



Meeting Agenda  
City of Mora, Planning Commission  
**5:30 p.m. Monday, February 12, 2024**  
Mora City Hall

Mora City Hall  
101 Lake Street S  
Mora, MN 55051  
Kanabec County,  
Minnesota

*City of Mora Code of Ordinances, Chapter 32: The role of the Planning Commission is to serve the City Council in an advisory capacity on matters relating to citizen requests for action, zoning changes and review, Comprehensive Plan reviews, capital improvement reviews, and other actions as deemed necessary to carry out the functions of a pro-active Planning Commission.*

1. Call to Order
2. Roll Call: ☐ Jody Anderson      ☐ Sheldon Shepard      ☐ Lance Strande  
☐ Sara Treiber      ☐ Tim Dahlberg
3. Adopt Agenda *(No item of business shall be considered unless it appears on the agenda for the meeting. Board members may add items to the agenda prior to adoption of the agenda.)*
4. Minutes
  - a. Approve minutes from January 8, 2024
5. Open Forum  
*(Individuals may address the committee about any item not contained on the regular agenda. There is a maximum of fifteen (15) Minutes set aside for open forum. A maximum of three (3) minutes is allotted per person. The Planning Commission will take no official action on items discussed at the forum, with the exception of referral to staff for future report.)*
6. Public Hearings:
  - a. Text amendment request to allow dog training in B-1 Central Business District
    - i. Recommend approval/denial/table of request (Resolution PC2024-0211)
7. New Business:
  - a. None
8. Old Business:
  - a. Code Review: Mora MN Code of Ordinances: § 32.65-§ 32.76 "Planning Commission"
9. Reports *(In addition to the items listed below, each board and staff member will be given the opportunity to share information.)*
  - a. Communication regarding state and national news surrounding parking minimums
10. Adjournment  
The next meeting of the Planning Commission is scheduled for **5:30 p.m. Monday, March 11, 2024.**

City of Mora Planning Commission  
Meeting Minutes  
**5:30 p.m. Monday, January 8, 2024**  
Mora City Hall, 101 Lake St, Mora, MN 55051

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Pursuant to due call and notice thereof Chair Sheldon Shepard called to order the regular meeting of the Planning Commission at 5:32 p.m. Monday, January 8, 2024, in the Mora City Hall Council Chambers.

2. **Oath of Office:** Sara Treiber pledged the oath of office for a 3-year term expiring Dec. 31, 2026
3. **Roll call:** Present: Sheldon Shepard, Tim Dahlberg, Sara Treiber, Jody Anderson, Lance Strande  
Absent: None  
Staff present: Building Official Caleb Christenson, Community Development Director Kirsten Faurie, City Administrator Glenn Anderson  
Guests: None
4. **Adopt Agenda:** MOTION made by Dahlberg, seconded by Strande, and unanimously carried to adopt the agenda as presented.
5. **Election of Officers for 2024:** MOTION by Strande, seconded by Dahlberg, and unanimously carried to maintain Shepard as Chairperson, Treiber as Vice Chairperson, and Faurie as Secretary.
6. **Approval of Minutes:** MOTION made by Treiber, seconded by Dahlberg and unanimously carried to approve the December 11, 2023 minutes as presented.
7. **Open Forum:** No one spoke during open forum
8. **Public Hearings:** None
9. **New Business:**
  - a. Discussion regarding City Code Review: Faurie introduced discussion about the Planning Commission's previously expressed desire to review city code. Faurie asked the Planning Commission to provide staff with guidance on their goals and a suggested approach. The commission discussed possible avenues and cost of attorney fees, etc. Commission members suggested keeping a review of the code as a standing item on their agenda and to let staff prioritize which chapters to review. Some of higher priority items could be the Planning Commission bylaws, the approval process for solar, short-term rentals, etc.
10. **Old Business:** None
11. **Reports:** Staff had no additional items to report.
12. **Adjournment:** MOTION to adjourn by Treiber, seconded by Dahlberg, and unanimously carried to adjourn the Planning Commission meeting at 6:02 p.m. The next regular meeting of the Planning Commission is scheduled for **5:30 p.m. Monday, February 12, 2024.**

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Commission Chair

Attest: \_\_\_\_\_  
Kirsten Faurie  
Community Development Director



# MEMORANDUM

Date February 12, 2024  
To Planning Commission  
From Kirsten Faurie, Community Development Director  
RE Text Amendment to include dog training as a permitted use in B-1 Central Business District

## SUMMARY

Jennifer and Jason Yates have submitted a request for a Text Amendment to include *dog training* as a permitted use in the B-1 Central Business District. Mora's Land Use ordinances contain guidance for pet shops, pet grooming, vet clinics, and kennels – but not specifically dog training.

## DISCUSSION

The applicants have purchased the property at 129 Forest Ave., located within the B-1 District. The Yates have expressed their intent to train dogs at the location as either a business and/or as part of the local 4H program. Jennifer Yates expressed that the business may expand to include dog boarding, dog daycare and possibly grooming.

Zoning Code Section 150.130 states "The B-1 Central Business District is to provide a pedestrian oriented, compact center for retail sales, personal services, and professional offices by grouping compatible businesses and discouraging highway oriented and other land uses that do not mutually support and complement each other."

