

## **SECTION 5: PLANNING COMMISSION**

### **Subdivision 1: MEMBERSHIP**

There is hereby created a Planning Commission initially consisting of the planning commissions for the City of Rockville, City of Pleasant Lake and the Town of Rockville.

Initial appointments shall be made by the Council upon adoption of the first Zoning Ordinance for the combined City of Rockville. The term of the appointive members shall be five years and no person may be appointed to more than two successive terms as a Planning Commission member. Any vacancy during the unexpired term of an appointed member shall be filled by the Council for the remainder of the term.

### **Subdivision 2: DECISIONS**

All decisions of the Planning Commission require the affirmative vote of a simple majority of the members present. The Chair shall have the right to vote on any matter and shall break all tie votes, but in the case where the Chairs vote would create a tie he or she must vote with the majority.

### **Subdivision 3: DUTIES**

The Planning Commission is advisory, except as other powers and duties are imposed on it by Sections 462.351 to 462.364 of Minnesota Statutes or by other state statute or City ordinance. The Planning Commission has the following powers and duties:

1. The Planning Commission may elect a Chairperson and Secretary from among its members.
2. The Planning Commission shall hold the public hearings and will review Conditional Use Permit applications and make recommendations to the City Council as to whether or not a Site Permit should be granted, and if so, what conditions should apply. The City Council may hold an additional public hearing, if deemed necessary, and make the final decision on all Conditional Use Permit applications.
3. The Planning Commission shall hold the public hearings and will review all re-zoning applications and make recommend on re-zonings to the City Council. The City Council may hold an additional public hearing, if deemed necessary, and make the final decision with regard to rezoning.

4. The Planning Commission will assist in developing a Comprehensive Land Use Plan for the City and will review and make recommendations on the adoption of or amendment to the City's Comprehensive Land Use Plan.
5. The Planning Commission may prepare Zoning and Subdivision Ordinances or amendments to any zoning and subdivision ordinances and recommend such ordinances to the City Council. The Planning Commission will review and make a recommendation on any proposed amendments to the City's Zoning and Subdivision ordinances.
6. The Planning Commission shall hold the public hearing and will review variance requests and make recommendations to the City Council as to whether or not a variance should be granted. The City Council, acting as the Board of Adjustment will make the final decision on all variances.
7. The Planning Commission will review appeals of decisions made by the Zoning Administrator and make recommendations to the City Council. The City Council, acting as the Board of Adjustment, will make the final decision on all appeals of decisions of the Zoning Administrator.
8. The Planning Commission will review for compliance with the comprehensive land use plan proposed acquisitions and disposals of publicly owned interests in real property within the City as well as proposed capital improvements (including those constructed by other political subdivisions having jurisdiction within the City).
9. The Planning Commission will have such additional duties and responsibilities as may be assigned by the City Council.
10. The Planning Commission may appoint a viewing committee to conduct site visits or may request that the Chair conduct site visits and report back to the Planning Commission.

#### **Subdivision 4: REVIEW OF ACQUISITION OR DISPOSAL OF PUBLIC LANDS AND CAPITAL IMPROVEMENT PROJECTS**

No publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the Planning Commission has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the City Council or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan. Failure of the Planning Commission to report on the proposal within 45 days after such a

reference, or such other period as may be designated by the City Council shall be deemed to have satisfied the requirements of this subdivision. The City Council may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the Comprehensive Plan.