

ORDINANCE NO. 34

AN ORDINANCE ESTABLISHING A PLANNING AND ZONING COMMISSION

THE CITY COUNCIL OF THE CITY OF NEVIS DOES HEREBY ORDAIN:

Section I. Establishing Planning Commission; Qualifications of Members; Terms of Office. There is hereby established for the City of Nevis a Planning and Zoning Commission which may be known as the "Planning and Zoning Commission", "Planning Commission", "Zoning Commission" or "Commission".

Membership shall consist of six (6) members appointed by the City Council from among the property owners of the City of Nevis. Of this membership one member shall be appointed from the membership of the City Council to serve as liaison with the Planning Commission. In addition to this membership, one administrative member of the city government shall be appointed as an ex-officio member and shall have no voting powers.

Terms of office for members other than the Council member and ex-officio shall be for three years, except that two members shall initially serve a term of two years; and thereafter all members shall serve the prescribed three-year term. The City Council member and ex-officio member shall be appointed for biennial terms, provided that membership on the Commission shall terminate with the office from which membership is derived; to serve during the pleasure of the Councilor as may otherwise be appropriate.

Members other than ex-officio shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. If any person appointed shall find that his private or personal interests are involved in any matter coming before the Commission, they shall disqualify themselves from taking part in action on the matter, or they may be disqualified by the Chairperson of the Commission.

Section II. Removal from Office; Vacancies. Any member of the Commission may be removed from office for just cause and on written charges by a majority vote of the entire *City Council*, but such member shall be entitled to a public hearing before such vote is taken. In addition, any member may be removed for nonattendance at Planning Commission meetings without action by the *City Council*, according to the rules adopted by the Planning Commission and approved by the City Council.

It shall be the duty of the Chairperson of the Commission to notify the Council promptly of any vacancies occurring in

membership, and the Council shall fill such vacancies within thirty (30) days for the unexpired term of the original appointment.

Section III. Officers, Rules, and Expenses. The Commission shall annually elect a chairperson, vice-chairperson, and secretary from among those members who are not appointed ex-officio, and may create such other offices as it may determine.

The Commission shall adopt rules for its governance and for the transaction of its business, and shall keep a record of attendance at its meetings and of resolutions, transactions, findings, and determinations showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting indicating such fact. The records of the Commission shall be a public record.

Subject to the approval of the City Council and within limits set by appropriations or other funds made available, the Commission may employ such technicians and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs. Commission members shall receive no salaries or fees for their service thereon, but may receive necessary travel, per diem, and other expenses while on official business for the Commission if funds are available for this purpose.

Section IV. Appropriations, Fees, and Other Income. The City Council shall make available to the Commission such appropriations as it may see fit for salaries, fees, and expenses necessary in the conduct of its work. The Commission shall have authority to expend all sums so appropriated and other sums made available for its use from grants, gifts, and other sources for the purposes and activities authorized by this ordinance.

Section V. Functions, Powers, and Duties. The Planning Commission is an advisory board to the City Council. The functions, powers, and duties of the Commission shall be, in general:

(a) To acquire and maintain in current form such basic information and background data as is necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions.

(b) To prepare and keep current a comprehensive plan for meeting present requirements and such future needs as may be foreseen.

(c) To establish principles and policies for guiding action affecting development in the City and its environs.

(d) To prepare and recommend to the City Council ordinances,

regulations, and other proposals promoting orderly development along lines indicating as desirable by the comprehensive plan.

(e) To determine whether specific proposed developments conform to the principles and requirements for the comprehensive plan and ordinances.

(f) To keep the City Council and the general public informed and advised as to all planning and development matters.

(g) To conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan and ordinances and regulations related to it, and to establish public committees for the purpose of collecting and compiling information necessary for the plan, or for the purpose of promoting the accomplishment of the plan in whole or in part.

(h) To perform other duties which may be lawfully assigned to it, or which may have bearing on the preparation or accomplishment of the plan.

In connection with its duties, and within the limit of its funds, the Commission may make, cause to be made, or obtain maps, aerial photographs and surveys, and special studies on the location, condition, and adequacy including, but not limited to: studies on housing, commercial and industrial facilities; economic development; parks; playgrounds and other recreational facilities; schools; public and private utilities; and traffic, transportation, and parking.

All City employees shall, upon request and within a reasonable time, furnish to the Commission or agents such available records or information as may be required in its work. The Commission or its agents may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized City agents or employees, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of this ordinance.

Section VI. Plat Approved by Commission. As soon as a major street plan is adopted by the Commission and subdivision regulations have been adopted by the City Council, it shall become the responsibility of the Commission to pass upon all proposed new or amended plats coming directly or indirectly under the jurisdiction of the City. No new plat, and no amendment or vacation of an existing plat or portion thereof shall thereafter be recorded without the approval of the Commission.

Section VII. Conflicts with Other Ordinances, Separability of Provisions. All ordinances or portions of ordinances in conflict herewith are repealed. Should any section of this ordinance be

held unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

Section VIII. Effective Date. This ordinance shall take effect thirty days (30) after its adoption and publication.

Upon being put to a vote, the above Ordinance was duly passed by the City Council of the City of Nevis this 12th day of May, 1998.

Ray Melander, Mayor

ATTEST:

Maureen K. Cirks
City Administrator