

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 17 PLANNING AND ZONING COMMISSION**

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6-17-1 COMMISSION CREATED. Under and by virtue of the authority conferred by Chapter 414.6 of the Code of Iowa, 2013, a City Planning and Zoning Commission, hereinafter referred to as the Commission, is hereby created and established.

6-17-2 MEMBERSHIP OF THE COMMISSION. The Commission shall consist of five (5) members, four of whom are residents of the City. The additional member of the Commission may be a resident of the area outside the City over which the zoning jurisdiction of the city as been extended. All members shall be qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the city government. All five (5) members shall be appointed by the City Council.

(Ord. 2021-01, Passed February 23, 2021)

6-17-3 TERM OF OFFICE. The term of office of the members of the Commission shall be five (5) years, except that the initial terms under the provisions of this ordinance shall be one member shall serve for two years, two members shall serve for three years, and two members shall serve for five years.

6-17-4 VACANCIES. If any vacancy shall exist on the Commission caused by resignation, or otherwise, the City Council shall appoint a successor for the residue of said term.

6-17-5 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the City Council.

6-17-6 POWERS AND DUTIES. The Commission has and exercises the following powers and duties:

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

2. Adopt Rules and Regulations. The Commission shall adopt such rules and regulations governing its organization and procedures as it may deem necessary.

3. Annual Report. The Commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

4. Comprehensive Plan. The Commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the City or of any land outside thereof which, in the opinion of the Commission, bear relation to the comprehensive plan and shall bring its studies and recommendations to the attention of the Council and may also publish such studies and recommendations.

5. Comprehensive Plan: Preparation. For the purpose of making a Comprehensive Plan for the physical development of the City, the Commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

6. Comprehensive Plan: Public Hearing. Before adopting a Comprehensive Plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the Commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than seven (7) or more than twenty (20) days before the date of hearing. However, in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The adoption of the Plan or part or amendment thereof shall be by resolution of the Commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the Commission. After adoption of said Plan by the Commission an attested copy thereof shall be certified to the Council and the Council may approve the same. When said Plan or any modification or amendment thereof shall receive the approval of the Council, the said Plan until subsequently modified or amended as herein authorized shall constitute the official City Comprehensive Plan.

7. Comprehensive Plan: Amendments. When the Comprehensive Plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Commission for its recommendations. If the Commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.

8. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefore obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

9. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions or land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City,

shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

10. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon.

11. Zoning. The Commission shall have and exercise all the powers and duties and privileges in preparing and amending the City Zoning Code as provided by Chapter 414 of the Code of Iowa.

12. Fiscal Responsibilities. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

13. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Ord. 2013-03, Passed January 28, 2014)