

ORDINANCE NO. 2014 - 05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING CODE SECTION 17.16.010 TO CHANGE THE TERM AND REMOVAL PROCEDURES OF THE PLANNING COMMISSION MEMBERS

WHEREAS, South Jordan City Code Section 17.16.010 provides for the creation of the South Jordan City Planning Commission; and

WHEREAS, The South Jordan City Council desires to amend the procedures regarding nomination, removal, and pay of planning commission members; and

WHEREAS, The South Jordan City Council desires to amend the term of service of the planning commission members to two (2) year terms to promote more interest in serving on the commission; and

WHEREAS, The South Jordan City Council finds that amending Code Section 17.16.010 with the clarification discussed above is in the best interest of the health, safety, and welfare of the residents of the City of South Jordan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:

SECTION 1. Amendment. South Jordan City Code Section 17.16.010 is hereby amended as follows:

17.16.010: PLANNING COMMISSION:

There is created a planning commission of the city which shall consist of ~~seven (7)~~ five (5) voting members and one (1) alternate member. Each member of the city council shall nominate one (1) voting member to the planning commission and that nominee shall be appointed to the planning commission by a majority vote of the city council. Any member of the city council may nominate the alternate member to the planning commission and that nominee shall be appointed as the alternate member to the planning commission by a majority vote of the city council. The alternate member of the planning commission shall attend the planning commission meetings, shall participate in the proceedings, but shall not vote in the meetings unless at least one (1) voting member is not present for the meeting or if at least one voting member is recused. Members of the planning commission shall be appointed by the city council in a manner determined and approved by the city council. Members of the planning commission shall be appointed for staggered terms, with each member's term to run for four (4) years from the date of appointment. The term of a planning commission member shall be four (4) years from the date of appointment. The city council, at the time of nomination, may extend a specific member's term for up to one (1) additional year in order to stagger the terms of the planning commission members. Members of the planning commission may be re-nominated and re-appointed for additional terms as set forth herein. Any vacancy occurring on said commission by reason of death, resignation, removal, or disqualification shall promptly be filled by the city council for the unexpired term of such member. A commissioner whose term has expired

shall continue to serve until a successor has been appointed unless otherwise directed by the city council. The city council may remove any member of the planning commission for cause, upon written notice of such removal to the person or persons being removed, for any reason by majority vote of the city council. Each member of the planning commission, including the alternate member, shall be paid \$50.00 per day for attending each regular planning commission meeting. Members of the commission shall be appointed, including appointments to fill vacancies, and removed by resolution of the city council.

A. Commission Organization And Meetings: At the first regular planning commission meeting held in each calendar year, the members shall select from their number a chairperson and other such officers as they deem necessary in carrying out the functions of the commission and shall adopt such rules and regulations for the conduct of business before the commission as they deem appropriate which rules and regulations may be modified and/or amended at any time by the planning commission at any of its regular meetings. The city council may remove, replace, or appoint the chairperson of the commission by a majority vote of the city council. Meetings of the commission shall be held at the call of the chairperson and at such other times as the commission may determine in accordance with the law. Meetings of the planning commission shall be open to the public, unless closed in accordance with law. ~~Four (4)~~ Three (3) members of the planning commission shall constitute a quorum for the transaction of business. Minutes shall be taken at the planning commission meetings and minutes containing the official act and recommendations of the planning commission shall constitute public records and shall be available for inspection upon reasonable notice at reasonable times and places. Reports of official acts of the planning commission shall be made in writing and shall indicate how each member of the commission voted with respect to such acts or recommendations as the commission may from time to time make. (Ord. 2011-15, 5-17-2011)

B. Functions And Duties: It shall be the function and duty of the planning commission, after holding public hearings, to make and adopt and certify to the legislative body, a general plan for the physical development of the municipality, including the areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of the municipality. Where the plan involves territory outside the boundaries of the city, action shall be taken with the concurrence of the county or other municipal legislative body concerned. The general plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the planning commission's recommendations for the said physical development, and may include, among other things, the general location and extent of streets. The planning commission may from time to time amend, extend or add to the plan or carry any part or subject matter into greater detail. It shall be the function and the duty of the planning commission and it shall have the power to make, adopt and certify to the city council a zoning plan, including the text of the land use ordinance and maps representing the planning commission's recommendations for the regulation by districts or zones of the location, height, bulk, number of stories, size of building and other structures, the percentage of the lot which may be occupied, the size of the yard, courts and other spaces, the density and distribution of population and the use of buildings, structures and land for trade, industry,

residence, recreation, commercial business, or other purposes from and after the time when a land use ordinance has been enacted by the city council and the official map has been recorded in the office of the city recorder. No permit shall be issued by the building official or any building or structure or part thereof on any land located within the boundaries of the zoning map which would be in violation of the recommendations of the planning commission as shown on such official map. Any person aggrieved by his or her inability to obtain any permit may appeal to the board of adjustment. The foregoing list of functions and duties of the commission shall not be construed as all inclusive and the planning commission shall have such additional powers and duties as are duly authorized under the laws of the state for planning commissions.

