

Ordinance 2023-01
Town of Dutch John
Planning Commission Ordinance

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION FOR THE TOWN OF DUTCH JOHN AND SETTING FORTH REQUIREMENTS RELATING TO THE ORGANIZATION AND PROCEDURES OF THE PLANNING COMMISSION.

WHEREAS, the Town Council finds that municipalities in the State of Utah are authorized to establish a planning commission pursuant to Utah code section 10-9a-301; and,

WHEREAS, the Town Council has adopted planning and zoning ordinances to provide for the orderly development of real property located within the town boundaries; and,

WHEREAS, it is in the best interests of the health, safety and welfare of the residents and owners of real property within the Town, that a Planning Commission be established and that procedures be adopted for governance of the Planning Commission and appointment of members; and,

WHEREAS, the safety of residents and visitors and the property values within the Town will be protected and enhanced by establishment of a Planning Commission to study, develop, and recommend, ordinances, general plans, rules, and regulations relating to land use and development within the area of the Town of Dutch John.

WHEREFORE BE IT ORDAINED BY THE TOWN OF DUTCH JOHN TOWN COUNCIL, STATE OF UTAH AS FOLLOWS:

NAME OF THE AGENCY

The name of the agency shall be the Dutch John Planning and Zoning Commission.

APPOINTMENT, TERM, AND REMOVAL

There is hereby established a Dutch John Planning and Zoning Commission which shall have the powers and duties described in Utah Code Annotated 10-9a-302.

The Planning Commission shall consist of three (3) regular members and up to three (3) alternate members. Alternate members are assigned seniority based on the time they were first considered to be appointed. The members of the Planning Commission shall be appointed by the Mayor and approved by the Town Council. Planning Commissioners

shall be appointed by terms. Terms are four (4) years in length and are measured starting on January 1 of the year of appointment. Typically, a Planning Commissioner may serve a maximum of three (3) terms.

Planning Commissioner appointments shall be staggered in such a way that no more than two (2) Planning Commissioners' terms expire at the same time.

Members of the Planning Commission shall be legal property owners or renters in the Town of Dutch John.

Any member may be removed for cause by the Town Council. Grounds for removal shall include but not be limited to failure to regularly attend meetings, failure to attend/participate in training, conflict of interest, disruptive behavior, neglect or violation of duty, conviction of any crime deemed by the Town Council to affect the fitness or ability of the individual to serve, or any other cause determined by the Town Council to warrant removal. Prior to removal for cause the member shall be notified of the charges or allegations and shall have an opportunity to appear before the Town Council and answer those charges according to procedures adopted by the Town Council.

Alternate members shall be appointed and shall serve in the same manner as regular members and shall be requested to attend meetings and training. In the absence of a member of the Planning Commission, an alternate member shall sit in place of and perform the same functions and duties as a regular member of the commission.

A quorum to conduct business or conduct a public hearing or perform any other function of the commission shall only consist of one of the following options, based on the members present in attendance:

1. Two regular members and zero alternate members.
2. Two regular members and one alternate member.

Whenever an alternate is used to make a quorum, the senior-most alternate shall be used. The Chairman may temporarily designate the senior-most alternate as a voting member.

Unless otherwise specified herein, any matter shall be passed or approved upon motion made and seconded and approved by the affirmative vote of the majority of members present at the meeting. In the case where a vote is tied, the motion will be tabled until the next meeting.

The commission may adopt rules of order for the conduct of its business and shall adopt rules of procedure for the conduct of public hearings before the commission which shall be approved and may be altered or amended by the Town Council.

Failure to adopt rules of order or procedure shall not be cause to avoid or nullify action of the commission.

ELECTION

The Chairman shall be elected by the members of the Commission from among the regular members and shall hold office year or until their successors are elected by the members and qualified by the Town Council. The elections shall take place in January of each year.

VACANCIES

Should the office of Chairman become vacant, the Commission shall elect a successor from the Commission members at the next regular meeting and such election shall be for the unexpired term of said office. Any vacancy occurring during the term of any member by reason of death, resignation, removal or disqualification shall be promptly filled. The Commission shall give recommendations for a successor to the Town Council to fill the unexpired portion of the term.

DISQUALIFICATION

From time to time a member will need to be excused in missing a regularly scheduled meeting. The member will call in to the Chair to give notice for an excused absence. An excused absence does not disqualify a member to sit on the Commission. Four unexcused absences in a year disqualifies a member. Upon the fourth unexcused absence of a member on the Planning and Zoning Commission, the Chair will give written notice of disqualification and appreciation for service to the disqualified member. The vacancies will be filled as soon as possible.