Staff believes *dog training* is a service business similar to existing permitted and conditional uses within the B-1 District including:

Permitted uses within the B-1 District include:

(B) *Retail sales, services, and businesses. The following retail sales, services, and businesses:*

(39) *Pet shop or pet grooming, provided no animals are maintained or displayed outside of the building;*

Conditional uses within the B-1 District include:

(G) *Veterinary clinics.*

(H) *Kennels. Any lot or premises or portion thereof on which four (4) or more dogs and/or cats over six (6) months old are owned, bred, boarded or offered for sale. This shall not include pet shops, veterinary clinics or other such uses regulated herein.*

When considering a Text Amendment to add a particular use to a district, the Planning Commission and City Council should consider many factors, including but not limited to: the intent of the district; the properties that are currently located in that particular district; and, how the proposed use may impact existing permitted and conditional uses within that district.

The Planning Commission anticipated this request and briefly discussed *dog training* at its October 2, 2023 meeting. Commissioners suggested if dog training were added as a permitted use, they would prefer it not to

## Item No. 6a

include overnight stays of the dogs; if dog training included overnight stays it would be considered a kennel and subject to the Conditional Use Permit requirements for kennels.

A public hearing notice was published in the February 1, 2024 issue of the Kanabec County Times. Staff received comments from one business person within the B-1 District who expressed concern that the noise of pet-based businesses can have a disruptive impact on existing businesses. The business person noted this was especially relevant for the many businesses that share walls in the B-1 district.

Zoning Code Section 150.195 establishes performance standards for all district stating: *“The guiding of urban development so as to bring about a compatible relationship of uses depends upon certain standards being maintained. Permitted uses, uses by conditional permit and accessory uses in the various districts shall conform to the following standards. These standards apply in all districts.”* This section (attached for reference) includes standards for noise, odors, and more.

### RECOMMENDATIONS

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Staff believes that dog training may be an appropriate use in the B-1 District. Therefore, staff is recommending Planning Commission approval of Resolution No. PC2024-2011, a resolution approving a Text Amendment to include “Dog training service, provided no dogs are kept overnight” as a permitted use to the B-1 Central Business District.

### OPTIONS AND IMPACTS

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1. Offer a motion to approve Resolution No. PC2024-2011 as presented or amended
2. Recommend denial of the Text Amendment request, providing specific reasons for the recommendation of denial for the written record
3. Make no recommendation at this time, deciding to either continue the public hearing for additional comment or table the request for further consideration

### ACTION REQUESTED

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Offer a motion to approve Resolution No. PC2024-2011 as presented and move its approval.

### Attachments

*B-1 Central Business District Map*

*Zoning Code Section 150.195-150.203 – Performance Standards*

*Approved Planning Commission Minutes - October 2, 2023*

*Resolution No. PC2024-0211*



[illegible]



## **PERFORMANCE STANDARDS**

### **§ 150.195 STANDARDS FOR ALL DISTRICTS.**

The guiding of urban development so as to bring about a compatible relationship of uses depends upon certain standards being maintained. Permitted uses, uses by conditional permit and accessory uses in the various districts shall conform to the following standards. These standards apply in all districts.

(Ord. 395, passed 7-6-2010)

### **§ 150.196 NOISE.**

Any use established shall be so operated that no noise resulting from said use is perceptible beyond the boundaries of the lot line of the site on which such use is located. This standard shall not apply to incidental traffic, parking, loading, construction, or maintenance operations.

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

### **§ 150.197 SMOKE, ETC.**

All uses shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare of the public. For purpose of determining when the degree of smoke is unsatisfactory, the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed. The emission of smoke shall not be of a density greater than No. 2 in the Ringelmann Chart.

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

### **§ 150.198 TOXIC OR NOXIOUS MATTER.**

All use shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detectable or to endanger the public health, safety, comfort or welfare, or cause injury to damage to property or business.

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

### **§ 150.199 ODORS.**

All uses shall be so operated as to prevent the emission of odorous matter in such qualities as to be readily detectable at any point beyond the lot line of the site on which such use is located.

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

### **§ 150.200 VIBRATION.**

Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

### **§ 150.201 GLARE OR HEAT.**

Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

### **§ 150.202 EXPLOSIVES.**

Any use requiring the storage, utilization, or manufacturing of products which would decompose by detonation shall be located not less than four hundred (400) feet from any R district line.

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

### **§ 150.203 WASTE MATERIAL.**

Waste material shall not be washed into the public storm sewer system nor the sanitary sewer system without first having received a permit to do so from the city. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view.

(Ord. 395, passed 7-6-2010) Penalty, see § 150.999

**City of Mora Planning Commission**  
**Minutes**  
**5:30 p.m. Monday, October 2, 2023**  
**Mora City Hall, 101 Lake St, Mora, MN 55051**

Pursuant to due call and notice thereof Sheldon Shepard called to order the regular meeting of the Planning Commission at 5:35 p.m. Monday, October 2, 2023, in the Mora City Hall council chambers.

**2. Roll call:**

Commissioners present: Sheldon Shepard, Tim Dahlberg, Jody Anderson and Lance Strande

Commissioners absent: Sara Treiber

Staff present: City Administrator Glenn Anderson, Community Development Director Kirsten Faurie

**3. Adopt Amended Agenda:** MOTION made by Dahlberg, seconded by Strande and unanimously carried to adopt the agenda as presented.