C. Changes And Amendments: ~~The~~ Land use ordinances, except for those contained in Chapter 17.16, including the maps, may from time to time be amended by the city council after giving ten (10) days' notice of a public hearing, but all such proposed changes and amendments, except for those in Chapter 17.16, shall first be proposed by the planning commission or shall be submitted to that commission for its consideration prior to action by the city council. With respect to any proposed amendments, the planning commission shall, within thirty (30) days' time after which the proposed amendment is referred to such commission, report its approval or disapproval or recommendations with regard to such proposed amendment to the city council. The planning commission may request that the city council grant an extension of time for an in depth study of the proposed amendment that must show cause why such additional study is necessary on making such request. Failure of the planning commission to submit a report or to request an extension of time within the prescribed time shall be deemed approval by the planning commission of such proposed change or amendment. The city council may adopt, reject or accept in part the recommendations of the planning commission by a majority vote of the members of the city council.

D. Street Plan: From and after the time when the planning commission shall have adopted a major street plan, the city council may establish an official map of the whole or part of the municipality theretofore existing and established by law as public streets. Such official map may also show the location of the lines of streets from plats of subdivisions which shall have been approved by the planning commission. The city council may make, from time to time, other additions to or modifications of the official street extensions, widenings, narrowings or vacations which have been accurately surveyed and definitely located, provided that before taking any such action, the city council shall hold a public hearing thereon, and that such proposed addition to or modification of the official map shall be submitted to the planning commission for its approval. In the event of planning commission disapproval, such additions or modifications shall require a favorable vote of not less than a majority of the membership of the city council. The placing of any street or street lines upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or taking or accepting of any land for street purposes. In order to preserve the integrity of the official map, no permit shall be issued for any kind of building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. Any person aggrieved by his inability to obtain such permit may appeal to the board of adjustment.

E. Subdivision Control: From and after the time when the planning commission shall have adopted a major street plan and shall have certified the same to the city council, no plat of a subdivision of land lying within the city shall be filed or recorded in the county recorder's office until it shall have been submitted to and approved by the planning commission and such approval entered in writing on the plat by the city attorney, the city engineer, the community development director and the mayor. The filing or recording of a plat of a subdivision without such approval shall be void. The planning commission shall prepare regulations covering the subdivision of land within the city. The city council shall hold a public hearing on the subdivision regulations and thereafter may adopt said regulations for the city. Whoever being the owner of or agent of the owner of land located in the subdivision within any area of the city for which a major street plan has been adopted by the planning commission and the city council, except for land located in a recorded subdivision, transfers and sells such land without first preparing a subdivision plat and having such plat approved by the city and recorded in the office of the county recorder, shall be guilty of a class C misdemeanor for each lot so transferred or sold; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties, except that in subdivisions of less than ten (10) lots, land may be sold by metes and bounds, without the necessity of recording of plat if all of the following conditions are met:

1. The subdivision layout shall have been first approved in writing by the planning commission;
2. The subdivision is not traversed by the map lines of a proposed street as shown on the official map or maps of the city, and does not require the dedication of any land for street or other public purposes; and
3. If the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, density and area requirements of the land use ordinance or has been granted a variance from such requirements by the board of adjustment. The city may enjoin such transfer or sale by action for injunction or may recover the said penalty by civil action.
4. The community development department has provided notice as required by this title and the state code.

F. Inspections: The planning commission, its members and employees and staff, in the performance of its functions, may enter upon any land at reasonable times to make examinations and survey and place and maintain necessary monuments and marks thereon.

G. Governmental Immunity: The members of the commission shall be deemed included in the definition of "employee" found in the Governmental Immunity Act of Utah Code Annotated section 63-30-2 UCA § 63G-7-101 Et Seq. (as amended). (Ord. 2007-02, 1-16-2007)

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH, ON THIS 4th DAY OF February, 2014 BY THE FOLLOWING VOTE:

| | YES | NO | ABSTAIN | ABSENT |
|--------------------|----------|-------|----------|--------|
| Mark Seethaler | _____ | _____ | <u>X</u> | _____ |
| Chuck Newton | <u>X</u> | _____ | _____ | _____ |
| Don Shelton | <u>X</u> | _____ | _____ | _____ |
| Steve Barnes | <u>X</u> | _____ | _____ | _____ |
| Christopher Rogers | <u>X</u> | _____ | _____ | _____ |

Mayor Pro Tempore Stephen D. Barnes
 Mayor: _____
 David L. Alvord

Attest: Anna M. Wisk
 City Recorder

Approved as to form:

[Signature]
 Office of the City Attorney

