

Article XV. Development Review Board.

Sec. 44-210. Created; purpose.

A development review board is hereby created and established for the purpose of promoting the orderly development of the city and several zones therein, and the direction of building development, according to the zoning plan of the city; and to conserve property values and the character of the several zones and areas in the city and their peculiar suitability for particular uses, and the character of buildings already erected in such zones or areas. (Ord. No. 335)

Sec. 44-211. Composition; rules of procedure generally; quorum minutes; etc.

The development review board shall consist of ex officio members of the planning commission. The planning director and the chief building official shall be advisory members. Advisory members shall have no vote. The board shall have the power to make its own rules of procedure, with the following limitations:

- (a) All meetings shall be held in the City Hall.
- (b) The board shall not be required to hold noticed public hearings, but any interested person shall be afforded a reasonable opportunity to be heard, and the meetings shall be open to the public.
- (c) The applicant shall be entitled to attend any hearing of the board and to testify or present evidence on his behalf.
- (d) The board shall cause to be kept and maintained minutes of all meetings.
- (e) The board shall receive and promptly review and pass upon all site plans and promptly report in writing its decision to both the applicant and the chief building official. (Ord. No. 335, Ord. No. 438)

Sec. 44-212. Powers and duties generally.

The development review board shall have the following powers and duties:

- (a) Prior to the issuance of a building permit for any building or structure, the site of which is within the R-2, R-M, O-P, C-3, C-M, M-1, or M-2 (Heavy Manufacturing) zone, or within the Central Business District, to determine whether the application thereof meets the conditions for approval as set forth in this article, except that building permit issuance may be granted without development review board approval if one or more of the following conditions apply:
 - (1) When the requested building permit is for security purposes or is to correct a safety hazard threatening life or property, including fire damage, and when time is of the essence in making such remedial corrections.
 - (2) Approval of the development review board shall not be required for interior modifications requiring building permits or for residential patio covers or commercial or industrial awnings and canopies.
 - (3) Administrative approval of building additions shall be limited to additions of fifteen percent of the existing gross floor area of the building to which the addition is to be added.

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The right to waive such development review board approvals shall be the responsibility of the director of community development. The spirit and intent of Section 44-213 pertaining to conditions of permit approval shall be observed when building permits are so issued administratively. A quarterly report on approved administrative action cases shall be made available to the development review board. (Ord. No. 749)

- (4) Approval of the development review board shall not be required for attached additions to single family dwellings which are situated in the R-2 or R-M zones where there is only one single family dwelling unit on the lot and where the single family dwelling unit with the proposed addition occupies such a percentage of the lot area that construction of additional units on the lot is not possible. (Ord. No. 749)
- (b) To make a report and recommendation on all matters requested by the council.
- (c) To advise the council on all architectural matters relating to the development of city owned or controlled property.
- (d) To advise the council on all site planning matters pertaining to commercial or other large scale developments.
- (e) In all M-1 and M-2 zones wherein those uses first permitted in the C-3 zone, to approve or grant conditional approval of, the site plan. (Ord. No. 335, Ord. No. 438, Ord. No. 520, Ord. No. 547, Ord. No. 571, Ord. No. 585, Ord. No. 648)

Sec. 44-213. Conditions of permit approval.

The development review board, after a view of the site of the proposed structure and an examination of the application papers for a building permit, prior to the approval, or C-3 uses approval, or conditional approval, of such permit, must make the following findings of fact:

- (a) That the development will not be detrimental to the character of the zone in which it is proposed to construct the building, the peculiar suitability of the zone for particular uses and the character of buildings already erected in the district and will conserve property values and promote the direction of building development according to the zoning plan of the city.
- (b) That the application for the building permit indicates the manner in which adjacent structures are protected against noise, vibration and other factors which tend to make the environment less desirable, and are reasonably efficient and satisfactory.

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- (c) That the exterior architectural appeal, design and functional plan of the proposed structure will, when erected, not be either so at variance with the exterior architectural appeal, design and functional plan of the structures already constructed or in the course of construction in the zone in question and the immediate neighborhood of the proposed site as to cause a substantial depreciation of property values in the neighborhood, so far as:
- (1) Setbacks;
 - (2) Building height;
 - (3) Vehicular parking, and vehicular and pedestrian ingress and egress;
 - (4) Location of services;
 - (5) Walls;
 - (6) Landscaping; or
 - (7) Gross floor area.
- (d) That the proposed development indicates adequate consideration for the other existing or contemplated uses of land in the general area and an orderly development of the same. (Ord. No. 335)

Sec. 44-214.

Repealed by Ordinance No. 512.

Sec. 44-215. Appeals.

Every applicant and every other person within the notice area shall have the right to appeal the actions and decisions of the development review board to the city council within thirty days after the decision of the board. The decision of the city council shall be final. (Ord. No. 335)

(Ord. Nos. 335, 438, 520, 547, 571, 585, 648, 749)

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