

CHAPTER 3
ADMINISTRATION

SECTION:

- 10-3-1: Zoning Administrator
- 10-3-2: Building Permits
- 10-3-3: Conditional Use Permits
- 10-3-4: Site Plan Review
- 10-3-5: Amendments
- 10-3-6: Appeals

10-3-1: ZONING ADMINISTRATOR:

- A. **Designation:** An administrative official, to be known as the zoning administrator, shall administer and enforce the provisions of this title. The zoning administrator shall be designated by the mayor, with the advice and consent of the city council. The zoning administrator may be provided with such assistance as the mayor and city council may direct or authorize. These additional assistants shall be designated as deputy zoning administrators.
- B. **Enforcement:** The zoning administrator shall represent the city in carrying out the stated purposes and requirements of this title, and in so doing shall cause that all required permits and approvals be obtained.
- C. **Building Permit Review:** The zoning administrator shall review all building permit applications to determine compliance with the regulations of this title. No building permit shall be issued until approved by the zoning administrator.
- D. **Conditional Use Permits, Site Plan Reviews And Amendments:** The zoning administrator is hereby designated to accept all applications for items that this title requires to be reviewed and approved by the planning commission. Such items include applications for conditional use permits, site plan review, and amendments to the zoning

ordinance or zoning map. The zoning administrator shall schedule all such items received for review and approval by the planning commission. The zoning administrator shall submit the information received to the planning commission for their review. The zoning administrator shall also submit to the planning commission his/her findings on whether the item submitted meets, or fails to meet, the provisions of this title. (Ord., 10-17-1989)

10-3-2: BUILDING PERMITS:

- A. **Permit Required:** No building or structure shall be constructed, reconstructed, altered, moved or demolished without a permit therefor issued by the building inspector.
- B. **Compliance With Zoning Title:** All building permits shall be reviewed by the zoning administrator for compliance with this title before being issued by the building inspector. No permit shall be issued unless and until the contemplated action is in compliance with the provisions of this title. (Ord., 10-17-1989)

10-3-3: CONDITIONAL USE PERMITS: Certain uses listed in this title require the issuance of a conditional use permit before they are allowed. Conditional use permits are issued by the planning commission. Applications for conditional use permits are made to the zoning administrator (see subsection 10-3-1D of this chapter). See chapter 12 of this title for the requirements for a conditional use permit. (Ord., 10-17-1989)

10-3-4: SITE PLAN REVIEW: Certain uses listed in this title require site plan approval by the planning commission before they are allowed. Applications for site plan review are made to the zoning administrator (see subsection 10-3-1D of this chapter). See chapter 13 of this title for the requirements for site plan review. (Ord., 10-17-1989)

10-3-5: AMENDMENTS¹: Requests for amendments to this title, or to the zoning map, are reviewed by the planning commission, which then issues a recommendation to the city council. The city council ultimately approves or denies amendment requests. Applications for

1. See also section 2-1-20 of this code and chapter 5 of this title.

amendments are made to the zoning administrator (see subsection 10-3-1D of this title). See chapter 5 of this title for the requirements for amendments to this title or zoning map. (Ord., 10-17-1989)

10-3-6: APPEALS¹:

- A. **Right Of Appeal:** Any person aggrieved by, or any officer, department, board or bureau of the city affected by any decision of the zoning administrator or planning commission in the administration of this title, may appeal such decision in accordance with the provisions of this section.
- B. **Variances:** Any request for a variance from the provisions of this title must be made directly to the board of adjustment.
- C. **Decisions Of Zoning Administrator:** Any decision or requirement of the zoning administrator, which the administrator is authorized to make under the terms of this title, may be appealed to the board of adjustment. Such appeals must be made within thirty (30) days of the action or decision of the zoning administrator by filing a written notice of appeal with the city recorder, specifying the grounds for the appeal.
- D. **Decisions Of Planning Commission:** Any decision or requirement of the planning commission may be appealed to the board of adjustment, except for decisions regarding conditional uses which are to be appealed to the city council. Such appeals must be made within thirty (30) days of the action or decision of the planning commission by filing a written notice of appeal with the city recorder, specifying the grounds for the appeal.
- E. **Stay Of Proceedings:** An appeal stays all proceedings in furtherance of the action appealed unless the zoning administrator or planning commission certifies to the appropriate appeals body that by reason of facts stated, a stay would, in their opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by restraining order which may be granted by the appropriate appeal body, as specified in subsections C and D of this section.
- F. **Hearing:** The appropriate appeal body shall schedule a public hearing to hear the appeal. Notice of the hearing shall be given at

1. See also title 2, chapter 2 of this code for provisions relative to the board of adjustment.

least fifteen (15) days prior to the hearing. The notice shall be posted in at least three (3) public places within the city, and shall be mailed to all parties of interest. Upon hearing the appeal and reviewing all relevant information submitted, the appeal body may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all the powers of the zoning administrator or planning commission. The appeal body may continue the hearing to a later date and time, as is reasonable and necessary. A concurring vote of a simple majority of the total membership of the appeal body shall be necessary to reverse any order, requirement or determination of the zoning administrator or planning commission. (Ord., 10-17-1989)