

## Chapter 4.48

### PLANNING AND ZONING COMMISSION

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#### **4.48.010**      **City-County Planning Department Created.**

Pursuant to Neb. Rev. Stat. §§ 15-751 and 15-752, 15-901 and 15-902, and 15-1101 and 15-1105, (Cum. Supp. 1959), Sections 23-114, 23-161 to 23-174, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, §§ 1 through 13 inclusive, 1961 Neb. Laws, LB 667, Article II, §§ 6 and 7, and City of Lincoln Charter, Article IX-B, and upon approval of the Board of Commissioners of Lancaster County, Nebraska, there shall be and is hereby created a Lincoln City-Lancaster County Planning Department which shall consist of a Planning Commission, a Planning Director, and such subordinate employees as are required to administer the planning subdivision and zoning program authorized by the statutory and charter provisions heretofore set forth, and as herein prescribed. Such Planning Commission is designated as a regional planning agency as provided in Neb. Rev. Stat. §§ 2-1909 to 2-1911, (Cum. Supp. 1959). (P.C. § 2.40.010: Ord. 3489 § 27-1502, as amended by Ord. 7588; October 23, 1961).

#### **4.48.020**      **City-County Agreement.**

The Mayor shall forthwith prepare and submit to the Board of Commissioners of Lancaster County, Nebraska, for its consideration and approval, an agreement for the establishment, maintenance, and operation of the Lincoln City-Lancaster County Planning Department. (P.C. § 2.40.020: Ord. 6969 § 2; July 27, 1959).

#### **4.48.030**      **Commission Membership.**

The Lincoln City-Lancaster County Planning Commission shall consist of nine members who shall represent, insofar as possible, different professions or occupations, who shall be appointed by the Mayor and confirmed by the Council, and be approved by the County Board of Commissioners, and shall hold

office until their successors are appointed. All members of said Commission shall serve without pay and shall hold no municipal or county office other than as a member of the Board of Zoning Appeals. (P.C. § 2.40.030: Ord. 8258 § 1; December 2, 1963; prior Ord. 6969 § 3, as amended by Ord. 7588; October 23, 1961).

**4.48.040 Term of Office.**

The term of each member of the Commission shall be six years, except three of the first appointees shall be appointed for two-year terms, three shall be appointed for four-year terms, and three shall be appointed for six-year terms. A member of the Commission may be removed from office by the affirmative vote of four members of the Council and an affirmative vote of a majority of the County Board of Commissioners after being given a written statement of the charges against him and a hearing which shall be a public hearing if he so requests. Vacancies in an unexpired term shall be filled for the remainder of the term in the same manner as other appointments to the Commission are made. (P.C. § 2.40.040: Ord. 6969 § 204; July 27, 1959).

**4.48.050 Organization.**

The Commission shall biennially elect its chairman and such other officers as it desires from among its members, and shall establish its own rules of procedure. The Commission shall hold at least one regular meeting in each month. A special meeting of the Commission may be called by the chairman, or in his absence, by such other as may be designated by the Commission, or by any three members of the Commission. Five members shall constitute a quorum for the transaction of business and five affirmative votes shall be required for final action on any matter acted upon by the Commission. (P.C. § 2.40.050: Ord. 6969 § 5; July 27, 1959).

**4.48.070 Comprehensive Plan.**

The Commission shall review such comprehensive plan and modifications and, after holding at least one public hearing on such proposed action, shall approve or reject such plans in whole or in part and with or without modifications. The Commission shall submit certified copies of all plans, amendments, and extensions which it adopts to the appropriate governing body having jurisdiction. (P.C. § 2.40.070: Ord. 6969 § 7; July 27, 1959).

**4.48.080 Zoning Ordinances.**

The Commission shall review any proposed zoning ordinance and amendments thereto and after holding at least one public hearing on each proposed action, shall approve or reject it in whole or in part and with or without modifications. Any such proposed zoning ordinance with the recommendations and report of the Commission shall be submitted to the appropriate governing body having jurisdiction. (P.C. § 2.40.080: Ord. 6969 § 8; July 27, 1959).

**4.48.090 Planning Department Authority.**

The Planning Department hereby created shall also have authority granted pursuant to the provisions of City of Lincoln Charter, Article IX-B, and Neb. Rev. Stat. §§ 15-901, 15-902, 15-1101 to 15-1105 (Cum. Supp. 1959), as relates only to the City of Lincoln and to the area within three miles

thereof and outside of any incorporated village. (P.C. § 2.40.090: Ord. 6969 § 9, as amended by Ord. 7167; May 23, 1960).

**4.48.100      Financing.**

The City of Lincoln and the County of Lancaster may provide funds, equipment, and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts or grants, shall be within the amounts appropriated for that purpose by the City Council and by the County Board of Commissioners, and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. (P.C. § 2.40.100: Ord. 6969 § 10; July 27, 1959).

**4.48.110      Estimate of Expenses.**

The Commission shall each year on or before a date fixed by the City Council and by the County Board of Commissioners file with the City Clerk and the County Clerk an estimate of the expenditures of the Commission for the ensuing fiscal year, itemizing the expenses, the amounts, and purposes. (P.C. § 2.40.110: Ord. 6969 § 11; July 27, 1959).