

Article XIII: Planning Commission

Section 1 Creation

The Town Board of Supervisors hereby creates a Planning Commission pursuant to Minnesota Statutes 366.17 and all acts amendatory thereof.

Section 2 Membership

- A. Regular voting members.** The Planning Commission shall consist of seven (7) voting members, who shall be appointed by the Town Board of Supervisors as provided in this Ordinance, all of whom shall be residents of the Town of Duluth.
- B. Ex-officio Members.** The following Township officers or employees or their representative are hereby designated as ex-officio, non-voting members of the Planning Commission.
1. All Town Board Supervisors
 2. Planning Director
 3. Town Attorney

Section 3 Appointments

- A. Method of Appointment.** The Town of Duluth shall appoint Planning Commission members using the following method.
1. The Planning Commission shall advertise Commission vacancies and interview the candidates in conjunction with the Town Board of Supervisors. The Town Board shall select and appoint members.
 2. At the first required meeting of the Town Board in each Calendar year, the Town Board shall appoint members to the Planning Commission to fill expired terms. The appointments shall be made upon the approval of the Town Board by majority vote of the Board.
- B. Terms of Office.** Planning Commission terms of office are governed in the following manner.
1. Except as provided below, each member of the Planning Commission shall be appointed to serve for a period of three (3) calendar years. No person shall be appointed for more than two (2) consecutive full terms of office.
 2. Initial appointments made pursuant to this Ordinance shall be made in such a manner that no more than three (3) terms of any member shall expire at the close of any calendar year.
 3. Each calendar year shall be presumed to run from the date of the first required meeting of the Town Board in a given year to said meeting date in the next following calendar year.
- C. Vacancies.** Vacancies shall be addressed in the following manner:
1. Appointments shall be made by the Town Board to fill any vacancy for the unexpired duration of the term. Such appointment shall be made at the earliest convenience of the Planning Commission and the Town Board, in accordance with this Article, **Section 3-A**.
 2. Vacancies in regular positions shall be declared by the Town Board under any of the following conditions:
 - a. Death of a member.
 - b. Resignation of a member.
 - c. Removal of a member for cause as provided in this Ordinance.

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- D. Removal for Cause** – The following shall be deemed sufficient cause for the Town Board to remove any regular Planning Commission member. The Town Board shall remove any member upon the occurrence

of any of the following conditions as reported to the Board by either the Chairperson of the Planning Commission or the Planning Administrator.

1. Failure of the member to attend one-third of the regularly scheduled Commission meetings in any twelve (12) month period. The twelve (12) month period is defined as commencing from the date of the first required meeting of the Town Board in a given year to said meeting date in the next following calendar year.
2. Failure of the member to attend three (3) consecutive regular Commission meetings, or to attend four (4) consecutive regular and special Commission meetings in a year (as defined in 1. above).
3. Attendance at several regular or special Commission meetings for such a short length of time as to render the member's services of little value to the Town. The Town Board shall make judgment on such matters after receiving a report of the Chairperson or the Planning Director as provided in this section above.
4. Violation by the member of any land use control ordinance adopted by the Town pursuant to Minnesota Statutes 366.1 and all acts amendatory thereof.
5. Any change in residency status from the Town.
6. Inability to carry out the duties of the Commission due to a conflict of interest.

Section 4 Organization and Procedures

A. Officers. Officers for the Planning Commission shall be selected as follows.

1. The Planning Commission shall elect a chairperson and vice-chairperson from among its regular members at the beginning of the calendar year. Each calendar year shall be presumed to run from the date of the first required meeting of the Town Board in a given year to said meeting date in the next following calendar year.
2. A secretary shall be appointed by the Planning Commission at the beginning of each calendar year.

B. Rules of Procedure. The Planning Commission shall use the following rules of procedure.

1. The Planning Commission shall adopt rules for the transaction of its business that shall be consistent with the statutes of the State of Minnesota and the Ordinances of the County, and the Town of Duluth.
2. Meeting shall be held regularly and shall be public.
 - a. The meetings of the Planning Commission shall be held at the call of the chairperson and at such other times as the Commission in its rules of procedure may specify.
 - b. All meetings of the Planning Commission shall be open to the public pursuant to Minnesota Statutes.
3. Voting on issues before the Planning Commission shall follow specific standards listed below.
 - a. Each regular member, including the chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting, due to a potential conflict of interest, shall also extend to discussion. Testimony, however, may be offered.
 - b. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.
 - c. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Planning Commission shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to b. above.
 - d. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Commission shall decide the question pursuant to b. of this Section.
 - e. Ex-officio members of the Planning Commission shall not have the right to vote on any issues before the Planning Commission.

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C. Records. The Planning Commission shall keep a written public record of all its transactions, findings, and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Section 5 Authority and Duties

- A. Plan preparation and review.** The Planning Commission shall conduct comprehensive planning activities and recommendations, consistent with the following:
1. The Planning Commission shall cooperate with the Planning Administrator and other employees of the Town in preparing and recommending to the Town Board for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.
 2. The Planning Commission, in conjunction with the Planning Administrator, shall review any comprehensive, land use, or other plans, or any official controls sent to the Town for review by any local unit of government, any council of governments, or any regional, state or federal agency and shall report thereon in writing to the Town Board.
- B. Public hearings.** The Town of Duluth has determined that public hearings on issues before the Planning Commission are in the public interest.
1. The Planning Commission shall hold all required public hearings for comprehensive plans and amendments thereto, official controls and amendments thereto, all conditional use permit applications, variances, all subdivision platting proposals, and other matters as may be prescribed by Ordinances of the Town.
 - a. The Planning Commission shall have the final authority to approve or deny all conditional use permit applications, and to direct the issuance of conditional use permits.
 - b. The Planning Commission shall have the exclusive authority to order the issuance of variances from the terms of any official control, including restrictions placed on non-conformities.
 - c. Requests for variance from the subdivision platting regulations of St. Louis County shall be referred to the Planning Commission
 - d. The Planning Commission shall have the exclusive authority to order the issuance of permits for buildings and uses in areas designated for future public use on an official map.
 - e. The Planning Commission may impose conditions in the granting of variance and conditional use permits to insure compliance and protect adjacent properties and public interests.
 - f. On all other matters before the Planning Commission for public hearing, the Commission shall report in writing to the Town Board.
 2. The Planning Commission shall set a reasonable time for all hearings, shall give due notice thereof and shall conduct hearings in the manner prescribed by Minnesota Statutes and other ordinances of this Town.

Section 6 Compensation

- A. Amount.** The voting members of the Planning Commission and the Secretary may be compensated in an amount determined by the Town Board.
- B. Expenses.** All voting members of the Planning Commission may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Planning Commission.
- C. Per Diem.** Nothing in this subdivision shall be construed to prohibit the payment of a per diem to the Planning Commission member.