex officio member, shall hold no other position with the city.
- (f) The city manager or his authorized representative shall serve in an advisory capacity to the zoning board of adjustment.
- (g) The compensation, if any, of the members of the zoning board of adjustment shall be determined by [the] council, except that no councilman shall be given compensation, other than payment or reimbursement of bona fide expenses, as a member of the zoning board of adjustment.
- (h) The zoning board of adjustment shall elect its chairman annually from among its members, and adopt its own rules and procedures not inconsistent with this Charter or the laws and ordinances of the city.
- (i) Four (4) members shall constitute a quorum for the transaction of all zoning board of adjustment business and the rendering of decisions.

(Ord. No. 1016, § 4(43), 2-16-93, passed 4-6-93)

Sec. 10.5. - Zoning board of adjustment—Term of members and vacancies.

- (a) The term of the ex officio member shall expire at each organizational meeting of the council.
- (b) The term of each appointed regular member shall be three (3) years except that of the four (4) regular members first appointed, two (2) shall be appointed for three (3) years and two (2) for two (2) years.
- (c) The term of each alternate member shall be three (3) years, except that of the alternate members first appointed, two (2) shall be appointed for three (3) years and one (1) for two (2) years.
- (d) Any vacancy during the unexpired term of a member shall be filled by council appointment for the remainder of the term.
- (e) A vacancy shall exist when any member dies; resigns; is removed for cause by a majority vote of the entire council in office at the time the vote is taken; ceases to be a resident of the city; is incapacitated to an extent which prohibits him from properly performing his duties as a member; absents himself from three (3) consecutive meetings of the zoning board of adjustment, without excuse given by a majority vote of the members of the zoning board of adjustment present at the meeting and voting; is sentenced by a court of law for any act constituting misconduct in office or constituting a felony; or is judicially declared mentally ill.

(Ord. No. 1016, § 4(44), 2-16-93, passed 4-6-93)

Sec. 10.6. - Zoning board of adjustment—Powers, duties and functions.

- (a) The zoning board of adjustment shall have the following powers, duties, and functions unless changed by ordinance, under such principles, terms, conditions, and procedures as are provided by ordinance:

- (1) To hear and determine appeals from refusals of building permits.
 - (2) To permit exceptions to or variations from the zoning ordinance.
 - (3) To issue special permits and make conditional grants for use of property.
 - (4) [To] exercise such powers, duties, and functions not otherwise required by this Charter or by ordinance, as are set forth in the General Law of Colorado for the zoning board of adjustment.
- (b) The zoning board of adjustment shall meet as necessary to perform its duties.
 - (c) All meetings and records of the zoning board of adjustment shall be open to the public. Minutes shall be kept of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact.
 - (d) Minutes for the zoning board of adjustment shall be kept.
 - (e) The zoning board of adjustment shall not be considered a part of any city department and its decisions shall be final.

(Ord. No. 1016, § 4(45), 2-16-93, passed 4-6-93)

State Law reference— Board of adjustment, CRS, § 31-23-307.