

## **Chapter 17**

### **PLANNING**

#### **Art. I. In General, Sections 01 through 10**

#### **Art. II. Planning Commission, Sections 11 through 36**

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### **ARTICLE I. IN GENERAL**

**Sections 01 through 10. Reserved.**

### **ARTICLE II. PLANNING COMMISSION**

#### **DIVISION 1. GENERALLY**

#### **Section 11. Planning Commission established.**

A Planning Commission for the City is hereby established. (Ord. No. 171 , Sec. 1, 6/21/65)

#### **Section 12. Composition.**

The Planning Commission shall consist of seven (7) regular members, a maximum of two (2) alternates appointed by the City Council and designated alternates one (1) and two (2). In the absence of a regular member, alternate one shall assume the seat of the absent regular member. If a second regular member is also absent, alternate two shall assume the seat of the second absent regular member. Alternate two shall be the first alternate in the absence of an alternate one. In each case the alternate assuming the regular member's seat shall have all the powers, including but not limited to voting powers, of the regular members. (Ord. No.171 , Sec. 2, 6/21/65; Ord. No.246, Sec. 1, 2/21/77; Ord. No. 401 , Sec. 1, 7/7/86)

#### **Section 13. Terms.**

The members of the Planning Commission shall be appointed for three-three (3) year terms and shall hold their offices until their successors are appointed and qualified. (Ord. No.171 , Sec. 2, 6/21/65; Ord. No.401 , Sec. 3, 7/7/86)

#### **Section 14. Oath of Office.**

Every appointed member of the Planning Commission shall, before entering upon the discharge of his duties, take an oath that he will faithfully discharge the duties of his office. (Ord. No. 171 , Sec. 2, 6/21/65)

#### **Section 15. Vacancies.**

All vacancies during the term of any member of the Planning Commission shall be filled by the City Council for the unexpired portion of the term. Any unexpired term shall be

considered the appointee's first term with an eligibility of two (2) additional consecutive three (3) year terms. (Ord. No.171 , Sec. 2, 6/21/65; Ord. No.602, Sec. 2, 6/17/96)

### **Section 16. No compensation.**

All members of the Planning Commission shall serve without compensation. (Ord. No.171, Sec. 2, 6/21/65)

### **Section 17. Vacation of office; removal from office.**

(a) *Vacation of office.* Except as hereinafter provided, any member missing three (3) consecutive regularly scheduled monthly meetings or any four (4) regularly scheduled monthly meeting in anyone calendar year shall have automatically vacated said office and the City Council shall fill said vacancies as soon thereafter as practicable pursuant to Section 15 hereof.

(b) *Leave of absence.* The vacation of office provision provided in (a) above shall not apply to a member who, because of serious illness, accident, or family emergency is prevented from attending meetings and who has applied for and obtained a leave of absence granted by the City Council, which leave of absence shall not exceed six (6) months.

(c) *Temporary appointment.* The City Council, in the event of a grant of a leave of absence as above provided may, in order to provide continuity and experience on the Commission until the end of the leave of absence or six (6) month period, appoint a previous member of the Planning Commission or City Council "temporary appointee" who is willing to act, to serve on behalf of and in place of said absent member during such member's absence. Said temporary appointee shall, for all purposes, be considered the last appointed alternate.

(d) *Removal.* Members of the Planning Commission may be removed for cause by a two-thirds (2/3) vote of the City Council. (Ord No.171, Sec. 2, 6/21/65; Ord. No.246, Sec. 1, 4/18/77; Ord. No.647,Sec.1, 11/30/98)

### **Section 18. Officers designated; terms; duties.**

At its first meeting in January of each year the City Council shall appoint from the membership of the Planning Commission a Chairperson and Vice-Chairperson. The officers shall take office immediately following their appointment and shall hold office for a term of one (1) year and until their successors are appointed and assume office. The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Commission. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the City Council shall appoint a successor to the office of the Vice-Chairperson for the unexpired term. (Ord. No. 171, Sec. 3, 6/21/65; Ord. No.602, Sec. 2, 6/17/96)

### **Section 19. Meetings.**

The Planning Commission shall hold at least one (1) regular meeting each month. (Ord. No.171, Sec. 4, 6/21/65)

### **Sections 20 through 25. Reserved.**

## **DIVISION 2. DUTIES**

### **Section 26. Reports.**

On or before January 1st of each year the Planning Commission shall submit to the City Council a report of its work during the preceding year. (Ord. No.171, Sec. 4, 6/21/65)

### **Section 27. Adoption of rules; records.**

The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record. (Ord. No.171 , Sec. 4, 6/21/65)

### **Section 28. Expenditures to be within budget.**

All expenditures of the Planning Commission shall be within amounts appropriated for the purpose by the City Council. (Ord, No.171, Sec. 4, 6/21/65)

### **Section 29. Adoption of program of work.**

(a) Upon the appointment and organization of the Planning Commission it shall proceed with the preparation and adoption of a resolution of a program of work outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. Such a program will include:

- (1) An outline of data and information to be assembled as a basis for the City plan;
- (2) (2) An outline of subjects to be covered by the City plan; and
- (3) An outline of types of procedure necessary to make the City plan effective.

