

TOQUERVILLE CITY
PLANNING COMMISSION MEETING AGENDA
October 09, 2024, at 6:00 p.m.
212 N. Toquer Blvd, Toquerville Utah

This meeting will also be broadcast via YouTube live on the Toquerville City YouTube channel at
<https://www.youtube.com/channel/UCOn3wYhjwc2gKbc91YPRIAA>

A. CALL TO ORDER:

1. Call to Order – Chair Preslar
2. Pledge of Allegiance – Commissioner Harrison
3. Statement of Belief/Opening Prayer – Commissioner Haymore
4. Disclosures and Declaration of conflicts from Commission Members.

B. APPROVAL OF AGENDA:

1. Approval of agenda order

C. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from September 11, 2024 Planning Commission Meeting.

D. REPORTS:

1. Planning Chair, Valerie Preslar
2. Planning Commissioners
3. Assistant City Manager, Darrin LeFevre
4. City Attorney, Matt Ekins

E. BUSINESS ITEM(S):

1. **Discussion and possible recommendation** on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-13A: BMP Business and Manufacturing Zone to modify the allowed use table.
 - A. Public Hearing:** Public input is sought on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-13A: BMP Business and Manufacturing Zone to modify the allowed use table.
 - B. Possible recommendation to City Council.**
2. **Discussion and possible recommendation** on Ordinance 2024.XX – Amending Toquerville City Code 10-14: Light Industrial Zones to modify the allowed use table.
 - A. Public Hearing:** Public input is sought on Ordinance 2024.XX – Amending Toquerville City Code 10-14: Light Industrial Zones to modify the allowed use table.
 - B. Possible recommendation to City Council.**
3. **Discussion** on the Planning Commission Policies and Procedures Manual.

F. ADJOURN:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office 435.635.1094, at least 48 hours in advance. This Agenda will be posted on the State website at <http://pmn.utah.gov>, posted on the Toquerville City website at www.toquerville.org, and at the City Office Building at 212 N Toquer Blvd. Posted October 8, 2024, by Toquerville City Recorder, Emily Teaters.

TOQUERVILLE CITY
PLANNING COMMISSION MEETING MINUTES
September 11, 2024 at 6:00 pm
212 N. Toquer Blvd, Toquerville Utah

Present: Chair: Valerie Preslar; Commissioners: Dean Haymore, Jenny Chamberlain, Angela Harrison, Commissioner Alternate Glenn Leavitt; Staff: City Manager, Ben Billingsley, Assistant City Manager Darrin LeFevre, City Attorney Matt Ekins, City Recorder Daisy Fuentes, Planning and Zoning Administrator Emily Teaters; Absent: Commissioner Gary Tomsik, Commissioner Alternate Lonnie Christensen.

A. CALL TO ORDER:

Chair Preslar called the meeting to order at 6:01 p.m. Commissioner Leavitt led the Pledge of Allegiance. The invocation was led by Commissioner Chamberlain. There were no disclosures or declarations of conflicts from the commissioners.

B. APPROVAL OF AGENDA:

Commissioner Haymore made a motion to approve the agenda as posted. Commissioner Harrison seconded the motion. Motion carried, 5-0. Glenn Leavitt – aye, Jenny Chamberlain – aye, Dean Haymore – aye, Angela Harrison – aye, Val Preslar – aye.

C. CONSENT AGENDA:

1. Review and possible approval of meeting minutes from August 14, 2024.

Commissioner Haymore made a motion to approve the minutes as typed, as printed. Commissioner Chamberlain seconded the motion. Motion carried, 4-1. Glenn Leavitt – aye, Jenny Chamberlain – aye, Dean Haymore – aye, Angela Harrison – aye, Val Preslar – abstain.

D. REPORTS:

1. Planning Chair Preslar
Val introduced our new City Manager, Ben Billingsly and asked him to tell the commissioners about himself. Ben gave a brief introduction and overview of his professional experience.
2. Planning Commissioners
Nothing to report.
3. Planning and Zoning Administrator, Emily Teaters
Emily gave an update on Toquerville City ordinances and policies being revised and/or researched and reminded the commissioners of the Housing Supply Accelerator Workshop on Friday.
4. Assistant City Manager, Darrin LeFevre
Darrin provided updates on current city projects, including Firelight and the bypass road, and addressed questions from the commissioners. Attorney Etkins added that the City acquired a parcel at the top of the south side of the cut to resolve potential issues related to the slope change

5. City Attorney, Matt Ekins
Nothing to report.

E. BUSINESS ITEM(S):

1. **Discussion and possible recommendation** on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-9: Agricultural Districts to modify the allowed uses and physical restrictions for this zone.
Emily Teaters gave a brief report on this item and reviewed the proposed changes within the ordinance.

A. Public Hearing: Public input is sought on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-9: Agricultural Districts to modify the allowed uses and physical restrictions for this zone.

Chair Preslar opened the public hearing. No comments from the public. Chair Preslar closed the public hearing.

B. Possible recommendation to City Council.

The commissioners and staff discussed this item.

Commissioner Harrison made a motion to recommend approval of everything we just discussed to City Council. Commissioner Chamberlain seconded the motion. Motion carried, 4-1. Glenn Leavitt – aye, Jenny Chamberlain – aye, Angela Harrison – aye, Val Preslar – aye, Dean Haymore – abstain.

2. **Discussion and possible recommendation** on Ordinance 2024.XX – Amending Toquerville City Code 10-14: Light Industrial Zones to modify the allowed use table for Light Industrial Zones.

Emily Teaters gave a brief report on this item and reviewed the proposed changes within the ordinance. The commissioners and staff discussed this item.

A. Public Hearing: Public input is sought on Ordinance 2024.XX – Amending Toquerville City Code 10-14: Light Industrial zones to modify the allowed use table for Light Industrial Zones.

Chair Preslar opened the public hearing. No comments from the public. Chair Preslar closed the public hearing.

B. Possible recommendation to City Council.

Commissioner Haymore made a recommendation to send this back to staff and remove hostel from the bill and do whatever we need to do legally and publicly to bring it back with just removing hostel from the whole chart and from the zone. Commissioner Leavitt seconded the motion. Motion carried, 4-1. Glenn Leavitt – aye, Dean Haymore – aye, Angela Harrison – aye, Val Preslar – aye, Jenny Chamberlain – nay.

Attorney Etkins added that Toquerville City Code 10-13A: BMP Business and Manufacturing Zone will have to be brought before them again to remove “Hostel” from that zone if their intent is to remove it entirely from the City’s code.

Commissioner Haymore asked staff to review that and come back with their suggestions, with guidance from legal counsel.

3. **Discussion and possible recommendation** on a Final Plat Application submitted by Jerry Eves for Boulder Ridge, Phase 1. Tax ID #: T-3-0-22-3212.
Emily Teaters introduced this item to the commission. The commissioners, staff and the applicant, David Eves, answered questions from the commission.

Commissioner Haymore made a motion to recommend this final plat application submitted by Jerry Eves for Boulder Ridge Phase 1, Tax ID#: T-3-0-22-3212 to the City Council for going further for approval as required by the City codes and zoning ordinances and after it's checked by City department and legal staff. Commissioner Harrison seconded the motion. Motion carried, 5-0. Glenn Leavitt – aye, Jenny Chamberlain – aye, Angela Harrison – aye, Val Preslar – aye, Dean Haymore – aye.

4. **Discussion on the Planning Commission Policies and Procedures Manual.**
The commissioners and staff discussed this item.

F. ADJOURN:

Commissioner Chamberlain motioned to adjourn. Commissioner Harrison seconded the motion. Motion carried, 5-0. Glenn Leavitt – aye, Jenny Chamberlain – aye, Angela Harrison – aye, Val Preslar – aye, Dean Haymore – aye.

Chair Preslar adjourned the meeting at 7:05 pm.

Planning Chair – Valerie Preslar

Date

Attest: City Recorder – Emily Teaters

Toquerville Planning Commission Meeting

Agenda Item Sheet

Commission Meeting Date: 10/09/2024

Department: Planning & Zoning

Agenda Item Title:

Discussion and possible recommendation on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-13A: BMP Business and Manufacturing Zone to modify the allowed use table.

Presented By: Darrin LeFevre

Previous Action:

This Ordinance was drafted at the request of Planning Commission at a
(Policy, Resolution, Ordinance) (City Council, Planning & Zoning Admin.)

meeting held on September 11th, 2024.
(Date)

N/A (if no previous action was taken, skip to Background)*

Background:

This ordinance was drafted at the request of the Planning Commission following the City Council's recommendation to make a Hostel a Conditional Use.

Proposed Changes:

- The removal of "Hostel" from the allowed use table.
- The removal of "Transitional Housing Facility" from the allowed use table.

Staff Comments:

Staff recommends the review of the current allowed use table which also includes a "Transitional Housing Facility."

