

ORDINANCE NO. 2023-09

AN ORDINANCE CREATING THE LAKE POINT PLANNING AND ZONING COMMISSION AND RELATED MATTERS

WHEREAS Lake Point is required to enact an ordinance establishing a planning commission pursuant to the Utah Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a, including but not limited to section § 10-9a-301(1)(a);

WHEREAS the Lake Point City Council desires to establish a planning commission, to be called the Lake Point Planning and Zoning Commission, with the powers and duties set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish the Lake Point Planning and Zoning Commission pursuant to Utah Code § 10-9a-301 and other applicable sections of the Utah Land Use, Development, and Management Act.

Section 2. Establishment of Planning and Zoning Commission.

- a. There is hereby created the Lake Point Planning and Zoning Commission ("Commission") consisting of seven members.
- b. Members of the Commission shall serve without compensation, except for reimbursement of reasonable expenses incurred in performing their duties as members of the Commission, subject to Lake Point's reimbursement policies, resolutions, and ordinances.
- c. Members of the city council may not serve on the Commission.

Section 3. Appointment of Members.

- a. Each member of the city council shall appoint one member of the Commission.
- b. The remaining two Commission members shall be appointed by a two-thirds (2/3) majority vote of the city council.
- c. There shall be no restriction on the number of terms a member may serve on the Commission.

Section 4. Term of Office.

- a. Term. Members of the Commission shall serve two-year terms, beginning after their appointment in the first city council meeting in February after each municipal election, and shall serve until they are removed or until a successor is appointed, provided that the first members appointed in 2023 shall have the terms set forth in subsection (3)(b).

- b. Term of First Members. The first members of the Commission shall have the following terms:
 - i. Commission members appointed by city council members currently serving a three-year term shall serve an initial three-year term, subject to reappointment to a regular term.
 - ii. Commission members appointed by city council members currently serving a one-year term shall serve an initial one-year term, subject to reappointment to a regular term.
 - iii. One Commission member appointed by majority vote of the city council shall serve an initial one-year term, and the other Commission member appointed by majority vote of the city council shall serve an initial three-year term, each subject to reappointment to a regular term. The City Council shall designate the length of each member's initial term upon appointment.
- c. Reappointment. Subject to the appointment process set forth herein, Commission members may be re-appointed to serve successive terms.

Section 5. Removal. Any Commission member may be removed from office, with or without cause, at any time, by the city council. Without limiting the foregoing, Commission members may also be removed by the city council for misuse or illegal use of emails, abuse of position, and not adhering to the standards, policies, and expectations set forth in this ordinance, Commission bylaws, policies, and rules, and other governing law.

- a. If a member was appointed by an individual city council member, the member may be removed by the appointing city council member.
- b. If a member was appointed by the city council, the member may be removed by a two-thirds (2/3) majority vote of the city council.
- c. The Commission may seek to remove a member as follows:
 - i. The Commission chairperson (or in the case of the chairperson, the vice chairperson) issues a written notice to the member identifying the standard, policy, ordinance, regulation, law, agreement, or other governing standard of conduct violated by the member, which notice shall request the member correct their behavior. The written notice shall also be filed with the Commission secretary.
 - ii. If the member's behavior continues, the Commission chairperson (or in the case of the chairperson, the vice chairperson) shall issue a written notice to the member identifying the standard, policy, ordinance, regulation, law, agreement, or other governing standard of conduct that has continued to be violated by the member, which notice shall inform the member that the matter is being referred to the city council. The written notice shall also be filed with the Commission secretary, city recorder, and Chair of the city council. The city council shall thereafter conduct such investigations and

evaluations as the council deems necessary and may, pursuant to this section, remove such member.

Section 6. Vacancies.

- a. Vacancies on the Commission shall be filled in the same manner as the original appointment of the vacant member.
- b. Vacancies shall be filled within 30 days of the resignation, removal, or other departure of the vacant member, unless otherwise authorized by the city council.
- c. A member appointed as an interim replacement of a vacated position shall serve only the remainder of the original member's term, subject to reappointment to a regular term.

Section 7. Organization.

- a. The members of the Commission shall select from their own members, by majority vote of all appointed members, a chairperson and vice chairperson at the first Commission meeting held after adoption of this ordinance, and thereafter annually on the third Thursday in January.
- b. Each chairperson and vice chairperson shall serve in that capacity until the third Thursday in January of the following year, unless the member is sooner removed or otherwise vacates their office, in which case the members of the Commission shall select a replacement pursuant to this section.
- c. A chairperson and vice chairperson may serve multiple terms as chair or vice chair, but may not serve consecutive terms in the same capacity.
- d. The chairperson, or in their absence the vice chairperson, shall preside over all meetings, hearings, and other proceedings of the Commission and shall execute all official documents, notices, and letters approved or required by the Commission.

Section 8. Meetings.

- a. The chairperson, and in their absence the vice chairperson, shall conduct all Commission meetings in accordance with this ordinance, Commission bylaws and policies, and governing law.
- b. The Commission shall meet as is necessary or as requested by the city council.
- c. The Commission shall establish their meeting schedule and meeting location. Such meeting schedule and location shall be approved by the City Council before taking effect. All meetings, including any necessary public hearings, shall be held after 5:00 PM, unless otherwise authorized by the City Council. All meetings shall be held in Lake Point and shall be in a place of sufficient size to ensure public access, unless otherwise authorized by the City Council.

