

TITLE 2
BOARDS AND COMMISSIONS

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CHAPTER 1
PLANNING COMMISSION

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2-1-1: **MEMBERSHIP; TERMS; VACANCIES; COMPENSATION:**

- A. Creation: There is hereby created a planning commission of the town.
- B. Membership: The commission shall be composed of five (5) members, nominated by the mayor and confirmed by the town board of trustees.
- C. Terms: Each appointed member shall hold office for a period of three (3) years, or until his successor takes office.
- D. Qualifications: The appointed members of the commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation.
- E. Removal; Vacancies:
 - 1. Members may be removed by the town board of trustees only for inefficiency, neglect of duty or malefaction in office.

2. Vacancies occurring otherwise than through the expiration of term shall be filled only for the unexpired terms by the mayor with confirmation by the town board of trustees.

- F. Compensation: Members of the commission shall serve without compensation. (1999 Code § 12-101; amd. 2013 Code)

2-1-2: **QUORUM:** Three (3) members of the planning commission shall constitute a quorum for the transaction of business. Any action taken shall be official when concurred in by not less than a majority of all appointed members of the planning commission entitled to vote. (1999 Code § 12-102)

2-1-3: **ORGANIZATION AND RULES:**

- A. Officers: Each year the commission shall elect a chairman, a vice chairman and a secretary, and may create and fill such other offices as it may deem necessary.
- B. Terms: The term of the chairman, vice chairman, and secretary shall be one year.
- C. Rules: The planning commission shall adopt rules for the transaction of business and regulations necessary to effectuate the purposes of this chapter. (1999 Code § 12-103)

2-1-4: **POWER TO EMPLOY STAFF:**

- A. Authority To Employ: The planning commission, subject to approval of the town board of trustees, shall have the power and authority to employ planners, engineers, attorneys, clerks and other help deemed necessary within the limits of the appropriation fixed by the town board of trustees.
- B. Compensation:
1. The salary and compensation of such employees shall be fixed by the town board of trustees and shall be paid out of the town treasury as are other officers and employees.

2. Necessary expenses incurred by the commission shall be paid from the town treasury as other legal expenses of the town. (1999 Code § 12-104)

2-1-5: **POWERS AND DUTIES:** The planning commission shall have the power to prepare and recommend to the town board of trustees for adoption a comprehensive plan for the physical development of the town. In conducting its work, the planning commission may consider and investigate any subject matter tending to the development and betterment of the town and may make recommendations as it may deem advisable concerning the adoption thereof to the town board of trustees. The planning commission may make or cause to be made surveys, studies, maps and plans in the conduct of its activities. Before final action is taken by the town board of trustees on the location or design of any public buildings, statue, memorial, park, boulevard, street, alley, playground, public grounds, bridge or change in any location of any street or alley, such question shall be submitted to the planning commission for investigation and report. In the preparation of the comprehensive plan, the planning commission may from time to time prepare and recommend to the town board of trustees for adoption a part or parts thereof, which parts shall cover one or more major geographical divisions of the town or one or more major elements of the comprehensive plan. The planning commission may from time to time recommend extending, amending or changing any portion of the comprehensive plan. (1999 Code § 12-105)

2-1-6: **PURPOSES OF PLAN:** In the preparation of such plan, the planning commission may make careful and comprehensive surveys and studies of present conditions and future growth of the town 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 town and its environs which will, in accordance with 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; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds. (1999 Code § 12-106)

2-1-7: **SUBDIVISION OF LAND:** The planning commission may prepare and recommend to the town board of trustees for adoption rules and regulations governing the subdivision of land within the corporate limits of the town. All plans, plats or replats of land laid out in lots, plots, blocks, streets, alleys or other ways intended to be dedicated to public or private use within the corporate limits of the town may first be submitted by the town board of trustees to the planning commission for its recommendations. The disapproval of any such plan, plat or replat by the town board of trustees shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the mayor, attested by the town clerk-treasurer, certifying the approval and acceptance thereof by the town board of trustees. (1999 Code § 12-107)

2-1-8: **ACT AS ZONING COMMISSION:** The planning commission shall also act as the zoning commission, which shall have the power to prepare and to recommend to the town board of trustees for adoption a zoning plan to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes. (1999 Code § 12-108)

2-1-9: **UNIFORMITY OF REGULATIONS:** The planning commission may recommend the division of the town into districts of such number, size and area as may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. (1999 Code § 12-109)

2-1-10: **COMPREHENSIVE PLAN, PURPOSE AND CONSIDERATIONS:**

- A. Zoning regulations shall be made in accordance with a comprehensive plan and designed to:
1. Lessen congestion in the streets;
 2. Secure safety from fire, panic and other dangers;

3. Promote health and the general welfare;
 4. Provide adequate light and air;
 5. Prevent the overcrowding of land;
 6. Avoid undue concentration of population; and
 7. Facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements.
- B. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town. (1999 Code § 12-110)