

**ARTICLE VII
BOARDS AND COMMISSIONS**

SECTION 7.01 ~~PLANNING~~ PLANNING AND ZONING BOARD ~~COMMISSION~~.

- (a) There is hereby created a ~~Planning Commission~~ Planning and Zoning Board, consisting of ~~five~~ seven citizen members who are electors of the City, to be appointed by the Mayor subject to approval by the Council by a majority vote of its members. The Director of Development shall be an ex-officio member of the Commission and may take part in discussions, but shall not cast any vote. Commission members whenever possible should have a background in city planning, law, finance, real estate, community development, architecture, civil engineering, or related field. Except for the Director of Development, no person shall serve as a member of the Commission at the same time he or she is an employee or official of the City. Each citizen member shall serve for a three year term of office. (Amended 11-6-12) (Amended 11-7-17.)
- (b) The ~~Planning Commission~~ Planning and Zoning Board shall hold at least one regular meeting each month; except the Commission, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.
- (c) The ~~Planning Commission~~ Planning and Zoning Board shall have the power to hear applications for zoning district changes, review zoning regulation changes, review plats and subdivision regulations, and to exercise such other powers, duties, and functions as provided for by Council. The Commission shall conduct studies and surveys, and prepare advisory plans, reports and maps relative to planning, land use, zoning, and transportation or other infrastructure of the City. The Commission shall be responsible for the preparation and implementation of a comprehensive plan, land use plan, transportation plan, or other similar development plans and guidelines for the City and subsequent plan amendments, for Council approval. ~~The Planning Commission shall assist the Director of Development or other City officials with drafting and review of development policies for the City. The Commission may make such advisory recommendations concerning such matters to the Council as the Commission believes to be in the best interest of the City. The Commission may exercise any powers, duties, or functions provided to municipal planning commissions by State law that do not otherwise conflict with Council ordinances or resolutions, or this Charter.~~ (Amended 11-7-17.)
- (d) The ~~Planning and Zoning Board~~ shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building, property maintenance, and housing in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution.
- (e) The ~~Planning and Zoning Board~~ shall assist the Director of Development or other City officials with drafting and review of development policies for the City. The Commission

may make such advisory recommendations concerning such matters to the Council as the Commission believes to be in the best interest of the City. The Commission may exercise any powers, duties, or functions provided to municipal planning commissions by State law that do not otherwise conflict with Council ordinances or resolutions, or this Charter.

SECTION 7.02 ~~BOARD OF ZONING AND BUILDING APPEALS.~~REPEALED

- ~~(a) There is hereby created a Board of Zoning and Building Appeals consisting of the Director of Development and five citizen members who are electors of the City, to be appointed by the Mayor subject to approval by the Council by a majority vote of its members. The Director of Development shall be an ex-officio member of the Board and may take part in discussions, but shall not cast any vote. Except for the Director of Development, no person shall serve as a member of the Board at the same time he or she is an employee or official of the City. Each citizen member shall serve for a three year term of office. (Amended 11-6-12) (Amended 11-7-17.)~~
- ~~(b) The Board of Zoning and Building Appeals shall hold at least one regular meeting each month; except the Board, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.~~
- ~~(c) The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building, property maintenance, and housing in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution. The Board may make advisory recommendations to the Council and the Planning Commission concerning such matters as it believes to be in the best interest of the City. The Board shall have such other powers, duties and functions, consistent with this Charter as provided by the City's ordinances and resolutions.~~

~~(Amended 11-4-97) (Amended 11-7-17.)~~

SECTION 4.11 ZONING MEASURES.

- (a) Public hearing notice. When Council reviews applicant petitions for zoning district changes, the Clerk of Council shall cause a notice of the public hearing to be published one time in a newspaper of general circulation within the City at least seven days prior to the initial public hearing. When the petition for zoning district change involves ten or less parcels of land, the Clerk of Council or designee shall mail written notice of the public hearing to the owners of the property within, contiguous to, and directly across the street from the affected parcel or parcels at least seven days prior to the initial public hearing. The failure of delivery of the notice shall not invalidate any zoning ordinance. Council may, under the provisions of subsection (b) of this section, provide for this procedure and for additional postings to be completed prior to review by the **Planning**

~~Commission~~Planning and Zoning Board. Such notices or postings shall be deemed to be constructive notice to the public.

- (b) Review procedures. Council shall, by ordinance or resolution, establish procedures for review of ordinances establishing, amending, revising, changing or repealing zoning classifications, districts, uses, maps or other regulations. Such procedures shall include review by the ~~Planning Commission~~Planning and Zoning Board.
- (c) Voting requirements. The following voting requirements shall apply to ordinances amending, revising, changing or repealing provisions of the planning and zoning code or zoning districts:
 - (1) An affirmative vote of at least three-fourths of the members of Council shall be necessary to pass a zoning ordinance which differs from the written recommendations of the ~~Planning Commission~~Planning and Zoning Board.
 - (2) In no event shall an ordinance be considered as having passed unless it receives at least a majority vote of the members of Council.

(Amended 11-7-17.)