

ORDINANCE NO. 6
(Series 1981)

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, AMENDING PROVISIONS CONCERNING THE BOARD OF ADJUSTMENT.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, as follows:

Section 1.

Section 16 of the Zoning Ordinance of the Town of Lake City, Colorado (Ordinance No. 5, Series 1979, as amended) is hereby repealed in its entirety.

Section 2.

Chapter 15 of the Lake City Municipal Code is amended by the addition of a new Section 1 to read as follows:

CHAPTER 15

Section 1

BOARD OF ADJUSTMENT

15.1-1: Establishment:

The Board of Adjustment is hereby created to consist of the Mayor, as an ex officio member, and five members appointed by the Board of Trustees. All members shall be residents of the Town.

15.1-2: Terms:

The Mayor's term shall coincide with his term of office as Mayor. The other members shall be appointed for three year overlapping terms. Any vacancies shall be filled for the remainder of the term vacated by the Board of Trustees.

15.1-3: By-Laws or Rules of Procedure:

The Board of Adjustment may adopt By-Laws or Rules of Procedure as necessary for the conduct of its business not in conflict with this ordinance or State law, which shall include provisions for handling appeals and variances, including reasonable fees.

15.1-4: Powers and Duties:

The Board of Adjustment shall have the following powers and duties:

- (A) To hear and decide appeals from and review any order, requirements, decision, or determination made by the Building Inspector under the Zoning Ordinance, Sign Regulations or Building Codes of the Town.
- (B) In passing upon appeals, to vary or modify the application of the regulations or provisions of the Zoning Ordinance relating to the construction or alteration of buildings and structures, the dimensional requirements, or other provisions of the Zoning Ordinance, if it determines the following criteria are met:

- (1) Their are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Zoning Ordinance, and
- (2) The spirit of the ordinance will be observed, the public safety and welfare secured and substantial justice done by granting the variance.

However, no use variance or use modification may be

authorized which would allow the use of land or buildings other than in accordance with the enumerated uses specified for the zoning district in question.

(C) To discharge the duties specified in any ordinances of the Town; including the duties of the Board of Appeals as specified in Section 204 of the Uniform Building Code, 1976 Edition.

15.1-6: Quorum/Voting:

A quorum of the Board of Adjustment shall consist of four members. The Mayor shall count towards a quorum. All members shall be entitled to vote on all questions, except the Mayor, who shall vote only if necessary to break a tie vote. A vote of at least three members or of a majority of those present, whichever is greater, shall be required to grant any appeal or variance. Other actions may be approved by a majority of those present and voting.

15.1-7: Removal of Members:

Members of the Board of Adjustment, other than the Mayor, may be removed and a replacement appointed by the Board of Trustees if any member misses two consecutive regular meetings or misses four regular meetings in any calendar year.

Introduced, read and adopted by the Board of Trustees
of the Town of Lake City, Colorado, the 9th day of
September, 1981.

TOWN OF LAKE CITY, COLORADO

by Robert E. Hill

ATTEST

Suzanne H. Wilson
Town Clerk

Approved by the Mayor this 9th day of September,
1981.

by Robert E. Hill