- According to the US Department of Housing and Urban Development, a Transitional Housing Facility is (or is similar to):
 - *"Transitional Housing (TH) provides temporary housing with supportive services to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing. TH projects can cover housing costs and accompanying supportive services for program participants for up to 24 months.*
 - *Participants in a TH project must have a signed lease, sublease, or occupancy agreement with the following requirements:*
 - *An initial term of at least one month*
 - *Automatically renewable upon expiration, except by prior notice by either party*
 - *A maximum term of 24 months"*

Exhibits/Handouts/Audio/Visualization: *(Supporting documents required for review)*

☒ **Current City Code**

☐ **Current State Code**

☒ **Requested Redlines**

☐ **Additional Documents**

Commission Recommendation Requested:

☐ For Information/Review Only ☒ For Commission Recommendation

Sheet prepared by: Emily Teaters

Date Submitted: 10/03/2024

Sheet reviewed by: Darrin LeFevre

TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING AND RESTATING TITLE 10, CHAPTER 13, ARTICLE A OF THE TOQUERVILLE CITY CODE TO MODIFY THE ALLOWED USE TABLE FOR BUSINESS AND MANUFACTURING ZONES.

RECITALS

WHEREAS Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT. TITLE 10, CHAPTER 13, ARTICLE A of the Toquerville City Code is hereby amended and restated in its entirety as follows:

CHAPTER 13
BUSINESS, MANUFACTURING ZONES

ARTICLE A. BMP BUSINESS AND MANUFACTURING ZONE
SECTION:

10-13A-1: Purpose

10-13A-2: Allowed Use Table

10-13A-3: Physical Restrictions

10-13A-4: Special Regulations

10-13A-1: PURPOSE:

The purpose of the BMP Zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing and limited retail uses. (Ord. 2017.07, 6-8-2017)

10-13A-2: ALLOWED USE TABLE:

Only the following uses set forth in the table below are allowed in the Business Manufacturing Zone.

<u>Use</u>	
<u>Agricultural Industry</u>	<u>C</u>

<u>Animal hospital</u>	<u>P</u>
<u>Athletic club</u>	<u>P</u>
<u>Bank or financial institution</u>	<u>P</u>
<u>Bus terminal</u>	<u>C</u>
<u>Business equipment, sales, rental, supplies</u>	<u>P</u>
<u>Car wash</u>	<u>P</u>
<u>Church or place of worship</u>	<u>P</u>
<u>Clean indoor manufacturing facility</u>	<u>P</u>
<u>Club or service organization</u>	<u>P</u>
<u>Commercial kennel</u>	<u>C</u>
<u>Construction sales and service</u>	<u>P</u>
<u>Convalescent care facility</u>	<u>C</u>
<u>Convenience store</u>	<u>P</u>
<u>Cultural services</u>	<u>P</u>
<u>Daycare center</u>	<u>P</u>
<u>Funeral home</u>	<u>P</u>
<u>Garden center</u>	<u>P</u>
<u>Gasoline service station</u>	<u>P</u>
<u>General manufacturing (light and clean manufacturing)</u>	<u>P</u>
<u>Hospital</u>	<u>P</u>
<u>Hostel</u>	<u>C</u>
<u>Hotel</u>	<u>P</u>
<u>Laundry and dry cleaning</u>	<u>P</u>
<u>Medical Office</u>	<u>P</u>
<u>Office, general</u>	<u>P</u>
<u>Operations center</u>	<u>P</u>
<u>Pawnshop</u>	<u>C</u>
<u>Pest control and extermination</u>	<u>P</u>
<u>Post office</u>	<u>P</u>
<u>Public or quasi-public uses for essential public services</u>	<u>P</u>
<u>Public utility uses</u>	<u>P</u>
<u>Reception center</u>	<u>C</u>

<u>Recreation and entertainment</u>	<u>C</u>
<u>Rehabilitation facility</u>	<u>C</u>
<u>Research facility</u>	<u>C</u>
<u>Residential facility for persons with a disability (see 10-17-2)</u>	<u>CS</u>
<u>Residential facility for troubled youth</u>	<u>C</u>
<u>Restaurant</u>	<u>P</u>
<u>Service retail</u>	<u>P</u>
<u>Transitional housing facility</u>	<u>C</u>
<u>The extraction industry uses, as defined in Chapter 15, Article D, of this Title.</u>	<u>CS</u>
<u>Other uses similar to the above and judged by the Planning Commission to be in harmony with the character intent of this zone.</u>	<u>C</u>
<u>Legend:</u> P = Permitted Use, C = Conditional, CS = Conditional w/Standards or Permit	

10-13A-3: PHYSICAL RESTRICTIONS:

Minimum frontage	80 feet (unless otherwise approved by Conditional Use Permit)
Minimum lot area	.5 acre
Maximum height - main building	35 feet
Maximum height - accessory	20 feet
Front yard setback	25 feet
Rear yard setback	10 feet
Interior side yard setback	10 feet
Street side yard setback	20 feet

(Ord. 2012.04, 1-18-2012)

10-13A-4: SPECIAL REGULATIONS:

- A. Increased Height: Notwithstanding the height limitations shown in section 10-13A-4 of this Article a greater building height may be allowed in a business or industrial zone pursuant to a conditional use permit.***
- B. Setbacks Abutting a Residential Zone: When abutting a residential zone, the minimum setback shall be required plus one additional foot for every foot of building height over thirty (30) feet.***
- C. Protection of Residential Zones: Where any business and manufacturing zone adjoins any residential zone, as part of the required setbacks, there shall be provided and maintained along such property line a six (6) foot solid masonry wall***

and a ten (10) foot landscape buffer to protect the adjoining residential or agricultural property. The landscape buffer shall include the strategic planting of trees and shrubs to provide adequate screening. All landscaping shall comply with 10-21-5 of the Toquerville City Code.

D. Processing Within An Enclosed Building: All processing and/or assembly of goods shall be conducted completely within an enclosed building, unless otherwise specified in this section.

E. Outdoor Storage: Outdoor storage of materials or finished or semifinished goods shall be located at least one hundred (100) feet from any residential zone boundary. (Ord. 2016.04, 6-9-2016)

2. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this ____ day of _____ 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder

TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING AND RESTATING TITLE 10, CHAPTER 13, ARTICLE A OF THE TOQUERVILLE CITY CODE TO MODIFY THE ALLOWED USE TABLE FOR BUSINESS AND MANUFACTURING ZONES.

RECITALS

WHEREAS Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT. TITLE 10, CHAPTER 13, ARTICLE A of the Toquerville City Code is hereby amended and restated in its entirety as follows:

CHAPTER 13
BUSINESS, MANUFACTURING ZONES

ARTICLE A. BMP BUSINESS AND MANUFACTURING ZONE
SECTION:

10-13A-1: Purpose

10-13A-2: Allowed Use Table

10-13A-3: Physical Restrictions

10-13A-4: Special Regulations

10-13A-1: PURPOSE:

The purpose of the BMP Zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing and limited retail uses. (Ord. 2017.07, 6-8-2017)

10-13A-2: ALLOWED USE TABLE:

Only the following uses set forth in the table below are allowed in the Business Manufacturing Zone.

<u>Use</u>	
<u>Agricultural Industry</u>	<u>C</u>

<u>Animal hospital</u>	<u>P</u>
<u>Athletic club</u>	<u>P</u>
<u>Bank or financial institution</u>	<u>P</u>
<u>Bus terminal</u>	<u>C</u>
<u>Business equipment, sales, rental, supplies</u>	<u>P</u>
<u>Car wash</u>	<u>P</u>
<u>Church or place of worship</u>	<u>P</u>
<u>Clean indoor manufacturing facility</u>	<u>P</u>
<u>Club or service organization</u>	<u>P</u>
<u>Commercial kennel</u>	<u>C</u>
<u>Construction sales and service</u>	<u>P</u>
<u>Convalescent care facility</u>	<u>C</u>
<u>Convenience store</u>	<u>P</u>
<u>Cultural services</u>	<u>P</u>
<u>Daycare center</u>	<u>P</u>
<u>Funeral home</u>	<u>P</u>
<u>Garden center</u>	<u>P</u>
<u>Gasoline service station</u>	<u>P</u>
<u>General manufacturing (light and clean manufacturing)</u>	<u>P</u>
<u>Hospital</u>	<u>P</u>
<u>Hotel</u>	<u>P</u>
<u>Laundry and dry cleaning</u>	<u>P</u>
<u>Medical Office</u>	<u>P</u>
<u>Office, general</u>	<u>P</u>
<u>Operations center</u>	<u>P</u>
<u>Pawnshop</u>	<u>C</u>
<u>Pest control and extermination</u>	<u>P</u>
<u>Post office</u>	<u>P</u>
<u>Public or quasi-public uses for essential public services</u>	<u>P</u>
<u>Public utility uses</u>	<u>P</u>
<u>Reception center</u>	<u>C</u>
<u>Recreation and entertainment</u>	<u>C</u>

<u>Rehabilitation facility</u>	<u>C</u>
<u>Research facility</u>	<u>C</u>
<u>Residential facility for persons with a disability (see 10-17-2)</u>	<u>CS</u>
<u>Residential facility for troubled youth</u>	<u>C</u>
<u>Restaurant</u>	<u>P</u>
<u>Service retail</u>	<u>P</u>
<u>The extraction industry uses, as defined in Chapter 15, Article D, of this Title.</u>	<u>CS</u>
<u>Other uses similar to the above and judged by the Planning Commission to be in harmony with the character intent of this zone.</u>	<u>C</u>
<u>Legend:</u> P = Permitted Use, C = Conditional, CS = Conditional w/Standards or Permit	

