

**GENERAL POLICIES AND
RULES OF PROCEDURE
BOARD OF ADJUSTMENT OF THE CITY OF TULSA**

SECTION I - RULES OF PROCEDURE

A. Name

The name of this board shall be "Board of Adjustment of the City of Tulsa", hereinafter referred to as the "Board".

B. Membership

The Board shall consist of five members, who shall be appointed by the Mayor and confirmed by the City Council. Members of the Board shall serve without pay for a term of three years and shall continue to serve until their successors are appointed. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

C. Removal

A Board member may be removed for cause by the City Council after notice, written charges and a public meeting. Three consecutive absences from regular and/or special called meetings, or absences totaling 2/3 of the regularly called or special called meetings held during any six month period, shall be sufficient cause for removal from the Board.

D. Officers

The Board shall elect annually from its appointed members a Chairman, a Vice-Chairman and Secretary. The Vice-Chairman shall serve as Chairman in the absence of the Chairman. Any vacancy in office shall be filled by the Chairman for the unexpired term only. The election shall take place on the first regularly scheduled meeting of the Board in the month of June.

1) The duties of the Chairman shall include:

- a) Presiding over meetings with all powers under parliamentary procedure, unless the Chairman designates another member to preside;
- b) Signing official documents of the Board;
- c) Appointing a Vice-Chairman and Secretary in the event the said officers are absent from the meeting.

2) The duties of the Vice-Chairman shall include:

- a) Presiding over all meetings in the absence of the Chair and shall have full powers of the Chair in matters that come before the Board; and
- b) Assuming the duties of the Secretary in the event that the Secretary is absent from the meeting.

- 3) The duties of the Secretary shall include:
 - a) Assuming duties of the Chair in the event that the Chair and Vice-Chair are absent from the meeting; and
 - b) Collecting and stamping exhibits of each meeting for the official record.

E. Quorum

A numerical majority of three Board members shall constitute a quorum for the conduct of any Board business.

F. General Procedures

1. If inclined, the Board may grant a continuance of a scheduled public meeting at the request of the applicant, interested parties, or Board staff.
2. A motion to reconsider any action of the Board can be made by a Board member who voted for the prevailing party.
 - a) The Board may take a vote to reconsider an action of the Board during the meeting or at the next regularly scheduled meeting of the Board.
 - b) The action to be reconsidered will be placed on the subsequent meeting agenda and written notice must be given to all interested parties at least five working days in advance of the scheduled meeting.
3. When the public wishes to communicate with Board members, the appropriate way is through a letter or e-mail correspondence to Board staff, who will in turn distribute it to the Board members.

G. Public Meeting Procedures

1. The Board shall consider only public meeting items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.
2. During the public meeting the Chair reserves the right to modify the order of business as appropriate; however the following order of business for regular meetings shall normally be as follows:
 - a) Staff will announce the case by reading the item number, case number and applicant's name.
 - b) Staff will read the location of the subject tract and the action requested from the case report.
 - c) The Chairman will ask if the applicant is present and if there are any protestants or interested parties. If it is necessary, the Chair may set a time limit for each speaker.

- d) The applicant will be given time to present his/her case. If the applicant presents a site plan and/or written land use proposal significantly changed from that submitted for Staff review, (determined by Staff and Board at the time of the presentation) such action is considered grounds for continuance.
 - e) Protestants and interested parties will be given a chance to speak in support or opposition to a case.
 - f) The applicant may be allowed time for rebuttal; however, any Board member may make a motion at any point in time when he/she feel they have sufficient information to do so.
3. A second is required on all motions in order to bring the question to a vote of the Board.
 4. Three affirmative votes are required to approve all variances, special exceptions, land use spacing verifications and appeals of administrative officials.
 5. No variance may be approved unless the Board determines that the all the facts required by Section 70.130-H have been established.
 6. No special exception may be approved unless the Board makes each of the findings required by Section 70.120-G.

H. Meetings

1. The Board shall generally meet only on the second and fourth Tuesday of each month in a designated location in accordance with its approved calendar.
2. Special public meetings or work sessions may be held on approval by the Board Chair or a majority vote of the Board upon 48 hours notice.
3. The meeting agenda must be posted at least 24 hours in advance of the meeting for all regularly scheduled and special meetings and work sessions.
4. Board staff will make every effort to post the meeting agenda 6 days in advance of all regularly scheduled meetings, work sessions and special meetings.

I. Release of Information

No Board member or staff member shall use or transmit to others for private benefit any information derived from Board activities unless and until such information is made available to the public at large.

SECTION II – GENERAL POLICIES

A. Spacing and Separation Distance Verification (Supporting Information)

Applications for Spacing Verification between outdoor advertising signs shall include a certified survey demonstrating compliance with Section 60.130-C of the Zoning Code.

Applications for spacing or separation verification between a use, structure, or development feature shall include a parcel map drawn to scale showing distances between buildings or structures and zoning district boundaries or property lines accompanied by an inventory of current uses located within the required radius. If the spacing requirement cannot be clearly demonstrated on a parcel map the Board may require the Applicant submit a certified survey.

B. Letter of Deficiency (LOD)

An official Letter of Deficiency issued to the Applicant from the City of Tulsa shall accompany each application to the Board for a variance, special exception or other relief, provided that the Board Staff may waive the requirement that an LOD accompany an application when in the opinion of the Board staff it is unnecessary.

Where the LOD requirement has been waived, the Applicant shall be responsible for citing in the application the necessary relief and the sections of the Zoning Code pertinent to that relief. The waiver of the requirement that an LOD accompany the application shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.

SECTION III - CODE OF ETHICS

A. Conflict of Interest

Each member of the Board shall avoid situations which create conflicts of interests. The possibility, not the actuality, of a conflict of interest should govern. In deciding the matter, the Board member should consider the question, "Would a reasonable person believe me to be unbiased and impartial".

1. A conflict of interest shall include, but not necessarily be limited to, the following:
 - a. Deliberating on, voting on or reviewing a case concerning property owned by a Board member or property which is adjacent to or within 300 ft of property owned by a Board member;
 - b. Deliberating on, voting on, or reviewing a case involving a corporation/organization, or any other entity in which a Board member may stand to have an economic or other personal interest;
 - c. Deliberating on, voting on or reviewing a case concerning a Board member's spouse or child, any member of a Board member's immediate family or any member of his/her household.
2. A Board member experiencing a conflict of interest shall not discuss the agenda item with any fellow Board member involved in decision making on the matter for the purpose of influencing a decision.

3. A Board member experiencing a conflict of interest shall publicly declare his/her intention to abstain, abstain from voting on the matter, and refrain from any deliberations on the matter. When possible, the Board member shall leave the public meeting room, until the agenda item is concluded.

B. Ex Parte Communication

Board members shall avoid ex parte discussion about cases where a decision is before the Board. In the event that a Board member receives ex parte communication, the Board member must disclose such ex parte communication prior to or at the public meeting of said matter. If in writing (letter, e-mail, text etc.) the communication shall be transmitted to Board staff, who shall publish the communication to each Board member, and include the communication in the permanent case file.

Date Approved JUNE 14, 2016


Chairman

ATTEST:


Secretary