

**SUGAR CITY
ORDINANCE 349_2019**

PROPOSED CHANGES TO PLANNING & ZONING CODE

**AN ORDINANCE TO MODIFY THE DUTIES AND RESPONSIBILITIES OF THE
PLANNING & ZONING ADMINISTRATOR, SSC 9-1-3, AND THE PLANNING & ZONING
COMMISSION, 9-1-4.**

WHEREAS, the City Council of the City of Sugar City desires to make these changes in order to improve the processes by which the Sugar City Planning & Zoning Commission operates, with the intent that making these changes are in the best interest of the city.

NOW THEREFORE, be it ordained by the Council of Sugar City, in the State of Idaho, as follows:

SECTION 1: **AMENDMENT** “9-1-3 ADMINISTRATOR” of the Sugar City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9-1-3 ADMINISTRATOR

- A. Unless the mayor, with the consent of the city council, appoints another person as planning and zoning administrator, the administrator shall be the city clerk or the assistant city clerk. The administrator may be provided with the assistance of such other persons as directed by the mayor ~~with approval of city council~~, but requires city council approval when assistance provided is by a new employee or by contract.
- B. The administrator shall provide for:
1. Information and advice concerning this title;
 2. ~~Notification to news media regarding matters of public interest, as approved by the Mayor;~~
 3. Aid to applicants in preparation and expedition of applications, and makes an initial review for ~~determines its~~ completeness prior to submittal to the commission;
 4. Receipt of applications and fees;
 5. On site inspection (with permission of the owner) of properties subject to application;
 6. Collection, filing, and distribution of all required materials relevant to applications;
 7. Coordination with other Sugar City departments and public agencies concerning applications and permits;

8. Preparation of planning and zoning meeting agendas, minutes, findings of facts, permits, notifications, letters, and all other materials as required, under the direction with the assistance of the Planning & Zoning Commission, and its Chairman;
9. As approved by the Planning & Zoning Commission, the administrator may sign and issue Signing Endorsing Execution and Issuance of all required permits, notifications, letters, findings of facts, and other similar items, subject to review by the city attorney, if applicable., and as approved by the Planning & Zoning Commission;
10. Investigation of violations and written communications with violators; and
11. Assistance to the planning and zoning commission and city council in carrying out provisions of this title.

SECTION 2: AMENDMENT “9-1-4 PLANNING AND ZONING COMMISSION”
of the Sugar City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9-1-4 PLANNING AND ZONING COMMISSION

- A. Membership: The planning and zoning commission shall consist of not fewer than three (3) nor more than twelve (12) voting members, as recommended by the Planning and Zoning Commission to the Mayor for appointment, with consent of the city council. A quorum shall consist of more than 50 percent of the appointed members of the commission. The administrator or his or her assistant and a member of the city council acting as liaison to the commission are ~~not nonvoting~~ members of the commission. The following provisions apply to the voting members:
 1. Proportionate Representation: Members shall be apportioned to give proportionate representation to the incorporated city and the area of city impact, based on respective populations, as provided in Idaho Code 67-6526(g). City council shall review the apportionments from time to time and adjust the membership as needed.
 2. Conditions Of Membership: The following conditions are intended to carry out Idaho Code 67-6504(a):
 - a. A member shall have resided in the area he represents (city or impact area) for at least two (2) years prior to his appointment, and must remain resident during his service on the commission.
 - b. Members are appointed by the mayor with the consent of the city council. The mayor may seek recommendations from the Madison County commission as to who should be members representing the impact area. The areas and interests within the city and area of city impact should be broadly represented on the commission.

