

ORDINANCE NO. 99

AN ORDINANCE ESTABLISHING A COMMISSION TO PLAN FOR THE PHYSICAL DEVELOPMENT OF THE VILLAGE OF CARLTON, MINNESOTA, AND TO RECOMMEND A ZONING PLAN.

The Village Council of Carlton, Minnesota, ordains:

Sec. I Establishment of Commission. A Village planning commission for the Village of Carlton, Minnesota, is hereby established.

Sec. II Composition. Such planning commission shall consist of seven members. Four members shall be appointed by the Village Council and may be removed by a four-fifths vote of the Council; the Village engineer and the Village attorney shall be members of ex officio; and the Council shall select one member of the commission from among its own members.

Of the members of the commission first appointed, one shall be appointed for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years. Their successors shall be appointed for terms of four years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of ex officio members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his duties take an oath that he will faithfully discharge the duties of his office. All members shall serve without compensation.

Sec. III Organization, Meetings, Etc. The commission shall elect a chairman from among its appointed members for a term of one year; and the commission may create and fill such other offices as it may determine. The Village Clerk shall act as secretary of the planning commission, but he shall not be a member unless he is appointed by the Council as its member representative as provided in Section 2.

The commission shall hold at least one regular meeting each month. It 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. On or before January first of each year the commission shall submit to the Village Council a report of its work during the preceding year. Expenditures of the commission shall be within amounts appropriated for the purpose of the Village Council.

Sec. IV Adoption of Program of Work. Upon the appointment and organization of the commission, it shall proceed with the preparation and adoption of 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:

- (a) An outline of data and information to be assembled as a basis for the Village plan.
- (b) An outline of subjects to be covered by the Village plan.
- (c) An outline of types of procedure necessary to make the Village plan effective.

* The planning commission may, by resolution, revise its program of work from time to time.

Sec. V Preparation of Village Plan. It shall be the function and duty of the planning commission to prepare and adopt a comprehensive Village plan for the physical development of the Village, 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 Village. Such plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the commission's program of work.

Sec. VI Procedure for Adoption of Plan. Before adopting the Village plan or any section of it or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general

circulation at least ten days before the day of the hearing. The adoption of the Village plan or of any section or amendment thereof shall be by resolution of the commission, approved by the affirmative votes of not less than five-sevenths of its total membership. The commission may from time to time amend or add to the Village plan or section thereof as herein 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 Village plan adopted by the planning commission shall be certified to the Village Council.

Sec. VII Means of Executing Plan. Upon the adoption of the Village plan or any section thereof, it shall be the duty of the planning commission to recommend to the Village 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 Village and as a basis for the efficient expenditure of the funds thereof relating to the subjects of such Village plan.

Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the Village, a long term program of capital expenditures and such other matters as will accomplish the purpose of this section.

Sec. VIII Zoning Plan. The planning commission upon its own motion may and upon instructions by the Village Council shall prepare a proposed zoning plan for the Village. Before recommending such plan to the Village Council, the planning commission shall hold at least one public hearing thereon after a notice similar to that required by Section 6. In preparing such proposed zoning plan the Council shall consider existing Fire Limit Zoning Ordinances of the Village and propose a modification or amendment thereof as it shall deem necessary. The same procedure shall apply for the preparation of any plan of proposed rights of way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

Sec. IX Official Map of Street Extension. The planning commission with the assistance of the Village engineer, may and upon instruction by the Village Council, shall prepare an official map of the platted and unplatted portions of the Village and adjoining territory, or portions thereof, indicating upon such map the proposed future extension or widening of streets of the Village 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 Section 8, it shall be submitted to the Council, which shall thereupon consider such map and may adopt it or any part of it with such amendments as it deems advisable. Before such adoption by the Council, a public hearing shall be held upon the proposal at least ten days after a notice thereof has been published in a newspaper published in the Village. After such map has been adopted by the Council and filed with the Register of Deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purpose are acquired by action of the Village 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 a map within the limits of the mapped street, or outside of any building line that may have been established upon the existing street, or within any area thus reserved for public purposes.

Sec. X Plats. Every proposed plat of land within the Village shall be submitted to the Village Council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the Village Council.

Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use of any plat before such plat has been approved by the planning commission and the Village Council in accordance with the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than ninety days. Before acting on such plat the Village Council shall submit the same to the planning commission for its recommendations.

The planning commission, within forty days after any such plat has been referred to it by the Village Council, shall act on the same and shall make its recommendations with respect thereto. Such recommendations may consist of:

- (a) recommendation that the Village Council approve such plat; or
- (b) recommendation that the Village Council disapprove such plat, in which case such recommendation shall include a statement of the specific reasons for such recommendation, or
- (c) recommendation that the Village Council approve such plat after specified changes or revisions are made therein, which recommendations may include the condition that a revised plat, containing such changes or revisions, be submitted to the planning commission, in which case such revised plat shall be so submitted to the planning commission for its further consideration and recommendations before action thereon by the Village Council.

Sec. XI Procedure for Changes. No change shall be made in the zoning plan, future street and public lands plan, or regulations governing the platting of land after such plans or regulations have been adopted by the Village Council, until the proposed change has been referred to the planning commission for report thereon and an attested copy of such report has been filed with the Council; and no ordinance or resolution establishing any of such plans or specifications shall be adopted by the Village Council until such ordinance or resolution has been referred to the planning commission for a report thereon and an attested copy of such report has been filed with the Council. Failure of the planning commission so to report within forty days or such longer period as may be designated by the Council after such reference shall be deemed to be approved of the proposed change.

Sec. XII List of Recommended Public Works. Each officer, department, board or commission of or in the Village whose functions include recommending, preparing plans for, or constructing public works shall, at least three 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, or commission for planning, initiation, or constructing during the ensuing fiscal year. The planning commission shall request from the local school district a similar list of its proposed public works. The planning commission shall list and classify 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 commission to the Council and to such other officers, departments, boards, or public bodies as have jurisdiction over the recommending, planning or construction 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 Section 3.

Passed by the Council the 19th day of November, 1964.

Norman K. Miller
Mayor (Pres. of Council)

Attest:

K. E. Thoreson
Clerk

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