**4. Approval of Minutes:** MOTION made by J. Anderson, seconded by Dahlberg and unanimously carried to approve the Sept. 11, 2023 minutes as presented.

**5. Open Forum:** No one spoke during open forum

**6. Old Business:** J. Anderson asked for an update on Maple Avenue East's commercial truck traffic. G. Anderson reported that "TRUCK ROUTE" signs have been placed, directing trucks away from Maple Avenue East. Staff has not heard any complaints from the street's residents since the September 19 City Council meeting.

**7. Public Hearings:**

- a. Conditional Use Permit (CUP) Request for solar system at 413 Cardinal St. Shepard opened the public hearing at 5:38 p.m. Faurie presented the CUP request by Solcius (applicant) and Robert Gilbert (property owner) to allow a Solar Energy System to be located in the R-1 Single Family Residential District. Faurie noted that this solar array was smaller than similar ones recently approved by the Planning Commission. Staff had no concerns about the project; a nearby property owner had submitted a letter in support of the project. The Planning Commission members expressed no concerns for the project. Shepard closed the public hearing at 5:42p.m.

- i. MOTION by J. Anderson to approve Resolution # PC 2023-0911, seconded by Dahlberg and unanimously carried.

**8. Other Business:**

- a. Preliminary discussion regarding dog training facility In the B-1 District: Faurie explained that a new dog-training business is interested in opening in the B-1 District. The City's ordinances contain guidance for pet shops, pet grooming, veterinarian clinics and kennels, but not specifically for dog training. Faurie asked for direction regarding how the Planning Commission would prefer a possible ordinance change to include dog training services in the B-1 District. After discussion, the consensus of the commission was they would prefer dog-training to be added to B-1

**City of Mora Planning Commission**  
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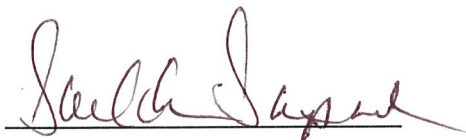
permitted uses if it did not include overnight stays; if training included overnight stays it should be a conditional use. The commission encouraged Faurie to do additional research regarding the number of animals served, and how other cities manage noise and odor issues of pet-related businesses.

- b. Preliminary discussion regarding former Mora High School site Faurie explained that the former Mora High School at 400 Maple Ave. East will soon be demolished and the school district intends to sell the land. Faurie has had some preliminary discussions with the school board and is proposing they attempt to sell the site through a Request for Proposal process. While the decision on who to sell the land to is ultimately up to the school board, Faurie is willing to assist the school in marketing the site in the hopes of securing interest from a quality developer and guiding a coordinated, unified housing development. In marketing the site, Faurie asked if the Planning Commission would consider some flexibility in use of the site. The site is currently zoned R-1 Single-Family Residential District and R-3 Multiple Dwelling District. The Commission noted that the priority for the area is housing, but indicated it would consider proposals for commercial development on some portions of the land.

The Commission further discussed the effects of the new high school addition on 9<sup>th</sup> Street. J. Anderson noted that the school's athletic tournaments seem to be bringing more customers to downtown businesses.

9. **Reports:** Faurie reported she anticipates a number of projects to be on the agenda of the November 13 Planning Commission meetings, so please plan to attend. Faurie has started conversations with the City Attorney regarding a review of city ordinances when the Planning Commission has little other business. Faurie also announced that a property developer has expressed serious interest in the vacant city lot in downtown Mora known as the Downtown Commercial Corner or former Feed Mill site. The developer will be bringing his proposal to the Mora EDA at their Nov. 7 meeting.

10. **Adjournment:** MOTION to adjourn by Dahlberg, seconded by Strande, and unanimously carried to adjourn the Planning Commission meeting at 6:14 p.m. The next regular meeting of the Planning Commission is scheduled for **5:30 p.m. Monday, November 13, 2023.**



Commission Chair

Attest: \_\_\_\_\_



Kirsten Faurie  
Community Development Director



RESOLUTION NO. PC2024-0211

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA,  
RECOMMENDING APPROVAL OF A TEXT AMENDMENT TO CHAPTER 150 (ZONING CODE) OF THE CITY  
CODE TO INCLUDE *DOG TRAINING* AS A PERMITTED USE IN THE B-2 CENTRAL BUSINESS DISTRICT**

WHEREAS, Jennifer and Jason Yates have submitted an application dated received and considered complete on January 8, 2024 for a Text Amendment to include dog training as a permitted use in the B-1 District; and

WHEREAS, notice was provided and on February 12, 2024, the planning Commission conducted a public hearing to consider the request, at which it heard from the Community Development Director and invited members of the public to comment; and

WHEREAS, the Planning Commission found the Text Amendment to be in the best interest of the city, and believes the proposed use to be appropriate as a permitted use in the B-1 Central Business District.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA, AS FOLLOWS:

That the Planning Commission recommends approval of a Text Amendment to Chapter 150 (Zoning Code) of the City Code to include *Dog training service, provided no dogs are kept overnight* as a permitted use within the B-1 Central Business District.

Adopted by the Planning Commission of the City of Mora, Minnesota, this 12<sup>th</sup> day of February 2024.

