

City Boards and Commissions Description of Duties

Planning Commission

Two scheduled meetings per year, and other meetings held at the call of the chairperson.

After the planning and zoning commission has organized, selected its officers and adopted its rules of procedure, it shall have all the powers, duties and responsibilities set forth by state law. In general, the planning and zoning commission shall have the power to:

- (1) Prepare and revise periodically a comprehensive plan and program for the development of its jurisdiction.
- (2) Prepare and recommend for adoption to the council, as a means for implementing the plan and program:
 - a. Zoning ordinances or resolutions and maps and appropriate revisions thereof for its jurisdiction.
 - b. Regulations for the subdivision of land and appropriate revisions thereof within its jurisdiction. The commission also shall administer the regulations that may be adopted.
 - c. An official map and appropriate revisions thereof showing the exact location of existing or proposed public street, highway and utility rights-of-way and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within those rights-of-way, building sites or open spaces, within its political jurisdiction or a specified portion thereof.
 - d. A capital program for its jurisdiction based on the comprehensive plan and the capital improvements necessary to implement the plan. Such a capital program shall include an annual capital budget based on estimates of the cost of proposed projects and the means of financing them. The commission shall submit the capital program, including the capital budget, to the council as directed.
- (3) Establish principles and policies for guiding action in the development of the area.
- (4) Prepare and recommend to the council for adoption ordinances promoting orderly development in accordance with the comprehensive plan.
- (5) Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area.
- (6) Review and recommend to the council any needed changes in the zoning ordinance and the map of the city.
- (7) Prepare and recommend for adoption subdivision regulations and administer those regulations.
- (8) Keep the council and the general public informed and advised as to these matters.

Zoning Board of Appeals

Meetings held at the call of the chairperson.

The board of zoning appeals has the following powers:

1. *Appeal from Zoning Administrator.* Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the board of zoning appeals in writing on a form provided by the Zoning Administrator within fifteen (15) days after actual notice of the decision. An appeal stays the implementation of the decision of the Zoning Administrator unless he certifies to the board that a stay would cause imminent peril to life or property. The board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating findings of fact and conclusions of law.

2. *Variances.* An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a variance from the requirements of the zoning ordinance when the strict application of regulations would result in unnecessary hardship. A variance may be granted if the board makes all of the following findings and conclusions in a written order:

(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) these conditions do not generally apply to other property in the vicinity;

(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

(d) the authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance;

(e) the effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; and would not change the zoning district boundaries shown on the official zoning map.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

3. *Special exceptions.* An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria. The board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations: (1) traffic impact; (2) vehicle and pedestrian

safety; (3) potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property; (4) adverse impact of proposed use on aesthetic character of the area; and (5) orientation and spacing of improvements or structures. The board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

Housing Authority Commission

Regular monthly meetings are scheduled.

Each authority shall have the following powers in addition to others herein granted:

(1) To investigate into living and housing conditions within its territorial limits and enter upon any building or property in order to conduct investigations or make surveys; to determine where unsanitary or substandard conditions exist within such limits; to study and make recommendations concerning the city plan in relation to the problem of clearing, replanning and reconstruction of areas and the providing of housing accommodations to persons of low income; to cooperate with any city or regional planning agency; to arrange with the city or with a government for the furnishing, planning, replanning, opening, grading or closing of streets, roads, alleys or other places or facilities or for the acquisition by the city or by a government of property, options or property rights, or for the furnishing of property or services in connection with the project; or to assume the duties of planning or zoning commissions, if such duties are delegated to it by the governing body of the city;

(2) To acquire title to real property or personal property or any interest therein from any person by gift, grant, bequest, or devise; to purchase, lease, acquire by eminent domain, grant or otherwise, sell, exchange, transfer, assign, mortgage, encumber and otherwise dispose of any real property or personal property; to lease or rent any of the housing or other accommodations or any of the lands, buildings, structures or facilities embraced in any project and to establish and revise the rents or charges there for;

(3) To construct, reconstruct, alter, repair and operate projects upon any land which it may acquire and to demolish structures; and in connection therewith to enter into any contracts which it deems advisable;

(4) To authorize the use of parts of the property of any project for stores, offices, garages, work places and commercial and community facilities appurtenant and incidental to the housing accommodations;

(5) To cause the consolidation of any two or more projects, the extension of any project or the consolidation of any approved project with a proposed project;

(6) To purchase, acquire or lease from the Federal Government or any agent or agency thereof any interest of the Federal Government or any agent or agency thereof in any low-cost housing or slum clearance project within the territorial jurisdiction of the authority for the purpose of completing or operating such project, to own and hold such interest so acquired, to make such commitments and enter into such agreements as the authority in its discretion sees fit and to act as agent for the Federal Government or any agent or agency thereof;

(7) To determine in what manner any surplus income of any project shall be employed and to purchase and retire its own bonds and invest any funds held in reserve or sinking funds or otherwise not required for immediate disbursement;

(8) To lend moneys to private individuals, firms, corporations or governments, to be used for the purpose of making repairs, improvements and additions to the borrowers' properties, provided the borrowers agree that during the period of the loan the lending housing authority shall regulate the rentals, charges, profits and income from the property to be repaired, remodeled,

built or constructed with the proceeds of the loan and to take bonds or other evidences of indebtedness and mortgages from such borrowers;

(9) To assume the duties of planning or zoning commissions if such duties are delegated to them by any government.

Property Maintenance Board of Appeals

Meeting held at the call of the chairperson.

Appeal from Codes Enforcement Officer or Fire Chief. Any person aggrieved by a decision of the Codes Enforcement Officer or Fire Chief related to the enforcement of building and property maintenance codes may appeal that decision to the property maintenance board of appeals in writing within fifteen (15) days after actual notice of the decision. An appeal stays the implementation of the decision unless he certifies to the board that a stay would cause imminent peril to life or property. The board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating findings of fact and conclusions of law.

Historic Properties Protection Commission

Four quarterly scheduled meetings and other meetings held at the call of the chairperson.

The HPPC shall promote the purposes and objectives of the Historic Properties Protection Ordinance, shall have the following powers, and shall perform the following functions:

1. To review and recommend to City Council the designation of individual historic properties and/or districts for inclusion in the Historic Overlay District.
2. To review plans and applications, as hereinafter provided, for exterior modifications to structures, modifications to landscape features, and all new construction within the Historic District including demolition of structures and historic landscape features within the Historic District.
3. To review and approve, approve with modifications, or deny approval for such plans and applications, in accordance with prescribed procedures and guidelines.
4. To make annual reports to the City Council.
5. To review and comment on the proposed nomination of buildings, structures, sites, objects or districts to the State Review Board for listing in the National Register of Historic Places.
6. To educate the public about preservation, restoration and history of the community.
7. To maintain an inventory of historic properties, which shall be available to the publi

