

CHAPTER 25.06 ADMINISTRATION

SUBCHAPTER 25.06-A ADMINISTRATIVE BODIES

Sec. 25.06.030 Bodies Established and Authorized

Subsection 25.06.030.2 Planning Commission

1. **Generally.** The Zoning Commission is authorized by Iowa Code Chapter 414, *City Zoning*. This Subsection is adopted pursuant to this statutory authorization. Consequently, amendment of the Iowa Code after the effective date of this Code may modify, delete, or supplement the provisions of this Subsection.
2. **Reference.** For the purposes of this Code, the Zoning Commission is referred to hereinafter as the Planning and Zoning Commission.
3. **Function.** The Planning and Zoning Commission shall undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare, as well as the efficiency and economy of its area of jurisdiction.
4. **Powers and Duties.** The Planning and Zoning Commission is delegated the following powers:
 - a. *Studies and Policy Recommendations to the City Council.* The Planning and Zoning Commission is empowered to, on its own initiative or as requested by the City Council:
 1. Submit reports, plans, and recommendations for the orderly growth, development, and welfare of the City;
 2. Periodically review this Code and the Official Zoning Map and make recommendations regarding amendments; and
 3. Periodically review the Comprehensive Plan and other plans of the City and make recommendations regarding amendments.
 - b. *Review and Recommendation after a Public Hearing.* The Planning and Zoning Commission shall review and make a recommendation to the City Council for the following types of applications:
 1. Urban renewal plans;
 2. Planned development site plans and any major changes thereto;
 3. Preliminary plats;
 4. Final plats;
 5. Right-of-way vacations;
 6. Amendments to the text of this Code, including referrals from the Board of Adjustment as set out in Subsection 25.06.030.3, *Board of Adjustment, Item 9, Referral of Matters to Planning and Zoning Commission; Reports;*
 7. Proposed amendments of the Official Zoning Map; and
 8. The City's Capital Improvements Program (CIP).

- c. *Review and Decide.* The Planning and Zoning Commission shall review and decide the following types of applications:
 - 1. Minor changes to a planned development site plan;
 - 2. Avigation permits;
 - 3. Site plans, upon referral of the Administrator or upon appeal of the applicant;
 - 4. Sign permits for conditionally permitted uses; existing public, institutional, nonresidential, and mixed uses within the Rural Residential (RR), Suburban Residential (SR), General Residential (GR), and Urban Residential (UR) districts, and the NC.4 and NC.5 sub-districts; and for certain sign types in certain districts;
 - 5. Sign design program; and
 - 6. Development concept plans and any major changes thereto.
- d. *Other Powers of the Planning and Zoning Commission.*
 - 1. Ensure that new development is consistent with the policies of the Comprehensive Plan and other plans and development policies of the City;
 - 2. Regarding subdivision and land development:
 - A. Establish procedures and standards governing the preparation, filing, and recommendation of land subdivision plats and data to be submitted for recommendation;
 - B. Coordinate the alignment of streets within subdivisions with other existing or planned streets, or with other features of the City;
 - C. Establish minimum standards governing storm water management; flood damage prevention; streets, sidewalks, and utilities; parking, loading, and access; lighting; and other required improvements;
 - D. Ensure conformance of subdivision and site development plans with the capital improvement program of the City;
 - E. Ensure that subdivisions and subdivision improvements are designed to:
 - I. Reduce potential impacts on street congestion;
 - II. Promote the orderly layout and use of land;
 - III. Secure safety from fire and other dangers;
 - IV. Mitigate the impacts and threats of life and property due to flooding resulting from significant storm events;
 - V. Facilitate adequate provision of transportation, potable water, wastewater, schools, parks, open space, and other public requirements;
 - VI. Protect residential neighborhoods from the hazard of high-speed through traffic; and
 - VII. Protect groundwater and surface water resources from contamination.
 - F. Assure the prospective purchaser of a subdivision lot that necessary streets, sewers, drainage, sidewalks, open space, and parks are available;
 - G. Protect the integrity of the purchaser's title by required certification that monuments and markers are installed according to the locations designated on the approved plat;
 - H. Assure that facilities to be accepted and maintained by the City are properly located and constructed;

