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Chapter 13A-03 – OFFICERS, BOARDS, AND COMMISSIONS

13A-03-01 Purpose

This Chapter sets forth the purpose, duties, organization, and powers of City boards, commissions, and other bodies charged in making decisions and recommendations under this Development Code.

13A-03-02 Community Development Director

The Community Development Director, hereinafter referred to as the “Director,” in addition to duties elsewhere in this Development Code, is charged with the responsibility of interpretation and enforcement of this Development Code. Interpretation of this Development Code includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this Development Code, the delegation of processing procedures and requirements, and enforcement of Development Code provisions. The specific duties of the Director shall include the following:

- A. **Reviews and Decisions.** The Director shall be authorized to undertake reviews, recommendations and decisions as described in this Development Code. The Director shall be governed by the standards and procedures as set forth in this Development Code for the specific review, determination, or appeal which has been delegated to him.
- B. **General Plan.** The Director shall assist the Planning Commission and City Council in the development and implementation of the General Plan for the physical and economic growth of the City and shall prepare population and growth studies in support of the General Plan.
- C. **Administrative Staff Assistance and Technical Advice.** The Director shall provide staff, including secretarial assistance, to the Planning Commission and Board of Adjustment. Staff assistance shall include attendance at regularly scheduled meetings and the preparation and publication of agendas. The Director shall act as technical advisor to the Mayor, City Council, other City departments upon request, and other committees and commissions as the Mayor may designate.
- D. **Development Code Enforcement.** The Director is hereby designated and authorized as the officer charged with the enforcement of this Development Code. He shall enforce all the provisions of this Development Code, including court action when necessary, and his failure to do so shall not legalize any violation of such provisions. The Police Department is also hereby designated and authorized with enforcement of any nuisance provision of this Development Code.
- E. **Delegate Responsibility.** The Director may designate representatives to execute the responsibilities in this Development Code.
- F. **Administrative Conditional Uses.** The Director shall be authorized to review and decide Administrative Conditional Uses.

13A-03-03 Land Use Authorities

A. Planning Commission

1. **Purpose.** The Planning Commission shall make recommendations to the Mayor and the City Council as more specifically set forth herein and make determinations as specifically delegated to it as set forth in this Development Code. This does not include policy making powers of the City that remain under the control of elected officials.
2. **Creation and Membership**
 - a. **Membership and Alternates.** There is hereby created a Planning Commission for the City, to be known as the Taylorsville Planning Commission. The Planning Commission shall consist of seven regular members and one alternate to be appointed by the City Council. The alternates shall attend all meetings but shall not vote on Planning Commission decisions unless serving in the place of a regular member. Funding for the Planning Commission shall be established annually by the City Council and may include a stipend for members and alternates for each official meeting attended.
 - b. **Terms for Members.** The terms of office for the members of the Planning Commission shall be four years commencing ~~on the date~~ on July 1st of the year the appointment is made. The terms of office for the Planning Commission members shall be staggered at intervals so as to provide continuity. Vacancies for the term of any member whose term is not complete shall be filled for the unexpired portion of the term in the manner provided for in this Section. A member whose term has expired shall continue to serve until his successor has been appointed and approved. Members of the Planning Commission may be removed as established by the City's administrative and legislative Codes.
 - c. **Selection of Members.** Members of the Planning Commission shall be selected from residents of the City with experience in related fields including planning, architecture, real estate, law, engineering, land development, contracting, or substantial community involvement. Any member or alternate member of the Planning Commission relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible. In order to promote geographical representation on the Planning Commission, one member of the Planning Commission shall be appointed from each City Council District, and two members, plus the alternate member, shall be appointed at large. No more than two members of the Planning Commission shall be from any one City Council District.
3. **Powers and Duties**
 - a. **Recommendations to the City Council.** The Planning Commission shall prepare and make a recommendation to the City Council for:
 - (1) A general plan and amendments to the general plan.
 - (2) Land use ordinances, zoning maps, official maps, and amendments.