10-13A-3: PHYSICAL RESTRICTIONS:

Minimum frontage	80 feet (unless otherwise approved by Conditional Use Permit)
Minimum lot area	.5 acre
Maximum height - main building	35 feet
Maximum height - accessory	20 feet
Front yard setback	25 feet
Rear yard setback	10 feet
Interior side yard setback	10 feet
Street side yard setback	20 feet

(Ord. 2012.04, 1-18-2012)

10-13A-4: SPECIAL REGULATIONS:

- A. Increased Height: Notwithstanding the height limitations shown in section 10-13A-4 of this Article a greater building height may be allowed in a business or industrial zone pursuant to a conditional use permit.***
- B. Setbacks Abutting a Residential Zone: When abutting a residential zone, the minimum setback shall be required plus one additional foot for every foot of building height over thirty (30) feet.***
- C. Protection of Residential Zones: Where any business and manufacturing zone adjoins any residential zone, as part of the required setbacks, there shall be provided and maintained along such property line a six (6) foot solid masonry wall and a ten (10) foot landscape buffer to protect the adjoining residential or agricultural property. The landscape buffer shall include the strategic planting of***

trees and shrubs to provide adequate screening. All landscaping shall comply with 10-21-5 of the Toquerville City Code.

D. Processing Within An Enclosed Building: All processing and/or assembly of goods shall be conducted completely within an enclosed building, unless otherwise specified in this section.

E. Outdoor Storage: Outdoor storage of materials or finished or semifinished goods shall be located at least one hundred (100) feet from any residential zone boundary. (Ord. 2016.04, 6-9-2016)

2. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this ____ day of _____, 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder

CHAPTER 13

BUSINESS, MANUFACTURING ZONES

ARTICLE A. BMP BUSINESS AND MANUFACTURING ZONE

SECTION:

10-13A-1: Purpose

10-13A-2: Permitted Uses

10-13A-3: Conditional Uses

10-13A-4: Physical Restrictions

10-13A-5: Special Regulations

10-13A-1: PURPOSE:

The purpose of the BMP Zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing and limited retail uses. Typical uses in this zone include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, medical offices and research facilities. (Ord. 2017.07, 6-8-2017)

10-13A-2: PERMITTED USES:

Animal hospital.

Bank.

Business equipment, sales, rental, supplies.

Car wash.

Church.

Club or service organization.

Construction sales and service.

Convenience store.

Cultural services.

Daycare center.

Funeral home.

Garden center.

Gasoline service station.

General manufacturing (light and clean manufacturing).

Golf course.

Hospital.

Hostel.

Hotel.

Laundry and dry cleaning.

Operations center.

Post office.

Public or quasi-public uses for essential public services.

Public utility uses. (Ord. 2017.07, 6-8-2017; amd. Ord. 2021.19, 7-21-2021)

10-13A-3: CONDITIONAL USES:

Agricultural industry.

Bus terminal.

Commercial kennel.

Convalescent care facility.

Liquor store.

Pawnshop.

Reception center.

Recreation, outdoor.

Rehabilitation facility.

Residential facility for persons with a disability¹. This use shall require a permit under section 10-17-2 of this title.

Residential facility for troubled youth.

Transitional housing facility. (Ord. 2012.04, 1-18-2012; amd. 2014 Code; Ord. 2016.04, 6-9-2016; Ord. 2021.19, 7-21-2021)

Notes

¹ 1. UCA § 10-9a-520.

10-13A-4: PHYSICAL RESTRICTIONS:

Minimum lot area	5 acres
Maximum height - main building	35 feet
Maximum height - accessory	20 feet
Front yard setback	25 feet
Rear yard setback	10 feet
Interior side yard setback	10 feet
Street side yard setback	20 feet

(Ord. 2012.04, 1-18-2012)

10-13A-5: SPECIAL REGULATIONS:

A. Increased Height: Notwithstanding the height limitations shown in section 10-13A-4 of this article a greater building height may be allowed in a business or industrial zone pursuant to a conditional use permit to a maximum height of one hundred feet (100'). Provided, however, that within one hundred feet (100') of the boundary of an adjoining agricultural, residential, or commercial zone, no building shall exceed the greater of:

1. The height limit established by such zone; or
2. The height limit permitted by a conditional use permit for a building on an abutting lot within such zone.

B. Processing Within An Enclosed Building: All processing and/or assembly of goods shall be conducted completely within an enclosed building, unless otherwise specified in this section.

C. Outdoor Storage: Outdoor storage of materials, or finished or semifinished goods shall be located at least one hundred feet (100') from any residential zone boundary. (Ord. 2016.04, 6-9-2016)

Toquerville Planning Commission Meeting

Agenda Item Sheet

Commission Meeting Date: 10/09/2024

Department: Planning & Zoning

Agenda Item Title:

Discussion and possible recommendation on Ordinance 2024.XX - Amending Title 10, Chapter 14, Article A of the Toquerville City Code to modify the allowed use table for Light Industrial Zones.

Presented By: Darrin LeFevre

Previous Action:

This Ordinance was drafted at the request of Planning Commission at a
(Policy, Resolution, Ordinance) (City Council, Planning & Zoning Admin.)

meeting held on September 11th, 2024.
(Date)

N/A (if no previous action was taken, skip to Background)*

Background:

This ordinance was drafted at the request of the Planning Commission following the City Council's recommendation to make a Hostel a Conditional Use.

Proposed Changes:

- The removal of "Hostel" from the allowed use table.
- The removal of "Transitional Housing Facility" from the allowed use table.

Staff Comments:

Staff recommends the review of the current allowed use table which also includes a "Transitional Housing Facility."

- According to the US Department of Housing and Urban Development, a Transitional Housing Facility is (or is similar to):
 - *"Transitional Housing (TH) provides temporary housing with supportive services to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing. TH projects can cover housing costs and accompanying supportive services for program participants for up to 24 months.*
 - *Participants in a TH project must have a signed lease, sublease, or occupancy agreement with the following requirements:*
 - *An initial term of at least one month*
 - *Automatically renewable upon expiration, except by prior notice by either party*
 - *A maximum term of 24 months"*

Exhibits/Handouts/Audio/Visualization: *(Supporting documents required for review)*

☒ **Current City Code**

☐ **Current State Code**

☒ **Requested Redlines**

☐ **Additional Documents**

Commission Recommendation Requested:

☐ For Information/Review Only ☒ For Commission Recommendation

Sheet prepared by: Emily Teaters

Date Submitted: 10/03/2024

Sheet reviewed by: Darrin LeFevre

TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING TITLE 10, CHAPTER 14, ARTICLE A OF THE TOQUERVILLE CITY CODE TO MODIFY THE ALLOWED USE TABLE FOR LIGHT INDUSTRIAL ZONES.

RECITALS

WHEREAS Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT. TITLE 10, CHAPTER 14, ARTICLE A of the Toquerville City Code is hereby amended and restated in its entirety as follows:

CHAPTER 14
INDUSTRIAL ZONES

ARTICLE A. M-1 LIGHT INDUSTRIAL ZONE

SECTION:

10-14A-1: Purpose

10-14A-2: Allowed Use Table

10-14A-3: Physical Restrictions

10-14A-4: Special Regulations

10-14A-1: PURPOSE:

The purpose of the M-1 Zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing and material storage. Uses which generate excessive noise, vibration, odor, dust and fumes are not allowed in this zone. (Ord. 2012.04, 1-18-2012)

10-14A-2: ALLOWED USE TABLE:

Only the following uses set forth in the table below are allowed in the Light Industrial Zone.

<u>Use</u>	
<u>Agricultural processing</u>	<u>C</u>
<u>Agricultural sales and service</u>	<u>P</u>
<u>Agriculture</u>	<u>C</u>
<u>Auditorium</u>	<u>C</u>
<u>Bus terminal</u>	<u>C</u>
<u>Club or service organization</u>	<u>P</u>
<u>Commercial kennel</u>	<u>C</u>
<u>Construction sales and service</u>	<u>P</u>
<u>Convalescent care facility</u>	<u>C</u>
<u>Convenience store</u>	<u>P</u>
<u>Freight terminal</u>	<u>P</u>
<u>Funeral home</u>	<u>P</u>
<u>Garden Center</u>	<u>P</u>
<u>Gas and fuel, storage, and sales</u>	<u>P</u>
~~<u>Hostel</u>~~	~~<u>E</u>~~
<u>Hotel</u>	<u>P</u>
<u>Media service</u>	<u>P</u>
<u>Medical or dental laboratory</u>	<u>P</u>
<u>Office, general</u>	<u>P</u>
<u>Operations center</u>	<u>P</u>
<u>Parking garage, public</u>	<u>C</u>
<u>Pest control and extermination</u>	<u>P</u>
<u>Post Office</u>	<u>P</u>
<u>Printing and copying</u>	<u>P</u>
<u>Protective service</u>	<u>P</u>
<u>Public or quasi-public uses for essential public services</u>	<u>P</u>
<u>Public utility uses</u>	<u>P</u>
<u>Restaurant, or fast-food establishment</u>	<u>P</u>
<u>RV and boat storage</u>	<u>C</u>
<u>Self-storage facilities</u>	<u>C</u>

