

## **Chapter 17.04 – Zoning Commission**

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### **17.04.010 Commission Defined.**

As used herein the word “commission” means the planning and zoning commission.

### **17.04.020 Created–Membership–Appointment Authority.**

There is created a planning and zoning commission, which shall be appointed by the mayor subject to the approval of the council. Said commission shall consist of a total of nine members and may be entirely appointive members or both appointive and not more than three ex officio members. Members shall be selected without respect to political affiliation and shall serve without compensation. (Prior code §2-1-1)

### **17.04.030 Members–Qualifications.**

Appointive members of the commission shall be resident taxpayers of the City, having resided within the city limits for a period of two or more years. Upon approval of an area of impact, at least one member of the planning and zoning commission shall reside outside of city limits and within the designated area of impact. Such member shall have resided within Butte County for a period of two or more years.

### **17.04.040 Term–Ex Officio Members.**

The term of office for the ex officio members shall correspond to their respective tenure of office as an appointed official or employee of the municipality.

**17.04.050 Term–Appointive Officers.**

The term of office for the first appointment of appointive members of the commission shall be two, four and six years to be determined by lot and thereafter the terms for each appointive member shall be six years.

**17.04.060 Vacancy Filling.**

Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment.

**17.04.070 Removal From Office–Public Hearing Required.**

Members may be removed after public hearing by a majority vote of the council.

**17.04.080 Rules, Organization and Record Keeping.**

The commission shall elect its own chairman and create and fill such other offices as it may determine it requires for the proper conduct of the affairs and business of the commission. A majority of the appointive members of the commission shall be necessary to constitute a quorum at any meeting. Written rules consistent with this chapter and the laws of this state for the transaction of business of the commission shall be adopted and a written record of meetings, findings and determinations shall be kept, which record shall be public.

**17.04.090 Meetings.**

One regular meeting shall be held each month for not less than nine months in each year. All meetings shall be open to the public.

**17.04.100 Duties Generally.**

It shall be the duty of the commission to recommend and make suggestions to the governing body for the adoption of a comprehensive plan and other coordinated plans for the physical development of the City, for the formation of zoning districts; to make suggestions concerning the laying out, widening, extending and location of streets, roads and highways for the relief of traffic; to make suggestions concerning density of population and development of land; to make suggestions concerning the future growth, development and beautification of the city in respect to its public buildings, streets, parks, grounds and lands in order to promote the health, morals, safety and welfare of the inhabitants of the city; and to give suggestions and advice to individual citizens concerning landscaping and location of buildings, structures or works to be erected, constructed or altered by or for such individual. (Prior code §4-5-1)

**17.04.110 Map, Plat and Replat Examination Required.**

Any and all maps, plats and replats of lands which require the approval of the council or of an appointed officer or employee shall first be submitted to the commission for its suggestions and the commission shall have a reasonable time to be fixed by the council within which to examine such maps, plats or replats before returning the same with its suggestions. (Prior code §4-5-2)

**17.04.120 Zoning Applications**

The commission shall review all zoning applications including conditional uses, variance requests, rezones and comprehensive plan changes and shall make a recommendation to the City Council on their findings and determinations.

**17.04.130 Employees and Expenditures–Limitations.**

Any expenditures of the Commission shall be within the amounts appropriated and set aside by the governing body for the purposes of the commission as set forth in this chapter. Within such limits the commission is authorized to employ such employees and technical advisors, as it deems necessary for the accomplishment of its authorized purposes and work. (Prior codes 4-5-4)

**17.04.140 Conflict of Interest**

A member or employee of the commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. For purposes of this section the term "participation" means engaging in activities which constitute deliberations pursuant to the open meeting act. No member of a governing board or a planning and zoning commission with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest. Non-participation shall not affect the quorum. A member with a conflict of interest shall not be prohibited from testifying at, or presenting evidence to, a public hearing or similar public process after acknowledging nonparticipation in the matter due to a conflict of interest. A knowing violation of this section shall be a misdemeanor.