

## **700 PLANNING COMMISSION**

### **701 ESTABLISHMENT AND MEMBERSHIP**

The Planning Commission is hereby established and vested with such authority as hereinafter provided in this Ordinance. The Planning Commission shall be comprised of the members of the City Council. The Mayor shall serve as Chairman.

The City Attorney shall act as the legal advisor to the Planning Commission.

### **702 TERMS OF OFFICE**

Members are appointed for terms concurrent with their terms as members of the City Council.

### **703 DUTIES AND RESPONSIBILITIES**

The Planning Commission shall exercise the following duties and responsibilities:

- A. Oversee the preparation of City Land Use Ordinances and plans.
- B. Hear and review original applications and/or renewal applications for, conditional uses permits, subdivision plat approval, manufactured housing subdivisions, and other matters as directed by the City Council.
- C. Initiate procedures for changes and amendments to the City Land Use Ordinances and plans.
- D. Exercise all powers and perform all duties granted to a Planning Commission by Minnesota Statutes, Chapter 462.
- E. Establish applications, checklists and procedures, including the conduct of public hearings, to assist it in handling matters considered by it.
- F. Review Environmental Assessment Worksheets and other environmental review documents.
- G. Perform other functions as delegated by the City Council.
- H. Conduct periodic reviews and update of the Comprehensive Plan.

### **704 CONDITIONAL USES**

#### **704.1 Purpose and Intent**

A conditional use is a use that may or may not be compatible with other uses in that district within which it is located. The compatibility of the proposed use must be judged on the basis of the particular circumstances and may require imposing conditions. The conditional use permit process is as follows:

- A. The applicant shall file an application with the City and pay a fee. The application shall be accompanied by plans and the data as described on the form. The proposed project plans must be completed. No conditional use application will be accepted from landowners or on property on which there are existing violations or delinquent property taxes.

- B. The City shall refer the application to the Planning Commission for public hearing. Notice of time, place and purpose of the public hearing shall be given in the official newspaper of the City at least ten (10) days before the hearing. Written notice shall be sent to owners of record within 350 feet of the affected property, or to the nearest ten property owners, whichever would provide notice to the greatest number of owners. It shall be the responsibility of the City to cause said notice of the date, time and place at which the Chickamaw Beach Planning Commission anticipates it will consider the application to be mailed to the applicant. All notices shall be required to be mailed at least ten (10) calendar days prior to the date upon which the application will be considered. Failure of any property owner to receive such notification shall not invalidate the proceedings.
- C. The Planning Commission shall consider the application at its next regular meeting, after compliance with notice requirements of this section.
- D. The Planning Commission shall consider each conditional use applied for under this section and shall make a recommendation to the City Council. The City Council shall make the final decision. If the permit is denied, the City shall advise the applicant of the reasons therefore in writing within twenty (20) days of the date of decision.
- E. Any resubmission of a conditional use application, if previously denied, shall be allowed only if the plans have been substantially amended.
- F. The decision of the City Council shall not be final. Any person having an interest affected by the decision, has the right to appeal to District Court on questions of law and fact within thirty (30) days from the date of recording as provided in G. below.
- G. The City shall record conditional uses on the deed of the property on which the use is approved in the office of the County Recorder. The conditional use shall include the legal description of the property involved along with any conditions that may have been attached to the approval.
- H. Conditional use permits may be reviewed every two years. Any changes in an approved use will require that a new conditional use permit be applied for and approved.

## **704.2 Conditional Use Review**

Conditional Uses shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply:

- A. A thorough evaluation of water bodies, rivers, and wetlands, and also the topographic, vegetation, and soils conditions on the site must be made to ensure:
  - (1) the prevention of soil erosion or other possible pollution of Protected Waters, both during and after construction;
  - (2) the visibility of structures and other facilities as viewed from Protected Waters is limited;
  - (3) that an on-site sewage treatment system site evaluation and design for the proposed use prepared by a state-licensed evaluator and designer are submitted with the Conditional Use application.
- B. Application of the Cass County Wetland and Upland Functional Assessment Models to the proposed use to determine critical areas and development suitability.
- C. Conditions attached to conditional use. The Planning Commission, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance

of the conditional use as it deems necessary to fulfill the purposes or this Ordinance. Such conditions may include, but are not limited to, the following:

- (1) increased setbacks;
- (2) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted pursuant to the shoreline buffer standards prescribed in section 2100 of this Ordinance; and
- (3) Special provisions for the location, design, and use of structures, sewage treatment systems, and vehicle parking areas.
- (4) Performance bonds as indicated in section 503 of this Ordinance.
- (5) Provisions to insure that the conditional use will not be detrimental to the use and enjoyment of the environment or of other properties, and;
- (6) Provisions to insure the location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general, and;
- (7) Provisions to insure that all recreational vehicle parks, campgrounds, tent camping areas and manufactured housing parks must be approved in accordance with the requirements of the applicable ordinances and regulations. Applications including fifty (50) or more units must prepare an Environmental Assessment Worksheet.
- (8) Easements to protect wetlands or acknowledge existing uses such as agricultural operations, extractive uses, or shooting ranges.
- (9) Buffers between potentially conflicting uses or along shorelines.