OFFICERS

The officer of the Commission shall be a Chair. In the absence of the Chair, the members present at such a meeting may elect a Chair pro tem. The term of office for the Chair shall be one year and for the Chair pro tem only for the meeting at which he or she is appointed or until relieved of the Chairship by the Chair.

A secretary to the Commission may be appointed in conformance with Dutch John Planning and Zoning Ordinances and Procedures.

MEETINGS

The regular meetings of the Commission shall be held twice per month and a schedule be set at the beginning of each calendar year, providing that:

1. A quorum of the Commission at any such regular meeting may, by formal action, substitute another day for a regular meeting for the ensuing month.
2. If, for any reason, the business to be considered at a regular meeting cannot then be completed, the Commission may, at such meeting, designate the time for an adjourned meeting to consider any matter that can properly be considered at a regular meeting, provided that such action shall serve an adequate notice to members not present.
3. The Chair or other designated member shall preside at all meetings. Except as otherwise authorized, the Chair or other designated member shall sign all contracts, deeds, plats, and other instruments made by the Commission. At each meeting the Chair or other designated member shall submit such recommendations and information as may be considered proper concerning the business, affairs and policies of the Commission.
4. In the event of lack of quorum at a regular meeting, the Chair or chair pro tem, in that order, shall adjourn the meeting to another date and such declaration of adjournment shall serve as sufficient notice thereof to all members present and it shall be the duty of the Chair to employ such reasonable means as may be necessary to notify the absentees.
5. Special meetings may be called:
 - a. By action of the Commission at a regular meeting.
 - b. By order of the Chairman.
 - c. By the written request of one or more regular members of the Commission.

Written notice for special meetings shall be provided to members of the Commission by the Chair. In the event of emergency, a telephoned notice shall suffice, provided a written waiver or other notice is signed by a majority of the entire commission present at such a special meeting. Action on matters at special meetings shall be limited to subjects announced in the call for such special meetings.

MINUTES AND RECORDS

It shall be the duty of the Town Clerk to keep the minutes of all official meetings of the Planning Commission in conformance with the Town of Dutch John Zoning Ordinances and Procedures, including public hearings whether presided over by the Commission as a whole or by a designated member or members. It shall also be the duty of the Chair to maintain all of the records of the Planning Commission, including all applications made under provisions of law and the complete files of proceedings and actions taken in connection therewith.

The Clerk, prior to any regular scheduled meeting of the Planning Commission, transmits to each member of the Commission a full and completed copy of the minutes of the previous meetings, including copies of any resolutions referred to therein.

PERSONNEL

The Commission may from time to time employ, with the approval of the Town Council, such personnel or consultants as it deems necessary to exercise its powers, duties and functions as prescribed by the laws of the State of Utah, applicable thereto. The selection and compensation of such personnel shall be determined by the Town Council subject to the laws and ordinances of the Town of Dutch John.

POLICIES FOR CONDUCTING BUSINESS

1. Members may serve with compensation

Members and alternates of the Planning Commission may receive a per diem compensation for attendance at meetings and training sessions of \$50 per meeting or such other amount as may be established by resolution of the Town Council. Members or alternates may be reimbursed for reasonable expenses incurred in the performance of their duties with the approval of the Town Council.

2. Contracts and employment

The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with planners and other consultants for such services as it requires, provided the expenditures of the Commission shall not be in excess of such sums as may be appropriated by the Town Council, and/or placed at the disposal of the Commission through donations or otherwise.

3. Reports and recommendations - entry upon land

The Planning Commission may make reports and recommendations relating to the General Plan and development of the town to Town officials and agencies, and other organizations and citizens. It may recommend to the Town Council programs for public improvements and the financing thereof. The Commission, its members and employees, in the performance of its function may enter upon any land at reasonable times to make examination and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its function and promote town planning.

4. Land Use Plan

The Planning Commission, through its own initiative or by order of the Town Council, shall make and submit to the Town Council a land use plan, including both the full text of the Zoning Ordinance and maps, and any amendments thereto, representing the Commission's recommendations for zoning of the Town of Dutch John. The Town Council may, after receiving the recommendations of the Commission, adopt the recommendations of the Commission, as it may determine.