(b) The City Planning Commission may, by resolution, revise its program of work from time to time. (Ord. No.171 , Sec. 5, 6/21/65)

### **Section 30. Preparation of City plan.**

It shall be the function and duty of the Planning Commission to prepare and adopt 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 .Such plan may be prepared in sections, each of which shall relate to a major subject of the plan as outlined in the Planning Commission's program of work. (Ord. No.171, Sec. 6, 6/21/65)

### **Section 31. Procedure for adoption of plan.**

Before adopting the City plan, or any section of it, or any substantial amendment thereof, the Planning Commission shall hold at least one (1) public hearing thereon, notice of 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 City plan or of any

section or amendment thereof by the Planning Commission shall be by resolution of the Commission approved by the affirmative votes of not less than two thirds (2/3) of its total membership. The Planning Commission may, from time to time, amend or add to the City plan or any section thereof, as provided for the adoption of the original plan, whenever changed conditions or 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 plan, adopted by the Planning Commission shall be recommended to the City Council. If approved by a majority of the City Council, the plan shall be certified and become the Comprehensive Plan, or an addition or amendment thereto, as the case may be, of the City. (Ord. No.171, Sec. 7, 6/21/65)

### **Section 32. Means of executing plan.**

(a) Upon the approval by the City Council of the City plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditure of the funds thereof relating to the subjects of such City plans.

(b) Such means shall consist of a zoning plan, the control of subdivision plans, a plan of future streets, coordination of the normal public improvements of the City, long-term program of capital expenditures, and such other matters as will accomplish the purposes of this section. (Ord. No, 171, Sec. 8, 6/21 /65)

### **Section 33. Zoning regulations.**

The Planning Commission, upon its own motion may, and upon instructions by the City Council shall, prepare revised zoning regulations for the City. Before recommending such regulations to the City Council the Planning Commission shall hold at least one (1) public hearing thereon after giving notice thereof as required by this chapter for the adoption of the City plan. The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future public streets or highways, or for the reservation of lands for other public purposes. (Ord. No.171, Sec. 9, 6/21/65)

### **Section 34. Official map of street extension.**

The Planning Commission, with the assistance of the City Engineer may, and upon instructions by the City Council shall, prepare an official map of the platted and unplatted portions of the City and adjoining territory or portions thereof, indicating upon such map the proposed future extensions or widening of major public streets of the City within such existing platted and developed territory or across such unplatted territory .After such map has been prepared and a hearing on it has been held as provided in this chapter, it shall be submitted to the City Council which shall thereupon consider such map. The City Council may adopt the map, or any part of it, with such amendments as the City Council deems advisable. Before such adoption by the City 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 City Council and filed with the Register of Deeds, whenever any existing public street or highway is widened or improved or any new public street is opened, or lands for other 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 map within the limits of the mapped street or outside of any building line that may have been established upon the existing public street or within any area thus reserved for public purposes. (Ord. No.171 , Sec. 10, 6/21/65)

### **Section 35. Procedure for changes.**

No change shall be made in the zoning regulations, future street and public lands plan, or regulations governing the platting of land after such plans or regulations have been adopted by the City Council, until the proposed change has been referred to the Planning Commission for report thereon and a copy of such report has been filed with the City Council. No ordinance or resolution establishing any such plans or specifications shall be adopted by the City Council until such ordinance or resolution has been referred to the Planning Commission for a report thereon and a copy of such report has been filed with the City Council. Failure of the Planning Commission to report within forty (40) days or such period as may be designated by the Council after such reference shall be deemed to be approval of the Planning Commission of the proposed change. (Ord. No.171 , Sec. 11' 6/21/65)

### **Section 36. Submission of list of recommended public works.**

Each Officer, Department, Board or Commission of or in the City, whose functions include recommending, preparing plans for, or construction of public works shall, 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 of Commission for planning, initiation or construction during the ensuing fiscal year. The Planning Commission shall require from the local school district a similar list of its proposed public works. The Planning Commission shall list and classify in accordance with the Chaska Comprehensive Plan all such proposed public works and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such program shall be recommended by the Planning Commission to the City Council and to such other Officers, Departments, Boards or public bodies as have jurisdiction over the recommending, planning or constructing of such public works. A copy of such recommended program of public works shall be included in the annual report of the Planning Commission provided for in this chapter. (Ord. No.171, Sec. 12, 6/21/65)