

Chapter 24

PLANNING

Article I. In General

Sec. 24-1. Fees.
Secs. 24-2--24-20. Reserved.

Article II. Planning Commission

Sec. 24-21. Establishment.
Sec. 24-22. Composition.
Sec. 24-23. Qualifications; constraints pertaining to membership; committee expenditures.
Sec. 24-24. Vacancies.
Sec. 24-25. Meetings; records; reports.
Sec. 24-26. Duties.
Secs. 24-27--24-55. Reserved.

Article III. Uniform System for Naming Streets and Numbering Properties and Principal Buildings

Sec. 24-56. Uniform naming and numbering system adopted.
Sec. 24-57. Assignment of names and numbers.
Sec. 24-58. Administration.

GRANT CODE

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PLANNING

ARTICLE I. IN GENERAL

Sec. 24-1. Fees.

(a) *Due upon application.* At the time of filing an application for rezoning, subdivision, variance, special use permit, conditional use permit, street vacation or any other application for a permit or other approval required under an official control established pursuant to Minn. Stats. ch. 462, the applicant shall pay to the city an amount of money sufficient to cover the city's administrative and other costs incurred in the processing of the application.

(b) *Amounts of fee and deposits.* The city may require the applicant to deposit at the time the application is filed an amount of money sufficient to pay the costs of public notices, materials and staff consultant time and research for preparation of materials necessary to the processing of each application in addition to the application fee. At the time of filing of the application, the applicant shall pay to the city the amount of fees established by ordinance. Additional fees shall be paid whenever the council or its designee determines that the actual costs will exceed those initially set by council resolution. No action on the application shall be taken by the city until all fees are paid as required.

(c) *Payment to precede permit issuance.* No permit shall be issued until all costs and fees as provided herein have been paid.

(d) *Waiver by city council.* The council may waive any and all fees provided herein.
(Ord. No. 49, §§1--4, 8-3-1982)

State Law References: Fees in connection with official controls, Minn. Stats. § 462.353, subds. 4, 4a.

Secs. 24-2--24-20. Reserved.

ARTICLE II. PLANNING COMMISSION

Sec. 24-21. Establishment.

A planning commission for the city is hereby established pursuant to Minn. Stats. §§ 462.351 to 462.364.

(Ord. No. 2005-114, § 1, 4-5-2005; Ord. No. 2009-08, § 1, 3-3-2009)

State Law References: Planning commission authorized, Minn. Stats. § 462.354, subd. 1.

Sec. 24-22. Composition.

(a) The planning commission shall consist of five to seven members. The members shall be appointed by the city council by a majority vote of the city council. Each planning commissioner shall be appointed to a three year term. If a commissioner is appointed to fulfill the term of an unexpired term, then the newly appointed commissioner shall serve for the remainder of that term. The term of office, unless appointed to fill an unexpired term, shall begin at the first regular city council meeting in March of each year. Both original and successive appointees hold office until their successors are appointed and have qualified.

(b) In March of each year the members of the planning commission shall annually elect one member as chair and one member as vice-chair.

(c) The city council may appoint one of the members of the city council to serve as an ex officio member of the city planning commission, who shall not have a vote nor participate in any proceedings before

GRANT CODE

the planning commission or hold any office. The ex officio member may participate in discussion as a resident and member of the audience.

(d) A quorum shall be achieved when a simple majority of the appointed members is present, excluding the ex officio member, prior to any business being conducted at the meetings. For example, if the Planning Commission consists of seven appointed members, then a minimum of 4 members must be present to achieve quorum.

(e) The meeting shall be conducted according to Robert's Rules of Order.
(Ord. No. 2005-114, § 2, 4-5-2005; Ord. No. 2009-08, § 2, 3-3-2009)

Sec. 24-23. Qualifications; constraints pertaining to membership; committee expenditures.

(a) Every member of the planning commission shall be a registered voter in the city.

(b) Every member shall, before entering upon the disposition of duties, take an oath to faithfully perform the duties of such office.

(c) All members shall serve without compensation, and may be removed by a majority vote of the city council. In the event a planning commission member is removed, the member will be notified by the city.

(d) Any member who fails to attend five regular meetings of the planning commission during any consecutive 12-month period shall have the appointment reviewed by the city council.

(e) No member of the planning commission may participate on any issue or proceeding in which the member has a conflict of interest. While not an exhaustive list, a member has a conflict of interest if the member has a financial interest, is married to the applicant, is related to the applicant within the first degree of kinship, or is employed by the applicant, or if the applicant is employed by the member. Any members having a conflict of interest on a specific zoning review or application is required to recuse himself and step down during planning commission discussion and action. If there is any question regarding a conflict, the planning commission member may consult with the city attorney. The planning commissioner may participate in discussion as a resident and member of the audience.

(f) Expenditures of the planning commission shall be within amounts appropriated for that purpose by the city council.
(Ord. No. 2005-114, § 3, 4-5-2005; Ord. No. 2009-08, § 3, 3-3-2009)

Sec. 24-24. Vacancies.