5. General Plan

It shall be the function and duty of the Planning Commission, after holding public hearings, to make and adopt and certify to the Town council a General Plan for the physical development of the town. The General Plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall show the Commission recommendation for the said physical development and may include, among other things, the general location and extent of streets. The Planning Commission, after holding a public hearing thereon, may from time to time amend, extend, or add to the plan or carry any part of the subject matter into great detail.

General Plan to act as guide for development.

Whenever the Town Council shall have adopted a General Plan for the Town of Dutch John, henceforth the General Plan shall be a guide for the physical development of the town. All land use decisions should, where practical, conform to the adopted General Plan. The General Plan should be reviewed and updated from time to time to reflect new circumstances.

6. Adoption of Master Street Plan

The Planning Commission shall adopt and maintain a Master Street Plan for the city in conformance with, and as a part of, the General Plan. Said Master Street Plan shall contain the proposed location of all arterial and collector streets, and such other principal streets as the Commission may deem appropriate. Upon adoption of a Master Street Plan by the Planning Commission, said plan shall be submitted to and recommended to the Town Council for adoption as the official Master Street Plan.

7. Approval and recording of subdivision plats

No plan of a subdivision of land lying within the town shall be filed or recorded in the County Recorder's office until it has been submitted to the Planning Commission for recommendation and approval by the Town Council, and any recording of a plat of a subdivision without such approval shall be void. In exercising the power granted to it, the Planning Commission shall prepare regulations governing the subdivision of land within the town. A public hearing thereon shall be held, after which the Town Council may adopt said regulations for the town.

ADVISORY COMMITTEE

The Planning and Zoning commission may make a recommendation to appoint an advisory committee to perform such duties as requested by the Mayor and Town Council. The function of the advisory committee will be to make recommendations and provide guidance to all matters pertaining to activities assigned to the committee.

The committee may be selected from individual citizens, public officials, business and community leaders, and civic organizations.

PLANNING COMMISSION CREED

As a member of the Dutch John Planning and Zoning Commission who is vitally interested in building and maintaining a viable community in which to live, work and play, I hereby resolve to:

Support and defend the Constitution of the United States of America and the Constitution of the State of Utah.

Concern myself with the advancement of the public's interest in all matters that come before me.

Place the competence and effectiveness of service to the public above all interests of persons, factions, or parties.

Endeavor, through diligent attendance, to represent the best interest of the community as a whole, as I have been appointed to do.

Seek to assimilate all pertinent information on matters before the Planning Commission prior to committing myself to an irrevocable judgment or decision.

Prepare myself for all items scheduled for presentation to the Planning Commission. Strive to provide fiscally-sound policies, matching expenditures to funds budgeted.

Not make available to any one citizen any services, tangible or intangible, that are not equally available under the law to any other citizen.

Abstain from participation in a decision of the Planning Commission and/or Governing body where a possible conflict of interest may occur.

Avoid unilateral action that does not comply with existing policy of the Planning Commission.

Work with the professional staff of the Planning Commission and other persons to achieve the most desirable results with regard to the planning/zoning processes and established community development policies.

Refuse personal gifts in every instance where I have reason to believe the gift would not have been extended to me except for my official position, where I have reason to believe the giver's interests are likely to be affected by my official actions, or where the gift is or may reasonably be considered to be designed to influence my official actions.

Conduct myself, in my contacts with other persons and groups, in a manner keeping the trust and dignity reposing in my position as a servant of the community. I shall further take care to guard not only the factual principles but also the appearances of justice and integrity.

CHAIRMAN SIGNATURE APPROVAL

A motion to approve a plat or document that must be signed by the Chair on behalf of the Commission shall include authorization for the Chair to sign the document. If after the

motion is adopted, there are any material changes, the matter must be submitted for approval by the Commission again prior to being signed. Whenever the Chair signs a document on behalf of the Commission, a copy will be made at the time of the signature and kept in the records of the Planning Commission.

Effective Date. This ordinance shall become effective immediately upon publication or posting as set forth by State law. A notice of enactment of the ordinance shall be posted on the public notice website.

Passed and approved this ___ day of ____, 2023.

Attest:

Town Recorder

Mayor

Certificate of Posting/Publication

I, _____ the duly appointed and acting recorder for the Town of Dutch John, Utah, hereby certify that a copy of the Ordinance No. _____ was posted in three (3) public places, within the town on this _____ day of _____, 2023.

Town Recorder