

ORDINANCE NO. 136

AN ORDINANCE CREATING A TOWN PLAN AND ZONING COMMISSION AND FIXING AND PRESCRIBING THE DUTIES AND POWERS THEREOF.

Be it ordained by the Council of the Town of Buffalo, Iowa:

Section I. That under and by virtue of the authority conferred by the Code of Iowa, 1966, a Town Plan and Zoning Commission is hereby created and established.

Section II. TOWN PLAN AND ZONING COMMISSION. That a Town Plan and Zoning Commission, consisting of seven (7) members, who shall be citizens of the Town of Buffalo, Iowa and qualified by knowledge or experience to act in matters pertaining to the development of a town plan and who shall not hold any elective office in the municipal government, shall be appointed by the Mayor, subject to the approval of the Town Council.

Section III. TERM OF OFFICE. The term of office of the members of said Commission shall be five (5) years, except that of the seven members constituting said Commission, those first names shall hold office in the following manner, that is: one for two years, two for three years, two for four years, and two for five years.

Section IV. VACANCIES. If any vacancy shall exist on said Commission caused by resignation, or otherwise, the Mayor shall appoint a successor for the residue of said term, subject to the approval of the Town Council.

Section V. COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Town Council.

Section VI. DUTIES AND POWERS:

(A) The Town Plan and Zoning Commission shall choose annually at its first regular meeting one of its members to act

ORDINANCE NUMBER 136 CONT'D.

as Chairman of this Commission and another as Vice-Chairman, who shall perform all the duties of the Chairman during his absence or disability.

(B) The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

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

(D) Subject to the limitations contained in this ordinance as to the expenditure of funds, it may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.

(E) It shall have the 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 such municipality or of any land outside thereof, which in the opinion of the Commission bears relation to a comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.

(F) No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall any permit be issued by any department of the municipal government for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Town Plan and Zoning Commission and its recommendations thereon obtained, except such requirements and recommendations

ORDINANCE NUMBER 136 CONT'D.

shall not act as a stay upon action for any such improvement when such Commission after thirty days' written notice requesting such recommendations, shall have failed to file same.

(G) All plans, plats, or re-plats of subdivision or resubdivisions of land embraced in said municipality 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 such municipality, shall first be submitted to the Town Plan and Zoning Commission and its recommendations obtained before approval by the Town Council.

(H) No plan for any street, park, parkway, boulevard, trafficway, riverfront, or other public improvement affecting the town plan shall be finally approved by the municipality or the character or location thereof determined, unless such proposal shall first have been submitted to the Town Plan and Zoning Commission and the latter shall have had thirty days within which to file its recommendations thereon.

(I) The Commission shall have full, complete and exclusive authority to expend for and on behalf of the Town of Buffalo, Iowa all sums of money appropriated as hereinafter provided, and to use and expend all gifts, donations or payments whatsoever which are received by the said Town for town plan purposes.

(J) The Commission shall have no power to contract debts beyond the amount of its income for the present year.

(K) For the purpose of making a comprehensive plan for the physical development of the municipality, the Town Plan

ORDINANCE NUMBER 136 CONT'D.

and Zoning Commission shall make careful and comprehensive studies of present conditions and future growth of the municipality 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 municipality 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.

(L) 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 Town of Buffalo, Iowa, not less than ten nor more than twenty days before the date of hearing. 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 of the members of the Commission. After adoption of said plan by the Commission, an attested copy thereof shall be certified to the Council of the Town of Buffalo, Iowa and the Council may approve the same, and 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 hereinbefore authorized shall constitute the official town plan.

plan

(M) When such comprehensive/as hereinbefore provided

ORDINANCE NUMBER 136 CONT'D.

has been adopted no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Town Plan and Zoning Commission for its recommendations. If this Commission disapproves the proposed change it may be adopted by the Town Council only by the affirmative vote of at least three-fourths of the members of the said Town Council.

Section VII. The Town Council may annually appropriate a sum of money from the general fund for the payment of the expenses of the Town Plan and Zoning Commission.


Section VIII. The five (5) members of the Plan and Zoning Commission who hold the shortest term in years shall be and constitute the Board of Adjustment for the Town of Buffalo, Iowa.

Section IX. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section X. Should any part or portion of this ordinance be held by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section XI. This ordinance shall be in full force and effect on its passage and publication as provided by law.

Passed this 1st day of April, 1968



Jack Stalder, Mayor

Attest: 

Clerk, Town of Buffalo, Iowa