

BYLAWS OF THE GARDEN CITY PLANNING AND ZONING COMMISSION

ARTICLE I

APPOINTMENT, MEMBERSHIP AND QUALIFICATIONS: The creation, membership, organization, rules, records, expenditures, staff of the Planning and Zoning Commission are governed by Idaho Statutes § 67-6504 and Garden City Code Title 8. The Commission shall consist of five (5) members who shall be appointed by the Mayor and confirmed by a majority vote of the City Council.

A. All members must have been residents of ~~the City~~ Ada County for at least two (2) years.

A.B. Four of the members must be Garden City Residents. One of the five members may be a property owner who as owned property in the City for at least two years; or may be a business owner who has operated a business in the City for at least two years. Members shall be selected without respect to political affiliations and shall serve without compensation.

TERM OF OFFICE, VACANCIED AND REMOVALS: The term of office for appointive members shall ~~be three (3) years as prescribed by code.~~ Said terms shall be staggered in such a manner that not more than two members shall expire in any one year. All vacancies shall be filled in the same manner as original appointments. Persons appointed to fill a vacancy shall serve the remainder of the term. Commissioners may be removed for cause by a majority vote of the Garden City Council.

DUTIES: It shall be the duty of the Planning and Zoning Commission to:

- A. ~~Initiate-Identify~~ proposed amendments to ~~this title and conduct a biannual review of the complete zoning ordinance~~ Garden City Code Title 8;
- B. Review all proposed amendments to Garden City Code Title 8 ~~this title~~ and make recommendations to the city council;
- C. Review all planned unit developments and make recommendations to the city council;
- D. Hear and decide on conditional use permits as specified in the official schedule of district regulations and under the conditions as specified with such additional safeguards as will uphold the intent of the Garden City Code;
- E. Hear and decide on where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the administrator; and
- F. Hear and decide on such variances from the terms of Garden City Code as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the Code will result in unnecessary hardship, and so that the spirit of this title shall be observed and substantial justice done.

G. Such other duties as are required by Idaho law and Garden City Code.

EMPLOYEE AND EXPENDITURES: Any expenditures of the Commission shall be within the amounts appropriated and set aside by the City Council for the Commission. All expenditures must be approved by the City Council.

ARTICLE II

OFFICERS: The general officers of the Garden City Planning and Zoning Commission shall be Chairman and Vice-Chairman, who shall hold office for one year and until their successors are elected. Officers may hold successive terms.

Section 1: Annually, at the first regular meeting of the calendar year, the Garden City Planning and Zoning Commission shall elect a Chairman and Vice-Chairman, who will take office immediately after being elected. Vacancies in these offices occurring during the course of the year will be filled by election at the next regular meeting.

Section 2: The Planning ~~and Zoning Administrator~~Official, or other staff assigned by the ~~Administrator~~Planning Official shall serve as the secretary of the Commission. A record of meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained.

Section 3: The principal duties of the Chairman shall be to preside at all meetings.

Section 4: The principal duties of the Vice-Chairman shall be to discharge the duties of the Chairman in the event of the absence or disability, for any reason whatsoever, of the Chairman.

Section 5: As per Garden City Code it is the responsibility of the City Clerk to be custodian of all public records, ordinances, resolutions and such other papers and documents as may be delivered into his/her custody. All records shall be open to the public, except as noted in Idaho Code Section 9-340.

Section 6: The Planning ~~and Zoning Administrator~~Official, or other staff assigned by her/him, shall give notice of all meetings and public hearings. It shall also be the duty of the ~~Administrator~~Planning Official or other staff assigned to provide the Commission with all essential documentation regarding items under their review.

ARTICLE III

MEETINGS:

Section 1: The Garden City Planning and Zoning Commission shall hold its regular meetings on the third Wednesday of each month at 6:30 p.m. If a holiday falls on the Wednesday scheduled for the Commission meeting the meeting shall be held on the Wednesday following the holiday and shall start at 6:30 p.m. All meetings shall be open to the public. The Planning and Zoning Commission shall hold a meeting at least nine (9) months out of the year.

Section 2: Special meetings may be called at any time by the Planning and Zoning Administrator, chairman, or by the request of three (3) or more members of the Commission. A written notice stating the time, place and purpose of such meeting shall be posted pursuant to Idaho State law. No business shall be transacted except that mentioned in the notice of the special meeting, unless moved and passed by a majority vote of the attending Commission.

Section 3: A majority of the currently appointed voting members of the Garden City Planning and Zoning Commission shall constitute a quorum.

ARTICLE IV

Section 1: The Chairman, with approval of the Commission and the consent of the City Council, may establish at any time, standing and/or special committees as are deemed necessary to carry on the work of the Commission.

Section 2: The appointment or reappointment of standing committee members shall be made at the second regular meeting of the year, and their term shall not exceed one year; however, they may be reappointed by the Chairman.

ARTICLE V

PARLIAMENTARY AUTHORITY: The rule contained in the current edition of ROBERT'S RULES OF ORDER NEWLY REVISED shall govern the commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws, any special rules of order the Commission may adopt, or any federal, state, county, or city statutes applicable to the Commission.

PLANNING AND ZONING COMMISSION TESTIMONY GUIDELINES:

It is this Commission's intent to allow all applicants, and those individuals signed up to testify either in support of or in opposition to a particular request, the opportunity to testify within reason. Due to the number of applications this can only be accomplished by setting standards in terms of time limitation both for the applicant and others wishing to testify.

Therefore, with the understanding that the Planning and Zoning Commission may make exception for unique and unusual circumstances and complex issues, the following time limitations shall apply:

Zoning Administrator (or assigned staff member) – ~~ten-fifteen~~ (15) minutes
Applicant (or his/her representative) – ~~ten-fifteen~~ (15) minutes
Other technical representatives testifying on behalf of the City – five (5) minutes

Homeowner's Association or Neighborhood Group representative – ~~ten-fifteen~~ (15) minutes
Individuals testifying – three (3) minutes of non-repetitive testimony

When all public testimony has been taken the applicant (or his/her representative) will then be allowed five (5) minutes for rebuttal and the ~~Zoning Administrator~~ Planning Official (or assigned staff member) will be allowed five (5) minutes for comment.

ARTICLE VI

AMENDMENT OF BYLAWS: These bylaws can be amended at any regular meeting of the Commission by a two-thirds (2/3) vote, provided that the amendment has been submitted in writing at the previous regular meeting, or included in the agenda of the next regular meeting.