

BY-LAWS AND RULES OF PROCEDURE  
of the  
ZONING BOARD OF APPEALS  
CITY OF FORT COLLINS, COLORADO

ARTICLE I

Section 1. These by-laws and rules of procedure have been adopted by the Zoning Board of Appeals and approved by the City Council. Any by-laws or rules of procedure previously in effect are herewith superceded.

Section 2. The official title of this Board shall be the Zoning Board of Appeals of the City of Fort Collins, Colorado.

ARTICLE II

Meetings

Section 1. Regular meetings of the Board shall be held on the second Thursday of each month at 9:30 a.m.

Section 2. Special meetings may be called by the Chairman of the Board at such other times as the Chairman or the Board may determine to be advisable, provided that written notice or notice by telephone of such meeting and of the subject matter of such meeting be given to each Board member at least twenty-four hours prior to the time set for such meeting; provided further that notice of any such meeting be filed with the City Clerk at least twenty-four (24) hours before the time of such meeting. Any Board member may sign a waiver of notice which waiver shall then be in lieu of any other notice requirement. A Board member attending any meeting shall be deemed to have received the necessary notice of such meeting.

Section 3. All meetings of the Board shall be held in the Council Chambers, City Hall, Fort Collins, Colorado, or, after proper notice as set forth in Section 2, at such other place within the City of Fort Collins as the Chairman shall designate.

Section 4. All meetings shall be open to the public.

Section 5. A quorum of the Board shall consist of three members and no official action on any matter may be taken by the Board unless a quorum is present.

Section 6. The order of business for all meetings shall be the order as it appears in the agenda except that the Chairman may under special circumstances rearrange the order of business unless otherwise directed by a majority of the members there present and in session.

Section 7. Any Board member who has a personal interest in any matter before the Board shall disqualify himself or herself from any consideration or discussion of or voting upon such matter. Any such disqualification shall be noted in the official minutes of the meeting.

### ARTICLE III

#### Officers and Duties

Section 1. The Zoning Board of Appeals shall be comprised of five members who shall serve without compensation for four years.

Section 2. A Chairman and Vice-Chairman shall be elected annually by majority vote of the Board at the first regular meeting in September of each year, hereinafter referred to as the annual meeting.

Section 3. The Chairman shall preside at all meetings of the Board. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside.

Section 4. A vacancy in the office of Chairman shall be filled automatically by the Vice-Chairman and a new Vice-Chairman elected at the next regular meeting of the Board from among the members. A vacancy in the office of Vice-Chairman shall be filled at the next regular meeting of the Board by election from among the members. The officers so elected shall serve until the next annual meeting.

Section 5. The Chairman, subject to these by-laws and rules of procedure, shall decide all points of order or procedure, unless otherwise directed by a majority of the Board in session at that time.

Section 6. The Secretary of the Board shall be the Clerk of the City of Fort Collins. The Secretary shall keep or cause to be kept the minutes of each Board meeting, shall conduct all official correspondence and generally supervise the clerical and technical work of the Board.

## ARTICLE IV

### Variance and Appeals

Section 1. Every application for a variance from the terms of the zoning ordinance, every application for an interpretation of the zoning ordinance, and every appeal from any order, requirement, decision or determination made by an administrative official enforcing the zoning ordinances, shall be made to the Board on forms specially provided therefor. Such forms shall be available at the Building Inspection Department of the City of Fort Collins and must be completely and accurately filled out by the applicant or appellant. Completed forms shall be submitted to the Building Inspection Department and in cases of appeals, shall be accompanied by a written list of all owners of property adjacent to the property in question.

Section 2. Every application properly submitted shall be placed on the agenda for the next regular meeting of the Board, provided that such application is received by the Building Inspection Department at least two weeks prior to the next regular meeting of the Board. The Board may waive this two week filing requirement provided that all notice requirements set forth in the zoning ordinance have been met.

Section 3. The City Clerk or designee of the City Clerk shall mail written notice of the hearing of an application for variance to the applicant or to the appellant and to owners of property adjacent to the property in question at least seven (7) days prior to the hearing date.

Section 4. At the meeting for which a particular appeal, application for variance or interpretation is scheduled to be heard, the appellant, applicant or interested party may appear in his or her own behalf or be represented by an attorney. In the absence of a personal appearance on behalf of the appellant or applicant, the Board may proceed to dispose of the matter on the record before it. Any member of the City staff may appear at such meeting and make presentations to the Board pertaining to a particular application.

Section 5. At any hearing of an appeal or application for variance or interpretation, the order shall be as follows, unless a majority of the Board then present shall set a different order:

- (a) Zoning Officer and other City Staff
- (b) Appellant or Applicant
- (c) Interested property owners or other interested parties

Section 6. Any appellant or applicant may withdraw his or her appeal or application at any time prior to a final decision by the Board.

