

Chapter 135. Planning and Design

ARTICLE 1. INTRODUCTORY PROVISIONS

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135-1. INTRODUCTORY PROVISIONS

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Title

135-1.1 Title

This chapter of the code is known and may be cited and referred to as the “planning and design ordinance.”

135-1.2 Effective Date

The provisions of this ordinance become effective on [INSERT DATE], except as otherwise expressly stated.

135-1.3 Applicability and Jurisdiction

The provisions of this ordinance apply to all public and private use and development of properties within the corporate limits of the city, except as provided by state or federal law or as otherwise expressly stated in this planning and design ordinance, and including public right-of-way unless otherwise expressly stated or determined by the community development director.

135-1.4 Purposes

This ordinance is adopted for the purposes of:

- 1.4.1 Protecting and promoting the public health, safety, morals and general welfare; and
- 1.4.2 Implementing the policies and goals of the comprehensive plan and other relevant, officially adopted plans and policies of the city.

135-1.5 Minimum Requirements

- 1.5.1 The provisions of this planning and design ordinance are the minimum requirements deemed necessary to carry out the ordinance’s stated purposes.
- 1.5.2 In addition to the requirements of this planning and design ordinance, all uses, buildings and structures must comply with all other applicable ordinances, laws and regulations.
- 1.5.3 References in this planning and design ordinance to other governmental regulations do not constitute a complete list of such regulations. These references do not imply any responsibility for the city to enforce regulations imposed by other government authorities.

135-1.6 Compliance Required

- 1.6.1 All lots created or modified must comply with all applicable provisions of this planning and design ordinance.

- 1.6.2 The permitted use of land, buildings and structures must comply with the provisions of this planning and design ordinance.

- 1.6.3 Buildings and structures erected, located, moved, reconstructed, extended or structurally altered must comply with the provisions of this planning and design ordinance.

135-1.7 Conflicting Provisions

1.7.1 STATE OR FEDERAL REGULATIONS

If the provisions of this planning and design ordinance are inconsistent with or conflict with state or federal law, the applicable state and federal law or regulation govern.

1.7.2 OTHER CITY REGULATIONS

If the provisions of this planning and design ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

1.7.3 PRIVATE AGREEMENTS AND COVENANTS

The city is not responsible for monitoring or enforcing agreements or covenants among private parties. If the provisions of this planning and design ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this planning and design ordinance govern.

135-1.8 Language and Interpretation

1.8.1 CONJUNCTIONS

Unless the context otherwise expressly indicates, conjunctions have the following meanings in this chapter:

- A. “And” indicates that all connected items or provisions apply.
- B. “Or” indicates that the connected items or provisions may apply singularly or in combination.

1.8.2 ILLUSTRATIONS

Illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this planning and design ordinance. In case of any difference of meaning or implication between the text of this ordinance and any figure or illustration, the text governs.

1.8.3 VERSIONS AND CITATIONS

All references in this planning and design ordinance to other city, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations or successor regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other successor regulations, ordinance requirements for compliance are no longer in effect.

1.8.4 LISTS AND EXAMPLES

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

1.8.5 DELEGATION OF AUTHORITY

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this chapter expressly prohibit such delegation.

1.8.6 PUBLIC OFFICIALS AND AGENCIES

Unless otherwise expressly stated, all employees, public officials, and boards and commissions to which references are made are those of the city.

135-1.9 Transitional Provisions

The provisions of this section address the transition to this planning and design ordinance from the regulations and procedures in effect immediately before the effective date specified in section [135-1.2 of this article](#).

1.9.1 APPLICATIONS, PERMITS AND APPROVALS

A. Any building, development or structure for which a building permit was issued or a complete building permit application had been accepted for processing before the effective date specified in section [135-1.2 of this article](#) may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this ordinance. If the building, development or structure is commenced but not completed within the time allowed under the original building permit and any authorized permit extension, the building, development or structure may be constructed, completed and occupied only if

it complies with the regulations of this planning and design ordinance.

- B.** Complete applications for design alternatives, site plans, PUDs, and other design-related approvals that are pending approval on the effective date specified in section [135-1.2 of this article](#) must be reviewed wholly under the terms of the zoning and planning and design ordinances in effect immediately preceding the effective date specified in section [135-1.2 of this article](#).
- C.** The community development director is authorized to issue permits for a site plan approved before the effective date specified in section [135-1.2 of this article](#) and for developments pending approval before that effective date even if such building, development or structure does not fully comply with provisions of this ordinance. If building is not commenced and completed within the time allowed under the permit and any authorized permit extension, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this planning and design ordinance.

1.9.2 VIOLATIONS

The adoption of this planning and design ordinance does not affect any pending or future suit, proceeding or prosecution of, or action to abate, violations of the previous ordinance that occurred before the effective date specified in section [135-1.2 of this article](#).

135-1.10 Severability

If one or more provisions of this ordinance, or the application of this ordinance is held to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations such provisions are deemed to be severed from this ordinance. The remaining ordinance provisions remain in full force and effect. [END OF ARTICLE]

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Severability

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