

CHAPTER 152: PLANNING

Section

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Cross-reference:

Commissions, see Ch. 32

Department of Planning and Development, see § 32.19

PLANNING COMMISSION

§ 152.01 ESTABLISHMENT OF COMMISSION.

A Planning Commission is hereby established.

('75 Code, § 19.101)

Cross-reference:

Director of Planning and Development oversight of Planning Commission, see § 32.19

§ 152.02 COMPOSITION; TERM OF OFFICE; COMPENSATION.

(A) Such Planning Commission shall consist of nine members. Six members shall be appointed by the City Council and may be removed by a four-fifths vote of the Council. The Council shall select one member of the Commission from among its own members whose term shall correspond with his or her official tenure. The City Engineer and the City Attorney shall be members ex officio without authority to vote.

(B) Of the members of the Commission first appointed, two shall be for the term of one year, two for the term of two years, two for the term of three years. Their successors shall be appointed for terms of three years. Both original and successive appointees shall hold their

offices until their successors are appointed and qualified. The terms of ex officio members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his or her duties take an oath that he or she will faithfully discharge the duties of office. All members shall serve without compensation. ('75 Code, § 19.102) (Am. Ord. 1003.77, passed 9-15-77)

§ 152.03 ORGANIZATION, MEETINGS, OPERATIONS, AND DUTIES.

(A) The Commission shall elect a Chairperson from among its appointed members for a term of one year; and the Commission may create and fill such other offices as it may determine. The Clerk shall act as Secretary of the Planning Commission.

(B) The Commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record. On or before January 1 of each year the Commission shall submit to the City Council a report of its work during the preceding year. Expenditures of the Commission shall be within amounts appropriated for the purpose by the Council. ('75 Code, § 19.103)

Cross-reference:

Planning Commission duties in regard to zoning, see §§ 154.177 through 154.180

§ 152.04 PROGRAM OF WORK.

(A) Upon the appointment and organization of the Commission, it shall proceed with the preparation and adoption of resolution of a Program of Work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. Such Program will include:

- (1) An outline of data and information to be assembled as a basis for the City Plan;
- (2) An outline of subjects to be covered by the City Plan;
- (3) An outline of types of procedure necessary to make the City Plan effective.

(B) The Planning Commission may, by resolution, revise its Program of Work from time to time. ('75 Code, § 19.104)

(C) Each officer, department, board, or commission of or in the city whose functions include recommending, preparing plans for, or constructing public works shall, at least three months before the end of each fiscal year, submit to the Planning Commission a list of the proposed public works recommended by such officer, department, board, or commission for planning, initiation, or construction during the ensuing fiscal year. The Planning Commission shall request from the local school district a similar list of its proposed public works. The

Planning Commission shall list and classify all such proposed public works and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such program shall be recommended by the Commission to the Council and to such other officers, departments, boards, or public bodies as have jurisdiction over the recommending, planning, or constructing of such public works. A copy of such recommended program of public works shall be included in the annual report of the Planning Commission. ('75 Code, § 19.614)

CITY PLANNING

§ 152.15 CITY PLAN; HEARINGS; AMENDMENTS.

(A) *Preparation.* It shall be the function and duty of the Planning Commission to prepare and adopt a comprehensive City Plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the city. Such Plan may be prepared in sections, each of which shall relate to a major subject of the Plan, as outlined in the Commission's Program of Work.

(B) *Hearings; adoption and amendment.*

(1) Before adopting the City Plan or any section of it or any substantial amendment thereof, the Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least ten days before the day of the hearing. The adoption of the City Plan or any section or amendment thereof shall be by resolution of the Commission, approved by the affirmative votes of not less than two-thirds of its total membership. The Commission may from time to time amend or add to the City Plan or section thereof as herein provided for the adoption of the original Plan whenever changed conditions or further studies by the Commission indicate that such amendment or addition is necessary.

(2) An attested copy of the Plan or of any section, amendment, or addition to the City Plan adopted by the Planning Commission shall be certified to the Council.

