

CHAPTER 21A.06 DECISION MAKING BODIES AND OFFICIALS

21A.06.010: SUMMARY OF AUTHORITY:

The City decision making bodies and officials described in this chapter, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this title in the manner described in sections [21A.06.020](#) through [21A.06.090](#) of this chapter. Other City departments also have specific responsibilities related to this title and are identified in the appropriate sections. (Ord. 56-18, 2018: Ord. 48-18, 2018: Ord. 26-95 § 2(3-1), 1995)

21A.06.020: CITY COUNCIL; JURISDICTION AND AUTHORITY:

The City Council has the following powers and duties in connection with the implementation of this title:

- A. Adopt, amend or reject a proposed general plan for all or part of the area within the City;
- B. Initiate amendments to the text of this title and to the zoning map pursuant to the provisions of section [21A.50.020](#) of this title;
- C. Consider and adopt, reject or modify amendments to the text of this title and to the zoning map pursuant to the provisions of sections [21A.50.030](#) and [21A.50.040](#) of this title;
- D. Establish a fee schedule for applications for a zoning certificate, zoning amendments, special approvals and any other type of approval required by the provisions of this title; and
- E. Take such other actions which are legislative in nature and which are not delegated to other bodies which may be desirable and necessary to implement the provisions of this title. (Ord. 83-96 § 1, 1996: Ord. 26-95 § 2(3-2), 1995)

21A.06.030: PLANNING COMMISSION:

- A. General Provisions: The provisions of title 2, [chapter 2.07](#) of this Code shall apply to the Planning Commission except as otherwise set forth in this section.
- B. Creation: The Planning Commission is created pursuant to the enabling authority granted by the Municipal Land Use Development and Management Act of the Utah Code.
- C. Jurisdiction And Authority: The Planning Commission shall have the following powers and duties in connection with the implementation of this title:
 1. Prepare and recommend to the City Council for adoption, a comprehensive, general plan and amendments to the general plan for the present and future needs of the City and the growth and development of the land within the City or any part of the City;
 2. Make comprehensive surveys and studies of the existing conditions and trends of growth and of the probable future requirements of the City and its residents as part of the preparation of the general plan;
 3. Initiate amendments to the text of this title and to the zoning map pursuant to the provisions of [chapter 21A.50](#) of this title;
 4. Review, evaluate and make recommendations to the City Council on proposed amendments to this title pursuant to the procedures and standards set forth in [chapter 21A.50](#) of this title;

5. Review, hear and decide applications for conditional uses, including planned developments, pursuant to the procedures and standards set forth in [chapters 21A.54](#), "Conditional Uses", [21A.55](#), "Planned Developments", and [21A.59](#), "Design Review", of this title;

6. Hear and decide appeals from administrative hearing decisions of the Planning Director;

7. Hear and decide applications for subdivision amendments and approvals pursuant to the Municipal Land Use Development and Management Act, title 10, chapter 9a of the Utah Code; and

~~8. Authorize special exceptions to the terms of this title pursuant to the procedures and standards set forth in [chapter 21A.52](#), "Special Exceptions", of this title.~~

D. Membership: The Planning Commission shall consist of ~~at least nine (9) up to a maximum of eleven (11)~~ voting members, appointed from among qualified electors of the City in a manner providing balanced geographic, professional, neighborhood and community interests representation.

1. The Director of the Planning Division (or the Planning Director's designated representative) shall serve as an ex officio member without vote.

2. Appointment to a position created by any vacancy shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.

E. Meetings: The Planning Commission shall meet at least once each month.

F. Commission Action: A simple majority of the voting members present at the meeting at which a quorum is present shall be required for any action taken. The decision of the Planning Commission shall become effective upon the posting of the record of decision.

G. Public Hearings: The Planning Commission shall schedule and give public notice of all public hearings pursuant to the provisions of [chapter 21A.10](#), "General Application And Public Hearing Procedures", of this title.

H. Conflicts Of Interest: The Planning Commission may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.

I. Removal Of A Member: Any member of the Planning Commission may be removed by the Mayor for violation of this title or any policies and procedures adopted by the Planning Commission following receipt by the Mayor of a written complaint filed against the member. If requested by the member, the Mayor shall provide the member with a public hearing conducted by a Hearing Officer appointed by the Mayor.

J. Policies And Procedures: The Planning Commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning. (Ord. 14-19, 2019: Ord. 10-16, 2016: Ord. 56-14, 2014)

21A.06.040: APPEALS HEARING OFFICER:

A. Creation: The position of Appeals Hearing Officer is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, section 10-9a-701 of the Utah Code Annotated.