Sheldon Shepard \_\_\_\_\_  
Lance Strande \_\_\_\_\_  
Jody Anderson \_\_\_\_\_

Sara Treiber \_\_\_\_\_  
Tim Dahlberg \_\_\_\_\_

\_\_\_\_\_  
Sheldon Shepard  
Chair

ATTEST: \_\_\_\_\_  
Kirsten Faurie  
Community Development Director



# MEMORANDUM

Date February 12, 2024  
To Planning Commission  
From Kirsten Faurie, Community Development Director  
RE Zoning Code Review

## SUMMARY

The Planning Commission will discuss the most recent City of Mora code review and consider future options.

## DETAILS

During their January 8, 2024 meeting, members of the Planning Commission suggested keeping review of city code as a standing item on the agenda and to review chapters gradually, starting with the Planning Commission's establishing ordinances.

## RECOMMENDATIONS

Discuss code and consider changes. Direct staff to research any questions, or get clarification.

## Attachments

*Mora MN Code of Ordinances: § 32.65-§ 32.76 "Planning Commission"*  
*Establishing a Planning Commission, LMC Model Ordinance*  
*Planning Commission Structure and Procedure, LMC Model Policy*

## **PLANNING COMMISSION**

### **§ 32.65 ESTABLISHED.**

There shall be a city Planning Commission for the City of Mora, Minnesota, serving in an advisory capacity to the City Council.

(Ord. 274, passed 4-15-1997)

### **§ 32.66 MEMBERSHIP.**

(A) The Planning Commission shall consist of five (5) voting members each of whom shall be residents or property owners of the city. Four (4) members of the five (5) members shall be appointed by the City Council and may be removed by a four-fifths (4/5) vote of the City Council. The City Council shall select one (1) voting member of the Commission from among its own members.

(B) Members of the Commission shall be appointed for terms of three (3) years. Appointees shall hold their offices until their successors are appointed and qualified. Members of the Commission appointed from membership of the City Council shall serve one (1) year terms expiring December 31 of each year. Vacancies during the term shall be filled by the City Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of their duties, take an oath of office. All members shall serve without compensation, unless otherwise authorized by the City Council and designated in the annual salary schedule.

(Ord. 274, passed 4-15-1997; Am. Ord. 347, passed 6-20-2006; Am. Ord. 471, passed 6-16-2020)

### **§ 32.67 ORGANIZATION AND MEETINGS.**

(A) The Commission shall elect a Chairperson from among its appointed members for term of one (1) year; and the Commission may create and fill such other offices as it may determine. The City Zoning Administrator or his or her designate, shall act as Secretary of the Planning Commission, but he or she shall not be a member unless he or she is appointed by the Council as a voting member as provided in § 32.66.

(B) The Commission shall hold at least one (1) regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and finding, which record shall be a public record. As needed, the Planning Commission will report on its activities to the City Council. Expenditures of the Commission shall be within amounts appropriated for the purpose by the Council.

(Ord. 274, passed 4-15-1997)

### **§ 32.68 ADOPTION OF PROGRAM OF WORK.**

On an ongoing basis, the Planning Commission will review and revise a work program to be followed to fulfill the duties of this Board; including zoning changes and review, monthly citizen requests for action, comp plan reviews, capitol improvement reviews and other actions as deemed necessary to carry out the functions of a pro-active Planning Commission.

(Ord. 274, passed 4-15-1997)

### **§ 32.69 PREPARATION OF COMPREHENSIVE CITY PLAN.**

The Planning Commission shall prepare a comprehensive city plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the city. The plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the Commission's program of work.

(Ord. 274, passed 4-15-1997)

### **§ 32.70 PROCEDURE FOR ADOPTING OR AMENDING THE COMPREHENSIVE PLAN.**

(A) Before adopting the comprehensive plan or any section of it or any substantial amendment thereof, the Commission shall hold at least one (1) public hearing thereon, notice of the time and place of which shall be given by publication in the official newspaper of the city at least ten (10) days before the day of the hearing. The adoption of the comprehensive plan or of any section or amendment thereof shall be by resolution of the Commission, approved by the affirmative votes of a majority voting membership. The Commission may from time to time amend or add to the comprehensive plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions for further studies by the Commission indicate that such amendment or addition is necessary. An attested copy of the plan or of any section, amendment or addition to the city comprehensive plan adopted by the Planning Commission shall be certified to the Council.

(B) The City Council may by resolution of a majority of its members adopt and amend the comprehensive plan or portion thereof.

(Ord. 274, passed 4-15-1997)

### **§ 32.71 MEANS OF EFFECTUATING THE PLAN.**



(A) Upon adoption of the comprehensive city plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a guide for the orderly physical development of the city and as a basis for the efficient expenditure of the funds for public improvements.

(B) Such means shall consist of zoning, the control of subdivisions, official mapping, coordination of the normal public improvements of the city, a long-term program of capital expenditures and such other methods as will accomplish the purposes of this section.

(Ord. 274, passed 4-15-1997)

#### **§ 32.72 ZONING REGULATIONS.**

The Planning Commission upon its own motion and upon instructions by the Council, shall prepare proposed zoning regulations or amendments and additions to existing zoning. Before recommending such amendments or additions to the Council, the Planning Commission shall hold at least one (1) public hearing thereon after a notice similar to that required by § 32.70. The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

(Ord. 274, passed 4-15-1997)

#### **§ 32.73 OFFICIAL MAP OF STREET EXTENSIONS.**

(A) The Planning Commission, with the assistance of the city staff, upon instruction by the Council, shall prepare an official map of the platted and unplatted portion of the city and adjoining territory, or portions thereof, or any map of future platted areas or any revised maps as may be necessary, indicating upon such map, the proposed future extension or widening of streets of the city within such existing platted and undeveloped territory or across such unplatted territory.

