

CHAPTER 1103
Planning and Reserving Land for Public Use

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CROSS REFERENCES

Action on mapped streets - see CHTR. Art. III, Sec. 14
Land for public and common use - see DEV. 1107.05
Public land uses - see DEV. 1109.09

1103.01 INTENT.

Provisions for planning and reserving land for the street system and other public facilities until needed, and the administration thereof, are established to achieve, among others, the following purposes:

- (a) To implement the planning for future streets and public facilities by designating and reserving land until needed to carry out the plans.
- (b) To reserve land to assure an integrated street pattern for each neighborhood, to coordinate isolated subdivisions, to develop a common street pattern for parcels too small to subdivide independently and to reserve land essential for street extensions and widenings.
- (c) To provide for the reserving of land for schools, playgrounds and sites for other future public buildings.
- (d) To provide for the acquisition of the land so reserved by negotiation, exchange or by other means acquire such land when needed to serve the public interest and to otherwise implement the Mapped Street and the Community Facilities Plan.
(Ord. 71-72. Passed 7-23-73.)

1103.02 PLAN REVIEW AND RECOMMENDATION BY PLANNING
COMMISSION.

(a) Whenever the City has accepted or adopted a Street Plan and Community Facilities Plan, either separately or as a composite plan, for the systematic development of the streets and other public facilities within the City, or any part thereof, the Planning Commission shall be empowered to make studies to locate the lines of planned streets, drainage ways and areas for other public facilities.

(b) After developing such plans, the Planning Commission shall hold a public hearing thereon, notice of the time and place of which shall be given not less than twenty (20) days previous to the time fixed therefor, by mail to the record owners of the lands on or abutting the proposed street or facility, and by publication in a newspaper of general circulation in the City. After such public hearing or hearings, the Commission shall certify to Council a plan of such scale, detail and dimensions so as to set forth with sufficient certainty, the exact location of the Commission's recommended lines of future streets, street extensions, street widenings, street narrowings, drainage ways, parks, playgrounds, schools or other public land and including a recommendation of the parcels of land within the planned areas to be reserved at that time. As the work of making the plans, or as the implementation thereof progresses, the Commission may make a series of recommendations as to the plans and land to be reserved.

(Ord. 71-72. Passed 7-23-73.)

1103.03 PLAN APPROVAL BY COUNCIL.

Whenever the Planning Commission has made and certified to Council such a Mapped Street Plan or plans, Council may hold a public hearing thereon before adopting or rejecting such Plan, or it may modify the Plan with the approval of the Commission. After adoption, by resolution, of any such Plan, the Clerk shall transmit one (1) attested copy to the County Recorder who shall place it on the public records and submit one (1) copy to the Building Commissioner. The Plan shall be effective for a period not to exceed five (5) years after adoption, at which time it shall be reconsidered and readopted.

(Ord. 71-72. Passed 7-23-73.)

1103.04 EFFECT OF ADOPTION OF PLAN.

Certification of the Plan by the Planning Commission, and adoption by Council constitutes that the Plan shall serve as a guide for private or public development of streets and other facilities of the area and reserving the land so designated until needed for a future public use. It shall not be construed as the opening or establishing of any street or the taking or accepting of any land for street or other public purposes, or establishing the precise layout of any future subdivision indicated thereon. The approval and adoption of a Mapped Street Plan or Public Facility Plan, shall not be an encumbrance or lien on any property located within the planned areas except to the extent hereinafter set forth.

(Ord. 71-72. Passed 7-23-73.)

1103.05 PERMIT APPLICATION TO BUILD WITHIN RESERVED AREAS.

(a) Whenever any person interested, either because of ownership or occupation, in any land located between the lines or areas of any planned street or other public use, applies to the Building Division for a permit to construct a building which is in conformity with the adopted Mapped Street and Community Facilities Plan, the building permit may be issued if the application otherwise conforms to the relevant codes of the City.

(b) Whenever an application for a permit for the construction of a building or other improvement to the land is in conflict with the adopted Plan, no permit shall be issued, and the Building Commissioner shall forthwith notify Council and the Planning Commission in writing of the filing of such an application.
(Ord. 71-72. Passed 7-23-73.)

1103.06 ACTION BY COMMISSION AND COUNCIL.

(a) Upon receipt of such an application from the Building Commissioner, or upon the receipt of an application for subdivision of land which is in conflict with the adopted Plan, the Planning Commission shall study and recommend to Council whether the Plan should be adjusted to accommodate the proposed development without relinquishing its basic design concepts and objectives, or whether maintaining the plan and acquiring by gift, exchange, device, purchase or appropriation, the land affected for public use, would be in the public interest.

(b) Upon the receipt of the Commission's recommendations, Council shall make a determination and seek to provide for the acquisition by dedication, exchange or purchase, such land through negotiation with the applicant, but in any event, it shall, within ninety (90) days after receipt of the aforesaid notice of conflict, consummate the negotiations, or initiate proceedings to appropriate the property. Council may also determine that such acquisition would not be in the public interest and proceed to redefine the purposes and objectives and revise the Plan of the area.
(Ord. 71-72. Passed 7-23-73.)

1103.07 APPROVAL OF PERMIT.

Unless the land so described is acquired by the City by dedication, exchange or purchase, or unless an action for the appropriation thereof is instituted in accordance with law and within the ninety (90) day period, or within such further time as may be agreed upon by Council and the applicant, the application for the improvement as filed with the Building Commissioner shall be issued, providing it is in accordance with all other relevant provisions of the law.
(Ord. 71-72. Passed 7-23-73.)

1103.08 PLAN AMENDMENTS.

The plans for reserving land for future streets and for other public uses shall be amended by the same procedure as for the adoption of the original plan.

However, during the process of implementation, the plans shall not be considered invalid if not amended to show developments constructed since the date of adoption of the plan, provided the plan continues to reflect the City's concept for the undeveloped areas.

(Ord. 71-72. Passed 7-23-73.)