

CHAPTER 22

PLANNING AND ZONING COMMISSION

22.01 Membership	22.08 Compensation and Expenses
22.02 Terms; Vacancies	22.09 Annual Report
22.03 Quorum; Voting	22.10 General Responsibilities for Planned Physical Development
22.04 Regular Meetings	22.11 Zoning
22.05 Joint Meetings	22.12 Airport Zoning Commission
22.06 Attendance	
22.07 Officers; Terms and Duties	

22.01 MEMBERSHIP. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of seven (7) members appointed by the Council. Six (6) of the members are residents of the City and one (1) member is a resident of the unincorporated area of Des Moines County within two miles of the City limits. No member shall hold any elective office in the City or County government.

(Code of Iowa, Sec. 414.6, 414.23 & 392.1)

22.02 TERMS; VACANCIES. Members of the Commission shall serve staggered three-year terms, expiring April 1 of the applicable year, with three members' terms expiring each year. Appointments to fill vacancies shall be for the balance of the unexpired term.

22.03 QUORUM; VOTING. A majority of present members shall be required to recommend approval to the City Council any action taken by the Commission, subject to the conflict of interest voting provisions of Chapter 362.6 of the Code of Iowa. A conflict of interest shall be presumed and a member is prohibited from voting in any instance where a member or his or her spouse or immediate family member has a direct financial interest in the outcome of the action under consideration.

(Ord. 3226 – Nov. 06 Supp.)

22.04 REGULAR MEETINGS. The Commission shall hold regular meetings at least once each month unless there are no items to consider. Special meetings may be held upon the call of the Chairperson or upon verbal request by three (3) members of the Commission.

(Ord. 3226 – Nov. 06 Supp.)

22.05 JOINT MEETINGS. Joint meetings of the Council and Commission shall be held at least once each calendar year.

(Ord. 3226 – Nov. 06 Supp.)

22.06 ATTENDANCE. It is the duty of each member of the Commission to attend all meetings of the Commission. Any member absent and unexcused from three (3) consecutive regular meetings shall automatically cease to be a member, and the Secretary shall promptly notify the Mayor and Council of such absences. All absences that are approved by the Commission shall be considered excused. Valid excuses for nonattendance shall include illness or disability, illness or disability of a family member, a business commitment or absence from the City. Any member absent from

forty percent (40%) of the total regular meetings during the year (April through March), shall likewise automatically cease to be a member. The Secretary shall prepare a summary of the attendance record to date for the preceding year for submittal to the Commission, Mayor and Council by March 1.

22.07 OFFICERS; TERMS AND DUTIES. The officers of the Commission are a Chairperson, a Vice Chairperson and a Secretary, who shall perform the usual duties pertaining to such offices. The Chairperson and Vice Chairperson are chosen by the Commission from its members and have the same rights as other members in matters of motion and voting. The Vice Chairperson shall perform all the duties of the Chairperson during the absence or disability of the Chairperson. All officers shall be elected for one year, at the first regular meeting after April 1.

22.08 COMPENSATION AND EXPENSES. Members of the Commission shall serve without compensation. The Council may annually appropriate a sum of money from the General Fund for the payment of the expenses of the Commission, including the salary of the Secretary and such other assistants or employees as the Commission may, from time to time, authorize or approve. The Commission has full and exclusive authority to expend, on behalf of the City, all the money so appropriated. The Commission has no power to contract debts or incur expenses beyond the amount of money appropriated by the Council and funds readily available from gifts, donations and payments of like kind.

22.09 ANNUAL REPORT. By March 1 of each year, the Commission shall make a report to the Council of its proceedings with a full statement of its receipts, disbursements, and the progress of its work for the preceding calendar year.

22.10 GENERAL RESPONSIBILITIES FOR PLANNED PHYSICAL DEVELOPMENT.

1. It is the function and duty of the Commission to make and adopt an official general plan for the physical development of the City. The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and may include, among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways, waterfronts, playgrounds, airports and other public ways, grounds, places and spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication and other purposes; also the removal, relocation, widening, extension, narrowing, vacating, abandonment, change of use or extension of any of the foregoing public ways, grounds, places, spaces, buildings, properties or utilities; also a zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises and of population density; also the general location, character, layout and extent of community centers and neighborhood units; also the general location, character, extent and layout of the replanning of blighted districts and slum

areas. The Commission may from time to time amend, extend or add to the plan or carry any part of subject matter into greater detail.

2. The Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan; and a copy of the plan or part thereof shall be forwarded to City Council.

3. All plats or replats in subdivisions of land within the corporate limits of, or within the two-mile area controlled by, the City shall first be submitted as preliminary plats to the Commission for review and action. This requirement may be waived by the City staff for subdivisions or resubdivisions of previously platted land if all of the following conditions are applicable:

- A. No public lands, new streets, or street realignments are desired;
- B. No variance from the plat and subdivision regulations are requested or required for approval;
- C. The proposed resubdivision of land is not in conflict with any provision of the Zoning Code;
- D. The proposed subdivision is not located within the City of Burlington's designated Urban Growth Area and creates no more than two (2) lots;
- E. The proposed resubdivision does not adversely affect adjoining properties; and
- F. All applicable fees are paid.

22.11 ZONING. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes or modifications, all as provided by Chapter 414 of the Code of Iowa.

(Code of Iowa, Sec. 414.6)

22.12 AIRPORT ZONING COMMISSION. The Commission is designated as the agency with the duty of establishing, in the manner provided by the laws of the State, this Code of Ordinances and other ordinances of the City, such rules and regulations relating to airport hazard area zones and zoning. When acting in such capacity it shall be known as the Airport Zoning Commission and shall exercise powers granted to such commissions by Chapter 329 of the Code of Iowa.