<u>The extraction industry uses, as defined in Chapter 15, Article D, of this Title.</u>	<u>CS</u>
~~Transitional housing facility~~	~~C~~
<u>Vehicle repair and service</u>	<u>P</u>
<u>Other uses similar to the above and judged by the Planning Commission to be in harmony with the character intent of this zone.</u>	<u>C</u>
<u>Legend:</u> P = Permitted Use, C = Conditional, CS = Conditional w/Standards or Permit	

10-14A-3: PHYSICAL RESTRICTIONS:

Minimum frontage	80 feet (unless otherwise approved by Conditional Use Permit)
Minimum lot area	No requirement
Maximum height - main building	50 feet
Front yard setback	30 feet
Interior side yard setback	10 feet
Street side yard setback	30 feet
Rear yard setback	10 feet

(Ord. 2012.04, 1-18-2012)

10-14A-4: SPECIAL REGULATIONS:

- A. Increased Height: Notwithstanding the height limitations shown in section 10-13A-4 of this Article a greater building height may be allowed in a business or industrial zone pursuant to a conditional use permit.*
- B. Setbacks Abutting a Residential Zone: When abutting a residential zone, the minimum setback shall be required plus one additional foot for every foot of building height over thirty (30) feet.*
- C. Protection of Residential Zones: Where any business manufacturing zone adjoins any residential or agricultural zone, as part of the required setbacks, there shall be provided and maintained along such property line a six (6) foot solid masonry wall and a ten (10) foot landscape buffer to protect the adjoining residential or agricultural property. The landscape buffer shall include the strategic planting of trees and shrubs to provide adequate screening. All landscaping shall comply with 10-21-5 of the Toquerville City Code.*

2. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this ____ day of ____ 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder

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WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

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SECTION:

10-14A-1: Purpose

10-14A-2: Allowed Use Table

10-14A-3: Physical Restrictions

10-14A-4: Special Regulations

10-14A-1: PURPOSE:

The purpose of the M-1 Zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing and material storage. Uses which generate excessive noise, vibration, odor, dust and fumes are not allowed in this zone. (Ord. 2012.04, 1-18-2012)

10-14A-2: ALLOWED USE TABLE:

Only the following uses set forth in the table below are allowed in the Light Industrial Zone.

<u>Use</u>	
<u>Agricultural processing</u>	<u>C</u>
<u>Agricultural sales and service</u>	<u>P</u>
<u>Agriculture</u>	<u>C</u>
<u>Auditorium</u>	<u>C</u>
<u>Bus terminal</u>	<u>C</u>
<u>Club or service organization</u>	<u>P</u>
<u>Commercial kennel</u>	<u>C</u>
<u>Construction sales and service</u>	<u>P</u>
<u>Convalescent care facility</u>	<u>C</u>
<u>Convenience store</u>	<u>P</u>
<u>Freight terminal</u>	<u>P</u>
<u>Funeral home</u>	<u>P</u>
<u>Garden Center</u>	<u>P</u>
<u>Gas and fuel, storage, and sales</u>	<u>P</u>
<u>Hotel</u>	<u>P</u>
<u>Media service</u>	<u>P</u>
<u>Medical or dental laboratory</u>	<u>P</u>
<u>Office, general</u>	<u>P</u>
<u>Operations center</u>	<u>P</u>
<u>Parking garage, public</u>	<u>C</u>
<u>Pest control and extermination</u>	<u>P</u>
<u>Post Office</u>	<u>P</u>
<u>Printing and copying</u>	<u>P</u>
<u>Protective service</u>	<u>P</u>
<u>Public or quasi-public uses for essential public services</u>	<u>P</u>
<u>Public utility uses</u>	<u>P</u>
<u>Restaurant, or fast-food establishment</u>	<u>P</u>
<u>RV and boat storage</u>	<u>C</u>
<u>Self-storage facilities</u>	<u>C</u>
<u>The extraction industry uses, as defined in Chapter 15, Article D, of this Title.</u>	<u>CS</u>

<u>Vehicle repair and service</u>	<u>P</u>
<u>Other uses similar to the above and judged by the Planning Commission to be in harmony with the character intent of this zone.</u>	<u>C</u>
<u>Legend:</u> P = Permitted Use, C = Conditional, CS = Conditional w/Standards or Permit	

10-14A-3: PHYSICAL RESTRICTIONS:

Minimum frontage	80 feet (unless otherwise approved by Conditional Use Permit)
Minimum lot area	No requirement
Maximum height - main building	50 feet
Front yard setback	30 feet
Interior side yard setback	10 feet
Street side yard setback	30 feet
Rear yard setback	10 feet

(Ord. 2012.04, 1-18-2012)

10-14A-4: SPECIAL REGULATIONS:

- A. Increased Height: Notwithstanding the height limitations shown in section 10-13A-4 of this Article a greater building height may be allowed in a business or industrial zone pursuant to a conditional use permit.***
- B. Setbacks Abutting a Residential Zone: When abutting a residential zone, the minimum setback shall be required plus one additional foot for every foot of building height over thirty (30) feet.***
- C. Protection of Residential Zones: Where any business manufacturing zone adjoins any residential or agricultural zone, as part of the required setbacks, there shall be provided and maintained along such property line a six (6) foot solid masonry wall and a ten (10) foot landscape buffer to protect the adjoining residential or agricultural property. The landscape buffer shall include the strategic planting of trees and shrubs to provide adequate screening. All landscaping shall comply with 10-21-5 of the Toquerville City Code.***

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TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder

CHAPTER 14

INDUSTRIAL ZONES

ARTICLE A. M-1 LIGHT INDUSTRIAL ZONE

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USE	
USE	
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Agriculture	C
Auditorium	C
Bus terminal	C
Club or service organization	P
Commercial kennel	C
Construction sales and service	P
Convalescent care facility	C
Convenience store	P
Freight terminal	P
Funeral home	P
Garden center	P
Gas and fuel, storage, and sales	P
Hostel	P
Hotel	P
Media service	P
Medical or dental laboratory	P
Office, general	P
Operations center	P
Parking garage, public	C
Pest control and extermination	P
Post office	P
Printing and copying	P
Protective service	P
Public or quasi-public uses for essential public services	P
Public utility uses	P
Restaurant, or fast-food establishment	P
RV and boat storage	C
Self-storage facilities	C
The extraction industry uses, as defined in Chapter 15, Article D, of this Title	CS

Transitional housing facility	C
Vehicle repair and service	P
Other uses similar to the above and judged by the Planning Commission to be in harmony with the character intent of this zone	C
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(Ord. 2012.04, 1-18-2012; amd. Ord. 2024.14, 8-7-2024)

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Policies and Procedures Manual

Toquerville Utah Planning Commission

April 2024

FOREWORD

In the course of serving as a public official, you will be involved with numerous issues. This Handbook attempts to centralize information on common issues related to Toquerville City's form of government and your role as an Appointed Official.

The issues addressed are often complex and sometimes subjective. Thus, this Handbook is intended only as a guide and is not a substitute for the counsel, guidance, or opinion of City Staff or the City Attorney, nor is it intended to supersede any City ordinance or other applicable law. Any failure to follow a procedure described in this Handbook shall not invalidate any action taken by the Commission, except as may be otherwise provided by law.

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1. Toquerville City's Form of Government

1.1 Power and Authority

As a political subdivision of the state, the powers of the City derive from the Utah Constitution and from powers specifically given it by the State Legislature. The State of Utah's enabling acts are generally found in Title 10 (the Utah Municipal Code) of the Utah Code (UCA). One of those powers, commonly known as the "police power" is the power to "pass all ordinances and rules . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city." See UCA 10-8-84. The Utah Supreme Court has held that this power is to be broadly interpreted unless specifically preempted or limited by state law. *State v. Hutchinson*, 624 P.2d 1116 (Utah Sup.Ct. 1980).

1.2 Form of Municipal Government

Toquerville City operates under the six (6) member Council, one of whom is the Mayor, with all the powers, authority, duties, functions, and responsibilities provided for said offices by the Utah Constitution and Title 10 of the Utah Code Annotated (including, but not limited to, Sections 10-3b-101 et seq., and 10-3b-301 et seq., Utah Code Annotated, except as otherwise provided herein.) Toquerville City Code 1-7-2.

1.3 Fifth Class City

With a population greater than 1,000 and less than 10,000 residents, Toquerville City is classified by state law as a city of the fifth class.

2. The Planning Commission and Chair

2.1 Appointing of the Chair

The Planning Commission Chair is appointed for a term of one year. Appointment by the Planning Commission will take place at the last meeting of the calendar year to take effect January 1 of the following year in accordance with Toquerville City Code 10- 3-1.

2.2 Appointing of Planning Commission Members

Planning Commission members are appointed for terms of four years, which are staggered. One term expires each year on December 31st. One seat is appointed each year in accordance with Toquerville City Code 10-3-1.

