

DANIEL ORDINANCE 2008-03-03E

Planning Commission & Board of Appeals

Title 2

Chapter 2.01.01 Establishment

(1) Utah Code Annotated 10-9a-201 requires a municipality to establish a planning commission and an appeal authority within the municipality. The legislative body of the municipality hereby establishes a planning commission under the administration, powers and duties set forth in this Chapter and as set forth in other sections of the Daniel Municipal Code that may be amended from time to time and that make reference to a planning commission. The legislative body of the municipality hereby establishes a board of appeals under the administration, powers and duties set forth in this Chapter and as set forth in other sections of the Daniel Municipal Code that may be amended from time to time and that make reference to a board of appeals or to an appeal authority for decisions rendered by the planning commission.

(2) Candidates for the planning commission and board of appeals shall be registered voters and residents of the municipality and conform to the requirements of DMC Section 1-5-1. Candidates shall file a declaration of candidacy or resumes with the Clerk/Recorder before November 15th. The municipal legislative body will then pick from the applicants to fill vacancies within the planning commission or board of appeals in accordance with DMC Section 1-5-4(c). The mayor, with the advice and consent of the municipal legislative body, has the authority to appoint members to the planning commission and board of appeals for filling vacancies and for removal from office.

Section 2.01.02 Powers and Duties.

(1) The planning commission is the land use authority and has the authority to prepare and recommend to the municipal legislative body for the adoption and amendments to the land use map, General Plan, ordinance (Title 8), Zoning Maps, or official maps, the Annexation Policy Plan, and subdivision plats. The planning commission has the authority to review all plans as a development review committee and application as Title 8 allows and provide other functions as the municipal legislative body directs.

(2) The Board of Appeal is the appeal authority to hear on appeal decisions of the planning commission on site plans and denial of application.

(3) These boards will meet and elect a chair and vice-chair from the members of the board. The chair and vice-chair shall serve a term from Jan 1 - Jan 1 of each year or until the board meets and elects the replacement and adopts policy and procedures for the

conduct of its meetings, and the process of application, and for other purposes considered necessary for the functioning of the board.

(4) Other duties as instructed by the municipal legislative body.

Section 2.01.03 Membership and Terms of Officers.

(1) The planning commission members shall be appointed from among the residents in accordance with the provisions DMC Section 1-5-1. Persons that are not residents are not eligible for membership on the planning commission and board of appeals.

(2) The planning commission shall consist of seven (7) members with the chair and vice-chair being voted from the members of the commission. The chair and vice-chair shall be annual positions as described in Section 2.01.02(3) above. No more than one (1) member of the planning commission may also be a member of the legislative body.

(3) The planning commission members shall serve a four-year term with alternating terms for three (3) members then for four (4) members.

(4) The board of appeals shall consist of five (5) members with alternating terms for two (2) members then for three (3) members.

(5) In the event that a planning commission or board of appeals member moves from the municipal area, that board member shall be deemed to have resigned from the board and that position shall be deemed to have become vacant. In the event that there are unoccupied positions the Clerk/Recorder will give public notice at least seven days, to allow for application to be submitted to the Clerk/Recorder for filling that vacancy.

(6) Any planning commission or board of appeals member may be removed from office for cause after a motion to remove for cause with a majority vote from that board.

Section 2.01.04 Oath of Office/Staff Assistance

(1) Members of the planning commission and board of appeals shall be administered the oath of office by the Clerk/Recorder following appointment but before taking part in the consideration of any matter.

(2) The Mayor or the municipal legislative body may provide staff assistance to the planning commission or board of appeals.