

TITLE 2
BOARDS AND COMMISSIONS

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CHAPTER 1

PLANNING AND ZONING COMMISSION

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2-1-1: **COMMISSION ESTABLISHED:** A city planning and zoning commission is hereby established to compose, establish, develop, enact and enforce a comprehensive plan for the growth and development of the city, and the use of the property located therein. A more complete statement of purposes and authority of this commission is set out in this chapter. (Ord. 190, 7-12-1982)

2-1-2: **MEMBERSHIP:** The planning and zoning commission shall consist of five (5) regular members who are not officials or employees of the city, and other members as follows:

A member of the city council who shall be an ex officio member of the commission and other regular or ex officio members designated. (Ord. 190, 7-12-1982)

2-1-3: **EX OFFICIO MEMBERS; TERMS; DUTIES:**

- A. The ex officio members of the commission shall be designated by the mayor subject to the commission members' right to removal and substitutions as their rules may dictate.

- B. The term of an ex officio member shall be one year.
- C. Ex officio members of the commission shall have no voting privileges, except as expressly provided herein, and shall have no right to present motions before it, but shall have the opportunity to participate in discussion and evaluation of proposals, and arguments in favor of and in opposition thereto. (Ord. 190, 7-12-1982)

2-1-4: **APPOINTMENT; TERMS; VACANCIES:**

- A. Appointment And Terms:
 1. Regular members shall serve on the board for three (3) years and shall be selected by appointment of the mayor.
 2. The first commission shall be appointed and serve as follows: two (2) members for three (3) years, two (2) members for four (4) years, and one member for five (5) years. Thereafter, the term shall be three (3) years.
- B. Vacancies: Any vacancy for a regular member may be filled by appointment by the mayor. (Ord. 190, 7-12-1982)

2-1-5: **OFFICERS OF COMMISSION:** The planning and zoning commission shall select one of its regular members as chairperson, and one of its members, either regular or ex officio, as its secretary. The term of the chairperson shall be one year. Should the chairperson be unable to attend a meeting, the members shall select an interim chairperson. Only regular members shall be entitled to vote when selecting a full time or interim chairperson but all members shall be entitled to vote when selecting a secretary. (Ord. 190, 7-12-1982)

2-1-6: **MEETINGS; QUORUM:**

- A. Time And Place Of Meetings: The planning and zoning commission shall meet on the first Tuesday of each month at seven o'clock (7:00) P.M. in the city hall, and conduct at least one regular meeting each month for not less than nine (9) months of each year.
- B. Quorum: A majority of the voting members shall constitute a quorum.

- C. Meetings Public; Exceptions: All meetings of the planning and zoning commission shall be public, except when they involve the employment or dismissal of a public officer or employee, or when they involve hearing complaints or charges brought against such an officer or employee. The requirement of a closed hearing may be waived by a writing, signed by the subject public officer or employee, or any person being considered for such position, demanding a public hearing. (Ord. 190, 7-12-1982)

2-1-7: **RULES; RECORDS; GENERAL POWERS:**

- A. Rules And Records: The planning and zoning commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record in accordance with the provisions of Idaho Code section 67-6504(c).
- B. General Powers: The commission shall exercise such powers and perform such duties as are required of it by state law or by direction of the city council. (Ord. 190, 7-12-1982)

2-1-8: **JURISDICTION AND AUTHORITY:** The planning and zoning commission shall, in addition to its other duties, have the following jurisdiction and authority:

- A. To prepare and recommend a comprehensive general plan for the future development of the city, and to review the provisions of such plan and make a report of its findings and recommendations to the city council.
- B. To receive and act on applications for actions authorized and specified herein or in the comprehensive plan.
- C. To hold public hearings on applications for conditional use permits and for proposed amendments to this chapter in the manner hereinafter prescribed.
- D. Following such public hearings as are deemed necessary and as are required by provisions of Idaho Code section 67-6509, to submit to the city council as required herein, a report and recommendation on each such amendment.