- I. Review covenants, conditions, and restrictions that implement the requirements of this Code or conditions of approval as required by the City;
 - J. Review street names concurrently with plat approval;
 - K. Review and find whether or not lots on major street intersections and at all acute angle intersections are likely to be dangerous to the traffic movement or as required by the City;
 - L. Accept a performance bond as a guarantee in-lieu of completed improvements, as required by the City;
 - M. Review, consider, and impose conditions, as warranted, to assure the orderly development of land proposed to be developed in phases as required by the City.
3. Upon referral of the Administrator, determine whether or not a proposed use is either a subcategory of or functionally similar to a allowed, limited, or conditional use according to criteria set out in Section 25.02.140, *Uses That Are Not Listed*;
 4. Require that space be reserved or land-banked for additional parking upon a finding or determination that there is a reasonable likelihood that a land use could change in a manner that increases the parking demand, as set out in Subsection 25.05.030.5, *Parking Studies, Credits, and Reductions*; and
 5. Review, consider, and approve or deny a greater reduction than that allowed by Subsection 25.05.030.6, *Shared Parking*.
5. **Referral of Matters to the Commission; Reports.** The City Council may refer any matters or class of matters to the Planning and Zoning Commission, with the provision that final action on it may not be taken until the Planning and Zoning Commission has submitted a report on it or has had a reasonable period of time, as determined by the City Council, to submit a report.
 6. **Authority.** In general, the Planning and Zoning Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its jurisdiction.
 7. **Membership, Quorum, Procedures, Decisions, and Conduct.**
 - a. *Generally.* This Subsection states the creation, appointment, removal, composition, terms of office, and rules, records, and procedures of the Planning and Zoning Commission.
 - b. *Membership.* Pursuant to Article III, Section 38A of the Iowa Constitution and the Iowa Code, there is established a Planning and Zoning Commission, which may consist of nine members appointed by the City Council. The members shall be selected at large. Thereafter, all members shall be appointed for a term of five years so that the term of not more than two members of the Planning and Zoning Commission shall expire in any fiscal year ending June 30 of that year. Unless specifically authorized by the City Council, no member, however, shall be appointed to more than two consecutive five-year terms. Members whose terms have expired shall continue to serve until a successor has been appointed. A person appointed to the Planning and Zoning Commission shall also be appointed to the Board of Adjustment.
 - c. *Qualification.* Members shall be qualified resident electors of Sioux City, and qualified by interest in, knowledge, or experience to act in matters pertaining to city planning, and shall not be officers or employees of the City or any agency or department of the City. Members shall serve without compensation.
 - d. *Vacancies.* Permanent vacancies on the Planning and Zoning Commission shall be filled by the City Council, in the same manner as other appointments, for the unexpired term of the former member whose place has become vacant.

- e. *Removal.*
1. Any member of the Planning and Zoning Commission may be removed for cause by the City Council at any time; provided, however, that before any such removal, such member shall be presented with specific charges in writing and shall be given an opportunity to be heard in his/her own defense at a public hearing. Cause for removal of a member shall include:
 - A. Any undisclosed or unlawful conflict of interest;
 - B. Any violation of this Code, ordinances, or rules applicable to the member's performance of his/her duties;
 - C. Any unwillingness or inability to carry out his/her duties in a prompt, conscientious, and competent manner;
 - D. Failure to attend 25 percent or more Planning and Zoning Commission meetings in any 12 month period;
 - E. Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing his/her duties; or
 - F. Any other specific conduct of the member found by the City Council to be detrimental to the proper functioning of the Planning and Zoning Commission.
 2. Any member of the Planning and Zoning Commission may be removed for reorganizational cause by the City Council at any time said Planning and Zoning Commission is reorganized by the City Council resulting in a change in the total number of members serving on the Planning and Zoning Commission.
 3. A member removed for cause under this Subsection shall automatically be removed from the Board of Adjustment.
- f. *Chairperson and Vice-Chairperson.* The members of the Planning and Zoning Commission shall annually elect one of their number as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another of their members as Vice-Chairperson. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice-Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Planning and Zoning Commission.
- g. *Secretary, Minutes, and Public Records.* The Administrator, or designee, shall be the Secretary of the Planning and Zoning Commission, and shall attend all of its proceedings. The Secretary shall provide for the keeping of minutes of the proceedings of the Planning and Zoning Commission, showing attendance and the vote upon every question, and shall maintain permanent records of all Planning and Zoning Commission meetings, hearings, and proceedings and all correspondence of the Planning and Zoning Commission. The Secretary shall provide for keeping a file of all records of the Planning and Zoning Commission, and such records shall be public records open to inspection at reasonable times and upon reasonable notice. The Secretary shall perform such other duties as may be established from time to time by the rules of the Planning and Zoning Commission.
- h. *Planning Staff.* Subject to the supervision and direction of the Administrator, the Division of Planning of the Community Development Department shall serve as planning staff to the Planning and Zoning Commission, and shall conduct administrative activities and prepare plans and studies as the Planning and Zoning Commission shall direct, subject to the limitations of funds appropriated by the City Council for such purposes.