2.3 Commission Integrity

All Commission Members should abide by the following standards:

- Demonstrate honesty, integrity, and courtesy in every action, statement, and meeting.
- Remarks made should only apply to the item under debate.
- Avoid reference to personalities, and refrain from questioning motives of other commissioners, members of staff, or personnel.
- Comply with both the letter and spirit of the laws and policies affecting the operations of government.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in City government.
- Work for the common good, not personal interest.
- Prepare in advance of Commission meetings and be familiar with issues on the agenda.
- Fully participate in Commission meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Review the Planning Commission Policy & Procedures at least annually.
- Be responsible for the highest standards of respect, civility, and honesty in ensuring the effective maintenance of intergovernmental relations.
- Respect the proper roles of Elected and Appointed officials and City staff in ensuring open and effective government.
- Provide contact information to the City Recorder in case an emergency or urgent situation arises.

2.4 Commission Members Represent the City and Act as a Body

Planning Commission members represent the Commission and may represent the City through public appearances, speaking engagements, and through media communications. Commission members should always clarify whether they are acting in a Commission capacity or as private individuals. Official Commission positions should be communicated by the Commission Chair after they have been approved by a majority of the Commission.

In addition, when a Commission member is responding to a question, it is important to publicly note that a Commission majority is required for any Commission action. When discussing the enforcement or interpretation of an existing City ordinance, good judgment would include a referral to the appropriate administrative staff for the final word.

No individual Commission member may occupy or use an office within city facilities. Commission Members wishing to use other spaces on city property must have that space scheduled prior to its use.

2.5 Powers and Duties

2.5.1 Planning Commission Chair and Vice Chair

In addition to those stated in Toquerville City Code 10-3-1 and Utah State Code 10-9a-302, the Planning Commission Chair's powers and duties are:

- Preside at all meetings of the Planning Commission. If the Chair is absent or unable to preside, the Vice Chair shall preside.
- Interface with the Mayor in the conduct and affairs of the Commission.
- Review and make recommendations to the legislative body.
- Execute the policies adopted by the City Council.
- Maintain the dignity of Commission meetings.
- Call the meeting to order and confine the discussion to the agenda.
- Recognize Commission members for motions and statements and may allow audience and staff participation at appropriate times.
- Ensure compliance with the Utah Open and Public Meetings Act.
- Courteously discourage Commission members who talk too much or too often.

- Courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
- Recognizes the Commission member offering the motion, restates the motion, presents each motion to the Commission for consideration, calls for the vote, announces the vote, and then announces the next order of business.

In the absence of the Chair, the Vice Chair will assume the responsibilities outlined in this section and the bylaws.

2.5.2 Planning Commission Members

Utah Code 10-9a-302 describes the role of the Planning Commission and, as of this writing, states that the Commission:

- Elects one of its members to be the Chair of the Commission;
- Reviews and makes recommendations to the legislative body for
 - General Plan and amendments to the General Plan
 - land use regulations
 - an appropriate delegation of power to at least one designated land use authority to hear and act on land use applications
 - an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from decision of the land use authority
- Holds a public hearing in accordance with section 10-9a-404 before making a recommendation to a legislative body

Toquerville City Code Section 10-3-1 also sets forth powers and responsibilities of the Commission and states:

“The Planning Commission shall have all necessary powers conferred on Planning Commission pursuant to Utah Code Annotated title 10, chapter 9a as amended.”

2.6 Relationship to City Staff

Every effort should be made between the planning commission and city staff to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Staff will respond to requests from Commissioners in consideration of Office priorities. Commission member requests that could require extensive research or extensive staff time should be made to the City Manager who will decide how to best facilitate the Commission member's request.

Last Updated: XX/XX/2024

Questions of City staff should be directed only to the City Manager, City Attorney, or Department Heads. The City Manager should be copied on any request to Department Heads. Commission Members should not set up meetings with department staff directly but work through Department Heads. When in doubt about what staff contact is appropriate, Commission Members should ask the City Manager for direction.

Commissioners should not get involved in administrative functions. Commissioners should avoid any staff interactions that may be construed as trying to shape staff recommendations and shall refrain from coercing staff in making recommendations to the Commission as a whole.

Never publicly criticize an individual employee, including fellow Commissioners, Elected Officials, or Appointed Officers. Criticism is different from questioning facts or the opinion of Staff. All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation.

2.7 Relationship with the City Attorney

Toquerville City Code 1-7-1 establishes the office of a City Attorney which is responsible for the proper administration of the legal affairs of the respective executive and legislative branches of City government. The City Attorney serves as counsel for the City to fill the following duties:

- furnish legal advice, counsel and assistance to the Planning Commission in relation to their duties and the business of the City;
- direct and/or coordinate as determined by the Planning Commission respectively all legal services performed by special counsel for the City who may be employed from time to time to provide legal services for the City;

When articulated to the City Attorney, Commission Members have a right to request and expect attorney/client confidentiality, unless said confidentiality violates legal and ethical standards as determined by the City Attorney.

2.8 Compensation

Planning Commission Members and Chair are classified as volunteers and receive no compensation.

3. Social Media, Electronics & GRAMA

3.1 Application

This policy applies to all information technology resources, including electronic media, social media accounts, and services which are: a) accessed on or from City premises, b) accessed from remote locations using City computer equipment, or via City-paid access methods, and/or c) used in a manner which can fairly be said to associate elected officials with the City as representatives of the City.

Any messages or information sent via the City's informational technology resources through an electronic network (i.e., bulletin board, online service or Internet) are statements that may be identifiable and attributable to the City. Use of personal disclaimers in an electronic communication will not relieve any user under this policy and users shall be held responsible for any communication which they initiate. All communications sent via a network must comply with this and other City policies and shall not disclose any confidential or proprietary City information or other information protected by law or policy.

3.2 Email Policy

All Appointed Officials are required to use a Toquerville.org email address while conducting official City business. As part of the onboarding process, a toquerville.org email will be provided, and every Appointed Official will be expected to use this email for all City business.

3.2 Records

The Commission must preserve records for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Any removal or deletion of comments or posts by the public must be considered public records and must be preserved pursuant to GRAMA. The Commission must also work with the City Recorder to ensure the records are properly retained.

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Planning Commission packets will be uploaded to the Utah Public Notice Website. Previous records can be found either on the Utah Public Notice website or by written request made through the City Recorder's Office. All public records can be viewed at the City Offices During regular business hours. If a Commissioner makes a records request, all members of the Commission will be notified of the request.

3.3 GRAMA

The Government Records Access and Management Act (GRAMA) provides every person the right to request records from any governmental entity in Utah (Utah Code Section 63 G-2-201(1)).

All Appointed Officials are subject to GRAMA when conducting city business on any electronic device (whether city owned or personally owned) including open meetings law and accessibility to information required to be searched.

3.4 Social Media Policy

The Social Media Policy of the City shall include but not be limited to:

- Always conduct yourself as a representative of the City and in accordance with all appropriate City policies and standards.
- Avoid making posts related to your official duties or governmental bodies.
- Redirect political dialogue requests to an alternative means of communication.
- Avoid making posts and/or comments on behalf of the City.
- Use a clarifier such as: "These comments and opinions reflect my position as one member of the Planning Commission."
- Avoid responding to inappropriate comments or personal attacks on social media.
- If your account is deemed public, do not block accounts, delete, or hide comments.
- Do not use social media to carry out your duties.
- Do not use public assets or staff to run your account(s).
- Do not use social media to make announcements about your official responsibilities, action, activities or views on organizational matters, ordinances, or policies.
- Do not use social media to solicit the public's views on political issues you may be engaged in.
- Include a social media policy on your page.

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3.5 Electronics

Appointed Officials wishing to use city owned computers, laptops, or other electronic devices to conduct city business must agree to the following:

- The device(s) will be used only at the City Office building and may not be taken off the premises.
- The device(s) will be checked out from and returned to the City Recorder.
- The device(s) will be used for city business only, and not for personal use.
- No inappropriate, illegal, obscene, pornographic, or sexually explicit material shall be accessed, stored, or viewed on City owned computer equipment.
- All activity will be monitored by the City's IT Department.

4. Development Process Policy

4.1 Establishment

Under the advice, direction, and counsel of the City Attorney, this Development Process Policy and Procedure for current and future development is hereby established:

It shall be the policy of Toquerville City that all development will follow an established meeting order of first, PSR (Planning Staff Review); second, JUC (Joint Utility Commission); third, Planning Commission; and fourth, City Council.

This policy further encourages PSR (Planning Staff Review) as the first step in the development process in Toquerville City. The PSR meeting will be comprised of the planning staff. Those who wish to develop in the City or apply for any type of land use are recommended to schedule a PSR meeting through the Planning & Zoning Administrator.

4.2 Development Meeting Schedule

The meeting schedule will be as follows:

- PSR meetings are held on Thursdays as needed.

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- JUC meetings are held on the 2nd and 4th Wednesday or as needed.
- Planning Commission Meetings are held the 2nd Wednesday of the month.
- City Council Meetings are held the 1st and 3rd Wednesdays of the month.

4.3 Proper Procedures

In order for the City to maintain proper and professional procedures and to avoid perceived favoritism or bias, it is imperative all elected and appointed officials follow the Development Process Policy and Procedure as outlined above.

