

BOARD OF ADJUSTMENT HISTORIC PRESERVATION BOARD



Board of Adjustment

History: Created by Ordinance in 1981* Ordinance H-186

The Board of Adjustment

Review and Makes Final Decisions:

- Variances as outlined in Sec 22-106 through 22-124
- Special exceptions
- Appeals of the Director's Decision

Meets the 4th Thursday of each month

Board of Adjustment

Composition:

5 regular members, 2 alternates

3 year terms

Choose a Chair and Vice chair

Sec. 22-147. - Board of adjustment.



(a) *Membership.*

- (1) *Regular.* The board of adjustment shall consist of five (5) members appointed by the city commission and be removable for cause by the city commission upon written charges and after a public hearing held in accordance with [section 22-143](#). The terms of office of the members of the board shall be three (3) years except that the five (5) members who shall be sitting upon the board of adjustment as of the effective date hereof shall continue as members of the board serving out the terms for which they were originally appointed. Thereafter, as each term expires, the appointment shall be for three (3) years.
- (2) *Alternate.* The city commission shall also appoint two (2) alternate members. The terms of office of alternate members shall be three (3) years, except that the first two (2) shall serve respectively for terms of: One for two (2) years and one for three (3) years. Thereafter, as any term expires, the appointment shall be for three (3) years. An alternate member shall sit on the board when a regular member is not in attendance, whether such an absence is excused or not. If an alternate shall on two (2) successive occasions be unable to sit for a meeting as a member of the board when asked to do so, he shall be deemed to have resigned his position as an alternate member of the board.
- (3) *Other boards.* At least one, but not more than two (2) members of the board of adjustment may also be members of the city planning board.
- (4) *Absences.* Absence from three (3) consecutive regular meetings shall operate to vacate the seat of a regular member unless such absence is excused by the board by resolution.

(b) *Officers.* The board of adjustment shall select one of its members as chairman and one as vice-chairman, who shall serve in such capacity for a term of one year and until their successors have been selected. The chairman, or in the chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

(c) *Meetings.* Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. All meetings shall be open to the public. 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 such fact. It shall also keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be public record. A majority of the board of adjustment shall constitute a quorum for the transaction of business. Additional rules shall be adopted by the board of adjustment for the transaction of its business which are consistent with the terms of this chapter and other applicable laws.

(d) *Appropriations and fees.* The city commission is authorized and empowered to appropriate such funds as it may see fit for fees and expenses necessary to conduct the work of the board of adjustment. The board of adjustment shall have the authority to expend all sums so appropriated and other sums made available for its use from fees and other sources to carry out its powers and duties.

(e) *Powers.* The board of adjustment shall have the power and duties specified in this section, [section 22-140](#) and sections [22-106](#) through [22-116](#).

Board of Adjustment

Tasks:

The Board of Adjustment

Review and Makes Final Decisions:

- Variances as outlined in
Sec 22-106 through 22-124
- Special Exceptions
- Appeals of the Director's Decision

Board of Adjustment

Recent Changes:

Eliminated Board Compensation in 2017, however, other options suggested by the City Attorney to sunset the Board did not pass City Commission approval.

Board of Adjustment

Future Direction:

Consider Sunsetting Board, absorb duties to City Commission, Planning Board or Special Magistrate

Reconstitute the board by removing all Board members and implement the appointment system where each City Commissioner (including Mayor/Commissioner) gets one appointment, with one or two alternates appointed “at large”.

Make the Board Advisory to the City Commission on all items

Potential Impacts:

Longer processing times for approval

Historic Preservation Board

History: Created by Ordinance in 2001* Ordinance K-73

The Historic Preservation Board

Review and Makes Final Decisions:

- Exterior changes/improvements
- Demolitions
- Variances (for Historic Properties only)

They make recommendations to

City Commission regarding

- New designations

Meets the 4th Monday of each month

Historic Preservation Board

Composition:

7 regular members, 2 alternates

2 year and 3 year terms

Choose a Chair and Vice chair

Sec. 23-22. - Composition, qualification of members.

- (a) *(Membership.)* The historic preservation board shall consist of no fewer than seven (7) members appointed by the city commission. To the extent available within the city, the commission shall appoint professional members from the disciplines of architecture, history, architectural history, planning, archaeology, real estate, law, engineering, construction, or any other historic preservation related disciplines such as urban planning, American studies, American civilization, cultural geography and cultural anthropology. Alternatively, to the extent that professional individuals in such disciplines are not available, there may instead be appointed lay individuals that have substantial experience, interest, or knowledge in the fields mentioned above.
- (b) *(Virtue.)* It is the intent of this section that members of the board shall be appointed on the basis of civic pride, integrity, and interest in the field of historic preservation. Board members shall be persons of mature and ethical judgment and background, having the ability and desire to act in the public interest and having the ability to make and form an equitable decision concerning the preservation and protection of the cultural environment.
- (c) *(Residency requirements; terms of office.)* Each member of the board shall be a resident of the city or operate a business in the city during the term of appointment and shall be appointed to a term of three (3) years. Members shall hold office until their successors have been duly appointed and qualified.
- (d) *(Special advisers.)* Special advisers may be appointed by the city commission upon recommendation by the historic preservation board. The board may also seek expertise on proposals or matters requiring evaluation by a profession not represented on the board.
- (e) *(Alternate.)* The city commission shall also appoint two (2) alternate members meeting the same qualifications as a member. The terms of office of alternate members shall be three (3) years, except that the first two (2) shall serve respectively for terms of: One for two (2) years and one for three (3) years. Thereafter, as any term expires, the appointment shall be for three (3) years. An alternate member shall sit on the board when a regular member is not in attendance, whether such an absence is excused or not. Alternate members shall attend scheduled board meetings to be able to serve if necessary. If a board meeting commences with an alternate being seated for an absent board member, the alternate shall remain seated in the regular members' stead for the entire meeting. An alternate that is not formally seated in the stead of an absent member shall not participate in any discussions or deliberations of matters before the board. If an alternate shall on two (2) successive occasions be unable to sit for a meeting as a member of the board when asked to do so, he shall be deemed to have resigned his position as an alternate member of the board.
- (f) *(Reserved.)*

Historic Preservation Board

Future Direction:

Reconsider Sunsetting Board, absorb duties to City Commission, Planning Board or Special Magistrate

Reconstitute the board by removing all Board members and implement the appointment system where each City Commissioner (including Mayor/Commissioner) gets one appointment, with one or two alternates appointed “at large”.

Make the Historic Preservation Board Advisory to the City Commission

Potential Impacts:

Longer processing times for approval

Discussion and Direction