(B) After such map has been prepared and a hearing on it has been held as provided in §32.70, it shall be submitted to the Council, which shall thereupon consider such map and may adopt it or any part of it with such amendments as it deems advisable. Before such adoption by the Council, a public hearing shall be held upon the proposal at least ten (10) days after a notice thereof has been published in the official newspaper of the city. After such map has been adopted by the Council and filed with the Register of Deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purposes are acquired by action of the city, it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of such a map within the limits of the mapped street, or outside of any building line that may have been established upon the existing street, or within any area thus reserved for public purposes.

(Ord. 274, passed 4-15-1997)

#### **§ 32.74 PLATS.**

(A) Every proposed plat of land within the city shall be submitted to the Council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the Council. Before acting on such plat, the Council shall submit the same to the Planning Commission for its recommendations.

(B) The Planning Commission, adhering to procedure described in the Subdivision Code, shall act on the same and shall make its recommendation with respect thereto. The recommendations may consist of:

(1) Recommendation that the Council approve such plat;

(2) Recommendation that the Council disapproves such plat, in which case such recommendation shall include a statement of the specific reasons for such recommendation; or

(3) Recommendation that the Council approve such plat after specific changes or revisions are made therein, which recommendations may include the condition that a revised plat, containing such changes or revisions, be submitted to the Planning Commission, in which case such revised plat shall be so submitted to the Planning Commission for its further consideration and recommendations before action thereon by the Council.

(Ord. 274, passed 4-15-1997)

#### **§ 32.75 PROCEDURE FOR CHANGES.**

No change shall be made in the zoning regulations, the official map or regulations governing the platting of land after such regulations or maps have been adopted by the Council, until the proposed change has been referred to the Planning Commission for report thereon and an attested copy of such report has been filed with the Council; and no ordinance or resolution establishing any such regulations or map shall be adopted by the Council until such ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of such report has been filed with the Council. Failure of the Planning Commission to so report within sixty (60) days or such longer period as may be designated by the Council after such reference shall be deemed approval of the proposed change.

(Ord. 274, passed 4-15-1997)

#### **§ 32.76 CAPITAL IMPROVEMENT PROGRAM.**

Each officer, department, board or commission of or in the city whose functions include recommending, preparing plans for, or constructing public works may at least three (3) months before the end of each fiscal year, submit to the Planning Commission a list of the proposed public works recommended by such officer, department, board or commission for planning, initiation or constructing during the ensuing fiscal year. The Planning Commission may request from the local school district, a similar list of its proposed public works. The Planning Commission may list and classify all proposed public works and shall review a coordinated program of proposed public works for the ensuing fiscal year, based on the comprehensive city plan. In addition, the Planning Commission may prepare and maintain a capital improvement list for projects to be completed with in a five (5) year period and with in a twenty (20) year period. Such program called a Capital Improvement Program shall be reviewed for compliance with the comprehensive plan and recommended to the City Council. A copy of such recommended program of public works shall be included in the annual report of the Planning Commission provided for in § 32.67.

(Ord. 274, passed 4-15-1997)

## Establishing a Planning Commission, LMC Model Ordinance

*League staff thoughtfully develops models for your city's consideration. Models should be customized as appropriate for an individual city's circumstances in consultation with the city's attorney. Helpful background information on this model may be found in the League Information Memo ["Planning Commission Guide"](#)*

ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE ESTABLISHING AND FIXING THE DUTIES OF A CITY PLANNING COMMISSION WITHIN THE CITY OF \_\_\_\_\_, MINNESOTA

The City Council of \_\_\_\_\_, Minnesota ordains:

#### SECTION 1. 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.

#### SECTION 2. COMPOSITION AND TERMS

**(A) Composition, Number.** Such Planning Commission shall consist of \_\_\_\_\_ members, who are residents of the city. Members shall be appointed by the City Council.



*Cities should set an odd number to avoid tie-vote situations. Between five and nine individuals are common.*



*Optional provision:* In addition, the City Council shall select \_\_\_\_\_ council member(s) from among its own members to serve on the Commission as a council liaison to the Planning Commission. The council member(s) shall be a non-voting member(s) who is not counted for quorum purposes.

**(B) Terms.** Of the members of the Commission first appointed, one shall be appointed for the term of one (1) year, two for the term of two (2) years, two for the term of three (3) years, and two for the term of four (4) years. Their successors shall be appointed for terms of four (4) years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Terms shall expire each year on December 31.

**(C) Compensation.** All members shall be compensated at a fixed rate of per meeting attended (regular and special).

**(D) Removal.** Members may be removed by the City Council with or without cause by a four-fifths vote of the City Council.

**(E) Vacancies.** Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.



(F) **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.

### **SECTION 3. ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES**

(A) **Officers.** At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary 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.

(B) **Meeting.** The Planning Commission may hold 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 file with the City Clerk. 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.

(C) **Commission Policy on Meetings, Organizational Form and Rules of Order.** Subject to approval by the City Council, the Planning Commission shall adopt rules of order or bylaws for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.