(C) *Execution.*

(1) Upon the adoption of the City Plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect such Plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for the efficient expenditure of the funds thereof relating to the subjects of such City Plan.

(2) Such means shall consist of a Zoning Plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the city, a long-term

program of capital expenditures and such other matters as will accomplish the purposes of this section. ('75 Code, §§ 19.201-19.203)

Cross-reference:

Subdivisions; easements, see § 153.46

§ 152.16 ZONING PLAN; HEARINGS.

The Planning Commission upon its own motion may and upon instructions by the Council shall prepare a proposed Zoning Plan for the city. Before recommending such Plan to the Council, the Planning Commission shall hold at least one public hearing thereon after a notice similar to that required by § 152.15.

('75 Code, § 19.204)

§ 152.17 HEARINGS ON STREET AND OTHER PLANS, CONDITIONAL USES, AND VARIANCES.

The procedure in § 152.16 shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes, or for conditional uses or variances.

('75 Code, § 19.204)

§ 152.18 AMENDMENTS TO ZONING PLAN, STREET AND OTHER PLANS, AND REGULATIONS.

No change shall be made in the Zoning Plan, Future Street and Public Lands Plan, or regulations governing the platting of land after such plans or regulations have been adopted by the City Council until the proposed change has been filed with the Council; and no ordinance or resolution establishing any of such plans or specifications shall be adopted by the City Council until such ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of such report has been filed with the Council. Failure of the Planning Commission so to report within 40 days or such longer period as may be designated by the Council after such reference shall be deemed to be approval of the proposed change.

('75 Code, § 19.613)

§ 152.19 OFFICIAL MAP OF CITY; EFFECT ON NONCOMPLYING PREMISES.

(A) The Planning Commission, with the assistance of the City Engineer, may, and upon instruction by the Council shall, prepare an Official Map of the platted and unplatted portions of the city and adjoining territory, or portions thereof, indicating upon such map the proposed future extension or widening of streets of the city within such existing platted and developed territory or across such unplatted territory.

(B) After such Map has been prepared and a hearing on it has been held as provided in § 152.16, it shall be submitted to the Council, which shall thereupon consider such Map and may adopt it or any part of it with such amendments as it deems advisable. Before such adoption by the Council, a public hearing shall be held upon the proposal at least ten days after notice thereof has been published in the city. After such Map has been adopted by the Council and filed with the Register of Deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other purposes are acquired by action of the city it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of such a Map within the limits of the mapped street, or outside of any building line that may have been established upon the existing street, or within any area thus reserved for public purposes.

('75 Code, § 19.205)

§ 152.20 FINAL PLAT APPROVAL; GEOGRAPHICAL LIMITS OF CITY AUTHORITY.

(A) Every proposed plat of land within the city or within two miles of the limits of the city and not within a town which itself requires the approval of plats shall be submitted to the Council before being filed and no plat of land shall be filed unless and until the same first have been approved by the Council.

(B) Any person who violates this provision or who sells land, offers land for sale, or contracts for the sale of land by references to or by other use of any plat before such plat has been approved by the Planning Commission and the City Council in accordance with the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in § 152.99. Before acting on such plat the City Council shall submit the same to the Planning Commission for its recommendations.

(C) The Planning Commission, within 40 days after any such plat has been referred to it by the City Council, shall act on the same and shall make its recommendations with respect thereto. Such recommendations may consist of:

(1) A recommendation that the Council approve such plat; or

(2) A recommendation that the Council disapprove such plat, in which case such recommendation shall include a statement of the specific reasons for such recommendations; or

(3) A recommendation that the Council approve such plat after specified changes or revisions are made therein, which recommendations may include the condition that a revised plat containing such changes or revisions be submitted to the Planning Commission, in which case such revised plat shall be so submitted to the Planning Commission for its further consideration and recommendations before action thereon by the Council.

('75 Code, § 19.206) Penalty, see § 152.99

§ 152.99 PENALTY.

Whoever violates § 152.20(B) shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days.

('75 Code, § 19.206)