



PULASKI COUNTY
PLANNING AND DEVELOPMENT
3200 BROWN STREET
LITTLE ROCK, AR 72204
501-340-8260

BOARD OF ZONING ADJUSTMENT BY-LAWS

ARTICLE I. PURPOSE OF THE BY-LAWS

The Pulaski County Board of Zoning Adjustment was created by Pulaski County Ordinance 13-OR-12. Its duties are to consider requests for variances from the requirements set forth in the Pulaski County Lake Maumelle Watershed Zoning Code and to consider appeals of administrative decisions relating to the said Code.

ARTICLE II. THE BOARD OF ZONING ADJUSTMENT

A. MEMBERS

The Board shall consist of 9 voting members. Members of the Board of Zoning Adjustment are appointed by the County Judge and confirmed by the Quorum Court, for a term of four (4) years as stipulated in Ordinance (81-OR-15), dated April 28, 1981. Any member who is absent for four (4) or more consecutive regular or special meetings, except in case of illness or extraordinary circumstances, shall be considered to have tendered his/her resignation, pending a vote of acceptance by the board.

B. OFFICERS

The Planning Board Officers shall serve the equivalent positions on the Board of Zoning Adjustment.

A. DUTIES OF OFFICERS

The Chairman shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside. If the Chairman or Vice-Chairman is not present or able to preside, the Secretary shall preside. If the three elected officers are not present, then the other six voting members present may appoint an interim chairperson.

The Secretary, or designee, shall attend all meetings of the Board and be responsible for:

1. Keeping the minutes of all meetings.
2. Handling routine correspondence.
3. Maintaining the files of the Board.
4. Maintaining a record of the organization of the Board.
5. Preparing the agenda for all meetings of the Board.
6. Notifying Board members of all regular and special called meetings.
7. Ensuring that notification of all hearings are published in accordance with legal requirements.
8. Attesting and filing of Board documents with the County Clerk.

ARTICLE III. COMMITTEES

A. STANDING COMMITTEES

Standing Committees may be created by the Board and charged with such duties as the Board deems necessary or desirable. Such committees shall be composed of two or more Board Members, but less than a quorum of the full Board.

B. SPECIAL COMMITTEES

Special Committees may be created in the same manner and under the same conditions as standing committees, except that the Chairman shall also designate a date for the submission of the committee's final report. Special committees shall be dissolved when their particular function or task has been completed.

C. ADVISORY COMMITTEES

The Board may create such advisory committees as it deems necessary or desirable. Each advisory committee shall be composed of at least one Board member and other officials and private citizens in a number determined by the Board.

ARTICLE IV. THE STAFF

A. RESPONSIBILITIES

The County Judge shall assign a Planning Director and such other staff assistance from the Department of Planning and Development as deemed necessary for the Board's work. The staff's appointment, promotion, demotion, or removal shall be subject to the same provisions of the law as govern other employees of the County. The County may, in the manner provided by law, contract for services necessary to carry out staff functions for the Board of Zoning Adjustment. With respect to the operations of the Board, the duties of the Planning Director (or his designee) shall include, but not be limited to, the following:

1. Furnish information to the public and other agencies.
2. Make field examinations of items presented to the Board.
3. Advise the Board on whether or not submissions comply with County regulations, standards and policies.
4. Advise the Board on the effect of such items on adjacent property.
5. Make regular inspections to see that there are no violations of County regulations, standards and policies.
6. Prepare data for court action on regulation and policy violations.
7. The Planning Director or his designee shall attend all hearings by the Board and the County Judge.
8. Keep zoning maps and all other maps of record up to date.
9. The Planning Director or his designee shall have the authority to issue technical memoranda implementing the requirements of subdivision regulations, standards and policies.

ARTICLE V. MEETINGS

A. REGULAR MEETINGS

1. The Board shall meet at least once each month, or other time interval as determined by the Board, unless it is determined that there is no official business to be transacted. The dates of meetings for the calendar year will have been determined by the Board not later than the previous December meeting. Alternate dates may be selected by a majority vote of the members present. The time of the meeting and its location will be determined by the amount of business to be transacted and will be shown in the notice of the meeting.