(D) **Minutes.** Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting but shall be subject to approval at the next Planning Commission meeting.

(E) **Expenditures.** No expenditures by the city on behalf of the Planning Commission shall be made unless and until authorized by the City Council.

### **SECTION 4. ATTENDANCE**

Duly appointed members of the Planning Commission shall be required to attend no less than 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 no less than 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.

### **SECTION 5. STAFF FOR THE COMMISSION**

The City Clerk or Administrator, 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 Clerk or Administrator may perform secretarial duties for the Commission, such as the keeping of minutes, and may be responsible for the keeping of records.

### **SECTION 6. POWERS AND DUTIES**

(A) **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 this ordinance.

**(B) Comprehensive Plan.** It shall be the purpose of the Planning Commission to prepare and adopt a 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. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the comprehensive plan, the Planning Commission may periodically, but at least every five years, review the comprehensive plan and any ordinances or programs implementing the plan.



*A comprehensive plan is not required in cities outside the seven-county metropolitan area. However, as this normally lays out a vision for the city's future land development and use this is a recommended first step on adopting zoning and subdivision regulations for the city.*

**(C) 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.

**(D) Zoning Ordinance.** Pursuant to M.S. 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the zoning ordinance, 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.

**(E) Conditional 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.

**(F) Interim Use Permits.** The Planning Commission may make recommendations on all requests for an interim use permit if allowed by current law and 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.

**(G) Subdivision Regulations.** The Planning Commission may make recommendations about the subdividing of land as prescribed by the 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.

**(H) Zoning Variances.** All applications for variances 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. 462.357, subd. 6, as it may be amended from time to time for its decision.

**(I) 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.

**(J) 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.

**(M) 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, if any, the Planning Commission shall review all proposed acquisitions or disposals of publicly 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 of those present 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.

**(N) Capital Improvements.** Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, and if a comprehensive plan has been adopted, 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.



**(O) 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, if any, 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.

#### **SECTION 7. EFFECTIVE DATE**

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the City Council of \_\_\_\_\_, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_  
Mayor

Attested:

\_\_\_\_\_  
City Clerk

# Planning Commission Structure and Procedure, LMC Model Policy

*League staff thoughtfully develops models for your city's consideration. Models should be customized as appropriate for an individual city's circumstances in consultation with the city's attorney. Helpful background information on this model may be found in the League Information Memo "[Planning Commission Guide](#)."*



**This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.**

## **City of \_\_\_\_\_, Minnesota Planning commission policy on commission structure, meeting order and general procedure**

### **SECTION 1. PURPOSE**

The purpose of this Planning Commission policy is to provide a set of operating procedures for the Planning Commission, and to establish a code of ethics and conduct.

### **SECTION 2. ADOPTION OF PLAN OF WORK**

Upon the appointment and organization of the Planning Commission, the Commission, subject to council approval, shall proceed with the preparation and adoption of a plan of work, outlining the activities proposed to be undertaken within the exercise of its powers and the performance of its duties. Subject to council approval, the plan may be revised from time to time. On or before January 1 of each year, the Commission shall submit to the City Council a report of its work during the preceding year.

### **SECTION 3. ANNUAL REVIEW**

This policy shall be reviewed annually by the Planning Commission, and any changes or amendments agreed to by a majority vote of the Commission shall be recommended to the City Council for adoption. In addition, the City Council may review this policy and adopt amendments as needed.

### **SECTION 4. ANNUAL MEETINGS**

The annual meeting of the Planning Commission shall be the first regular meeting in the month of January of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Commission.

### **SECTION 5. REGULAR MEETINGS**

Regular meetings of the Planning Commission shall be held in the City Hall or other Officially Noticed location at \_\_\_\_\_ on the \_\_\_\_\_ of each month. At such meetings, the Commission may consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting, or by the Chairperson, the City Council or Mayor. Any regular meeting falling upon a holiday shall be held on the following business day at the same time and place.

## **SECTION 6. SPECIAL MEETINGS**

Special meetings of the Planning Commission may be called by the Chairperson or Vice-Chairperson, City Council or Mayor who shall designate the time, place and purpose of the meeting. Notice of special meetings must conform to the Minnesota Open Meeting Law. Written notice thereof shall be given to all members not less than 24 hours in advance of the special meeting except in the case of an emergency.

## **SECTION 7. QUORUM**

In order for any meeting to be called to order, a quorum of members must be present. A quorum is a majority of the members. During the course of a meeting, at least a majority of the voting members must be present to take action on any matter before the Commission.

## **SECTION 8. MEETINGS AND THE OPEN MEETING LAW**

In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings of the Planning Commission shall be open to the general public. An "official" Planning Commission meeting is any gathering, or simultaneous communication of a quorum of Commission members for the purpose of considering the public business of the Planning Commission. Informal gatherings and communications such as site visits and conference telephone calls, therefore, may constitute an official meeting. The Planning Commission may exclude the public from its meeting only in certain very limited cases identified in the Open Meeting Law.

## **SECTION 9. VOTING AND RECOMMENDATIONS**

At all meetings of the Planning Commission, each member attending, \_\_\_\_\_ shall be entitled to cast one vote on matters before the Planning Commission. In the event that any member shall have a conflict of interest, as determined by the City Attorney, concerning a matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting for and those voting against.



