

**BY-LAWS OF THE  
GALLATIN COUNTY  
ZONING COMMISSION**

**ARTICLE I: OBJECTIVES**

The objective of the Zoning Commission is to further the present health, safety, convenience, and welfare of Gallatin County, and to provide for the physical and economic development of all zoning districts created under Title 76, Chapter 2, Part 1, Montana Codes Annotated.

**ARTICLE II: JURISDICTION**

The Zoning Commission has jurisdiction within the boundaries of all zoning districts formed in accordance with Title 76, Chapter 2, Part 1, Montana Codes Annotated.

**ARTICLE III: POWERS**

The Zoning Commission shall have such powers as are provided in Title 76, Chapter 2, Part 1, Montana Codes Annotated. The Zoning Commission shall have such powers as may be appropriate to fulfill its functions and duties to promote county planning and to carry out this purpose. Furthermore, the Zoning Commission shall have the power to:

1. Adopt rules governing the transactions of its business.
2. Make and adopt a development pattern for the physical and economic development of the zoning district.
3. Authorize and provide for the issuance of permits as a prerequisite to construction, alteration, or enlargement of any building or structure and may establish and collect reasonable fees therefore.
4. Enter upon any land and make examination and surveys and place and maintain necessary monuments and markers thereon.
5. Prepare and submit to the Board of County Commissioners drafts of resolutions for the purpose of carrying out the development districts or any part thereof previously adopted by the Zoning Commission.

#### **ARTICLE IV: FUNDING FOR OPERATION**

The Board of Gallatin County Commissioners may levy a tax, not to exceed 1 mill, on the taxable valuation of the real property within each zoning district. The Zoning Enforcement Agent, on behalf of the Zoning Commission has the authority to expend, under regular county procedures as provided by law, all sums appropriated to it.

#### **ARTICLE V: OFFICERS**

The Zoning Commission shall maintain its offices in the Gallatin County Courthouse, Bozeman, Montana, in the office of the Zoning Enforcement Agent, where all Zoning Commission records will be kept. The County shall provide suitable offices for staff, holdings of meetings and the preservation of plans, maps, regulations, documents and accounts.

#### **ARTICLE VI: MEMBERSHIP**

##### **A. Selection**

The Zoning Commission shall consist of seven (7) members appointed as follows:

1. The three County Commissioners
2. The County Surveyor
3. A County official appointed by the County Commissioners
4. Two 101 zoning district County residents appointed by the County Commissioners

##### **B. Compensation**

Members of the Zoning Commission shall serve without compensation other than reimbursement for duly authorized expenses.

#### **ARTICLE VII: OFFICERS AND THEIR DUTIES**

- A. Each January, at its regular meeting, the Zoning Commission shall elect from its members a chairman.
- B. The Chairman shall preside at all meetings and hearings of the Zoning Commission and shall have the duties normally conferred by parliamentary usage on such officers, call special meetings, and generally perform as may be prescribed in these By-Laws or by Zoning Commission action.
- C. The Zoning Commission shall elect a Vice Chairman to preside at all public meetings and hearings of the Zoning Commission in the absence of the elected Chairman.
- D. A secretary shall be appointed who shall keep permanent and complete records of the proceedings of the Zoning Commission.

## **ARTICLE VIII: MEETINGS**

### **A. Regular Meeting**

The Zoning Commission shall conduct its regular meeting each January.

### **B. Special Meetings**

Special meetings may be called by any member of the Zoning Commission by informing all the members at least one day in advance.

### **C. Quorum**

A majority of members shall constitute a quorum.

### **D. Open Meetings and Documents**

All meetings, files and documents of the Zoning Commission shall be open to the public. Those portions of meetings or documents which contain matters that clearly infringe on an individual's right of personal privacy shall be kept confidential unless the individual involved requests, in writing, an open meeting or release of documents. Closure to the public shall be determined by recorded vote of the Zoning Commission. The Zoning Commission Chairman may decide to close meetings or withhold documents, which, in his/her judgment, clearly infringes on an individual's privacy.

### **E. Rules of Order**

Meetings of the Zoning Commission shall be conducted according to Robert's Rules of Order unless otherwise specified in these By-Laws.