(a) Vacancies due to resignation, the expiration of a term, or when the city council determines not to reappoint a planning commission member whose term is expiring shall be filled by each applicant making an application requesting to be appointed or reappointed. The city council shall review the applications upon completion of the process set forth below and shall appoint a planning commission member by a majority vote of the city council.

(b) The city clerk shall publish in the official newspaper of the city, on an annual basis, a notice that a vacancy on the planning commission exists and that any interested person may make an application for appointment by the city council.

(c) Applicants for appointment/reappointment shall apply in writing using the appropriate forms as may be required, and the city council shall interview those candidates that it deems appropriate before

PLANNING

appointment to the planning commission by the city council.

(d) The appointment process for a vacancy due to an expired term shall be handled by the city council at a regular or special meeting in March of each year in order to allow an opportunity for candidates to file applications and interview applicants. For all unexpired terms, the city council shall follow the same process as laid out in (a) through (c), but may consider appointments at any regularly schedule city council meeting.

(Ord. No. 2005-114, § 5, 4-5-2005; Ord. No. 2009-08, § 5, 3-3-2009)

Sec. 24-25. Meetings; records; reports.

The planning commission shall hold at least one regular meeting each month, unless there is no business to conduct. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which shall be a public record. At each regular monthly meeting of the city council, the commission shall submit to the city council a report of its work during the preceding month.

(Ord. No. 2005-114, § 6, 4-5-2005; Ord. No. 2009-08, § 6, 3-3-2009)

Sec. 24-26. Duties.

(a) The planning commission shall have the duty to review, study and make recommendations to the city council on the following:

- (1) The City's Comprehensive Plan;
- (2) All standard land use applications, filed with the City, including but not limited to: rezoning, conditional use permits, variances, subdivisions and related matters;
- (3) Matters requiring a public hearing by law and/or as directed by the city council;
- (4) Draft ordinances as requested by the city council;
- (5) Such other matters as the city council may request review and recommendation.
- (6) Such other duties as the city council may delegate.

(b) As directed by the city council, the planning commission shall attend joint meetings between the city council and planning commission.

(c) The city council may elect to classify a land use application as an Emergency Application requiring immediate consideration. An application may only be classified as an Emergency Applicant if the applicant is faced with circumstances which directly and immediately affect the public health, safety and well-being of either the applicant, or any resident of the city. Any land use application classified as an Emergency Application shall be considered directly by the city council and shall not be considered by the planning commission given the urgency of the circumstances. The city council shall conduct all necessary public hearings. When an application is classified as an Emergency Application by the city council, the planning commission shall be notified and invited to attend the city council meeting at which the application is discussed.

(d) Such recommendations shall then be acted upon in accordance with Minn. Stats. § 15.99, as amended, if applicable, and Minn. Stats. § 462.358, subd. 3b, as amended and if applicable, and all other laws of the state.

(Ord. No. 2005-114, § 4, 4-5-2005; Ord. No. 2009-08, § 4, 3-3-2009)

State Law References: Time deadlines for actions, Minn. Stats. §§ 15.99, 462.358, subd. 3b.

GRANT CODE

Secs. 24-27--24-55. Reserved.

**ARTICLE III. UNIFORM SYSTEM FOR NAMING STREETS AND NUMBERING PROPERTIES
AND PRINCIPAL BUILDINGS**

Sec. 24-56. Uniform naming and numbering system adopted.

A uniform system of naming streets and numbering properties and principal buildings, as shown in the manual of procedures identified by the title "Uniform Street Naming and Property Numbering System," which is filed in the county courthouse, is hereby adopted for use in the city. This map and all explanatory matter thereon is hereby adopted and made a part of this article.
(Ord. No. 35, § 1, 7-14-1972)

Sec. 24-57. Assignment of names and numbers.

(a) All properties or parcels of land within the city shall hereafter be identified by reference to the uniform numbering system adopted herein, provided all existing numbers of property and buildings not now in conformity with provisions of this article shall be changed to conform to the system herein adopted within three months from the date of passage of the ordinance from which this article is derived. The names of all streets in the city shall be as designated by the uniform street naming system.

(b) It shall be the duty of the property owner of every house, commercial or other building to have proper house or building numbers either by affixing such number in metal, glass, or plastic or other durable material. The numbers shall not be less than three inches in height, in a color contrasting to the building. Said numbers shall be either lighted or made of some reflective material and so placed to be easily seen from the street, or placed on the mailbox if the mailbox is on the street of the property and the numbers placed on the house cannot be easily seen from the street. If no such mailbox is available, the numbers shall be attached to a separate post which shall be placed within 30 feet of the street. Numbers fixed to either a mailbox or separate post must be clearly seen from the street when approached from either direction.

(c) In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.
(Ord. No. 35, § 2, 7-14-1972; Ord. No. 65, § 1, 4-3-1990)

Sec. 24-58. Administration.

(a) The building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility, he shall be guided by the provisions of section 24-57.

(b) The city clerk shall keep a record of all numbers assigned under this article.

(c) The city clerk shall assign to any property owner in the city upon request a number for each principal building or separate front entrance to such building. In doing so, he shall assign such building under the provisions of this article; provided, however, that the recorder may assign additional numerals in accord with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner.
(Ord. No. 35, § 3, 7-14-1972)