

SECTION VII

PLANNING COMMISSION

7.1 Organization.

1. The Planning Commission shall consist of 5 members and one alternate member appointed by the City Council. A Council member shall be a non-voting additional member and shall act as a liaison to the City Council. Each member other than the council liaison shall hold office for 4 years and terms shall be staggered. The Mayor shall appoint the council liaison on an annual basis with the City Council concurrence. Vacancies shall be filled for the remainder of the term by the City Council.
2. The Commission shall elect a chairman from its members for a term of one year.
3. The Commission shall meet a minimum of eleven times a year, once each month except December, at a regular meeting unless the docket is empty in which case the Mayor can approve suspension of a meeting. Special meetings shall be advertised in the official newspaper and posted in the City Hall at least 10 days in advance of the meeting.

7.2 Duties.

1. To hold hearings after proper public notice in the official newspaper and individual notice by regular mail of any property owners within a minimum of 350 feet of any land use in question. Such notices shall be given at least 10 days before the hearing date.
2. To decide within the required timeframe the following:
 - A. Recommendations to the City Council regarding requested Zoning District boundary changes or amendments to the Ordinance.
 - B. To review and provide recommendations to the City Council on proposed plats or floor plans and to provide recommendations on final plats and final floor plans to the City Council.
 - C. To review and approve all metes and bounds property divisions within the City.
 - D. To review and provide recommendations to the City Council on requests for Conditional Use Permits with complete findings to

justify the decision.

- E. To periodically review the Zoning map and Ordinances and consider their role in shaping the growth of the community and to recommend changes to the City Council of these documents to guide growth and current land use toward the goals of the Comprehensive Plan.
 - F. To recommend on a timely basis that the City Council review the Comprehensive Plan when appropriate.
3. It shall be the duty of each individual member to be present at all meetings of the Planning Commission and Board of Adjustment. More than 3 absences in any one year period shall be grounds for replacement by the City Council.

7.3 Conditional Use Permits.

1. Conditional Use Permits shall be issued to the property for structures or other specified uses, as recommended by the Planning Commission after a public hearing and approved by the City Council. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator **30** days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.
2. Submissions for C.U.P. The applicant shall complete the Conditional Use Permit application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:
 - A. Increasing the required lot size or yard dimension.
 - B. Limiting the height, size or location of buildings.
 - C. Controlling the location and number of vehicle access points.
 - D. Increasing the street width.
 - E. Increasing or decreasing the number of required off-street parking spaces.
 - F. Limiting the number, size, location or lighting of signs.
 - G. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
 - H. Designating sites for open space.

4. The Planning and Zoning Commission shall decide the issue with consideration to the following:
 - A. The following must be met:
 1. The use or development is an appropriate conditional use in the land use zone.
 2. The use or development, with conditions, conforms to the comprehensive land use plan.
 3. The use with condition is compatible with the existing neighborhood.
 4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
 - B. The following must be considered:
 1. The conditional use should not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purpose permitted on those properties, nor substantially diminish or impair values in the immediate vicinity.
 2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 3. The conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community.

4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
 5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
 7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
 8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.
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5. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.
 6. Conditional Use Permits may be transferable where requested by an applicant and approved by the Council.
 7. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall make a recommendation to the City Council on conditions for reinstating the permit or revocation. The City Council shall make the final decision on reinstating or revoking the suspended permit.
 8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.

9. Appeals from the action of the City shall be filed with District Court within 30 days after Council action.