- c. The term of office shall be for three (3) calendar years, with appointments staggered. No person shall serve more than two (2) full consecutive terms without concurrence by two-thirds (2/3) of the city council, adopted by resolution and recorded in the minutes. A vacancy occurring other than through the expiration of the term shall have someone appointed, in the same manner as the original appointment, to complete the unexpired term. Members may be removed for cause by a majority vote of the city council.
 - 3. Conflict Of Interest/Ex Parte Contacts: A member or employee of the city council or planning and zoning 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 or ex parte contact should be disclosed at or before a meeting at which the relevant action is being heard or considered, and be noted in the minutes. A knowing violation of this section shall be a misdemeanor subject to penalties as provided by law. Illegal participation voids any action taken as a result. Further explanation appears in Idaho Code 67-6506.
- B. Operation Of The Commission: Operations are governed by Idaho Code 67-6504 and other applicable statutes.
 - 1. Organization: The commission shall elect a chairman and create and fill any other office it deems necessary. To advise and assist in carrying out its responsibilities, the commission may appoint nonvoting ex officio advisors and establish subcommittees, advisory committees, and neighborhood groups. Committees and groups shall comply with open meeting laws and maintain records of their activities as required by law. As provided in IC 50-210, the commission provides its own manner of organizing as follows:
 - a. Positions from among the voting members, at a minimum, shall include a chairman, vice chairman, and may include other such positions as deemed necessary.
 - b. The Chairman shall preside at and conduct meetings of the commission. In the chairman's absence, meetings shall be conducted by the vice chairman ~~a member designated by the chairman~~. All commission business must be approved by the commission before any other action by the chairman, vice chairman ~~and/or~~ administrator is taken.
 - c. Members of the commission may suggest agenda items subject to acceptance by the chairman.
 - d. The commission shall determine the content and wording of drafts submitted to them for its consideration, including but not limited to, minutes of meetings, findings of fact, conclusions of law, recommendations. ~~and public notices~~.
 - e. The administrator or an appointed member shall take minutes of meetings and submit them in draft form to the commission. ~~The administrator and~~ shall disseminate all materials necessary throughout the commission. The administrator may ~~shall~~ assist the chairman in the business of the commission.

f. With the approval consent of the commission, the chairman or vice chairman, in the chairman's absence, shall sign all plats and other required documents.

2. Rules: Modified parliamentary rules approved by city council will govern conduct of meetings. Agendas will be prepared and meetings conducted in accordance with the open public meetings act, Idaho Code 67-2340 through 2345. Business of the commission shall be conducted by discussion and deliberation among of the members, and by votes taken. In case of a tie vote, the chairman will declare the action tabled until a subsequent meeting. In case of tabling an action because of a tie vote, the deadline for action shall be extended until the next regular meeting if such extension is needed. An applicant may be asked to revise his application in the interim. If the tie is not broken at the second meeting, the planning and zoning commission shall forward the application to the city council with no recommendation.
 3. Records: A record of meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained. Written minutes must contain members present, all motions, orders, resolutions, ordinances proposed and their disposition, and results of all votes, and if requested, by roll call. The written minutes shall be subject to approval by vote at a subsequent meeting. A transcribable verbatim record shall be kept of public hearings for at least six (6) months after final action on the matter. Minutes shall be available to the public within a reasonable time after the meeting. A person who desires individual copies may be required to make written request, pay the cost of copies, and wait until copies can reasonably be made.
 4. Meeting Frequency: At least one regular meeting shall be held each month for not fewer than nine (9) months in each year.
 5. Quorum: A majority of currently appointed voting members of the commission shall constitute a quorum.
- C. Powers And Duties: The commission shall exercise the powers and duties provided in Idaho Code 67-6507 through 6511, and such other duties as assigned by city council. Powers and duties include, but are not limited to:
1. Carry out the planning duties set forth in Idaho Code section 67-6508.
 2. Make recommendations to the city council for the adoption, amendment and repeal of the city's comprehensive plan. The commission shall not recommend amendments to the land use map component of the comprehensive plan more frequently than once every six (6) months. The commission may recommend amendments to the text of the comprehensive plan at any time.
 3. Recommend implementing materials, that is, documents that contain details of or authorization for implementation of the comprehensive plan to the city council.
 4. Consider amendments to this title and other relevant titles and make recommendations to city council.
 5. Consider subdivision applications and make recommendation to city council.
 6. Consider applications for annexation, reclassification (zone change), planned unit development, special use permits, and other applications that relate to land use, and make recommendation regarding these applications to the city council.
 7. Consider and decide applications for variances.

8. Hear and decide appeals from an action or decision of the planning and zoning administrator.
 9. Assist potential applicants in understanding the comprehensive plan, ordinances, and standards.
 10. Other duties as assigned by city council.
- D. Area Of City Impact: Under Idaho Code section 67-6526, the city's land use ordinances apply to the area of city impact. The city's ordinances regarding the area of city impact are administered by Madison County. When the county refers applicants or forwards applications to the Sugar City planning and zoning commission, the commission shall consider the application, make its recommendation to the county, and report its action to the city council.

SECTION 3: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from December 12, 2019, and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE SUGAR CITY COUNCIL DECEMBER 12, 2019.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Brent Barrus	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Sid Purser	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Connie Fogle	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Steve Davis	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Dave Ogden, Mayor, Sugar City



Wendy McLaughlin, City Clerk Sugar
City