## **705 LAND USE RECLASSIFICATION PROCEDURES**

### **705.1 Land Use Reclassification Requests**

The Planning Commission may consider land use reclassification requests in relation to both land uses within particular district, procedures, standards, and the location of the district lines.

### **705.2 Reclassification Criteria**

The following criteria shall be considered by the Planning Commission when reviewing an application for reclassification:

#### **A. General Considerations and Criteria for All Land Uses:**

- (1) preservation of natural areas;
- (2) present ownership and development;
- (3) soil types and their engineering capabilities;
- (4) topographic characteristics;

- (5) vegetative cover;
- (6) in-water physical characteristics, values, and constraints;
- (7) recreational use of the surface water;
- (8) road and service center accessibility;
- (9) socioeconomic development needs and plans as they involve water and related land resources;
- (10) the land requirements of industry which, by its nature, requires location in shoreland areas;
- (11) the necessity to preserve and restore certain areas having significant historical or ecological value; and
- (12) Conformance to the City of Chickamaw Beach Comprehensive Plan.

### **705.3 Initiation of Requests**

Land use reclassification requests and amendments to land use district boundaries may be initiated by petition by the owner of the property in question, recommendation of the Planning Commission, or by action of the City Council.

All applications for changes in the boundaries of any zoning district which are initiated by a petition of the owner or owners of the property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands within one-half (1/2) mile of the boundaries of the property proposed to be rezoned together with the name and addresses of the owners of the lands in such areas, as the name appears on the records of Cass County.

### **705.4 Notice and Hearing**

The Planning Commission shall hold at least one (1) public hearing on the proposed land use reclassification request within thirty (30) days after the request for land use reclassification has been received. The following procedures shall be followed:

- A. Written notice of time, place and purpose of the public hearing shall be published in the official newspaper designated by the Board and sent to owners of record within 350 feet of the affected property at least ten (10) days prior to the date upon which the application will be considered. This distance shall be extended to insure that a minimum of ten (10) property owners are so notified. The City shall refer the application to the Planning Commission. Failure of any property owner to receive such notification shall not invalidate the proceedings.
- B. A public hearing shall be held by the Planning Commission within thirty (30) days after the request for land use reclassification has been received. Notice of said hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the hearing.

- C. Following the public hearing, the Planning Commission shall make a recommendation to the City Council on the request. The City Council must take action on the application within time limits allowed by State Statute. The person(s) making the application shall be notified in writing of the action taken.

### **705.5 Re-submission of Previously Denied Petitions**

No petition by a property owner for land use reclassification shall be accepted by the City within one (1) year following the date of denial of such request by the City, except if new evidence or a change of circumstances warrant it.

### **706 ORDINANCE AMENDMENT PROCEDURES**

- A. The City Council or any person owning real estate within the City may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance as to affect the said real estate.
- B. Procedures
  1. The applicant for an amendment shall file the application in writing to the Chickamaw Beach City Clerk and pay a fee as established by the City Council when the application is filed.
  2. The City Clerk shall refer the application to the Planning Commission. Written notice of time, place and purpose of the public hearing shall be published in the official newspaper designated by the Board and sent to owners of record within 350 feet of the affected property at least ten (10) days prior to the date upon which the application will be considered. This distance shall be extended to insure that a minimum of ten (10) property owners are so notified. It shall be the responsibility of the City to cause said notices to be mailed. The City shall also cause notice of time it anticipates it will consider said application, to be mailed to the applicant. All notices required to be mailed pursuant to this section shall be mailed at least ten (10) days prior to the date upon which the application will be considered. Failure of any property owner to receive such notification shall not invalidate the proceedings.
  3. Following the public hearing, the Planning Commission shall make a report of its recommendation to the City council within sixty (60) days. The City Council shall make a final decision on the proposal within thirty (30) days of receiving the Planning Commission report. The enactment of any approved changes shall take effect no sooner than thirty (30) days after the date of their adoption.