If any elected or appointed official of the City is contacted by any person(s) wishing to develop in the City, they shall refer the developer back to the City Office so they may schedule a PSR meeting, thereby following the established order of approval for development.

Elected and Appointed Officials must adhere to the Municipal Officers' and Employees' Ethics Act to avoid misconduct or conflicts of interest.

5. Ethics Rules

The Ethics Act (Utah State Code 10-3-13) applies to all Elected and Appointed City Officers and employees (both full and part-time). This includes persons serving on special, regular, or full-time committees, agencies, or boards whether or not they are compensated for their services. This state law does two things. It establishes standards of conduct for municipal officers and employees and it requires disclosure of certain actual or potential conflicts of interest between one's public duties and personal interests.

5.1 Compliance

Elected or appointed officers and employees are required to comply with the disclosure requirements of the Municipal Officers' and Employees' Ethics Act (the Ethics Act) with regard to actual and potential conflicts of interest. (The requirements of the Ethics Act are discussed in more detail below.) To facilitate this compliance, the

City has required annual completion of a Conflict-of-Interest Disclosure Form. The purpose of this procedure is to avoid conflict of interest problems.

The Municipal Officers' and Employees' Ethics Act (Utah Code §10-3-1301 et seq.), applies to appointed officers, elected officers, and municipal employees of the city. The City Council considers it a best practice to revisit and remind the Councilors, Commissioners and City staff of the limits and responsibilities of our unique positions. It is the policy of Toquerville City that the Mayor, every Council member, Commission member, the City Manager, Assistant City Manager, all City Officers, and all full-time employees of the City to complete and retain on file annually the Conflict-of-Interest Disclosure forms provided by the Administration.

While the City seeks to assist its officers and employees in disclosing actual or potential conflicts of interest, the duty of disclosure falls on the individual. If an actual or potential conflict of interest arises during the year, a Commission Member should use the Disclosure Form to disclose the matter in accordance with the Act's requirements as soon as possible and not wait for the City's annual disclosure process to occur.

5.2 Withdrawal Due to Conflict of Interest

In addition to meeting disclosure requirements, in certain circumstances a Commission Member may also be required to recuse (or disqualify) himself or herself from deliberating, deciding, and/or voting on an issue where a conflict of interest exists.

Other instances may not require recusal, but a Commission Member may elect to recuse himself or herself from deliberating, deciding, or voting on an item whenever this seems appropriate to avoid any appearance of impropriety.

However, another section of state law does allow the Commission to expel a member from a meeting if the member has a direct or indirect financial conflict of interest with the matter at issue. UtahCode 10-3-607.

5.3 Ethics Review Commission

Toquerville City will refer all complaints of violations of the Ethics Act to the Political Subdivisions Ethics Review Commission as provided for in Utah Code Section 10-3-1311(2)(b)(ii).

5.4 Standards of Conduct

The Ethics Act makes it a crime for an Elected or Appointed Official to do any of the following:

- Disclose or improperly use private, controlled, or protected information acquired as the result of your official position or duties in order to substantially further your personal economic interest or to secure special privileges or exemptions for yourself or others. Private, controlled or protected information is information classified as such under the Government Records Access and Management Act;
- Use or attempt to use your official position to substantially further your personal economic interests to secure special privileges for yourself or others;
- Knowingly receive, accept, take, seek, or solicit, directly or indirectly, for yourself or another, a gift of substantial value, or a substantial economic benefit tantamount to a gift
- (i) that would tend to improperly influence a reasonable person holding your position to depart from the faithful and impartial discharge of your public duties; or
- (ii) that you know, or a reasonable person in your position should know under the circumstances, is primarily for the purpose of rewarding you for official action taken.
- Receive compensation for assisting any person or entity in any transaction with the City without making a written and oral disclosure to the Mayor, City Recorder and the public. This rule does not apply to an occasional non pecuniary gift having a value of less than \$50, an award publicly presented in recognition of public service, a loan made in the ordinary course of business, or a political campaign contribution actually used in a political campaign. An economic benefit tantamount to a gift includes loans at substantially less than commercial rates and compensation for services at a rate substantially higher than fair market value.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally engages in any of the above must be removed from office and is guilty of:

- A second degree felony if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000.
- A third degree felony if (i) the total value of the compensation, conflict of interest, or assistance is more than \$250 but less than \$1,000, or (ii) the elected or appointed officer of municipal employee has been convicted twice before of

violating the Ethics Act and the value of the conflict of interest, compensation or assistance was \$250 or less.

- A class A misdemeanor if the value of the compensation or assistance was more than \$100 but less than \$250.
- A class B misdemeanor if the value of the compensation or assistance was \$100 or less.

5.5 Disclosure Requirements

The Ethics Act requires that a Commission Member disclose any of the following:

- Receiving or agreeing to receive compensation for assisting any person or business entity in any transaction involving the City. Disclosure must be provided by filing a sworn statement with the Mayor or City Recorder giving your name and address, the name and address of the person being assisted, and a brief description of the transaction and service to be performed. The statement must be filed 10 days before the date of agreement or receipt of compensation. Commission members must make the disclosure in an open Commission meeting before the matter is discussed. City staff must make the disclosure to his or her immediate supervisor and any other person who may evaluate or approve the activity.
- Being an officer, director, agent, employee, or owner of a substantial interest of a business entity regulated by Toquerville City. A "substantial interest" means legal or equitable ownership by an individual, spouse, or minor children, of at least 10% of the outstanding shares of a corporation or a 10% interest in any other business entity. Disclosure must be provided upon election, appointment, or employment by filing a sworn statement with the Mayor or City Recorder disclosing the position held, and the nature and value of the interest. Disclosure is required again if the position changes or the interest value increases significantly. Within 30 days of receipt, the Mayor must report the substance of the disclosure to the Council or give the Council a copy of it. Two exceptions apply. First, an interest valued at less than \$2,000 is not required to be disclosed. Second, life insurance policies or annuities do not need to be considered in determining the value of an interest.
- Being an officer, director, agent, employee, or owner of a substantial interest of a business doing business with Toquerville City. Disclosure must be made to the Commission in a public meeting prior to any discussion involving the entity and must be entered into the meeting minutes.

- Any personal interest or investment which creates a conflict between your personal interests and your public duties. Disclosure must be made to the Commission in a public meeting in the manner described above.

The Ethics Act requires that a person who knowingly and intentionally violates any of the above-listed activities be removed from office. A related contract or transaction may be voided.

6. City Vehicle Policy

Planning Commissioners do not have approval for use or access to City owned or leased vehicles.

7. Public Meetings

7.1 Public Meetings

All official meetings of the Commission (except where State or local law allows for closed sessions) shall be open to the public "Open and Public Meetings Act" pursuant to Section 52-4-101 of UtahCode Ann. The Commission shall give at least twenty-four (24) hours advanced notice of its meetings unless an exception for shorter notice is provided under state law. The approved and corrected minutes of the proceedings of these open meetings shall be available for public inspection.

7.2 Location

The location of all regular, special, emergency and work session meetings, unless publicly noticed differently, shall be in the Municipal Chambers in the Toquerville City Hall located at 212 NorthToquer Boulevard, Toquerville, Utah 84774.

7.3 Quorum

Three members of the Commission shall constitute a quorum. A minimum of three votes shall be necessary to take any action, except where more votes are required by Section 11.2.

8. Types Of Meetings

Commented [1]: For October 9th, we will be discussing sections 8 - 10.

8.1 Regular Meetings

The Planning Commission shall conduct at least one regular meeting per month. Regular meetings will be held the 2nd Wednesday of each month.

8.2 Special Meetings

The Chair or Planning and Zoning Official or any two (2) members of the Planning Commission may order a special meeting of the Planning Commission by serving notice to the City Recorder. The City Recorder shall deliver a written notice of the special meeting to each member who did not join in the order, leaving a copy of the notice at the member's usual place of abode at least three (3) hours prior to such meeting. The personal appearance by a member of the Planning Commission at any specially called meeting constitutes a waiver of the notice required by this subsection. The written notice required in this subsection shall state the time and place the special meeting is to be held and the purpose for which the special meeting is being called, and shall comply with all applicable provisions of the Utah Open and Public Meetings Act, Utah Code Annotated section 52-4-101 et seq.

8.3 Record Of Proceedings

The City Recorder shall keep a record of the proceedings of the meetings of the Planning Commission.

8.4 Conduct Of Meetings And Order Of Business

All meetings will follow the current policy and procedure practices adopted by resolution.

8.5 Electronic Meetings

The Planning Commission may conduct Electronic Meetings pursuant to the requirements of Utah Code Annotated § 52-4-207, as such may be amended from time to time. As required by the Utah law, the following shall apply to Electronic Meetings.

1. **Definitions.** For purposes of conducting Electronic Meetings, the following are defined terms:
 - a. "Anchor Location" means the physical location from which the electronic meeting originates and where interested persons and the public may attend, monitor and participate in open portions of a Planning Commission meeting.
 - b. "Electronic Meeting" means a public meeting of the Planning Commission, convened and conducted by means of a telephonic, telecommunications or computer device or other electronic means, allowing each member of the Planning Commission, to be in contact with the anchor location and participate concurrently with all other members of the Planning Commission, in the conduct of such meeting.

