

ORDINANCE 2021-01

**AN ORDINANCE OF THE SOUTH WEBER CITY
COUNCIL AMENDING PROVISIONS OF THE CITY'S
MUNICIPAL CODE RELATING TO THE COMPOSITION OF
THE PLANNING COMMISSION.**

WHEREAS, the South Weber City Council desires to amend certain provisions of the Municipal Code of South Weber City relating to the composition of the Planning Commission; and

WHEREAS, the City Council finds that from time to time, updates to the terms of Planning Commission members and the composition of the Planning Commission are necessary; and

WHEREAS, the City Council has determined that the proposed amendments will promote the public interest;

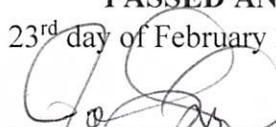
NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, Utah, as follows:

Section 1. Amendment. Title 10 Chapter 3 is hereby amended to read in its entirety as more particularly set forth in Exhibit A, attached hereto and incorporated herein by reference.

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, and provisions of this Ordinance shall be severable.

Section 3. Effective Date. In accordance with Utah Code Ann. § 10-3-701 et seq. and Title 1, Chapter 2, Section 5 of South Weber City Code, this Ordinance shall take effect immediately upon adoption and recordation.

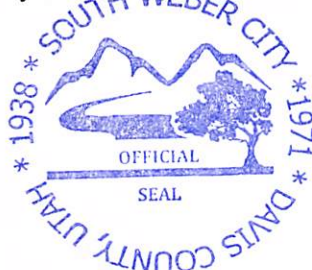
PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 23rd day of February 2021.



MAYOR: Jo Sjoblom



ATTEST: City Recorder, Lisa Smith



Roll call vote is as follows:

Council Member Winsor	FOR	<input checked="" type="radio"/> AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	AGAINST
Council Member Soderquist	<input checked="" type="radio"/> FOR	AGAINST
Council Member Alberts	FOR	<input checked="" type="radio"/> AGAINST
Council Member Halverson	<input checked="" type="radio"/> FOR	AGAINST

CERTIFICATE OF POSTING

I hereby certify that Ordinance was passed and adopted the 23rd day of February 2021, and that complete copies of the ordinance were posted in the following locations within the City this 24th day of February 2021.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

Lisa Smith

Lisa Smith, City Recorder

EXHIBIT A
TITLE 10 CHAPTER 3

CHAPTER 3 PLANNING COMMISSION

SECTION:

10-3-1: Established

10-3-2: Scope

10-3-3: Terms of Office; Removal

10-3-4: Organization

10-3-5: Powers and Duties

10-3-6: Records; Minutes

10-3-7: Expenses

10-3-8: General Plan

10-3-9: Mandatory Referral (Rep. by Ord. 2006-01, 2-14-2006)

10-3-10: Action by Commission

Notes

1. UCA § 10-9a-301 et seq.

10-3-1: ESTABLISHED:

There is hereby created a planning commission pursuant to section 10-9a-301, Utah Code Annotated, as amended, to carry out the provisions thereof, whose primary duties shall be to act as an advisory council to the city council on all matters pertaining to planning and zoning within and for the city, to be known as the South Weber planning commission. The planning commission shall consist of five (5) members appointed by the mayor with the advice and consent of the city council. Members shall receive reimbursement for reasonable expenses incurred in performing their duties as members of the planning commission based on meetings actually attended. The reimbursement rate shall be established by resolution of the city council. Appointments shall be non-political. It is the intent of the city council that the planning commission represent the concerns of diverse citizen groups, as well as the broad interests of the community as a whole; that membership of the planning commission represents a fair cross section of the community and provide balanced representation in terms of geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well-planned community be sought when establishing or altering the composition of the membership of the planning commission. Candidates for appointment shall be considered each year from a pool of viable applicants. (Ord. 13-02, 2-26-2013)

10-3-2: SCOPE:

Matters pertaining to: a) the use and zoning of land for private or public purposes; b) the location, widening, narrowing, abandonment, extensions or relocation of proposed or existing streets; c) the location of public buildings, parks or open spaces; and d) the subdivision of land, including the location and extent of public or private utilities, shall be submitted to the planning commission for consideration and recommendation before action is taken thereon by the city council or other city official. (Ord. 2006-01, 2-14-2006)

10-3-3: TERMS OF OFFICE; REMOVAL:

A. Term of Office: Members of the planning commission shall serve a term of three (3) years and shall not serve more than two (2) consecutive terms. No former member of the planning commission shall be eligible for re-appointment unless one year has passed since that former

member last served on the planning commission. Each term shall begin on February 1 of the year of appointment and shall end on January 31 of the year when the appointment expires or until a successor is appointed. The terms of planning commission members shall be staggered. A planning commission member may be appointed for a term of less than three (3) years to provide for staggered terms or to complete a vacated, unexpired term. Any member of the planning commission appointed to a term of five (5) years prior to terms being reduced to three (3) years shall be permitted to remain a member of the planning commission until his or her original term expires. A partial term shall count as one term for purposes of determining term limits if a planning commission serves for eighteen (18) months or more of that partial term.

B. Removal from Office: A planning commission member shall be required to attend at least seventy five percent (75%) of the meetings during a calendar year, otherwise removal from the planning commission by the mayor shall be considered. The mayor may remove any member of the planning commission without cause as determined solely by the discretion of the mayor and as approved by a majority of the city council. Any member of the planning commission so removed shall be entitled to a hearing before the city council if a hearing is requested in writing within five (5) days of a city council vote. The purpose of the hearing is to allow the member being removed to be heard on the issue of removal. (Ord. 13-02, 2-26-2013)

10-3-4: ORGANIZATION:

On or before February 28, but not before February 1, of each year, the planning commission shall elect one of its members to act as chairperson and another of its members to act as vice chairperson. The term of the chairperson and vice chairperson shall begin upon election and continue until a new chair and vice chair are elected the following year. No member shall be permitted to serve as chairperson or vice chairperson for more than one consecutive term. The chairperson will preside at all meetings of the planning commission unless absent, in which case the vice chairperson will preside. The planning commission shall adopt such bylaws, policies, and procedures for its own organization and for the transaction of business not in conflict with city ordinances or state laws, which policies and procedures shall be approved by the city council before taking effect. The affirmative vote of three (3) or more members of the planning commission shall be required for any action or recommendation. Report of official acts and recommendations of the planning commission shall be made by conveyance of the meeting minutes to the city council, which shall indicate how each individual member of the planning commission voted with respect to such act or recommendation. A member of the planning commission may be requested to attend a city council meeting to make a verbal report on the Planning Commission's recommendations. (Ord. 13-02, 2-26-2013)

10-3-5: POWERS AND DUTIES:

A. Entrance Upon Land: The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land at reasonable times to make examinations and surveys, and place and maintain necessary monuments and marks thereon. The Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote Municipal planning.

B. Administrative Duties: The Planning Commission shall:

1. Prepare and recommend a general plan and amendments to the general plan to the City Council;
2. Recommend Land Use Ordinances and maps, and amendments to Land Use Ordinances and maps, to the City Council;
3. Administer provisions of this land use title as specifically provided in this land use title;
4. Recommend subdivision regulations and amendments to the City Council;
5. Recommend approval or denial of subdivision applications;

6. Advise the City Council on matters as directed by the City Council;
7. Hear and decide conditional use permits as assigned by city code; and
8. Exercise any other powers necessary to enable it to perform its function.

C. **Public Hearings; Reports and Recommendations:** For purposes of holding public hearings, the Planning Commission is recognized as the Land Use Authority for South Weber City, as defined by Utah Code Annotated 10-9a-103; 10-9a-404, 10-9a-502, 10-9a-503, 10-9a-602, and 10-9a-608, or as otherwise required. The Planning Commission may hold public hearings and shall do so as required by law. It may make reports and recommendations relating to the plan and development of the City to public officials and agencies, other organizations and citizens. It may recommend to executive or legislative officials, programs for public improvements. The City Council shall not hold any public hearing for any Land Use Ordinances, applications, or amendments unless specifically required by State law or a procedural motion approved by the City Council. (Ord. 19-08, 3-12-2019)

10-3-6: RECORDS; MINUTES:

All matters and requests to the Planning Commission shall be submitted to the commission in writing on a form approved by the commission. The minutes of each meeting of the Planning Commission shall be recorded and preserved in accordance with state law. Minutes of each meeting of the Planning Commission shall bear thereon its approval as attested to by the Chairperson. All official actions shall be recorded therein and copies of all letters of approval or denial shall be preserved. All records of the Planning Commission shall be made available for public inspection during reasonable hours. (Ord. 13-02, 2-26-2013)