- (3) Subdivision regulations and amendments.
- (4) Application processes that may include:
 - (a) A designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested.
 - (b) Processes that protect the rights of each applicant and/or third parties ~~to require~~ concerning formal consideration of any application by a land use authority.
 - (c) The right of each applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority.
 - (d) The right of each participant to be heard in each public hearing on a contested application.
- (5) Zoning of property annexed into the City.
- (6) Vacation of an entire subdivision plat.
- (7) Other matter as established by the City Council.
- b. **Recommendation to Mayor.** The Planning Commission shall consider and provide a recommendation to the Mayor for:
 - (8) Vacating, closing, or altering any portion of a street or alley within a subdivision.
 - (9) Subdivision plats.
 - (10) Other matters as established by the City Council.
- c. **Reviews and Decisions.** The Planning Commission shall review and decide the following:
 - (11) Planning Commission shall be authorized to review and decide Nonadministrative Conditional Uses.
 - (12) Expansion or alteration of a nonconforming structure or use after determination by the Director.
 - (13) Site plans delegated to it in this Development Code or by the Director.
 - (14) Administrative Conditional Uses delegated to it by the Director.
 - (15) Reasonable accommodation.
 - (16) Other matters as established by the City Council.
- d. **Policies and Procedures.** Adopt rules that comply with applicable state statutes and City ordinances.

B. **Administrative Officer.** The Director is hereby designated to review and decide the following:

1. Applications for site plan review and approval as delegated in this Development Code.
2. Determination of the nonconforming status of a building, structure, or use.
3. Routine and uncontested matters as delegated in this Development Code.
4. Other matters as established by the City Council.
5. Property line adjustments.
6. Administrative Conditional Uses.

13A-03-04 Appeal Authorities

B. **Board of Adjustment**

1. **Purpose.** In order to provide for just and fair treatment in the administration of local land use ordinances and to ensure that substantial justice is done, a Board of Adjustment has been created to exercise the powers and duties provided hereafter.
2. **Creation and Membership.** The Board of Adjustment shall consist of five regular members and two alternate members.
 - a. The Mayor shall appoint the members and alternate members with the advice and consent of the City Council for a term of five years.
 - b. All members and alternate members of the Board of Adjustment shall be residents of the City. Any member or alternate member of the Board of Adjustment relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
 - c. Members of the Board of Adjustment may be removed for cause by the Mayor upon written charge and after a public hearing (if a public hearing is requested by the member being removed). Any vacancy occurring on the Board of Adjustment shall be promptly filled by the Mayor, with the advice and consent of the City Council for the unexpired term of the member whose office is vacant.
3. **Procedures.**
 - a. Organize and elect a chairman.
 - b. Adopt rules that comply with all applicable State statutes and City ordinances. Such rules shall establish procedures for alternate members to serve in the absence of members of the Board of Adjustment and shall provide that no more than two alternate members may sit at any meeting of the Board of Adjustment.
 - c. Meet at the call of the chair and at any other times that the Board of Adjustment determines.
 - d. Have the chair, or in the absence of the chair, the acting chair may administer oaths and compel the attendance of witnesses.

- e. Conduct its meeting in compliance with the requirements of State statutes and City ordinances concerning the keeping of minutes, recording of votes, and absences.
 - f. Hear a request for a variance or appeal. Three members constitute a quorum of the Board of Adjustment and a concurring vote of three members is necessary to grant a variance or to overturn a decision on an appeal.
 - g. Make decisions on scheduled agenda items. Decisions of the Board of Adjustment become effective at the meeting in which the decision is made unless a different time is designated in the Board’s rules or at the time the decision is made.
 - h. Each member of the Board of Adjustment shall receive a stipend for each meeting.
4. **Powers and Duties.** The Board of Adjustment shall hear and decide:
- a. Requests for variances from the terms of the land use ordinance.
 - b. Appeals from decisions where it is alleged that there is an error in the order, requirement, decision, or determination made by an administrative official or director in the enforcement or interpretation of this Development Code. Appeals may not be used to waive or modify the terms or requirements of the Development Code. No authority has been granted to the Board of Adjustment to make determinations regarding the existence, expansion, or modification of nonconforming structures or nonconforming uses.
 - c. Other matters as established by the City Council.
- C. **City Council.** All appeals from decisions regarding Nonadministrative Conditional Uses shall be heard by the City Council.
- D. **Administrative Law Judge.** All appeals from decisions regarding Administrative Conditional Uses shall be heard by the administrative law judge.
- E. **Administrative Officer.** The Director is designated as an appeal authority for the purpose of reviewing and deciding matters as established by the City Council.