

AMENDMENT NO ____
TO
ORDINANCE NO. BL2023-136

Madam President –

I hereby move to amend Ordinance No. BL2023-136 by amending Section 1 as follows:

Section 1. That Section 6.28.035 of the Metropolitan Code of Laws is hereby amended by adding the following as a new Subsection H:

H. When deciding appeals from decisions made by the zoning administrator based on evidence presented to the Board, the Board shall determine whether the appellant has shown by a preponderance of the evidence that the zoning administrator is in error or acted arbitrarily. If the Board finds that the zoning administrator did not act in error or arbitrarily, it may modify the penalty in whole or in part upon consideration of the following factors:

1. Intent. Whether the appellant did knowingly commit a wrongful act under this code.
2. Injury to the Neighboring Residents and Properties. Whether the granting of relief will be injurious to other properties or residents in the area.
3. Undue Hardship. Whether the failure to grant relief would result in exceptional practical difficulties or undue hardship upon the appellant. However, any such hardship or difficulty shall not be self-imposed, created by the actions of any person having an interest in the property.
4. Remedial Action. Whether the appellant has corrected or abated a wrongful activity or condition upon being notified by the zoning administrator of the applicable law.
45. Furtherance of Public Policy. Whether the granting of relief will substantially impair the intent and purpose of the code.

Sponsored by:

Rollin Horton
Member of Council