

## 10-1-7: ADMINISTRATION:

(A) Enforcement: **Unless noted otherwise herein**, the city manager, acting by and through the planning division, is vested with the duty and the power necessary for the enforcement of this title, incidental to which duty and power the planning division shall:

1. Conduct investigations and surveys to determine compliance or noncompliance with the provisions of this title. Incidental to such investigations and surveys, the zoning official may, with the consent of the landowner or the person entitled to possession of the premises, or as may be authorized by law, enter into and upon any land or structure to be inspected and examined. Additionally, the right of entry and inspection may be obtained by the zoning official by application to and proper orders or warrants issued from a court of proper jurisdiction.
2. Issue written orders requiring compliance with the provisions of this title. Such orders shall be served personally or by registered or certified mail upon the person deemed to be violating the provisions of this title; provided, however, that if such person is not the owner of the land or structure in which the violation is deemed to exist or have occurred, a copy of such order shall be sent by registered or certified mail to the owner of such land or structure. The date of the mailing shall be deemed the date of service of any order served by registered or certified mail.
3. Initiate appropriate steps necessary for the enforcement of the provisions of this title.

(B) Interpretation: In the interpretation and application of this title, the provisions contained herein shall be held to be the minimum requirements necessary and shall be liberally construed for the promotion of the public health, safety and general welfare. (Revised 6-12-1992)

(C) Amendments: Amendments to the provisions of this title may be proposed by motion of the council, the city manager, by the request of any person, or by recommendation of the planning commission. Amendments to the official zoning map, which specifically includes initial zoning of newly annexed territory or rezoning of any parcel within the city, shall be proposed by the owner, purchaser or a designated agent, or by the council or the planning division. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(D) General: **Unless noted otherwise herein**, the planning division shall be responsible for the general administration of activities necessary to implement this title which shall include, but is not necessarily limited to:

1. Review all applications for building permits for conformance with this title; and approve or disapprove such applications accordingly.
2. Prepare application forms, ordinances and administrative guidelines as are necessary for the convenience of the public; and recommend to the Council a schedule of fees for offsetting the reasonable costs of administering this title. (Revised 6-12-1992)
3. Maintain written records of all actions taken by the Planning Division, Board of Adjustment, Planning Commission, Historical Preservation Board or Council authorized by this title. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)

(E) Minor Variances: The Planning Division, acting through the zoning official, shall grant minor variances to certain lot requirements for legally platted lots which meet the criteria stated below. Such variances shall not, however, exceed twenty percent (20%) of the minimum lot requirements, established in chapter 2 of this title.

1. Variances granted under this provision shall be restricted to:

(a) Minimum lot area requirements for legally platted lots which do not meet the minimum lot area required by the zone district regulations governing the area in which the lot is located;

(b) Minimum lot width at the front setback line;

(c) Building setbacks for primary and accessory structures;

(d) Distribution of unobstructed open space adjacent to rights-of-way in Commercial and Industrial Zone Districts; and

(e) Percentage of lots to be retained in unobstructed open space.

2. Any variance granted under the provisions of this subsection shall meet all of the following criteria:

(a) The variance will not alter the essential neighborhood character, nor will it substantially impair the permitted use or development of adjoining property;

(b) The variance shall be the minimum necessary to grant relief from a demonstrated hardship;

(c) That the hardship, if any, under which the variance is sought, was not created by the owner, occupant or agent of the owner of the property in question; nor was it suffered as a result of a violation of any provision of this Code. (Revised 6-12-1992)