

ORDINANCE 2018-04

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,
SECTION 26-56 APPEALS AND BOARD OF APPEALS AND ADJUSTMENTS**

WHEREAS, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

WHEREAS, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

WHEREAS, prior Councils have not formally changed the City Code on zoning applications and processes; and,

WHEREAS, it is in the best interest of the City to codify the current practice of the Community Development staff.

NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN, that Fairmont City Code Section 26-56 shall be amended as follows:

Sec. 26-56. – Appeals and Board of Appeals and Adjustments.

- (a) The board of appeals and adjustments is created and shall consist of six (6) members and two (2) nonvoting council liaison. All voting members shall be appointed by the city council and shall serve three-year terms. No member shall serve more than two (2) consecutive terms.
- (b) Three (3) members of the board constitute a quorum, and all action by the board requires the affirmative vote of a quorum. The board shall serve without compensation. The board shall elect from its voting members a chairman and vice chairman. The ~~city engineer~~ Community Development Director shall provide secretarial and staff services to the board, and shall serve as an ex-officio nonvoting member.
- (c) The board shall have the following duties:
 - (1) To hear requests for variances from the literal provisions of this chapter.
 - (2) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this chapter.
 - (3) To hold special hearings as required by statute, ordinance, or when deemed necessary, and to counsel with the city's legal department where legal issues may be involved.

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Motion by:

Seconded by:

All in Favor:

Opposed:

Abstained:

Absent:

PASSED, APPROVED AND ADOPTED THIS _____ day of February 2018.

Deborah J. Foster, Mayor

Patricia J. Monsen, City Clerk

1st Reading: January 22, 2018

2nd Reading: February 12, 2018