

ORDINANCE 82-5

"AN ORDINANCE TO PROVIDE FOR APPEALS FROM RULINGS OF THE MUNICIPAL PLANNING COMMISSION AND BOARD OF ZONING APPEALS TO THE BOARD OF COMMISSIONERS, THE SCOPE OF THE APPEAL AND A PROCEDURE FOR APPEAL."

BE IT RESOLVED BY THE CITY OF BELLE MEADE as follows:

(1) Any person aggrieved by a ruling of the Municipal Planning Commission or the Board of Zoning Appeals shall have the right to have the ruling reviewed by the Board of Commissioners.

(2) The review by the Board of Commissioners shall be limited to the minutes of the proceedings of the Municipal Planning Commission or the Board of Zoning Appeals plus the file containing all documents, plats, letters, waivers and other written material submitted, including the application and shall not consist of any evidence, either oral or written, not considered by the Commission or Board.

(3) The request for review must be filed in writing with the City Manager within thirty (30) days of the hearing before the Commission or Board and shall be heard by the Board of Commissioners at the next regular or called meeting of the Board of Commissioners.

(4) The Board of Commissioners by a majority vote, may:

- a. Dismiss the application for review.
- b. Direct the City Building Inspector to issue the building permit in the case of a variance request or direct the chairman of the Municipal Planning Commission to sign the certificate of approval, by resolution.
- c. Order a public hearing before the Board of Commissioners with notice by certified mail, return receipt requested, to all citizens and property owners concerned.
- d. Request the preparation of an Ordinance for consideration by the Board of Commissioners.

(5) No action of the Municipal Planning Commission or of the Board of Zoning Appeals shall be considered final until reviewed

by the Board of Commissioners as provided herein for the purpose of filing a petition for certiorari.

(6) Severability Clause.

MAYOR

VICE MAYOR

COMMISSIONER

RECORDER

Passed on First Reading:
September 15, 1982

Passed on Second Reading:

DID NOT PASS 2ND READING