- d. All meetings and public hearings of the Commission shall comply with the Utah Open and Public Meetings Act, Title 52, Chapter 4, of the Utah Code, the Utah Land Use, Management, and Development Act, Title 10, Chapter 9a, of the Utah Code, and all ordinances, resolutions, and regulations adopted by Lake Point.
- e. Four members of the Commission shall constitute a quorum.
- f. Votes on official acts and recommendations shall require a minimum concurring vote of at least four members of the Commission.

Section 9. Recommendations and Reports.

- a. Reports of official acts and recommendations of the Commission shall be public and be made in writing or in person during a public meeting to the city council. Each report shall indicate how each member of the Commission voted with respect to such act or recommendation.
- b. The Commission chairperson, or in their absence, the vice chairperson, shall make all reports of the official acts and recommendations of the Commission. If both are absent, another designated member of the Commission or city staff shall make such report.
- c. Any member of the Commission, including the chairperson or vice chairperson, may also make a concurring or dissenting report or recommendation to the city council in writing or in person during a public meeting to the city council.
- d. In the event that the Commission fails to make a recommendation within thirty days after first considering an item in a public meeting or public hearing, the city council may consider such failure as a negative recommendation.

Section 10. Conflicts of Interest.

- a. All members of the Commission shall comply with the Utah Municipal Officers' and Employees' Ethics Act, Title 10 Chapter 3, Part 13, of the Utah Code, the Utah Public Officers' and Employees' Ethics Act, Title 67, Chapter 16, of the Utah Code, and all other governing ethical and conflict of interest standards, which standards include, but are not limited to, the following:
 - i. Members shall not disclose or improperly use non-public information acquired by reason of the member's official position or in the course of official duties in order to further substantially the member's personal economic interest or to secure special privileges or exemptions for the member or for others;
 - ii. Members shall not use or attempt to use their official position to further substantially their personal economic interest or to secure special privileges for the member or for others;

- iii. Members shall not knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the member or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that: would tend improperly to influence a reasonable person to depart from the faithful and impartial discharge of the person's public duties or that the member knows or should know under the circumstances is primarily for the purpose of rewarding the member for official action taken;
 - iv. Members shall disclose as required by law any arrangement in which the member receives or agrees to receive compensation for assisting any person or entity in any transaction involving Lake Point; and
 - v. Members who are officers, directors, agents, employees, or owners of a substantial interest in any business entity which is subject to Lake Point regulation or which does or anticipates doing business with Lake Point, shall disclose such position and the nature and value of their interest as required by law.
- b. On any matter in which a member of the Commission has a conflict of interest, the member shall disclose such conflict as required by law, and the member shall not participate or vote on any such matter as a member of the Commission. This shall not restrict the member from participating in a discussion on such matter as a member of the public or as a land use applicant.

Section 11. Powers and Duties. The Commission shall have the following powers and duties, in addition to any power or duty given or delegated to planning commissions under the laws of the State of Utah:

- a. Review, conduct necessary hearings for, and make recommendations to the city council regarding a general plan and amendments to the general plan;
- b. Review, conduct necessary hearings for, and make recommendations to the city council regarding an annexation policy plan, annexation expansion area map, and amendments to the same;
- c. Review, conduct necessary hearings for, and make recommendations to the city council regarding land use and zoning regulations and amendments to land use and zoning regulations, including the creation of zoning districts and applicable zoning regulations, ordinances regarding the subdivision of land, the delegation of power to one or more land use authorities for various land use applications, the delegation of power to one or more appeal authorities to hear and act on land use appeals, and procedures for the review, processing, and decision of land use applications.
- d. Administers provisions of the zoning ordinance, where specifically provided for in the land use regulations adopted by the city council;
- e. Recommends approval or denial of land use applications, where specifically provided for in the land use regulations adopted by the city council;

- f. Advises the city council on matters as the city council directs, and hears and provides recommendations on any matter that the city council designates or as otherwise authorized by state law;
- g. Conducts such public hearings as are required by law or as may be deemed necessary by the Commission;
- h. Requests, subject to budgetary constraints and city council approval, expert and staff opinions required for matters under Commission review;
- i. Enters upon land at reasonable times to make examinations and surveys pertinent to the:
 - i. preparation of the general plan and amendments thereto;
 - ii. preparation or enforcement of land use ordinances;
 - iii. request for approval of a land use application under review.
- j. Create policies, bylaws, and rules regarding the conducting of meetings and the internal regulation of Commission business, provided that the Commission may not adjust any power or duty set forth herein or any duty outside of the internal processes and business of the Commission without the approval of the city council.

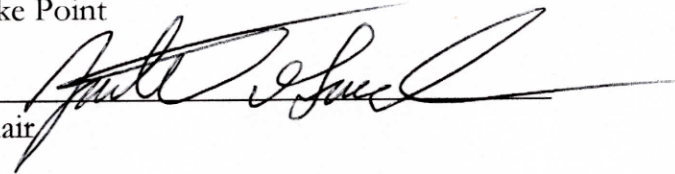
Section 12.

- a. This Ordinance shall repeal and replace Ordinance 2023-01.
- b. This Ordinance shall take effect immediately upon its adoption and publication in accordance with law.

PASSED, APPROVED, AND ADOPTED on the 15th day of March, 2023

Lake Point

By
Chair



ATTEST:


City Recorder

SEAL

Voting:

Daniel Crawford
Doyle Garrard
Jonathan Garrard
Kathleen VonHatten
Ryan Zumwalt

Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