

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 2.20, "PLANNING
COMMISSION," OF THE MERCED MUNICIPAL
CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Chapter 2.20 "Planning Commission," of the Merced Municipal Code is hereby amended to read as follows:

**"Chapter 2.20
PLANNING COMMISSION**

Sections:

- 2.20.010 Authority.**
- 2.20.015 Appointment.**
- 2.20.020 Powers.**
- 2.20.030 Processing Procedures – Notice of Public Hearing.**
- 2.20.040 Formal Action by Resolution and Vote.**
- 2.20.050 Meetings.**

2.20.010 Authority.

Pursuant to Section 708 of the Charter of the City there is hereby established a Planning Commission consisting of seven member and under authority of Title 7 of the Government Code of the state and more particularly Chapter 1 thereof, otherwise designated as Conservation and Planning Law, Sections 2.20.020 and 2.20.030 are established as the powers and duties of the Planning Commission.

2.20.015 Appointment.

A. Members are to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

B. Six (6) members will be appointed from each of the six (6) districts and one (1) member will be appointed at large. Should a district appointment remain vacant for more than ninety (90) days, the City Council has the authority and may elect to appoint an otherwise-qualified at large member to fill the district vacancy.

C. The number of members to comprise the commission may be changed by Ordinance of the City Council to not less than five nor more than nine members.

D. The services of the City Engineer, City Attorney, Chief Building Official, Director of Development Services and other City staff shall be made available to such commission.

2.20.020 Powers.

The powers of the Planning Commission are as follows:

A. To adopt rules and regulations for the conduct of its affairs, provided such rules and regulations are not contrary to the provisions of the City Charter, or to the provisions of applicable state law and, provide further, if there be provisions of state law and the City Charter which are in conflict, that the provisions of the City Charter shall prevail;

B. To perform such functions and with respect to such subjects as are prescribed as are prescribed by the City Charter and by state law;

C. To initiate studies, to prepare plans and recommendations with respect thereto, on subjects properly related to a comprehensive planning program whether such subjects are enumerated in the Charter and state law or not;

D. To serve in an advisory capacity on planning matters to the City Council, to other governmental agencies and officials, and to the public;

E. To serve as the board of zoning adjustment per Chapter 2.24, the historic preservation commission pursuant to Chapter 17.54, and the design review commission per Chapter 20.86.

2.20.030 Processing procedures—Notice of Public Hearing.

Procedures for processing matters through and by the Planning Commission shall conform to provisions of the City Charter, provided that where such Charter prescribed no procedure the council may, by ordinance, prescribe procedures, and where neither such Charter provisions nor ordinance provisions exist, the provisions of applicable state law with respect thereto shall govern; provided, that on all matters requiring full public hearings pertaining to adoption or amendment of master plans or precise plans, including enactment or amendment of a zoning ordinance changing the boundaries of a district, the Planning Commission shall hold at least one (1) public hearing. Notice of the time and place of such public hearing shall be given by publication in a newspaper of general circulation in the city not less than ten (10) days prior to the date of such hearing.

2.20.040 Formal Action by Resolution and Vote.

Formal action by the Planning Commission shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the members of the planning commission.

2.20.050 Meetings.

The time, day and place for the holding of regular meetings of the Planning Commission shall be as set from time to time by resolution of the City Council.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

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The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2021, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2021, by the following called vote:

AYES: **Council Members:**

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: **Council Members:**

APPROVED:

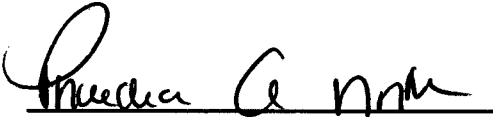
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

 5.10.21
City Attorney Date