

BY-LAWS OF THE
BOARD OF ZONING APPEALS
LAWRENCE, KANSAS

As adopted by the Lawrence-Board of Zoning Appeals on July 5, 2007.

ARTICLE I
Name and Membership

Section 1. Name. The name of this organization, established by Ordinance No. 7985, effective July 1, 2006, and created by Section 20-1402 of the Development Code of the City of Lawrence, Kansas, shall be the Board of Zoning Appeals. The term "Board" in the following sections shall mean the Board of Zoning Appeals, City of Lawrence, Kansas.

Section 2. Membership. Membership of the Board shall be as established by the above-cited ordinance, which specifies the number, method of appointment, and term of office.

ARTICLE II
Purpose

Section 1. By-Laws. The purpose of these by-laws is to establish rules for the internal organization of the Board and for procedures of operation.

Section 2. Board. The function, powers and duties of the Board are as authorized by state law and by the ordinance establishing the Board. Actions of the Board are final. The Board adopts its own rules and polices for procedure, consistent with its powers.

ARTICLE III
Organization

Section 1. Officers. The officers of the board shall be a chairperson, a vice-chairperson and a secretary. The chairperson, vice-chairperson and secretary shall be elected by the Board at its regular meeting in October of each year. The Director of Planning or their selected representative shall serve as secretary to the Board.

Section 2. Chairperson. The Chairperson shall preside at all meeting of the Board. They shall perform all duties assigned to the office by law and by the city governing body, and shall have such usual powers of supervision and management as pertain to the office of chairperson. Their term of office shall be one (1) year. No person shall serve more than two (2) one year terms as a Chairperson.

Section 3. Vice-Chairperson. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of the chairperson becomes vacant, the vice-chairperson shall succeed to the office for the unexpired term and the Board shall select a new vice-chairperson for the unexpired term. Their term of office shall be one (1) year. No person shall serve more than two (2) one year terms as a Vice-Chairperson.

Section 4. Secretary. The secretary shall prepare the agenda and the order of business for each regular meeting. They shall keep the Board informed on all communications. They shall record and sign the minutes of all meetings and shall provide copies to all member of the Board, the governing bodies and other public agencies involved. They shall ask on behalf of the board in the following matters, provided that matters shall first be presented to the Board if there appears to be a serious conflict of interest, public controversy, or the like:

- a) Represent the Board of all Board of Zoning Appeals matters at the meetings of the governing bodies;
- b) Prepare or present appeals, policies, or procedures established by the Board;
- c) Accept and prepare all routine communication on Board of Zoning Appeals matters.

Section 5. Attendance. Any member who is absent from three (3) consecutive regular meetings shall have such absence reported by the Chairperson to the governing body. Members who accrue absences beyond a total of four (4) in any Board year should consider relinquishing their appointments.

ARTICLE IV **Meetings**

Section 1. Regular meetings. Regular meetings of the board shall be held on the first Thursday of each month, unless otherwise specified. These meetings shall be held at such time and place as designated by a majority of the entire Board and shall be announced through legal notice.

Section 2. Special meetings. Special meetings may be called by the chairperson. Notice of special meetings shall be given by the secretary not less than twenty-three (23) calendar days prior to such meeting. The notice shall state the purpose and time and place of the meeting. Notice may be by telephone, mail or e-mail.

Section 3. Agenda. Agendas for all regular meetings shall be available at the planning office at least one (1) week prior to the meetings. Between meetings of the Board, the planning staff will be available to provide information on matters which will come or have come before the Board.

Section 4. Quorum. A quorum shall consist of four (4) members of the Board. In the absence of a quorum, the members present shall re-schedule the meeting and absent members shall be notified by the secretary.

ARTICLE V
Conduct of Meetings

Section 1. Parliamentary authority. Meetings shall be conducted according to the Code of Procedure for Kansas Cities, (Published by the League of Kansas Municipalities) in all cases where they are applicable and not inconsistent with these by-laws.

Section 2. Order of Business. The secretary will prepare the agenda, and the order of business shall be as follows unless amended by a majority vote of the Board present; roll call; approval of minutes; communications; public hearing items; discussion; and adjournment. Any matter of subject not appearing on the agenda shall also be considered if a majority of members present vote consideration. Approval of consideration shall be based on a finding that a review or presentation would be in the best interest of the general public and not contrary to the provisions of public notice.

Section 3. Continuance. Any item may be continued upon written request by the applicant or recommendation of the Board.

Section 4. Appearance before Board. Petitioners or their representatives, members of the community at large, or individuals or their representatives who feel that they will be affected by any action may appear before the Board to present views and statements either for or against agenda items. Personal appearance before the Board is recommended, but written communication may be presented. The chairperson may at their discretion, limit the length of the presentation or discussion to insure the orderly conduct of Board business, provided that the decision of the chairperson may be overridden by the majority of the Board present.

Section 5. Board action. The Board shall take action on each item presented at the conclusion of discussion of that item.

Section 6. Motions. Motions before the Board shall be restated by the Chairperson before a vote is taken. Every motion on a substantive matter shall set forth reasons. If a motion for denial fails, then a motion for approval would be required in order to take action on the item being considered.

Section 7. Voting. Voting shall be by individual voice ballot on each item and shall be tallied by the Secretary.

Section 8. Abstention. It is the duty of each member to vote on each issue, but they may abstain. No member should vote on an issue in which they have a direct personal or financial interest not common to the other members of the Board.

Section 9. Record of Proceedings. The secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Board for approval.

ARTICLE VI
Matters to be considered

Section 1. Items to be considered. The Board shall administer the details of the appeals and variances from the provisions of the Development Code, or other matters referred to it regarding the application of the Land Development Code.


Section 2. Specific matters to be considered by the Board are specified in Article 20-1402 of the City of Lawrence Land Development Code.

ARTICLE VII
Amendments

Section 1. These by-laws may be amended by a majority vote of the Board at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the agenda.

Approved and adopted by the Board of Zoning Appeals on July 5, 2007.

/s/ 
- Chairperson

/s/ 
- Secretary