i. *Quorum and Necessary Vote.*

1. As to any matter requiring a hearing before the Planning and Zoning Commission, no business shall be transacted by the Planning and Zoning Commission without a quorum, consisting of four members, being present. The concurring vote of at least three members shall be necessary for any action by the Planning and Zoning Commission which requires a hearing. If less than a quorum is present, the hearing may be adjourned for a period not exceeding three weeks at any one time. The Secretary shall, in writing, notify all members of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.
2. No member absent from any portion of a hearing shall be qualified to vote upon the matter heard unless he/she shall first certify on the record that he/she has reviewed the entire record of any such portion of the hearing during which he/she was absent and has fully informed himself/herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.
3. As to any matter not requiring a hearing, the Planning and Zoning Commission may meet and deliberate at any properly called meeting regardless of the presence of a quorum or may continue consideration of such matter to any later meeting. However, no final action shall be taken on any such matter without a quorum, consisting of four members being present. The concurring vote of at least a majority of those voting shall be necessary to approve any matter or report or to make any recommendation.
4. Any one or more members of the Planning and Zoning Commission may file minority or dissenting reports in support of any position concerning a matter brought before the Planning and Zoning Commission.

j. *Meetings, Hearings, and Procedures.*

1. Regular meetings of the Planning and Zoning Commission shall be held at the call of the Chairperson or as provided by rule of the Planning and Zoning Commission. Special meetings shall be called by the Chairperson at the request of any three members of the Planning and Zoning Commission or at the request of the City Council.
2. All meetings and hearings of the Planning and Zoning Commission shall be open to the public.
3. The Planning and Zoning Commission shall adopt its own rules of procedure for the conduct of its business not inconsistent with this Code and State statutes. Such rules shall be filed with the Secretary of the Planning and Zoning Commission and with the City Clerk. Any rule so adopted which relates solely to the conduct of the Planning and Zoning Commission's meetings or hearings and which is not mandated by this Code or State statutes may be waived by the Chairperson upon good cause being shown.

k. *Records and Decisions.*

1. The transcript of testimony, if any; the minutes of the Secretary; all applications, requests, exhibits, and papers filed in any proceeding before the Planning and Zoning Commission; and the decision and report(s) of the Planning and Zoning Commission shall constitute the record.
2. Every recommendation of the Planning and Zoning Commission upon an application for an amendment of this Code or upon an application for a mixed use, planned development, or traditional neighborhood development shall include findings of fact; shall refer to the exhibits, plans, or specifications upon which such recommendation is based; and shall specify the reason(s) for such recommendation. In the event the

Planning and Zoning Commission neither approves as presented, nor denies in its entirety, an application to amend either the text of this Code or the Official Zoning Map, approve a subdivision, vacate right-of-way, or for any other purpose, but rather approves such an application in an amended, altered, or otherwise changed form, an ordinance reflecting the Planning and Zoning Commission's recommendations shall be presented to the City Council for action. Until approved by the City Council, that ordinance shall be acknowledged to be no more than a recommendation.

3. In reaching its decision on any such application, the Planning and Zoning Commission may rely on the personal knowledge of its members, on its inspections of the property, and on any reports available to it. All City staff and Planning and Zoning Commission reports shall be made available for study to interested parties at the earliest possible date prior to the public hearing.
4. In any case where this Code provides that the failure of the Planning and Zoning Commission to act within a fixed period shall be deemed a grant or denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Planning and Zoning Commission rendered on the day following the expiration of such fixed period. Such decision shall be appealable in the same manner as any other decision but, on such appeal, shall be entitled to no presumption of correctness.
5. The Secretary shall immediately file any decision of the Planning and Zoning Commission in the office of the Planning and Zoning Commission. Within seven days following any decision of the Planning and Zoning Commission, the Secretary shall mail notice to each person entitled to such notice pursuant to Subsection 25.06.070.9, *Public Notice*.
6. As to other matters brought before the Planning and Zoning Commission, the Planning and Zoning Commission shall prepare such report as it shall deem appropriate to the subject matter.
8. **Conflicts.** No member of the Planning and Zoning Commission shall participate in a hearing or disposition of any matter in which he/she is interested. For purposes of this Subsection, "interested" includes any direct or indirect financial or personal interest held by a Commissioner or any member of his/her family. Prior to any hearing or disposition, a Commissioner shall cite any conflict of interest and withdraw from participation or may disclose the facts involved and request a determination of whether or not a conflict of interest exists. Any question of whether a member has a conflict of interest sufficient to disqualify him/her shall be decided by a majority vote of the members of the Planning and Zoning Commission not including the member whose qualification is at issue; where such vote results in a tie, the member shall be disqualified.
9. **Appeals to City Council.** Any person(s), jointly or severally, aggrieved by any final decision of the Planning and Zoning Commission, may present to the City Council a notice of appeal specifying the grounds for the appeal. Such petition shall be presented to the City Council within 30 days after the filing of the notice in the office of the Planning and Zoning Commission. No appeal shall lie concerning any matter as to which the power of the Planning and Zoning Commission is limited to the making of a recommendation to the City Council. The procedures, criteria, and decisions of the City Council shall be as set out in Subsection 25.06.090.21, *Appeals to the City Council*.

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