

## **ADMINISTRATIVE RULES FOR THE CLAYTON COUNTY ZONING BOARD OF ADJUSTMENT**

The Zoning Board of Adjustment shall consist of five (5) members appointed by the Clayton County Board of Supervisors. Terms shall be for five years. Any vacancy shall be filled in the same manner for the unexpired portion of the term.

The following rules of procedure are hereby adopted by the Clayton County Zoning Board of Adjustment.

### **1.0 Officers**

The Zoning Board of Adjustment shall select from its membership a Chairperson and Vice chairperson who will perform the usual duties pertaining to such office.

#### **1.1 Selection**

At the first regular meeting, usually in January of each year, the Zoning Board of Adjustment will pick its officers from its membership. All officers are eligible for re-election.

#### **1.2 Term**

The Chairperson and Vice-Chairperson shall take office immediately upon selection. Terms are for one (1) year or until a successor is selected to assume office.

#### **1.3 Duties**

##### **1.3.1 Chairperson**

The chairperson will preside at all meetings and perform such other duties as may be ordered by the board members.

##### **1.3.2 Vice Chairperson**

The Vice Chairperson shall act in the capacity of the Chairperson in their absence. In the event the office of Chairperson becomes vacant the Vice Chairperson shall succeed to this office for the rest of the unexpired term. The commission shall select a successor for the office of Vice Chairperson for the remainder of the unexpired term.

##### **1.3.3 Secretary**

The Zoning Administrator will serve as Secretary and will record and maintain minutes of the meetings, maintain all record, and perform such other duties the Zoning Board of Adjustment may ascribe. The Secretary shall act as the Chairperson in the absence of the Chairperson and Vice Chairperson.

### **2.0 Meetings**

The Zoning Board of Adjustment meeting is on call for the third Tuesday of every month, subject to formal business to be considered. Special meetings may be called at the request of the

Chairperson. Notice of the meeting shall be sent to the Zoning Board of Adjustment members at least seven(7) days prior to such a meeting, and shall state the purpose and time of the meeting.

**2.3** All regular and special meetings, hearing, records, and accounts shall be open to the public, and shall comply with the Iowa Open Meetings Law.

#### **2.4** Quorum

A total of three (3) members will constitute a quorum. When only three members are present, the Chairperson will be required to vote. Without a quorum, no business will be transacted and no official action on any matter will take place. The concurring vote of three (3) members of the Board shall be necessary to decide in favor of or reverse any order, requirement, decision, or determination of the Zoning Board of Adjustment.

#### **2.5** Agenda

The Zoning Office will prepare an agenda for each meeting and send it to each board member at least seven (7) days before the meeting. The order of business shall be as follows:

- a. The Chairperson will declare the public hearing open.
- b. Roll Call.
- c. Approval of the minutes.
- d. Consideration of Public Hearing(s). The petitioner (or his/her representative) will be heard first.
- e. Those against the petition will be heard next.
- f. All letters from the zoning administrator, public etc. must be read aloud or all motions and/or actions will become null and void.
- g. Consideration of matters heard under "d" above.
- h. Time open for citizens wishing to address the Zoning Board of Adjustment on matters not on the established agenda, shall be limited to five (5) minutes.
- i. Unfinished business of the Zoning Board of Adjustment.
- j. Adjournment

#### **2.6** Motions

Motions may be made by anyone on the Zoning Board of Adjustment except the Chairperson. The Chairperson will restate the motion before a vote is taken.

#### **2.7** Voting

Voting will be recorded by yeas and nays. Every member of the Zoning Board of Adjustment is required to cast a vote upon each motion. However, a member may abstain if the

member believes there is a conflict of interest. A member who elects to abstain from voting shall state the reason for the abstention at the time of voting. During the discussion of the matter under consideration a member who plans to abstain from voting should so inform the Zoning Board of Adjustment, so the Zoning Board of Adjustment members can properly weigh the opinions given by a member who believes a conflict of interest exists.

## **2.8 Zoning Board of Adjustment Actions**

Action by the Zoning Board of Adjustment on any matter on which a hearing is held will not be taken until the hearing has been conducted.

## **2.9 Parliamentary Procedure**

Roberts Rules of Order, Revised, will govern the Zoning Board of Adjustment meetings in all cases where these rules do not provide the procedures to be followed.

## **3.0 Comprehensive Plan and Zoning**

Before the adoption or amendment of any part of the Comprehensive Plan, or recommending approval of an amendment of the Zoning Ordinance to the Board of Supervisors, the Board of Adjustment will hold a public hearing on the matter. Notice of the time and place of the hearing will be given, not less than 4 days and no more than 20 days prior to such hearing, by one publication in the newspapers of record.

## **4.0 Meeting Attendance**

Zoning Board of Adjustment members are expected to attend all regular and special meetings of the Zoning Board of Adjustment. If a member has a valid excuse for nonattendance, the member shall notify the Zoning office prior to 11:00 a.m. on the day of the meeting. A Zoning Board of Adjustment member will be asked to resign if at any time the member has three consecutive unexcused absences from a regular or special meeting, or if total absences (whether excused or not) exceed fifty percent (50%) of the total meetings in a calendar year. A review of attendance will be made at the end of each year.

## **5.0 Amendments**

These rules may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.