

TITLE 2 CHAPTER 1

PLANNING AND ZONING COMMISSION

SECTION:

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2-1-1: COMMISSION INFORMATION:

(A) Commission Created: There is hereby created a Commission to be known and designated as the Planning and Zoning Commission. Said Planning and Zoning commission is hereby created pursuant to Section 67-6504 Idaho Code with full authority as therein contained, excluding the authority to adopt ordinances.

(B) Membership: The Planning and Zoning Commission shall consist of not less than five (5) nor more than twelve (12) voting members, all appointed by the Mayor and confirmed by majority vote of the City Council. At least two (2) of the members shall reside in and represent the residents of the Area of City Impact of Cassia County as established in Title 5 Chapter 3. The term of office for members shall be not more than four (4) years, provided however, that at the expiration of said term of office, the member shall be eligible for reappointment. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the governing Board. Members shall be selected without respect to political affiliation. In addition to the voting members, one (1) member of the City Council shall be appointed by the Mayor as ex-officio member of the Planning and Zoning Commission. Said member of the City Council shall be a non-voting member of the Planning and Zoning Commission.

(C) Organization: Each Commission shall elect a Chairman and create and fill any other office that it may deem necessary. A Commission may establish subcommittees, advisory committees or neighborhood groups to advise and assist in carrying out responsibility under this Article and the provisions of the Idaho Code. The Commission may appoint non-voting , ex-officio advisors as may be deemed necessary.

(D) Rules, Records, and Meetings: Written organization papers or bylaws consistent with this Article and other laws of the State of Idaho for the transaction of business of the commission may be adopted. A record of meetings, hearings, resolutions, studies, findings permits and actions taken shall be maintained. All meetings and records shall be open to the public. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year. A majority of voting members of the Commission shall constitute a quorum.

(E) Expenditures and Staff: With approval of the City Council, the Commission may receive and expend funds, goods and services from the federal government or agencies and instrumentalities of State or local government or from civic and private sources and provide information and reports as necessary to secure aid. Expenditures by the Commission shall be within the amounts appropriated by the City Council.

2-1-2: POWERS AND DUTIES:

(A) The Planning Process: As part of the planning process, the Commission shall provide for citizen meetings, hearings, surveys or other methods, to obtain advice on the planning process, plan and implementation. The Commission may also conduct informational meetings and consult with the public officials and agencies, public utility companies, and civic educational, professional, or other organizations. As part of the planning process, the Commission shall endeavor to promote a public interest in and understanding of the Commission's activities.

The Commission may, at any time, make recommendations to the City Council concerning the plan, planning process, or implementation of the plan.

(B) Entry Powers: With the consent of the owner, the commission and its members, officers and employees, in the performance of their functions, may enter upon any land and make examination and surveys and place and maintain necessary monuments and marks thereon.

(C) Judicial Process: The Commission shall have the right to seek judicial process, as may be necessary to enable it to fulfill its functions.

(D) Additional Duties as Assigned: The Commission may perform such additional duties as may be assigned by the City Council.

2-1-3: APPEAL TO COUNCIL: The City Council shall hear all appeals from a decision of the Planning and Zoning Commission concerning the Special Use Permits and Variances and shall have the power to permit special exceptions to the terms of the zoning regulations. The Council may uphold, reverse or modify the action of the Commission. All decisions of the Council to uphold, reverse or modify a decision of the Planning and Zoning Commission concerning Special Use Permits and Variances shall be by a majority vote of the Council members. It is not necessary for all Council members to be in attendance at the Council meeting when an appeal is presented. In the event of a tie vote, the Mayor may elect to vote in order to break a tie.

2-1-4: BOARD OF ADJUSTMENT:

(A) Planning and Zoning Commission to Serve Us: In all cases, the Planning and Zoning Commission shall serve as the Board of Adjustment.

(B) Appeals to Board: Whenever in this Code, there is a provision for appeals from a decision of the Building Inspector, the Board of Adjustment shall hear such appeal. The appellant shall file with the City Clerk a notice of appeal specifying the basis thereof, and a copy of such notice

with the Building Inspector, together with a filing fee of thirty dollars (\$30.00). The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the appeal is taken.

The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same withing a reasonable time. Upon the hearing, any party may appear in person or by their agent or attorney. The Board may reverse or affirm wholly or partly, or modify the order, requirements, decision or determination, if, in its opinion, such changes may or may not be made in the premises.

21-5: REFERENCE TO PLANNING AND/OR ZONING COMMISSION: All reference to Planning and/or Zoning Commission contained in this Code of the City of Albion from and after date of passage and adoption of the Code shall be interpreted to refer to the Planning and Zoning Commission herein created.