

## ARTICLE II. ADMINISTRATION

---

### ARTICLE II. ADMINISTRATION

#### DIVISION 1: COMPREHENSIVE PLAN

- Sec. 21-2100. Adoption and Purpose
- Sec. 21-2110. Amendments

#### DIVISION 2: ORGANIZATIONAL STRUCTURE

- Sec. 21-2200. City Council
- Sec. 21-2210. Planning Commission
- Sec. 21-2220. Board of Adjustment
- Sec. 21-2230. Development Review Team
- Sec. 21-2240. Department of Community Development
- Sec. 21-2250. Building Official
- Sec. 21-2260. Building Board of Appeals
- Sec. 21-2270. Floodplain Administrator
- Sec. 21-2280. City Engineer

#### ***DIVISION 1: COMPREHENSIVE PLAN***

##### **Sec. 21-2100. Adoption and Purpose**

The city's comprehensive plan is adopted and amended by ordinance. It shall serve as a guide for city zoning, land use, and development decisions. The purpose of the comprehensive plan is to promote the health, safety, order, convenience, prosperity and general welfare of the inhabitants of the city by ensuring coordinated, adjusted, and harmonious development within the city.

##### **Sec. 21-2110. Amendments**

- (1) **Initiation.** Amendments to the comprehensive plan may be initiated by the city or by an owner whose property is the subject of a rezoning request.
- (2) **Approval Criteria.** The city council may approve an amendment to the comprehensive plan if the proposed amendment:
  - (a) Is consistent with the overall intent of the comprehensive plan;
  - (b) Is consistent with the purposes set forth in section 21-2100 above;
  - (c) Is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions;
  - (d) Will not have a negative effect on the immediate area;

- (e) Will not have a negative effect on the future development of the area; and
- (f) Will promote the public health, safety, and general welfare of the people of the city.

Figure II – 1. Comprehensive Plan Amendments



(3) **Process and Procedure.**

- (a) **Application Filing.** Applications to amend the comprehensive plan shall be submitted to the director on the forms approved by the city and shall include all required fees and such materials as the director deems necessary or appropriate to carry out the provisions of this land development code. No application shall be considered which is not complete in every detail. Incomplete applications may be returned to the applicant for completion or correction without any further action.
- (b) **Staff Review and Report.** City staff, and unless deemed unnecessary by the director, the development review team, will review the application to determine whether the proposed amendment meets the criteria listed above. A report summarizing staff's or the development review teams' recommendation will be provided to the planning commission.
- (c) **Neighborhood Meeting.** The city may require or schedule a neighborhood meeting to obtain feedback on the application, prior to referring the matter to the planning commission.
- (d) **Planning Commission's Review and Recommendation.** The planning commission shall conduct a public hearing and make its recommendation in accordance with section 10-11(b) of the charter. The criteria listed in paragraph (2) of this section shall serve as the

basis for the planning commission's recommendation.

- (e) City Council's Review and Decision. The city council shall conduct a public hearing and render a decision in accordance with section 10-11(b) of the charter.

## ***DIVISION 2: ORGANIZATIONAL STRUCTURE***

### **Sec. 21-2200. City Council**

The city council, which is organized and constituted as set forth in chapter IV of the city charter, is the governing body of the city and has final authority in all zoning matters unless that authority is specifically delegated by ordinance.

### **Sec. 21-2210. Planning Commission**

The planning commission is organized and constituted as set forth in chapter X of the charter. It shall have those powers, duties, and functions that have been ascribed to it in the charter as well as those delegated to it by ordinance of the city council.