Section 7. In the case of any appeal, the final disposition by the Board shall be in the form of a motion which shall affirm, modify or reverse any order, requirement, decision or determination previously made by an administrative official charged with enforcement of the zoning laws.

Section 8. In the case of an interpretation, the final disposition by the Board shall be in the form of a motion which identifies the section of the zoning ordinance being interpreted by the Board and the specific interpretation placed on that section by the Board.

Section 9. In the case of any application for variance, the final disposition by the Board shall be in the form of a motion to deny or to grant such variance with or without conditions. The motion shall specifically set forth the nature of the variance permitted and what conditions, if any, shall be imposed upon the granting of such variance.

Section 10. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative official, to grant any variance, or to make any interpretation of the zoning ordinance.

Section 11. No application or appeal which has been dismissed or denied by the Board can be considered again except on a motion to reconsider the vote, or on a request for a rehearing, provided that no request for rehearing shall be con-

sidered unless new evidence is submitted which could not be presented at the previous hearing on the matter. Such request shall be made not later than the first regular meeting following the meeting at which action on the appeal or application for variance was taken by the Board. If a motion is made to grant a rehearing and such motion is adopted by three affirmative votes, the rehearing shall be scheduled for the next regular meeting of the Board or for a special meeting if a majority of the Board so directs, provided that notice to adjacent property owners shall be required the same as for the original hearing.

Section 12. Any applicant or appellant who desires to exercise his right to appeal an adverse ruling by the Board to the City Council of the City of Fort Collins, shall submit, within fourteen (14) days from the date of such adverse ruling, a written protest to the City Clerk of the City of Fort Collins, who shall cause the matter to be placed on the agenda for a hearing either at the next regularly scheduled meeting of the City Council if such written protest is received by the City Clerk at least ten (10) days prior to the next regularly scheduled meeting or at the next successive regularly scheduled meeting if the ten (10) day period is not met. The City Clerk shall mail notice of the hearing to the appellant and to adjacent property owners at least seven (7) days prior to the date set for the hearing.

#### ARTICLE V

##### Amendments

These rules may be amended or modified by an affirmative vote of not less than three (3) members of the Board, provided that such amendment be presented in writing at a regular meeting and such action be taken thereon at a subsequent regular meeting.

RESOLUTION 78-30  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING AN AMENDMENT TO THE BY-LAWS AND  
RULES OF PROCEDURE FOR THE ZONING BOARD OF APPEALS


WHEREAS, the Zoning Board of Appeals has prepared and approved an amendment to its by-laws and rules of procedure; and

WHEREAS, said amendment would provide for a concurring vote of a majority of Board members present to grant a variance or make an interpretation of the Zoning Ordinance; and

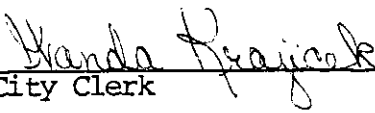
WHEREAS, the Council has received such amendment and desires to approve the same.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the amendment to the by-laws and rules of procedure for the City of Fort Collins' Zoning Board of Appeals presented to Council be, and the same hereby is, accepted and approved.

Passed and adopted this 18th day of April, A.D. 1978.

  
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Mayor

ATTEST:

  
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Deputy City Clerk

PROPOSED AMENDMENT TO THE BY-LAWS  
AND RULES OF PROCEDURE OF THE  
ZONING BOARD OF APPEALS  
CITY OF FORT COLLINS, COLORADO

IV. Variances and Appeals.

Section 10. The concurring vote of a majority of Board members present shall be necessary to reverse any order, requirement, decision or determination of an administrative official to grant any variance or to make any interpretation of the zoning ordinance.

RESOLUTION 79-110  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING A CHANGE IN THE BY-LAWS OF THE ZONING BOARD  
OF APPEALS PROVIDING FOR A NEW MEETING TIME


WHEREAS, pursuant to the by-laws of the Zoning Board of Appeals, meetings for said board commence at 9:30 A.M. on the second Thursday of each month; and

WHEREAS, it is the considered opinion of the members of the Zoning Board of Appeals that a change of the by-laws to provide for a variable meeting time will enable the board to perform its functions more effectively; and


WHEREAS, on Thursday, November 8, 1979, the Zoning Board of Appeals voted to amend Article 2, Section 1 of its by-laws to provide for meetings to be conducted on the second Thursday of each month at a variable time.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the action of the Zoning Board of Appeals in amending Article 2, Section 1 of its by-laws, providing for meetings to be scheduled on the second Thursday of each month at a variable time, is hereby approved.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 4th day of December, A.D. 1979.

  
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Mayor

ATTEST:

  
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City Clerk