*If the city has appointed a council member as a non-voting liaison to the Planning Commission (an option in the LMC model ordinance establishing a Planning Commission), insert "with the exception of the non-voting City Council liaison member" in the blank. If the city does not provide for a non-voting council liaison member, delete this blank.*

All recommendations shall be sent to the City Council by means of written minutes, and shall include the record of the division of votes on each recommendation.

## **SECTION 10. REGULAR PROCEEDINGS**

(A) At any regular meeting of the Planning Commission, the following shall be the regular order of business:

1. Roll Call
2. Approval of Agenda
3. Minutes of the Preceding Meeting(s)
4. Public Hearings - New Applications

5. Public Hearings - Continued Hearings
6. Old Business
7. New Business
8. Communications and Reports
9. Miscellaneous
10. Adjournment

The order of business may be varied by the presiding officer, but no public hearings shall be held at an earlier time than specified in the notice of hearing.

(B) The following procedures will normally be observed for matters before the Planning Commission, except for public hearings which follow the procedures detailed in Section 14; however, they may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business:

1. Staff presents report and makes recommendation (if any).
2. The Planning Commission may ask questions regarding the staff presentation and report (if any).
3. Proponents of the agenda item make a presentation (if any).
4. Any opponents make presentations (if any).
5. Applicant makes rebuttal of any points not previously covered (if any).
6. Planning Commission asks any questions it may have of the proponents, opponents or staff (if any), and then takes a vote.

(C) Each formal action of the Planning Commission required by law, rules, regulations or policy shall be embodied in a formal vote duly entered in full upon the Minute Book after an affirmative vote as provided in Section 5 hereof and may be accompanied by written findings of fact.

(D) Unless agreed to by a 2/3 vote of the Planning Commission, no new agenda items shall be taken up after 11:00 p.m.

## **SECTION 11. AGENDA AND DEADLINE FOR AGENDA**

(A) **Purpose.** The agenda of a Planning Commission meeting serves two important functions: it focuses Planning Commission deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and, it serves as the public's only guide to what will be considered at the meeting, how the matter be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions.

(B) **Deadlines.** The agenda shall be prepared by City Staff and shall be closed at noon \_\_\_\_\_ prior to the meeting for preparation purposes.

(C) **Submissions.** Any Planning Commission member can place an item on the agenda by instructing the City Staff responsible for agenda preparation. No item shall be placed on



the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.

- (D) **Agenda Additions During Regular Meetings.** Additional items may be added to the agenda at a Planning Commission meeting subject to approval by a majority vote of the members present. The additional agenda items may be discussed, but no action may be taken if any member objects.

If a new item of business proposed to be added to the agenda requires staff review (such as re-zonings, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a hardship variance from Subdivision or Zoning Ordinance standards), or involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), the Commission may add the item to the agenda only for purposes of referring it to the staff or a Commission committee, or scheduling it for consideration at a later meeting (as appropriate). The Commission may not discuss the substance of the matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.

- (E) **Delivery of Agenda to Members.** At least three calendar days before the meeting, the City Staff shall provide each Commission member a meeting agenda and all materials related to items on the agenda (e.g., petition, application, plans, staff report, written comments received).

- (F) **Order and Form of the Agenda.** The agenda organization shall generally conform to Section 10 above. In addition, the agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many interested persons (such as those involving notice to adjoining property owners and those involving other public notice) should generally be placed early on the agenda, thereby, minimizing the time citizens must wait for consideration of the item that brought them to the meeting. The agenda should identify (by name and/or role) the leading participants at each step of the Commission's review and indicate the step at which interested persons will have the opportunity to comment on the item.

## **SECTION 12. MINUTES**

- (A) **Purpose.** The minutes of the Planning Commission's meetings represent the official record of the Commission's deliberations and actions. As such, they record the Planning Commission's vote on actions and the reasons for the vote. The minutes also communicate background on the Planning Commission's recommendations to the City Council, provide perspective on issues, and provide a historical record of Commission proceedings. Furthermore, state law requires the Commission to keep full and accurate minutes of all official meetings, and requires that those minutes be retained and be available for public inspection by any person subject to the state public records law and the city records retention schedule.

**(B) Duties of Staff Preparing Minutes.** City Staff shall prepare minutes of all Planning Commission meetings. The minutes shall state:

1. Which members were present and absent, and whether absent members were excused or not excused.
2. A summary of staff and committee reports and recommendations, applicants' presentations, public comments, and the Planning Commission's discussion on each item.
3. The content of each principal motion before the Planning Commission, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion). If the motion called for or recommended adoption of an ordinance or resolution, or the acceptance of a report, the minutes shall also include a copy of the ordinance, resolution or report.

### **SECTION 13. RULES OF PROCEDURE FOR PLANNING COMMISSION MEETINGS**

All meetings of the Planning Commission shall be conducted in accordance with the following Minnesota Mayors Association Rules of Order for City Councils.

### **SECTION 14. PUBLIC HEARINGS**

(A) A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Planning Commission.

(B) For certain matters considered by the Planning Commission, a requirement that the Planning Commission conduct a public hearing is prescribed by State Statute, the City's Municipal Code of Ordinances or by City Policy. The Planning Commission, however, may elect to conduct a public hearing, although not specifically required, if the Planning Commission determines that due to the unique nature of the matter, it is advisable.

