

CHAPTER 3

ADMINISTRATION

SECTION:

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10-3-1: GENERAL: For the purpose of carrying out the provisions of this Ordinance, an Administrator and Commission are hereby created.

10-3-2: ADMINISTRATOR: The City Council shall appoint an Administrator to administer this Ordinance. The Administrator may be provided with the assistance of such other persons as the Council may direct. Unless otherwise provided, the Administrator shall be the City Clerk.

For the purpose of this Ordinance, the Administrator shall have the following duties:

- (A) Advise interested persons of the Zoning Ordinance provisions;
- (B) Notify the news media regarding matters of public interest;
- (C) Aid applicants in the preparation and expedition of required applications;
- (D) Make an on-site examination, or see that such exam is made, of all permit applications;
- (E) Issue permits, notifications and such similar administrative duties;
- (F) Investigate all violations of this Ordinance and notify, in writing, the person responsible for such violation(s), ordering the action necessary to correct such violation(s); and
- (G) Assist the Commission and Council in carrying out the provisions of this Ordinance.

10-3-3: COMMISSION:

Title 10-3-1

- (A) Membership--The Planning and Zoning Commission shall consist of not less than three (3) nor more than twelve (12) voting members all appointed by the mayor and confirm by a majority of the City Council an appointed member of the Commission must have resided in the City for two (2) years immediately prior to appointment and must remain a resident of the City during service on the Commission. A term of office shall be for three (3) years with not more than two (2) consecutive terms. Vacancies shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the Council. Members shall serve without compensation. At least one (1) and not more than two (2) additional members of the Commission shall be appointed from the area of city impact which number shall be determined by the Mayor, approved by the City Council and shall be appointed by the Mayor and shall be approved by a majority of the City Council pursuant to the provisions of 4.5 of the Planning and Zoning Ordinance.
- (B) Organization--Each Commission shall elect a Chairman and create and fill any other office that it deems necessary at its first regular meeting of the calendar year. A Commission may also establish subadvisory committees, hearing examiners or neighborhood groups to advise and assist in carrying out their responsibilities under this Ordinance. The Council shall appoint a Council member to serve as liaison with the Commission who shall be a non-voting, ex officio member of the Commission.
- (C) Rules, Records and Meetings--Where an appeal is provided for within this Ordinance, a transcribable verbatim record of the proceedings shall be made and kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. Minutes of meetings, hearings, resolutions, studies, findings, permits and actions shall be maintained indefinitely or as otherwise provided by law. All meetings and records shall be open to the public. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year. A majority of voting members of the Commission shall constitute a quorum.
- (D) Expenditures and Staff--With the approval of the Council, the Commission may receive and expend funds, goods and services from the federal government or agencies and instrumentalities of the State or local governments or from civic and private sources and may contract with these entities and provide information and reports as necessary to secure aid. Expenditures of the Commission shall be within the amounts appropriated by the Council. Within such limits, the Commission is authorized to hire employees and technical advisors, including, but not limited to, planners, engineers, architects and legal assistants.

10-3-4: DUTIES AND RELATED POWERS OF THE COMMISSION:
For the purpose of this Ordinance, the Commission may act with the full authority of the Council, with the exception of adopting of ordinances and subject to the provisions

contained herein, and shall have the following duties:

- (A) Recommend amendments to the Plan to the Council, not more frequently than every six (6) months, to correct errors in the original Plan or to recognize substantial changes in the actual conditions in the City;
- (B) Refer any petition for amendment to the Plan received by the Commission to the Council;
- (C) Review and update the Plan as needed;
- (D) Initiate proposed amendments to this Ordinance and conduct a periodic review of the complete Ordinance;
- (E) Review all proposed amendments to this Ordinance and take recommendations to the Council;
- (F) Review all Planned Unit Developments and make recommendations to the Council;
- (G) Review all Subdivision applications and make recommendations to the Council;
- (H) Recommend the granting or denial or the conditional granting of special use permits under conditions as herein specified with such additional safeguards as will uphold the intent of this ordinance;
- (I) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interdetermination made by the Administrator; and
- (J) Authorize such Variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the intent of this Ordinance shall be observed and substantial justice done.

10-3-5: **CONFLICT OF INTEREST:** The Council shall provide that the area and interests within its jurisdiction are broadly represented on the Commission. A member or employee of the Council or Commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this Section shall be a misdemeanor.

10-3-6: **FINDINGS OF THE COMMISSION & COUNCIL:** The approval or denial of any application provided for in this Ordinance shall be based upon standards and criteria set forth in the Plan, this Ordinance or any other appropriate ordinance or regulation of the City. The approval or denial of any application provided for in this

Ordinance shall be in writing and accompanied by a statement in the form of findings of fact and conclusions of law that explain the criteria and standards considered relevant, state the facts relied upon, and explain the justification for the decision based on the criteria, standards and facts set forth.