

### **303: ZONING CODE: PLANNING COMMISSION**

#### **303.010 ESTABLISHMENT OF THE PLANNING COMMISSION**

The Planning Commission is hereby established. The Planning Commission shall be the city planning agency authorized by M.S. 462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in this ordinance, the Planning Commission shall be advisory directly to the City Council.

#### **303.020 COMPOSITION AND TERMS**

1. **Composition, Number.** Such Planning Commission shall consist of five members, who are residents of the city. Members shall be appointed by the City Council. In addition, the City Council may select an ex officio member from among its own members to serve on the Commission as a council liaison to the Planning Commission. The ex officio member shall be a non-voting member who is not counted for quorum purposes.
2. **Terms.** Persons appointed to the Planning Commission by the City Council shall serve a term of three (3) years. Terms shall expire on December 31 of the appropriate year. The City Administrator-Clerk shall record the terms of each member appointed to the Planning Commission. A member whose term has expired may continue to serve on the Planning Commission until a successor is appointed. A member whose term has expired may also be reappointed by the City Council.
3. **Compensation.** The City Council shall set the compensation to be paid members of the Planning Commission.
4. **Resignation.** A member of the Planning Commission may decide to resign from the Planning Commission prior to the expiration of the member's term. The member who desires to resign shall notify the City Council in writing of the request and the effective date of the resignation.
5. **Removal.** Members may be removed by the City Council by a simple majority vote of the City Council.
6. **Vacancies.** Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.
7. **Oath.** Every appointed member shall, before exercising any of his or her duties, take an oath that he or she will faithfully discharge the duties of the office.

#### **303.030 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES**

1. **Officers.** At the first regular meeting in January, the Planning Commission shall elect a Chairperson and a Vice-Chairperson from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine necessary.

2. **Meetings.** The Planning Commission shall schedule at least one meeting each month as needed at the time and place as they may fix by resolution, subject to City Council approval and filed with the City Administrator-Clerk. The City Administrator-Clerk may cancel any regular meeting at the direction of the Planning Commission Chairperson. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson, or as directed by the City Council or Mayor.
3. **Commission Policy on Meetings, Organizational Form and Rules of Order.** Subject to approval by the City Council, the Planning Commission may adopt rules of order or bylaws for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.
4. **Minutes.** Written minutes of meetings shall be kept and filed with the City Administrator-Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to approval at the next Planning Commission meeting.
5. **Expenditures.** The Planning Commission shall not incur any expenditures unless and until authorized by the City Council.

#### 303.040 **ATTENDANCE**

Duly appointed members of the Planning Commission shall be required to attend at least half the official meetings of the Planning Commission held within a given calendar year unless specifically excused by the Chair of the Planning Commission and said excused absences noted in the minutes. Failure to attend at least half of the official meetings within a given calendar year, without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission. In addition, failure to attend four-consecutive regular meetings without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission.

#### 303.050 **STAFF FOR THE COMMISSION**

The City Administrator-Clerk, Building Inspector, City Planner, City Engineer and City Attorney may act as staff for the Planning Commission and may be required at times to attend commission meetings. City Staff may provide the Commission with information as requested by the Commission. The City Administrator-Clerk or other person may perform secretarial duties for the Commission, such as the keeping of minutes, and may be responsible for the keeping of records.

#### 303.060 **POWERS AND DUTIES**

1. **Generally.** The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or city policy. The Planning Commission also shall exercise the duties conferred upon it by Chapter 303 or other provisions of the City Code or assigned to it by the City Council.

2. **Comprehensive Plan.** It shall be the purpose of the Planning Commission to advise and inform the City Council regarding its comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. The Planning Commission may periodically, but at least every ten years, review the comprehensive plan and any ordinances or programs implementing the plan and recommend amendments to the City Council.
3. **Means of Executing Plan.** Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof, in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan, among other things, shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.
4. **Zoning Ordinances.** Pursuant to M.S. 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the zoning ordinances, conduct public hearings as directed by City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action. The Planning Commission may on its own initiative also propose possible amendments to the Birchwood zoning ordinances.
5. **Conditional Use Permits.** The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
6. **Interim Use Permits.** The Planning Commission may make recommendations on all requests for an interim use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
7. **Subdivision Regulations.** The Planning Commission may make recommendations about the subdividing of land as prescribed by the city ordinances and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

8. **Zoning Variances.** All applications for variances shall be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.357, subd. 6, as it may be amended from time to time for its decision.
9. **Official Map.** Pursuant to M.S. 462.359, subd. 2, as it may be amended from time to time, after adoption of a major thoroughfare plan and a community facilities plan (which may be contained in the city comprehensive plan or adopted separately), the Planning Commission, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor.
10. **Appeals to Denials of Zoning, Land Use or Building Permits Based on the Official Map.** All appeals to denials of zoning, land use or building permits based on the official map may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.359, subd. 4, as it may be amended from time to time for its decision.
11. **Purchase and Sale of Real Property.** Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed acquisitions or disposals of publically owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.
12. **Capital Improvements.** Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed capital improvements within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed capital improvement with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

**13. Comprehensive Plan Amendments.** Pursuant to M.S. 462.355, subds. 2, 3, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

**"ADOPTED BY ORDINANCE 2017-10-01; DECEMBER 12, 2017."**