

## MEMORANDUM

**To:** Claire Powell, City Manager  
**From:** Richard E. Luedke, AICP, Planning Director  
**Date:** February 16, 2026  
**Subject:** **Approval of Zoning Board of Adjustment Rules of Procedure.**

### BACKGROUND:

Section III.1.4. of the Unified Development Code (UDC) lays out the authority and guidance of the Zoning Board of Adjustment (ZBOA). This section mirrors state statute in requiring that the Zoning Board of Adjustment adopt rules of order that are then approved by the City Council. The Zoning Board of Adjustment has always followed the same procedures and meeting format as the Planning and Zoning Commission, though staff could not identify any formally adopted rules. This item will correct that issue and provide formally adopted rules that may be amended in the future as needed. The Zoning Board of Adjustment unanimously (5-0) adopted the rules of procedure on December 3, 2025.

### ANALYSIS:

The five-page procedures document addresses Meetings, Officers, Applications for Hearing, Agendas, Meeting Procedures, Final Disposition, and Maintenance of the rules of procedure. Most rules reflect the long-standing practices of the board. Several refer to the UDC and applicable state regulations such as the Open Meetings Act. Some address interested parties wishing to speak on items that are not public hearings or not on the agenda. While these occurrences are rare, it is good to have an established procedure. A "Visitors Forum" item has been added to all agendas to set a specific time to allow those comments. The rules also adopt a five-minute limit on speakers and rebuttals by staff or the applicant. The initial presentation by staff or the applicant does not have a time limit. Note that these rules deviate from the proposed rules of procedure for City Council meetings in the following ways:

1. No 10-minute limit for applicant presentation.
2. No rules of decorum, except for language that specifies that all comments should be addressed to the ZBOA. No questioning or arguments between individuals in opposition to or in favor of the request will be allowed.
3. No rules related to audio/visual allowances.

If the City Council wants these procedures for ZBOA to match the proposed City Council procedures, the ZBOA will also have to review and adopt those changes. Please note that ZBOA

cases are much more limited in scope and discretion than City Council decisions. Also, a typical ZBOA agenda has far fewer items (usually one or two) compared to a typical City Council agenda, which also lends itself to varying procedures.

**CITY STAFF'S RECOMMENDATION:**

That the City Council approve the Zoning Board of Adjustment rules of procedure as set forth in the caption above.