

TITLE 12-000

CHAPTER 12-100. PLANNING

PART 12-110 ADMINISTRATION

**12-111. PLANNING COMMISSION ESTABLISHED.** There is hereby created a planning commission to be composed of 6 members. Members of the planning commission shall serve without compensation, except for reasonable expenses incurred in performing their duties as members of the commission. Members of the city council may be appointed to the planning commission.

**12-112. TERM IN OFFICE.** The terms of the planning commission shall be staggered. Each member of the planning commission shall serve for a term of 3 years and until his successor is appointed, provided that the term of the first members shall be such that the term(s) of 2 member(s) shall expire each year. Terms of members of the planning commission shall begin on or before the first Monday in February of each year. The city council may remove any member of the planning commission for cause and after a public hearing, if one is requested. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term.

**12-113. ORGANIZATION.**

A. The members of the planning commission shall select from their own members a chairman and such other officers as deemed necessary and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.

B. Reports of official acts and recommendations of the planning commission shall be public and made by the chairman in writing to the city council and shall indicate how each member of the commission voted with respect to such act or recommendation. Any member of the commission may also make a concurring or dissenting report or recommendation to the city council.

C. The planning commission shall meet quarterly and at such other times as the planning commission may determine.

D. 3 members of the planning commission shall constitute a quorum.

**12-114. DUTIES AND POWERS.** The planning commission shall have all the powers and duties explicitly or impliedly given planning commissions by the laws of the state of Utah.

PART 12-120 BOARD OF ADJUSTMENT

**12-121. ESTABLISHMENT.** In order to carry out the provisions of Utah law relating to planning and zoning, there is hereby created a board of adjustment, which shall consist of five members, one member of which shall be a member of the planning commission. The members of the board of adjustment shall be appointed by the city council. The city council may fix per diem compensation for the members of the board of adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended.

**12-122. TERM OF OFFICE.** Each member of the board of adjustment shall serve for a term of five years and until his successor is appointed provided that the term of the

members of the first board so appointed shall be such that the term of one member shall expire each year. One member shall be appointed on or before the first Monday in February of each year. Any member may be removed for cause by the city council upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

**12-123. ORGANIZATION.** The board of adjustment shall elect a chairman and may adopt such rules for its own proceedings as are deemed necessary. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the recorder, which shall be the office of the board, and shall be a public record.

**12-124. APPEALS TO BOARD - TIME - PERSONS ENTITLED - TRANSMISSION OF PAPERS.** See U.C.A. 10-9-9.

**12-125. STAY OF PROCEEDINGS PENDING APPEAL.** See U.C.A. 10-9-10.

**12-126. NOTICE OF HEARING OF APPEAL - RIGHT OF APPEARANCE.** See U.C.A. 10-9-11.

**12-127. POWERS OF BOARD ON APPEAL - GRANTING OF AND SHOWING TO BE ENTITLED TO VARIANCE.**

A. See U.C.A. 10-9-12

B. To hear and decide requests for conditional uses, but only within the respective zones in which such conditional uses are permitted.

**12-128. DECISION ON APPEAL.** See U.C.A. 10-9-13.

**12-129. VOTE NECESSARY TO REVERSE DECISION OF APPOINTED OFFICIAL.** See U.C.A. 10-9-14

**12-130. BUILDING PERMITS.**

A. The building inspector shall not issue any building permit for any building, construction or repair of any building unless such fully conforms to all zoning regulations or ordinances of this city in effect at the time of application.

B. No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on any official street map adopted by the city council. However, the board of adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or any part thereof within any mapped street located in any case in which the board of adjustment upon the evidence finds: 1) that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit is granted, or 2) that balancing the interest of the city in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the board of adjustment shall hold a public hearing thereon. In the event that the board of adjustment decides to authorize a building permit, it shall have the power to

specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.

**12-131. ADOPTION OF MAJOR STREET PLAN - EFFECT ON RIGHT TO FILE PLAT - APPROVAL OF PLANNING COMMISSION AS CONDITION PRECEDENT TO FILING PLAT - REGULATIONS GOVERNING SUBDIVISION OF LAND. See U.C.A. 10-9-25**

**12-132. NOTIFICATION OF COUNCIL.** Before any application for a variance or building permit shall be issued, the board of adjustment shall give the city council at least 15 days notice of the application. The city council shall have the opportunity to respond and comment on the application with the 15 days.

**12-141. POWERS OF THE CITY COUNCIL TO CHANGE ZONES.** It shall be lawful for the city council from time to time as necessity may arise to change or modify any regulation or restrictions with respect to zoning or building or uses of land.

**12-142. PETITION FOR CHANGE.** In each instance where any person shall desire to have such change made, petition shall be made to the city council definitely setting out such request and particularizing the change desired.

**12-143. FILING FEE AND PUBLICATION CHARGE.** At the time the petition is filed requesting change with respect to zoning or building or uses of land as contemplated by this part, there shall be paid to the treasurer a filing fee of 10.00 dollar(s). Should a public hearing be required by law or otherwise upon the change so petitioned for, the party petitioning shall pay to the treasurer the sum of 25 dollar(s) for the purpose of defraying the cost of advertising such public hearing. The recorder shall notify such petitioner of such charge for advertising and shall not proceed with the advertising until such charge has been paid.

**12-144. REFERRAL OF PETITION TO PLANNING COMMISSION.** Such petition, together with any protests thereto, shall be referred to the planning commission for consideration and recommendation. The planning commission shall return such petition together with its recommendation to the city council no later than thirty days after referral to it.