### **F. Conflict of Interest**

A member of the Zoning Commission, who has a financial interest in an item under consideration by the Zoning Commission, or owns property within the required mail notification area of any case before the Zoning Commission, shall declare that he has a conflict of interest and shall not participate in the vote taken on the item. In the event of such disqualification, such fact shall be entered into the record of the meeting.

## **ARTICLE IX: HEARINGS**

A. Notice

Notice for public hearings shall be given prior to the date set, in accordance with the requirements of the zoning district regulations. The Zoning Commission shall publish in a newspaper of general circulation in the County's jurisdictional zoning area a notice of the subject, time and place of the hearing. Notification of adjacent property owners shall be observed in conformance with the zoning district regulations.

B. Procedures for Public Hearings

1. The proceedings shall be recorded by a sound recording device, at each hearing before the Zoning Commission, and maintained by the Zoning Enforcement Agent.
2. The Chairman shall describe the method of conduct of the hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in the deliberations of the Zoning Commission.
3. The Chairman shall notice the hearing.
4. A summary of the question of issue shall be stated by the Chairman at the opening of the hearing. Comments will be limited to the subject advertised for hearing.
5. It shall be made clear at the hearing that all questions and comments must be directed through the Chair after being properly recognized by the Chairman.
6. All persons recognized shall give their name and address, and if applicable, the name of the person, firm or organization they represent.
7. Copies of prepared statements, received in person or by mail, shall be given to the Zoning Commission and shall become a part of the record. All statements must be signed by the author.
8. At hearings for rezoning, amendments, variances or conditional use permits, the applicant or a representative must be in attendance.
9. The order of presentation after introduction of an item by the Chairman will be:
  - a. Presentation of Staff Report
  - b. If available, presentation by Advisory Committee
  - c. Questions by Zoning Commission members
  - d. Presentation by applicant
  - e. Written and public testimony accepted
  - f. Applicant rebuttal
  - g. Board discussion

10. Prior to closing of the public testimony, the Chairman shall make at least two (2) calls for further comment. With no response to the second call for public comment, the hearing will be closed to public testimony and the matter will return to the Zoning Commission for discussion and action. During discussion by the Zoning Commission specific questions may be directed to the applicant, staff or members of the public.
11. A motion from the Zoning Commission must be made and voted on concerning the application prior to adjournment.
12. The Chairman shall assure an orderly hearing and shall reserve the right to terminate the hearing in the event the discussion becomes unruly or unmanageable.

#### **ARTICLE X: EMPLOYEES**

The Zoning Commission may appoint and prescribe the duties and fix the compensation, with the approval of the County Commission of such employees as are necessary for the discharge of the duties and responsibilities of the Zoning Commission.

#### **ARTICLE XI: BUDGET**

The Zoning Commission shall file with the County Clerk and Recorder, before June 10 detailed and itemized estimates both of the probable revenues from sources other than taxation and of all expenditures required by the Zoning Commission.

#### **ARTICLE XII: LEGAL ASSISTANCE**

Legal assistance shall be provided to the Zoning Commission by the County Attorney.

#### **ARTICLE XIII: ADVISORY GROUPS**

The Zoning Commission encourages the formation of local Advisory Group(s) to provide comments and recommendations for consideration by the Zoning Commission relating to proposed variances, zone changes, conditional use permits, amendments or other appropriate issues. The Advisory Group (s) may submit written comments and recommendations prior to or oral comments during the scheduled public hearing for a particular issue. Any recommendations from the Advisory Group(s) are encouraged and will be considered, but shall not be binding upon the Zoning Commission.

#### **ARTICLE XIV: AMENDMENTS**

By-Law amendments may be introduced in writing by any member of the Zoning Commission or at regular meeting or properly called special meeting. Action by a majority of the Zoning Commission on the amendments may be taken on second reading at any meeting properly called subsequent to the introduction of the amendment.

THESE BY-LAWS WERE AMENDED ON THE THIRTEENTH DAY OF JUNE, 2002.

## GALLATIN COUNTY ZONING COMMISSION

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Shelley Vance, Chairman

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John Vincent, Member

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William A. Murdock, Member

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Jennifer Smith Mitchell, Member

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Anna Rosenberry, Member

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Anne Trygstad, Member

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Beth Horn, Member

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