

ARTICLE 16.

DESIGN REVIEW BOARD

SECTION 1601. MEMBERSHIP, TERMS OF OFFICE, VACANCIES

The Design Review Board created by the City of Douglas by this Ordinance, as amended, is hereby continued under the following provisions.

Section 1601.1 Membership (amended by Ord. 703 § 2, 1997)

The Design Review Board shall consist of seven (7) members. At least one Board member shall be a licensed architect or registered engineer and at least one Board member shall be a member of the City staff. The membership shall include no more than one member from the City Council, one member from the Planning and Zoning Commission and one member from the Board of Adjustment. The Board membership may include at least one property owner from within the overlay zone. It should be noted that the requirement of an architect or engineer may be met by someone who is not a Douglas resident but has expertise in the area of historical restoration/preservation. All other Board members shall be Douglas residents.

Section 1601.2 Term of Office (amended by Ord. 703 § 3, 1997)

In order to create a system of staggered terms, one member will be appointed to serve a term expiring June 30, 1998, two members will be appointed to serve a term expiring June 30, 1999, and three members will be appointed to serve a term expiring June 30, 2000. After these initial appointments, members will be appointed to serve three year terms.

Section 1601.3 Vacancies and Removal for Cause

Vacancies on the Design Review Board shall be filled by resolution of the City Council for the unexpired term of the member affected. Members of the Design Review Board may be removed from office by the City Council for cause upon written charges and public hearing. Vacancies thus created shall be filled for the unexpired term of the member whose office has become vacant.

SECTION 1602. PROCEDURE

The Design Review Board shall conduct its affairs according to the following procedures.

Section 1602.1 Officers

The Design Review Board shall annually elect its own Chairman, Vice Chairman. The Chairman, or in his absence, the Vice Chairman administer oaths and compel the attendance of witnesses.

Section 1602.2 Meetings

Meetings of the Design Review Board shall be held at the call of the Chairman and such other items as the Design Review Board may determine. All meetings shall be open to the public. Four (4) members of the Design Review Board shall constitute a quorum for the transaction of all business, but a smaller number may adjourn from time to time until a quorum can be assembled. Said public hearing shall be held only after a public notice of time and place and date of such hearing has been published in a newspaper of general circulation in the City of Douglas, at least fifteen (15) days prior to such hearing. (amended by Ord. 04-862 § 2, 2004)

Section 1602.3 Records

The Design Review Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and actions, all of which shall be of public record and be filed in the office of the Design Review Board.

Section 1602.4 Attendance

Attendance at meeting of the Design Review Board shall be taken. If a member of the Board does not attend three (3) consecutive meetings, the Design Review Board may direct the Building Inspector or the Director of Community Development to determine why the member in question was unable to attend and to make recommendation as to a course of action. Acting on that recommendation as to a course of action. Acting on that recommendation, the Design Review Board may then vote to ask the Council to replace the member of the Design Review Board in question as outlined in Section 1601.3

SECTION 1603. POWER AND DUTIES

The Design Review Board shall act upon the appeals and requests as outline exclusively in Section 513 and 514 of this ordinance. The powers and duties of this board are not intended to supersede those of the Board of Adjustment in any way, these powers being limited to the appearance and character of properties within HP and DR overlay zones.

SECTION 1604. DECISIONS

A majority vote of those present, so long as a quorum exists.

SECTION 1605. APPEALS

Appeals to the Design Review Board concerning interpretation or administration of the Ordinance may be taken by any person aggrieved, by any officer of department of the City of Douglas by a federal, state or country agency, or school board, affected by any decision of the Building Inspector. Such appeals shall be filed within thirty (30) days of

occurrence with the Design Review Board including all papers constituting the record upon which the action appealed was taken.

SECTION 1606. APPEAL FROM THE BOARD DECISION

Any person, aggrieved by a decision of the Design Review Board, any taxpayer, or a municipal officer may, at this time within thirty (30) days after the filing of the decision by the Design Review Board, file a complaint for special action in the superior court to review the Board decision. Filing of the petition shall not stay proceeding upon the decision appealed from, but the court may, on application, on notice to the Design Review Board, and for good cause shown, grant a restraining order, and on final hearing may reverse, affirm, or modify the decision reviewed.