- E. To act on applications for a conditional use permit in a manner prescribed and within the limitations established herein or in the comprehensive plan.
- F. To authorize, on application as provided herein, a variance from the terms of this chapter in the manner prescribed and within the limitations established herein or in the comprehensive plan.
- G. To hear and decide appeals in the manner prescribed herein where it is alleged that there is an error in an order, requirement, decision or determination made by any city official in any interpretation or enforcement of this chapter. Provided, however, that any actions of the planning and zoning commission described in this section are subject to review and modification by the city council. (Ord. 190, 7-12-1982)

2-1-9: **PREPARE COMPREHENSIVE PLAN:** It shall be the duty of the planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, review and update a comprehensive plan. The plan shall include all land within the jurisdiction of the city and areas reasonably expected to be impacted by the growth thereof. The plan shall consider previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component. The plan shall be in conformance with and shall include the components specified by Idaho Code section 67-6508. (Ord. 190, 7-12-1982)

CHAPTER 2

HISTORIC PRESERVATION COMMISSION

SECTION:

- 2-2-1: Purpose
- 2-2-2: Definitions
- 2-2-3: Commission Created; Terms; Compensation
- 2-2-4: Organization; Officers; Rules; Meetings
- 2-2-5: Powers, Duties And Responsibilities
- 2-2-6: Special Restrictions

2-2-1: **PURPOSE:** The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public of the city through identification, evaluation, designation, and protection of those buildings, sites, areas, structures, and objects that reflect significant elements of the city's, the state's, and the nation's historic, architectural, archaeological, and cultural heritage. (Ord. 238, 4-14-1997)

2-2-2: **DEFINITIONS:** The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the following meanings:

CITY: The city of Bancroft.

COMMISSION: The historic preservation commission of the city of Bancroft.

HISTORIC PRESERVATION: The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of this state, its communities or the nation.

HISTORIC PROPERTY: Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state, or the nation. (Ord. 238, 4-14-1997)

2-2-3: COMMISSION CREATED; TERMS; COMPENSATION:

- A. **Appointment:** There is hereby created a historic preservation commission which shall consist of five (5) members who shall be appointed by the mayor with the advice and consent of the council.
- B. **Qualifications:** All members of the commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The council shall endeavor to appoint at least two (2) members with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, law, or other historic preservation related disciplines.
- C. **Terms; Vacancies:**
 - 1. Initial appointments to the commission shall be made as follows: one 1-year term, two (2) 2-year terms, and two (2) 3-year terms. All subsequent appointments shall be made for three (3) year terms. Commission members may be reappointed to serve additional terms.
 - 2. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term.
- D. **Compensation:** The members of the commission may be reimbursed by the city for expenses incurred in connection with their duties. (Ord. 238, 4-14-1997)

2-2-4: ORGANIZATION; OFFICERS; RULES; MEETINGS:

- A. **Rules Of Procedure And Bylaws:** The commission shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this chapter. Rules of procedure and bylaws adopted by the commission shall be available for public inspection.
- B. **Officers:** The commission shall elect officers from among the commission members. The chairperson shall preside at meetings of

the commission. The vice chairperson shall, lacking the chairperson, perform the duties of the chairperson.

- C. **Open Meetings:** All meetings of the commission shall be open to the public, and follow the requirements of the Idaho open meetings law¹. The commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.
- D. **Employees Or Technical Experts:** The commission may recommend to the council, within the limits of its funding, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the commission. (Ord. 238, 4-14-1997)

2-2-5: **POWERS, DUTIES AND RESPONSIBILITIES:** The commission shall be advisory to the council and shall be authorized to:

- A. Conduct a survey of local historic properties.
- B. Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequest, or donation.
- C. Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the city.
- D. Recommend the lease, sale, other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
- E. Contract, with the approval of the council, with the state or federal government, or any agency of either, or with any other organization.
- F. Cooperate with the federal, state, and local governments in the pursuance of the objectives of historic preservation.
- G. Make recommendations in the planning processes undertaken by the county, the city, the state, or the federal government and the agencies of these entities.

1. IC § 67-2341 et seq.

- H. Recommend ordinances and otherwise provide information for the purposes of historic preservation in the city.
- I. Promote and conduct an educational and interpretive program on historic preservation and historic properties in the city.
- J. Commission members, employees or agents of the commission may enter private property, buildings, or structures in the performance of its official duties only with the express consent of the owner or occupant thereof.
- K. Review nominations of properties to the national register of historic places for properties within the city jurisdiction. (Ord. 238, 4-14-1997)

2-2-6: **SPECIAL RESTRICTIONS:** Under the provisions of Idaho Code section 67-4612, the city may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of historic properties. (Ord. 238, 4-14-1997)