2. A quorum is a requirement to transact business during a meeting of the Pulaski County Board of Zoning Adjustment. A quorum (see Article V. D.4.a below) is the minimum number of members of the Board, present at a regular, committee, called or other meeting of the Board of Zoning Adjustment in order to transact business legally. Before the Board Chairman calls the meeting to order, he/she should be reasonably sure that a quorum is present. If a quorum is not present, the Board will adjourn or recess.
 - a.) For purposes of this section, the word present means:
 - (i) The Board Member is physically present at the location the Board meeting is being held; or
 - (ii) That the Board Member is located within the jurisdictional boundaries of Pulaski County, but is appearing by electronic means. The Board Member attending the meeting from a remote location must participate by means, Skype, Zoom, Video Conferencing, FaceTime call or other available electronic means so that the Board member's identity and location can be confirmed by the meeting Chairman and Board members present.
 - (iii) Under no circumstances shall the number of Board members attending the meeting by electronic means exceed the number of Board members physically present, UNLESS the Pulaski County Judge or the Governor of Arkansas has issued an Executive Order cancelling regularly scheduled public meetings due to public health concerns or for other unforeseen emergencies.
 - (iv) Board members planning to attend Board meetings by electronic means should communicate their intent to the Staff and Board Chairman the day prior to the meeting date, so the Board and the staff can prepare accordingly.

B. NOTICE

1. To Board Members: The mailing of a copy of the agenda to each Board member shall constitute notice of such meeting.
2. Affected Parties: Legal notice of public hearings on changes in existing regulations, standards and policies to be adopted by Ordinance or Executive Order shall be published in a local newspaper of general circulation two (2) times with at least six (6) days separating each publication. The first publication shall be no more than thirty (30) days prior to the action and the last publication no less than three (3) days prior to the action.

C. CALLED MEETINGS

1. Special meetings may be called by four (4) or more Board members, the Chairman or the Director of Planning and Development upon written notification (electronic included) to all members not less than two (2) calendar days prior to the day fixed for the time of such meetings.

D. AGENDA

1. At regular meetings, the order of business shall follow the prepared agenda except the Chairman may amend the agenda or change the order of items if it serves better the convenience of those in attendance.
2. At a hearing, the order of business shall be as follows:
 - a. Call the roll, announcing any Board members electronically attending.
 - b. Approving the previous meeting minutes.
 - c. Announcement of the subject.
 - d. Finding of compliance with notice requirements.
 - e. Summary of proposal and report of staff findings.
 - f. Petitioner's presentation.
 - g. Objectors or interested property owner's presentation.
 - h. Action by the Board.
 - i. Adjournment.
3. Standard Rules of Procedures.

Except as otherwise set forth in these By-Laws, the parliamentary procedures shall be as prescribed in the latest edition of "Robert Rules of Order".

4. Special Rules of Procedures.
 - a. A quorum for the transaction of business shall be at least five (5) voting members of the Board.
 - b. Each Board member, including the Chairman, shall be entitled to one vote. No Board member shall vote for another Board member by proxy.
 - c. Any matter of business requiring action by the Board may be presented by

oral motion and the members shall vote thereon by simple voice vote.

- d. Unless otherwise required by law, the affirmative vote of at least a simple majority of the quorum present at any meeting shall be necessary for the adoption of any motion.
- e. Except with unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be re-opened for further consideration or action.
- f. All regular and special called meetings of the Board shall be open to the public.
- g. All minutes of the Board meetings and all petitions, applications, reports, and other documents on which action has been taken by the Board shall be open to the public and available for inspection at reasonable times.
- h. Approval of these By-Laws and/or any amendment to said By-Laws, will be signed by those members approving said By-Laws, indicating said members' affirmative vote or negative vote.

ARTICLE VI. AMENDMENTS

These By-Laws may be amended or repealed by an affirmative vote of not less than a two-thirds majority of the full Board. The By-Laws will be reviewed by the Board of Zoning Adjustment for amendments and/or updating during February or March of each odd numbered year. Any proposed amendment shall first be presented in writing at a regular meeting and placed on the agenda at the next regular scheduled meeting.

Adopted by the Pulaski County Board of Zoning Adjustment on: May 26th, 2020.

ATTEST: _____, **CHAIRMAN** **YES** **NO**

ATTEST: _____, **VICE CHAIRMAN** **YES** **NO**

ATTEST: _____, **SECRETARY** **YES** **NO**

ATTEST: _____, **MEMBER** **YES** **NO**

ATTEST: _____, **MEMBER** **YES** **NO**

ATTEST: _____, **MEMBER** **YES** **NO**

ATTEST: _____, **MEMBER** **YES** **NO**

ATTEST: _____, **MEMBER** ___ **YES** ___ **NO**

ATTEST: _____, **MEMBER** ___ **YES** ___ **NO**