B. Jurisdiction And Authority: The Appeals Hearing Officer shall have the following powers and duties in connection with the implementation of this title:

1. Hear and decide appeals from any administrative decision made by the Zoning Administrator in the administration or the enforcement of this title pursuant to the procedures and standards set forth in [chapter 21A.16](#), "Appeals Of Administrative Decisions", of this title;
2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in [chapter 21A.18](#), "Variances", of this title;
3. Hear and decide appeals of any administrative decision made by the Historic Landmark Commission pursuant to the procedures and standards set forth in section [21A.34.020](#), "H Historic Preservation Overlay District", of this title;
4. Hear and decide appeals from decisions made by the Planning Commission concerning subdivisions or subdivision amendments pursuant to the procedures and standards set forth in title 20, "Subdivisions And Condominiums", of this Code; and
5. Hear and decide appeals from administrative decisions made by the planning commission pursuant to the procedures and standards set forth in this title.

C. Qualifications: The appeals hearing officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide upon any matter properly presented for appeals hearing officer review. The appeals hearing officer ~~may~~ shall be appointed to a term of five (5) years and may be reappointed. ~~serve a maximum of two (2) consecutive full terms of five (5) years each.~~ The appeals hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

D. Conflict Of Interest: The appeals hearing officer shall not participate in any appeal in which the appeals hearing officer has a conflict of interest prohibited by title 2, [chapter 2.44](#) of this code.

E. Removal Of The Appeals Hearing Officer: The appeals hearing officer may be removed by the mayor for violation of this title or any policies and procedures adopted by the planning director following receipt by the mayor of a written complaint filed against the appeals hearing officer. If requested by the appeals hearing officer, the mayor shall provide the appeals hearing officer with a public hearing conducted by a hearing officer appointed by the mayor. (Ord. 7-14, 2014: Ord. 61-12, 2012)

21A.06.050: HISTORIC LANDMARK COMMISSION:

A. General Provisions: The provisions of title 2, [chapter 2.07](#) of this code shall apply to the historic landmark commission except as otherwise set forth in this section.

B. Creation: The historic landmark commission was created pursuant to the enabling authority granted by the historic district act, section 11-18-1 et seq., of the Utah Code Annotated, 1953 (repealed), and continues under the authority of the land use development and management act, Utah code chapter 10-9a.

C. Jurisdiction And Authority: The historic landmark commission shall:

1. Review and approve or deny an application for a certificate of appropriateness pursuant to the provisions of [chapter 21A.34](#) of this title;
2. Participate in public education programs to increase public awareness of the value of historic, architectural and cultural preservation;

3. Review and approve or deny applications for the demolition of structures in the H historic preservation overlay district pursuant to [chapter 21A.34](#) of this title;

4. Recommend to the planning commission the boundaries for the establishment of an H historic preservation overlay district and landmark sites;

5. Make recommendations when requested by the planning commission, the hearing officer or the city council, as appropriate, on applications for zoning amendments and conditional uses involving H historic preservation overlay districts and landmark sites;

6. Review and approve or deny certain modifications to dimensional standards for properties located within an H Historic Preservation Overlay District. This authority is also granted to the planning director or designee for applications within the H Historic Preservation Overlay District that are eligible for administrative approval by the planning director or zoning administrator. The certain modifications to zoning district specific development standards are listed as follows and are in addition to any modification authorized elsewhere in this title:

a. Building wall height;

b. Accessory structure wall height;

c. Accessory structure square footage;

d. Fence height;

e. Overall building and accessory structure height;

f. Signs pursuant to section [21A.46.070](#) of this title; and

g. Any modification to bulk and lot regulations, except density, of the underlying zoning district where it is found that the proposal complies with the applicable standards identified in section [21A.34.020](#) and is compatible with the surrounding historic structures.

7. Make recommendations to the planning commission in connection with the preparation of the general plan of the city; and

8. Make recommendations to the City Council on policies and ordinances that may encourage preservation of buildings and related structures of historical and architectural significance.

D. Membership: The Historic Landmark Commission shall consist of ~~not less than seven (7)~~ ~~nor more than eleven (11)~~ voting members appointed in a manner providing balanced geographic, professional, neighborhood and community interests representation. Appointment to a position created by any vacancy shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.

E. Qualifications Of Members: Each voting member shall be a resident of the City interested in preservation and knowledgeable about the heritage of the City. Members shall be selected so as to ideally provide representation from the following groups of experts and interested parties whenever a qualified candidate exists:

1. At least two (2) architects, and

2. Citizens at large possessing preservation related experience in archaeology, architecture, architectural history, construction, history, folk studies, law, public history, real estate, real estate appraisal, or urban planning.

F. Meetings: The Historic Landmark Commission shall meet at least once per month or as needed.

G. Commission Action: A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action taken. The decision of the Historic Landmark Commission shall become effective upon the posting of the record of decision.

H. Public Hearings: The Historic Landmark Commission shall schedule and give public notice of all public hearings pursuant to the provisions of [chapter 21A.10](#) of this title.

I. Removal Of A Member: Any member of the Historic Landmark Commission may be removed by the Mayor for violation of this title or any policies and procedures adopted by the Historic Landmark Commission following receipt by the Mayor of a written complaint filed against the member.

J. Policies And Procedures: The Historic Landmark Commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning. (Ord. 64-21, 2021: Ord. 56-14, 2014)