2. **Anchor Location.** The only Anchor Location for Electronic Meetings of the Planning Commission shall be the Meeting Chambers in the City offices at 212 N. ToquerBoulevard, Toquerville, Utah. Other Anchor Locations for an electronic meeting may be approved as required by circumstances. Public participation in an Electronic Meeting is limited to an Anchor Location.

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3. **Facilities at Anchor Location.** Space and facilities must be provided at the Anchor Location so that all interested persons may attend and monitor the open portions of the meeting. In addition, if comments from the public will be accepted during the Electronic Meeting, space and facilities must be provided at the Anchor Location so that interested persons and the public may attend, monitor and participate in the open portions of the meeting.

4. **Member Arrangements for Electronic Participation.** A member of the Planning Commission, must give the City Recorder notice of his or her intent to attend a Planning

Commission meeting electronically at least forty-eight (48) hours prior to the meeting to allow for arrangements to be made for the Electronic Meeting. Such notice by the Planning Commission member must include the electronic means the Planning Commission member intends to utilize to attend the meeting.

5. General Requirements. A quorum of the Planning Commission need not be present at the Anchor Location, so long as all other requirements of this Utah Code Annotated § 52-4-207 for an Electronic Meeting are satisfied. No meeting of the Planning Commission may be held electronically unless at least one member of the Planning Commission is present at the Anchor Location. The meeting shall be conducted from the Anchor Location by the Chair or the Pro Tempore. If neither the Chair or the Pro Tempore is present at the Anchor Location, the Planning Commission shall select from its membership present at the Anchor Location a Pro Tempore for the sole purpose of conducting the Electronic Meeting.

6. Attendance and Participation. Any member of the Planning Commission participating in a meeting of the Planning Commission by electronic means shall be considered present at the meeting for all purposes, including counting toward a quorum. A member of the Planning Commission participating in a meeting via electronic means shall be afforded every opportunity to participate in the discussion of the items on the agenda and may make, second and vote on all motions.

7. Notice of Electronic Meeting. Public notice of an Electronic Meeting of the Planning Commission shall be given not less than twenty-four (24) hours prior to the meeting by: (i) posting written notice of the meeting at the Anchor Location, and ~~(ii) by providing written or electronic notice to at least one newspaper of general circulation in Washington County or a local media correspondent, and~~ (iii) by posting the notice on the Utah Public Notice Website created under Utah Code Annotated § 63F-1-701. In addition, the City Recorder shall provide notice of the Electronic Meeting to members of the Planning Commission at least twenty-four (24) hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present. The notices of the Electronic Meeting shall describe how the members of the Planning Commission will be connected to the Electronic Meeting.

8. Communication. For each Electronic Meeting of the Planning Commission, a speakerphone, or similar amplifying electronic device with or without video capabilities will be connected in such a manner that comments made by the members participating electronically will be broadcast at the Anchor Location. Opportunities for each member present at that Anchor Location and those participating electronically will be given to

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make inquiries and participate in the discussion. Discussion of motions will take place in accordance with the usual procedures of the Planning Commission with the exception that those present electronically must declare their intent verbally with their accompanying name(s). Votes taken in Electronic Meetings shall be roll call methods, with each member audibly verbalizing their vote. If a member participating in a meeting electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum present, counting all members still participating in the meeting whether at the Anchor Location or participating electronically.

9. **Minutes.** Minutes of an Electronic Meeting shall designate the name of each Planning Commission member who participated electronically, the nature of the electronic communication and the duration of the member's participation in the meeting. The roll call for members present will be taken verbally and recorded, during the meeting.

10. **Limitations.** Electronic Meetings may be prohibited or limited based on budget, public policy or logistical circumstances.

8.6 Force Majeure Exception

In instances where conducting a regular meeting, workshop or executive session is not practicable or reasonable due to causes outside of the control of the Planning Commission, including acts of God, civil commotion, war, terrorism, governmental regulations or control and health pandemics, the Planning Commission may cancel the meeting, close the meeting, or conduct it in an alternative location or choose to conduct the meeting, workshop or executive session as an Electronic Meeting without the requisite advanced notice due to the emergency or extraordinary circumstances pursuant to Utah Code Annotated §§ ~~52-454-2~~ 52-201(2)(b) and ~~52-412-2~~ 52-202(5).

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9. Order Of Business

9.1 Order of business

Last Updated: XX/XX/2024

The general rule as to the order of business in regular and special meetings shall be as follows:

- A. CALL TO ORDER - by the Chair.
- B. OPENING CEREMONY - Opening Comments and Pledge of Allegiance:
 - Opening Comments - as assigned by the Chair from the members of Planning Commission or any Enterprise resident who has submitted a request in writing prior to the meeting.
 - Pledge of Allegiance - as assigned by the Chair from the members of the Planning Commission.
 - Call for Statement of Beliefs from the public present – made by the Chair. Statement of belief may include but is not limited to prayer.
- C. APPROVAL OF AGENDA - The Chair can revise the order of the agenda items during this time in order to accommodate the Commission or to more efficiently handle the business at hand. During this part of the Agenda, members of the Commission shall declare any conflicts of interest, and the nature of the conflict of interest, in relation to any matter which is before the Commission for action, prior to any discussion of that matter. If a member of the Commission realizes a conflict of interest, they may abstain from voting on the matter. If the conflict of interest is in the nature of a financial or economic interest, members of the Commission are encouraged to abstain from voting on the matter. No action shall be taken on any items, not on the published agenda.
- D. APPROVAL OF MINUTES – The Commission shall consider for approval any preceding meetings' minutes through the date of the meeting. The Commission may make any such adoption conditional upon corrections being made to the minutes.
- E. STAFF REPORTS – Reports from Staff Personnel and other various entities involved with Toquerville City Government.
- F. PROCEED WITH THE APPROVED AGENDA – The Chair will then follow the approved agenda as outlined.

The Agenda shall consist of:

 - Public Hearing(s) and/or
 - General Business.
- G. ADJOURNMENT – The Commission shall adjourn the meeting by motion, requiring a second and a majority of affirmative votes.

9.2 Emergency Meetings

Emergency Meetings may be called, and notice given pursuant to Section 52-4-202, subsection(5), of the Utah Code. The general rule as to the order of business in Emergency Meetings shall be as follows:

- A. Call to order - by the Chair
- B. Opening Comments
- C. Vote by Commission members present to approve the Emergency Meeting
- D. Meeting Items
- E. Adjournment

In the event that fewer than three (3) of the Commission members vote to approve the Emergency Meeting, the Chair or the Pro Tempore shall immediately close the meeting without further discussion or action.

9.3 Placing Items on the Agenda

The Planning and Zoning Administrator is responsible for the Planning Commission Agenda. The general rule as to when to place an item on the agenda for consideration is as follows:

- A. The Chair may request items on the agenda for consideration, discussion, or action subject to approval of the Planning & Zoning Administrator.
- B. Any Commission Member may request items on the agenda for consideration, discussion, or action subject to approval of the Planning & Zoning Administrator.
- C. The Planning and Zoning Official, City Recorder, City Manager, or other City Staff may place items on the agenda for consideration, discussion, or action, subject to approval of the Planning & Zoning Administrator.
- D. Residents, vendors, suppliers, partners, governmental entities, and service providers may request an item be placed on the agenda, provided they identify relevance, pertinence, or timeliness of the topic, subject to approval by the Planning and Zoning Administrator.
- E. Non-residents may request items be placed on the agenda, such requests shall be in writing, and they shall identify relevance, pertinence, or timeliness of the topic, subject to approval by the Planning and Zoning Administrator.

The Planning & Zoning Administrator shall have broad discretion in determining when to schedule any item, both in terms of agenda order and meeting date, to ensure timely and efficient use of meeting time and to avoid overloading meeting agendas.

9.4 Items for the Agenda Deadline

Persons requesting that items be placed on the agenda shall submit their request to the City Recorder, with any related supporting documentation, by noon~~4:30 pm~~ the Thursday prior to the Planning Commission Meeting. Requests made after the deadline may be considered on a subsequent agenda, as determined by the Planning & Zoning Administrator.

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10. Presiding Officer And Duties

10.1 Chair as the Presiding Officer

The Chair, if present, shall act as Presiding Officer at all meetings of the Commission. In the absence of the Chair the Chair Pro Tempore shall preside. In the absence of both the Chair and the Pro Tempore the Commission shall elect a temporary Pro Tempore who will then preside at that meeting. All references to the Chair, in these Policies and Procedures shall also generally mean and refer to the Pro Tempore duly elected by the Commission and serving pursuant to section 10.6 below.

10.2 Call to Order

Meetings of the Commission shall be called to order by the Chair, or in the Chair's absence, by the Pro Tempore. In the absence of both the meeting shall be called to order and the attending Commission members will elect a temporary Pro Tempore.

10.3 Preservation of Order

The Chair shall preserve order and decorum, prevent attacks on personalities or the impugning of member's motives, and confine any debate to the question under discussion.

10.4 Points of Order

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The Chair shall determine all points of order.