### **Sec. 21-2220. Board of Adjustment**

- (1) **Organization and Powers.** The board of adjustment is organized and constituted as set forth in chapter X of the charter. It shall have those powers, duties, and functions that have been ascribed to it in the charter as well as those delegated to it by ordinance.
- (2) **Limitations.** Nothing in this land development code shall be construed to empower the board of adjustment to change any term within this land development code, to grant any variance with respect to use of property, to grant any variance with respect to any standard, law, or code not contained in the land development code, or to affect changes in the comprehensive plan of the city. The powers of the board of adjustment shall be narrowly interpreted and strictly construed so that this land development code and the comprehensive plan shall be strictly enforced.
- (3) **Operations and Procedures.**
  - (a) The board of adjustment may adopt such administrative procedures, rules and regulations as necessary or convenient to conduct its affairs in keeping with the provisions of this land development code. Meetings shall be held at the call of the chairperson and at such other times as the board may determine.
  - (b) The concurring vote of at least four members of the board of

adjustment shall be necessary to decide in favor of the applicant. Any motion to approve an application that fails to achieve four concurring votes shall be deemed a denial without further action.

### **Sec. 21-2230. Development Review Team**

The development review team (DRT) assists in the review of development and land-use applications.

- (1) **Organization and Qualifications.** The DRT is composed of city staff and representatives of outside agencies that have an interest in or would be affected by a proposed site development or land use activity. The director shall maintain a list of current members and may revise the list at his discretion. Copies of the list are available for inspection in the office of the director.
- (2) **Procedures.**
  - (a) **Referral.** If review by the DRT is appropriate, the city will provide the application to DRT members affected by the proposal. The types of applications that normally are referred to the DRT for review are set forth in article III of this land development code.
  - (b) **Comments and Meeting.** The DRT members are asked to provide comments to the director, and a meeting of the DRT members may be scheduled. At the conclusion of this meeting, the DRT may make a recommendation for or against any application reviewed. Occasionally, the DRT may make no recommendation regarding an application.
  - (c) **Communication to Applicant.** Following the meeting, the director will provide the comments received by the DRT members and the DRT's recommendation, if any, to the applicant. Generally, these comments will be provided within 14 days of the DRT meeting.

### **Sec. 21-2240. Department of Community Development**

The charter established a department of the city known as the department of community development, hereinafter referred to as the "department," or the community development department. The planning division is contained within this department.

- (1) **Responsibilities.** The department assists with planning for the growth, development, and redevelopment of the city. Specifically, the department creates and oversees any planning study of the city. Additionally, the department reviews site and development plans, special use permits,

subdivisions, zonings, and variances. The department conducts development review as outlined in article III of this land development code, recommends action on applications to appropriate city boards and the city council, makes decisions and grants approvals and permits as authorized by this land development code, establishes application and submittal requirements, and all other actions that are assigned by this land development code or are necessary for its proper administration.

- (2) **Director.** The director of the department shall have the authority to interpret this land development code as necessary and review and approve all land use and development applications in accordance with the provisions of this land development code.

#### **Sec. 21-2250. Building Official**

- (1) **Appointment.** The building official shall be appointed by the city manager.
- (2) **Powers and Duties.** The building official shall have the following powers and duties:
  - (a) To review and approve, conditionally approve, or deny applications for building and sign permits;
  - (b) To inspect building construction to ensure that the same complies with this land development code and all building and construction codes adopted by the city; and
  - (c) To revoke building permits, issue stop work orders, determine occupancy limitations, and to otherwise enforce the ordinances and regulations of the city in regard to building construction, safety, and occupancy.

#### **Sec. 21-2260. Building Board of Appeals**

The building board of appeals is organized and constituted as set forth in the municipal code. Appeals from the building official's denial of a building or sign permit, based upon some ground other than a standard contained in this land development code, shall be heard by the building board of appeals.

#### **Sec. 21-2270. Floodplain Administrator**

- (1) **Appointment.** The floodplain administrator shall be appointed by the city manager.

- (2) **Powers and Duties.** The floodplain administrator shall have the following powers and duties:
- (a) To review, and after any consultation and input that the administrator may require of other city departments or outside agencies, approve, conditionally approve, or deny applications for floodplain development permits.
  - (b) To interpret the official floodplain map.

**Sec. 21-2280. City Engineer**

- (1) **Appointment.** The city engineer shall be appointed by the city manager.
- (2) **Powers and Duties.** The city engineer shall review and approve, conditionally approve, or deny applications for grading permits and temporary use permits within rights-of-way.