

ORDINANCE 314

AN ORDINANCE TO AMEND THE BOARD OF ADJUSTMENT TO PROHIBIT THE GOVERNING BODY FROM ACTING AS THE BOARD OF ADJUSTMENT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CROTHERSBURG NEBRASKA.


Section 1. That Chapter 2, Article 2, Section 2-203, of the Municipal Code of Crottersburg, Nebraska be amended to read as follows:

Board of Adjustment. The Governing Body shall appoint the Board of Adjustment which shall consist of five (5) regular members plus one (1) additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member of the Board shall serve a term of three (3) years, unless reappointed, and shall be removable only for good and sufficient cause by the Governing Body upon written charges and after a public hearing. The members of the Board shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. One (1) member of the Board of Adjustment shall be at the same time a member of the Planning Commission at all times. Upon the loss of membership on the Planning Commission the said member shall also lose his membership on the Board of Adjustment. The Board shall organize at its first (1st) meeting in June of each year and elect from its membership a chairman and secretary. It shall be the duty of the secretary to keep complete and accurate minutes of all Board meetings and to file the same at the office of the Municipal Clerk for examination at any reasonable time by the public. The Board of Adjustment shall be funded from time to time out of the General Fund by the Governing Body. Meetings of the Board shall be held at such times as the Governing Body may designate, or at such other times as the chairman may, in his discretion call a meeting. Special meetings may be also held upon the call of any three (3) members of the Board. A majority of the board shall constitute a quorum for the purpose of doing business. It shall be the duty of the Board to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by a Municipal official based on any zoning ordinance of the Municipality; to hear and decide in accordance with the provisions of any zoning ordinance, requests for interpretation of any map or decision relating to zoning regulations; and authorize a variance from the strict application of any zoning ordinance if it is found that a specific piece of property, due to exceptional specifications existing at the time of passage of the said ordinance, would result in exceptional difficulties and undue hardship; Provided, that no variance shall be granted if the undue hardship appears to affect the property in the district generally, or if the situation of the property concerned appears to be so general or recurring in nature as to make reasonably practicable, the formulation of a general regulation to be adopted by the Governing Body as an ordinance. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination made by a Municipal official on any matter which was governed by any Municipal zoning ordinance. The Board shall be responsible for making such reports and performing such other duties as the Governing Body may designate. No member of the Governing Body shall serve as a member of the Board of Adjustment. No member of the Board of Adjustment shall serve in the capacity of both chairman and secretary of the Board. (Ref. 19-907 thru 19-911 RS Neb.)

Section 2. That the original Section 2-203 and any other Section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with the provisions therewith are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 1th day of June, 1977


Mayor

(SEAL)


Municipal Clerk