

**CITY OF ARLINGTON
ORDINANCE NO. 231**

AN ORDINANCE ESTABLISHING A PLANNING AGENCY FOR THE CITY OF ARLINGTON

THE CITY OF ARLINGTON DOES HERE BY ORDAIN:

- I. ESTABLISHMENT OF PLANNING AGENCY. The Planning Agency shall consist of a planning department with the Planning Commission advisory to it. The Planning Commission shall function as a department advisory to the governing body and the municipal administration. The planning department may be provided with professional and/or administrative staff.
- II. COMPOSITION OF PLANNING COMMISSION. The Commission shall consist of seven members appointed by the Mayor, upon the advice of the City Council. The members shall be appointed in such sequence and for such terms so that each year hereafter two or three members' terms shall expire. The purpose of this is to set up a rotation so that two members shall come up for appointment for two consecutive years and three members shall come up for appointment every third year. Planning Commission members shall be appointed for terms of three years. A Planning Commission vacancy shall be filled by appointment by the Mayor, the appointment shall be effective for the duration of the unexpired portion of the term. Each member shall take an oath of office to faithfully discharge the duties of the office. Commissioners shall serve without compensation. The Zoning Administrator shall serve as ex officio member, without voting authority.
- III. PLANNING COMMISSION ORGANIZATION. The Commission shall elect a chairperson and vice-chairperson from its members for a term of one year. Operating expenses of the Commission shall be approved and appropriated by the City Council. The chairperson shall preside at all meetings. In the chairman's absence, the vice-chairperson shall preside. Four members shall constitute a quorum for the conduct of business.
- IV. PLANNING COMMISSION MEETINGS. The Commission will have at least one regular meeting during every three month period. The Commission shall adopt rules and by-laws for the transaction of business and shall keep a record of its meetings, resolutions, transactions, and findings, which shall be of public record.
- V. REPORTS. At the time(s) requested, but at least one time each year, the Planning Agency shall submit a report to the Council summarizing its work during the preceding year.
- VI. PLANNING COMMISSIONER MEETING ATTENDANCE. Any Planning Commission Member who misses three (3) consecutive regular or special meetings of the Board, or misses at least four (4) of the regular monthly meetings in any calendar year, may be considered an inactive member. The Mayor at his/her discretion may appoint a new commissioner to fill out the remaining term of the inactive member.

VII. CONFLICTS OF INTEREST – PLANNING COMMISSION. The Commissioners may be called upon to vote on a matter affecting a neighbor, business competitor, or other situations which create a conflict of interest or the appearance of a conflict of interest. In such cases, the Commissioner shall use their own discretion in disqualifying themselves from taking part in the discussion or vote on the matter. If a Commissioner has a clear conflict of interest (i.e. has a financial interest in the matter or is an applicant or co-applicant in the matter) and does not remove him/herself from the consideration of the matter, the Chairperson shall have the power to remove said member from taking part in the discussion or vote on said matter.

VIII. POWERS AND DUTIES OF PLANNING AGENCY. The Planning Agency shall have the powers and duties conferred upon it by this ordinance. They shall include:

a. Comprehensive Plan.

i. It shall be the function and duty of the Planning Agency to prepare and recommend adoption of 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, and use of property, the density of population, and other matters relating to the physical development of the City.

ii. Hearings and Voting. Before recommending adoption of the comprehensive plan or any section of it or any substantial amendment thereof, the Commission shall hold at least one public hearing. The public hearing shall be preceded by public notice of the time and place of the hearing. The recommending of approval/denial of the plan or of any section or amendment thereof, shall be by resolution of the Commission. The Commission may, from time to time, initiate an amendment or addition to the plan or any section thereof, as herein provided, or the adoption of the original plan whenever changed conditions or further studies by the Commission indicate that such amendment or addition is necessary. The plan or any amendment thereof shall be adopted by Resolution of the City Council with a super-majority vote required.

iii. The Planning Commission shall periodically review the Comprehensive Plan, recommend necessary amendments and recommend to the Council reasonable and practical means of implementing the amendments.

b. Zoning and Subdivision Ordinances.

i. The Planning Commission or the City Council may initiate amendments to existing land use and/or subdivision regulations for the City. Before recommending any amendment to the City Council, the Planning Commission shall hold at least one public hearing preceded by public notice.

ii. The Planning Agency shall exercise all authority delegated under the zoning ordinance and the subdivision ordinance.

iii. The Planning Agency shall review all zoning applications and subdivision requests and when required under ordinance shall recommend approval, approval with conditions, or disapproval, to the City Council. Such recommendations shall be based on conformity with the zoning ordinance and the general health, safety, and welfare of the City and its residents.

c. Official Zoning Map.

i. The Planning Commission may, and upon direction of the City Council shall prepare an update of the official zoning map of the platted and unplatted portions of the City.

ii. After such map has been prepared, the Planning Commission shall hold a public hearing on the proposed amendment preceded by proper public notice. It shall make a recommendation to the City Council which shall thereupon consider the map and may adopt it or any part of it with amendments as it deems advisable.

d. Referral to Planning Commission. Change to regulations governing the use of land or platting of land adopted by the City Council shall be referred to the Planning Commission for report and/or recommendation thereon prior to the Council taking action on such changes. The establishment of regulations relating to use or platting of land shall be referred to the Planning Commission for report and/or recommendation prior to adoption by the City Council.

e. Assume all other advisory responsibilities authorized by Minn. Stat. 462.354, et seq.

f. The Planning Commission shall serve as the Board of Appeals and Adjustments.

g. The Planning Agency shall participate with planning agencies of other political subdivisions in joint planning where matters of a common interest exist.

h. The Planning Agency shall assume other duties and responsibilities relating to planning and land use as may be delegated or assigned by the City Council.

IX. REPEALER. All ordinances or portions of ordinances inconsistent with this ordinance are hereby repealed.

X. EFFECTIVE DATE. This ordinance shall take effect upon publication.

Attest:

James R. Kreft, Mayor

Matthew Jaunich, City Administrator

First Reading: October 6, 2008
Second Reading: October 20, 2008
Adopted: October 20, 2008
Published: October 23, 2008

**CITY OF ARLINGTON
STATE OF MINNESOTA
COUNTY OF SIBLEY**

I, Matthew Jaunich, duly appointed, qualified, and acting Clerk to the Council for the City of Arlington, County of Sibley, State of Minnesota, do hereby certify that I have compared the foregoing copy of the Ordinance with the original meeting minutes of the proceedings of the Arlington City Council at their session held on the 20th day of October 2008 now on file in my office and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Arlington, Minnesota, this 20th day of October 2008.

Matthew Jaunich, City Administrator