10.5 Time Limits

The Chair shall have the power to set time limits on input and discussions at the Chair's discretion. [Public Comment shall be limited to 3 minutes per speaker.](#)

10.6 Substitution for Chair

The Commission shall elect a member of the Commission to serve as Pro Tempore to preside at meetings and perform the duties of the Chair in the event that the Chair is unable, through absence, disability, or refusal to act, to fulfill his or her duties as set forth herein and in applicable state and local law. The Pro Tempore term will be for ~~one~~[two](#) years. Should the Pro Tempore not be present, any other member of the Pro Tempore will be elected to temporarily preside at the meeting in order to cover an absence of the Pro Tempore. The Pro Tempore, as a member of the Pro Tempore shall, while conducting any meeting, continue to act as a voting member of the Commission.

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10.7 Motion to be Clear

The Chair shall ensure that all motions submitted for a vote are clearly understood.

10.8 Call for Vote

The Chair shall call for a vote. The Chair shall announce the result of the vote.

10.9 Input from Public in Absence of Public Hearing

The Chair may, of his [or her](#) own volition or at the request of any Commission member, request input from members of the public present on any item before the Commission for discussion or consideration, even in the absence of a scheduled public hearing as set forth in section 12 below. The Chair shall have no obligation to request such public

input. The Chair shall only receive such input in a manner consistent with the other provisions of this section.

11. Types Of Motions And Reconsideration

11.1 Motions Require a Second

All motions require a second before they can be discussed or acted upon. In the Chair's discretion, questions for clarification of a motion may be allowed of the non-moving members present, prior to a second on the motion.

11.2 Motions Requiring A Two-thirds Vote

A motion to adjourn to a closed meeting shall require a motion, a second, and a two-thirds (2/3) vote of the Commission members present, or as otherwise required by state law.

11.3 Motion to Approve

All motions shall require a second and majority affirmative votes to be approved.

11.4 Amendments to Pending Motion

Any motion being considered by the Commission may be amended by permission of the maker of the motion and concurrence of the second.

11.5 Motions to Continue

The Commission may approve a motion to continue any item for further discussion or consideration. Public Hearings and Show Cause Hearings must be continued to a specific date and time and may not be continued beyond forty-five (45) days from the date for which it was first noticed without resetting and re-noticing the hearing.

When the applicant for an agenda item makes a request for a continuance, the following policy will be used:

- A. A request to continue the agenda item will be granted if the applicant makes the request at least seven (7) days in advance of the meeting, in which the item was scheduled to be heard. The applicant has the responsibility to notify the affected property owners (those who are required by State law, City ordinance, or City noticing policy to be notified) of the continuance and the date and, if applicable, the time when the item is scheduled to be on the City Commission agenda. This should be done through the Planning and Zoning Administrator to ensure proper noticing requirements are met.
- B. If the request is made less than seven (7) days in advance of the meeting in which the item was scheduled to be heard, the Planning and Zoning Official, Chair and/or the Pro Tempore or their designees, will determine whether or not there is good cause to continue the item.
 1. If the Commission determines that there is not good cause to continue the item, the item will remain on the agenda and be considered by the Planning Commission.
 2. If the Commission determines that there is good cause to continue the item to a future agenda, staff will notify the applicant of the decision. During the meeting in which the item was scheduled to be heard the City Commission, by motion, will select the date, and if applicable, the time to which the item is to be rescheduled. The applicant shall have the responsibility to notify the affected residents (those who are required by City ordinance to be notified) of the continuance and the date and, if applicable, the time when the item is scheduled to be on the Commission agenda. This should be done through the Planning and Zoning Administrator to ensure proper noticing requirements are met.
- C. If the applicant requests a continuation during the meeting for which the item is scheduled, the Commission will make the determination if there is good cause to continue the item to a later date.

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- D. If the applicant requests a continuation and it is determined that there is not good cause to continue the item, and the applicant withdraws the application in lieu of proceeding, the application will not be considered by the Planning Commission until the applicant files a new application and pays the required fees. The new application must follow the same process as any new application.

11.6 Motions to Table

Not including Public Hearings and Good Cause Hearings, the Commission may table an issue, without scheduling it for future consideration, with a motion, second and a majority of affirmative votes.

11.7 Motions which do not receive at least three votes on either side

Motions which do not receive at least three votes for or against the proposition being voted upon are considered to be a tied vote. The Chair will then vote to cast the tie-breaking vote. However, should the Chair not be present to break the tied vote, or should the Chair's vote not serve to break the tie (such as when there are two votes on one side, and one on the other, and the Chair votes with the side having only one vote) the applicant or any Planning Commission Member may request that the item be brought back to the Commission at a subsequent meeting to be decided by sufficient members to get three votes one way or the other. The subsequent action is not considered a reconsideration. In the event that neither the applicant nor a Commission Member requests a subsequent vote, then the item shall be considered to have been voted down.

11.8 Motions to Reconsider a Decision

Any two Commission members who voted in the majority on a motion approved or denied may request a reconsideration of the action. The request may be made by making a motion to reconsider at the same meeting in which the original motion was approved or denied or by requesting within seven days of that meeting that there be a motion to reconsider being heard at the next regularly scheduled Commission meeting. If a properly made motion to reconsider passes, the actual reconsideration of the item shall take place only after appropriate legal notice is given. After a motion for

reconsideration has been acted on, no other motion for reconsideration on that issue shall be allowed within a twelve (12) month period without unanimous consent of the entire Commission. Following the twelve (12) months, the item may be considered as a new item.

11.9 Question on the Motion

After a motion and a second, any member of the Commission may request a discussion on the motion. Once a question has been answered and discussion is completed, the Chair shall call for a vote on the motion.

11.10 Withdrawal or Substitution of Motion

At any time prior to the Chair's call for a vote on the Motion, the moving Commissionmember may voluntarily withdraw the motion or make a new motion which shall be considered to have superseded his or her prior motion. A new motion shall require a new second.

11.11 Minutes of Action on Motion

Unless a vote of the Commission is unanimous, the minutes of each action taken on any motion shall reflect the vote of each individual Commission member.

12. Public Hearings

12.1 Purpose of Public Hearings

The purpose of public hearings is to provide for public input to the Planning Commission on issues on a specific day and time in order for the Planning Commission to be better informed prior to making a decision on the issue.

12.2 Before the Public Hearing

- A. Notification will be given well in advance and comply with applicable state and local law.

12.3 Order of Public Hearings

- A. The Chair or Pro Tempore shall conduct all Public Hearings. The Chair should review the rules and procedures for conducting public hearings at the start of the public hearing.
- B. The public hearing shall first be opened to the appropriate staff member who will present and discuss with the Commission the issue at hand.
- C. Upon completion of the staff member's report, and questions from the Commission, the Chair invites the applicant to discuss with the Commission the issue at hand and present additional or more specific information.
- D. Following staff and the applicant's discussion and any questions from the Commission, the Chair shall open the hearing to the public for comments. The Chair must first recognize any person desiring to address the Commission. The Chair shall try to provide equal time to those favoring and opposing the issue.
- E. The Chair should courteously limit repetition. The Chair should retain flexibility for additional comments but only on new information.
- F. At the Chair's discretion, staff and/or the applicant may address any questions or clarify any matter raised during the comment period.
- G. At the discretion of the Chair, the public hearing shall be closed once the applicant has the opportunity to clarify any concerns, which had been previously discussed. No further remarks by the public will be heard.
- H. The Commission may by motion: (i) close a public hearing in order to consider and take action on the issue; (ii) re-open a public hearing during the same meeting at which the public hearing was originally closed, and prior to taking action on the issue; or (iii) continue a public hearing, also continuing consideration of and action on the issue to another specific date and time. A

public hearing may not be continued for longer than forty-five (45) days from the date for which it was first noticed without re-noticing and reconvening the hearing.

- I. Upon completion of the public hearing and of any further discussion and/or deliberation of the Commission, the Commission shall take appropriate action on the issue.

12.4 Manner of Addressing the Planning Commission

Each person addressing the Commission shall use the microphone and shall state their name and address of residence in an audible tone of voice for the record. All remarks shall be addressed to the Commission as a body, and not to any member thereof. Commission members should be addressed using their formal title followed by the individual's last name. No person shall be permitted to enter into any discussion, either directly or through the members of the Commission unless first recognized by the Chair. No questions will be asked of the Commission Members except through the Chair.

12.5 Questions from Planning Commission members

The Commission members may at any time during a public hearing request clarification or additional input from the staff members, applicants, or the general public.

13. Rules Of Conduct During Public Meetings

13.1 Disorderly Citizens

Any person, including staff, making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the Commission, or who otherwise continues to violate the decorum, order, or procedure of any meeting after a reasonable warning or admonishment, may be considered disorderly by the Commission and may be expelled by a two-thirds vote of the Commission as pursuant to Section 10-3-608 of Utah State Code, as amended.

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13.2 Disorderly Planning Commission members or Chair

Any member of the Commission, or the Chair, making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the Commission, or who otherwise continues to violate the decorum, order, or procedure of any meeting after a reasonable warning or admonishment, may be considered disorderly by the Commission and may be expelled by a two-thirds vote of the Commission as pursuant to Section 10-3-607 of Utah State Code, as amended.