(C) The Planning Commission may neither deliberate nor take a substantive vote during a public hearing, but may ask questions for the sake of clarification of speakers.

(D) The Planning Commission, upon resuming their regular meeting after the close of the public hearing, may take action upon the matter discussed at the public hearing.

(E) Conduct of Persons Before the Planning Commission

1. During all public hearings required by state law or ordinance, members of the public shall be given reasonable opportunity to speak. In order to promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable time limits on the amount of time that individuals have to speak. Comments should be addressed to the item before the Planning Commission. Where a comment is irrelevant, inflammatory, disruptive or prejudicial, the Chair may instruct the Planning Commission to "disregard" the comment, which nevertheless remains in the public record.

2. During all regular and special meetings of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.
3. During all proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as “out-of-order” and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chair may order the person to leave the Planning Commission meeting or hearing. Where the person fails to comply with an order to leave, the Chair may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.
4. The Chairperson of the Planning Commission may impose additional limits or rules upon members of the public as permitted by Section 16.

(F) Additional Rules of Procedure for Public Hearings

1. Public Hearing Format. Public hearings shall be conducted in the following manner:
  - (a) The presiding officer calls the public hearing to order and declares the time of opening.
  - (b) It is the intent of the Planning Commission to open all public hearings at the predetermined and published time. From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Planning Commission. However, a hearing may not be opened prior to the predetermined and published time.
  - (c) The presiding officer shall read, from the hearing notice, the details on the hearing sufficient to provide the public a general understanding of the purpose and procedures for the hearing, and the fact that the hearing is their exclusive or primary opportunity to provide input to the city on the subject.
  - (d) Staff and/or a consultant make a presentation or report on the subject matter for the hearing.
  - (e) The applicant (if any) may make a presentation or report on the subject matter for the hearing.
  - (f) The presiding officer asks Planning Commission members if they have questions of the staff or consultant, if any.
  - (g) The presiding officer requests a motion and second to open the public hearing.

- (h) The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name and address, noting any applicable time limits for comment from individual members of the public, any other applicable rules and explaining the procedure for enforcement of such rules.
- (i) After members of the public have spoken, the presiding officer requests a motion to:
  - i. Close the public hearing, and the Planning Commission votes on the motion. Once the vote is taken, the hearing is closed for the record.
  - ii. Continue a public hearing. If the Planning Commission votes to continue the hearing, the presiding officer shall, in consultation with City Staff, select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date.
- (j) The Planning Commission addresses the subject matter through deliberation, questions to citizens and staff, and reactions and statement of position on the subject.
- (k) If the public hearing is closed, the Planning Commission may take action on the application before them. The Commission may formulate a recommendation which outlines the parameters under which an approval would be granted. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information is present to make a decision. The Planning Commission shall delineate the missing information before continuing the item.

## **SECTION 15. OFFICERS**

The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson, and Secretary elected by the Planning Commission at the annual meeting for a term of one year. In the absence of the Chair and Vice-Chair, the remaining members shall elect a Temporary Chair for that respective meeting.

## **SECTION 16. DUTIES OF OFFICERS**

The Chair is a voting member of the Planning Commission and may make motions. In addition, the duties and powers of the officers of the Planning Commission shall be as follows:

### **(A) Chairperson**

- 1. To preside at all meetings of the Commission.
- 2. To call special meetings of the Planning Commission in accordance with these bylaws.
- 3. To sign documents of the Commission.
- 4. To see that all actions of the Commission are properly taken.
- 5. To cancel or postpone any regularly scheduled meetings.
- 6. To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.



7. To provide for the selection of one or two spokespersons to represent groups of persons with common interests during public meetings and hearings.
8. To order an end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings or hearings.
9. To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chairperson.
10. The presiding officer has the responsibility to facilitate discussion by the Planning Commission. This may occur in a variety of ways, including:
  - Interpret and apply rules of procedure.
  - Decide whether motions are properly made.
  - Decide whether motions are in order.
  - Decide whether questions of special privilege ought to be granted.
  - Decide when to recognize speakers.
  - Call for motions or recommend motions.
  - Expel disorderly persons from the meeting.
  - Enforce speaking procedures.

(B) Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

(C) Secretary

1. To sign official documents of the Commission and other duties as required.

(D) Secretarial duties to be delegated to City Staff.

1. To give or serve all notices required by law or by these Bylaws.
2. To prepare the agenda for all meetings of the Commission.
3. To be custodian of Commission records.
4. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
5. To handle funds allocated to the Commission in accordance with its directives, the law and city regulations.
6. To take the minutes of all meetings of the Commission for typing and filing into the appropriate minute book by City Staff.

## **SECTION 17. VACANCIES**

If a vacancy occurs among the members of this Planning Commission by reason of death, resignation, disability or otherwise, notice shall be given to the City Administrator or City Clerk and Chairperson by the Secretary. City staff shall then see that a new appointment is made by the City Council. Resignations should be made in writing to the Planning Commission Secretary stating the effective date of the resignation.

### **SECTION 18. AMENDMENTS**

This policy on rules of procedure may be amended at any meeting of the Planning Commission provided that notice of said proposed amendment is given to each member in writing at least four (4) days prior to said meeting. All amendments are subject to City Council review and approval before they take effect.

ADOPTED this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk