

American Planning Association  
Minnesota Chapter



Citizen Planner  
Handbook

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American Planning Association  
**Minnesota Chapter**

*Making Great Communities Happen*

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## A Letter from the President

*Dear Citizen Planners,*

The American Planning Association of Minnesota (APA MN) represents a vast range of planning professionals involved in planning-related activities on behalf of state and regional agencies, counties, cities, towns, educational institutions, and the private sector. Our leadership as a professional institution captures more than just the professional planner. We recognize that planning enables civic leaders and citizens who are committed to creating communities that enrich people's lives. Our membership represents a growing number of citizen planners who we are proud to support.

APA MN provides assistance to planning commissioners, elected officials and engaged citizens with training, information and support. We have developed a number of tools to assure excellence in the decision making process. The Citizen Planner Manual is one of those tools. It is designed to give the citizen planner a foundation in civic planning and the resources needed to make sound planning decisions. The manual may not address all of the challenges you will face as a citizen planner, but it will serve as a building block to your training as you become more engaged in the planning process.

On behalf of APA MN, we want to thank you for your commitment to the organization and more importantly, your community. We hope you will consider APA MN as a resource. APA MN offers a variety of workshops and training sessions during our state and national conferences, and a national clearinghouse of training material.

Sincerely,

Lance H. Bernard

APA MN President



Please Note: The handbook was first established by the Minnesota Planning Association (MPA) in the early 90's. It was published and copy written in 2000. In 2006, MPA dissolved and merged with APA MN. Since that time, the handbook has been overseen and updated by APA MN. Revisions to the handbook have been made by certified planners and volunteers dedicated to their profession.

# 1 An Introduction to Planning

This chapter will address the following topics:

- What is Planning?
- Why We Plan
- The Planning Process/Concept
- Authority to Plan
- References

## What Is Planning?

Webster's Dictionary defines planning as "the act of making or carrying out plans; the establishment of goals, policies, and procedures for a social or economic unit." Community planning is often described as an ongoing attempt to guide future development and redevelopment of a neighborhood, city, town, county, or region in order to promote the public health, safety, and welfare.

The American Planning Association offers the following definition:

Planning, also called urban planning or city and regional planning, is a dynamic profession that works to improve the welfare of people and their communities by creating more convenient, equitable, healthful, efficient, and attractive places for present and future generations.

Planning enables civic leaders, businesses, and citizens to play a meaningful role in creating communities that enrich people's lives.

Good planning helps create communities that offer better choices for where and how people live. Planning helps communities to envision their future. It helps them to find the right balance of new development and essential services, environmental protection, and innovative change.

## Why Do We Plan?

Communities plan in an attempt to manage change. Change occurs in all communities, regardless of size and location. Change can mean population growth or decline or changing demographics. Change can mean growing residential areas, commercial and industrial development, increased traffic, etc. It can also take the form of deteriorating neighborhoods, decline of downtowns, and loss

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of employment. Sometimes change occurs as a result of internal forces; other times it is driven by external decisions and factors.

So, communities make plans to deal with change. Even communities that want to remain the same need to plan to deal with change—otherwise, outside forces will dictate how change occurs.

Don't worry—as a planning commissioner you will not be expected to deal with all of the facets of change, at least not right away. Most planning commissions have four areas of concentration:

1. Developing the community's comprehensive plan
2. Creating and maintaining land use plans
3. Planning for capital improvements and/or special projects
4. Reviewing development applications

Larger communities may have other boards or commissions that get involved in planning the future of the community. Examples of these include park boards, downtown associations, economic development authorities, housing authorities, etc.

## The Planning Process

Figure 1



**Figure 1** shows the basic planning process that is typically used when trying to address a problem or an issue:

**1. Problem Identification:** In order to be effective at planning, commissioners need to make sure they address the right problems. Sometimes the problem is obvious, such as the need for new land and utilities to support development. Other times, one problem may be based on another, such as downtown or neighborhood deterioration resulting in loss of population.

**2. Identify Options:** There is usually more than one solution to any given problem. Commissioners should seek out a reasonable range of solutions, and give them all due consideration. Even ideas that sound a bit radical at first may have merit, and could prove to be the best option available.

**3. Involve the Public in Choosing the Best Option:** Because most planning decisions affect the entire community, it is important that the public have a meaningful opportunity to participate in the decision making process. The planning commission plays an important role in the citizen participation process.

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**4. Implementation:** Once the best solution has been chosen, the community needs to implement it. The planning commission should play a role here too—developing, evaluating, or proposing policies, ordinances (for example, zoning regulations) and administrative procedures for carrying out the necessary actions.

**5. Evaluation:** It is important that the commission evaluate the effectiveness of the solutions that were implemented. Did they work, or not? If not, what went wrong? What happened instead of what was anticipated? Will a different option work better, or does the community need to redefine the problem? The cycle continues.

## Authority to Plan

The authority to engage in land use planning is set forth in Minnesota law. Planning is considered to be an exercise of the police powers of the state. City, township, and county planning is based on state law (often called state planning enabling legislation)<sup>1</sup>. Under enabling legislation, planning is supposed to begin with an analysis of community needs and goals which are then formulated into a Comprehensive Plan. The Comprehensive Plan then becomes the guiding policy for community development, and the zoning ordinance and other land use regulations must be based on this comprehensive plan.

There will be more discussion later in this handbook about the need for comprehensive plans and the important relationship between plans and land use regulations.

## In Summary

The planning commission is an appointed advisory body that:

- receives its charge from state enabling legislation;
- researches, studies, and generates ideas on planning issues in order to guide community land use planning;
- informs the governing body as to what citizens want and where the best long range interests of the community lie;
- evaluates information from staff, other public agencies, and testimony gathered in public hearings regarding development proposals, ordinance amendments, capital improvements, and other land use issues, in order to make recommendations to the governing body; and
- supports its decisions with findings of fact designed to promote the health, safety and welfare of citizens, and guided by the Comprehensive Plan.

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<sup>1</sup> For cities and townships, the authority to plan is found in Minnesota Statutes Section 462.353. Counties are authorized to plan under Minnesota Statutes Section 394.23.

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## References for Further Reading

Some excellent resources to read on the basic concepts of planning include:

*The Citizen's Guide to Planning*, 4th edition, by Christopher J. Duerksen and C. Gregory Dale. APA Planners Press, Chicago, 2009.

*Planning*, a monthly magazine published by the American Planning Association.  
[www.planning.org](http://www.planning.org).

# 2

## The Planning Commission's Responsibilities

This chapter will address the following topics:

- Overview
- Makeup of a Planning Commission
- Chain of Command
- Tasks/Responsibilities
- Organizational Chart

### Overview

The planning commission's role is to make recommendations regarding community development and land use to governing bodies (city councils, town boards, county boards of commissioners). These bodies depend on objective and equitable recommendations from the Commission. They will consider these recommendations to support decisions that may be politically unpopular, but also far-sighted and responsible. Without sound recommendations, policy makers are more subject to political pressure.

Although it is impossible for members of planning commissions to function completely outside of the political arena, it is the role of the planning commission to make decisions based on objective *findings*<sup>2</sup> and established policies, not political expediency.

In other words, the planning commission is supposed to look at the big picture of what is good for the community's development and well-being. The planning commission does not base its recommendations on who speaks the loudest and most often, nor should it get caught up in the NIMBY (Not In My Back Yard) mentality. The commission should consider facts and evidence, and make recommendations based on its findings and ordinances.

### Makeup of a Planning Commission

Minnesota law authorizes local governments to create planning commissions. This is usually done by ordinance. The planning commission generally consists of from five to nine volunteers from the

<sup>2</sup> In the context of planning, findings refers to a listing of facts, evidence, and observations regarding a specific issue before the planning commission.

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community in which the commission has jurisdiction. Most commissioners are unpaid, although some communities do provide a per diem.

While Minnesota law does not set forth any minimum requirements for an individual to be appointed as a planning commissioner, it is important that the makeup of a planning commission be inter-generational (though members must usually be at least of voting age) and integrated by gender, race, and economic status so that a broader perspective on community issues can be incorporated into the decision making process.

A person does not have to be a realtor, surveyor, engineer, developer, architect, or other “expert” to serve on a planning commission. However, the job does have certain qualifications:

- A commitment to attend meetings of the commission
- A commitment to becoming informed about the issues before the commission
- The ability to listen to different perspectives on an issue
- A commitment to being objective and fair in evaluation of issues before the commission
- The ability to make hard decisions in the public’s interest in the face of controversy
- A commitment to public service and a respect for the ability of a good planning process to help guide the development of the community

## Chain of Command

Under state law, there are several ways in which a commission can be organized and staffed. Minnesota Statutes Section 462.354 states that a municipality may by charter or ordinance create a planning agency. The planning agency is an advisory body, except where other powers and duties are imposed by statute, by charter, or by ordinance consistent with the municipal charter. The planning agency may take the following alternative forms:

1. It may consist of a planning commission, which may or may not include municipal officials among its members. The planning commission may be provided with staff, which may be a division of the administrative structure of the municipal government. The commission advises the governing body. (This is the most common structure.)
2. It may consist of a planning department with a planning commission advisory to it; the department is advisory to the governing body and the municipal administration. The planning department may be provided with an executive director and other staff.

While these organizational options pertain specifically to cities and towns, the structure for county or township planning commissions is similar.

An organizational chart can be used to diagram your community’s government structure, and the placement and role of the planning commission in this structure. If your community has one, please insert it on page 11.

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## Tasks/Responsibilities

The responsibilities of a planning commission will vary among jurisdictions depending upon the policies of the community related to planning, the attitude of the governing officials, quality of leadership and staff support, the level of urbanization, etc. Generally speaking, a planning commission is responsible for the following:

- Assist in preparing and updating the Comprehensive Plan. This plan contains the goals, policies, standards, and maps which guide the physical, social, and economic development of a community. The planning commission assists in establishing these goals and policies by studying background data, examining development problems and opportunities, and working to create a vision of the future of the community.
- Assist in preparing or reviewing official controls such as zoning ordinances, subdivision regulations, site plan regulations, building codes, well ordinances, sanitary codes, gravel extraction ordinances, and others.
- Review and make recommendations on development proposals, rezonings, subdivisions, and conditional/special use permits.
- Assist in the preparation of a Capital Improvement Program.
- Act as liaison to other governmental units such as the school district, regional planning agencies, and state agencies.

Through these activities, the planning commission instills the planning perspective into the local government's decision making processes.

The planning commission operates as both a legislative body and a quasi-judicial one. Preparing or revising plans or ordinances are considered legislative functions, and city boards and commissions have more flexibility in decision-making. Administering an existing zoning ordinance is considered a quasi-judicial function, which carries the force of law and may be subject to court review. Therefore, cities must follow rules that provide due process and equal protection under the law. planning commission rules and procedures are discussed in Chapters 9 through 12 of this handbook.

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Insert  
Your  
Organization  
Chart  
Here

# 3 Board of Adjustments

This chapter will address the following topics:

- **The Makeup of the Board of Adjustments**
- **The Responsibilities of the Board**
- **The Board's Authority**

A Minnesota city, town, or county which has a Zoning Ordinance or an Official Map must establish a Board of Appeals and Adjustments by ordinance to consider variance requests and appeals to the provisions of the zoning regulations or its interpretations.

## Makeup of the Board

In cities and townships, the Board may be a separate board, the governing body, the planning commission or a committee of the planning commission. In counties, the Board of Adjustment cannot be the governing body or the planning commission; it must be a separate entity.

The Board usually consists of five to nine volunteer members who meet on a monthly or as-needed basis. Qualifications for this board are similar to those for the planning commission. The job of the Board member can be difficult because the members must be willing to deny requests made by their neighbors and others in their community.

## Responsibilities

The board of adjustments has the following responsibilities:

- Review appeals of actions by the zoning administrator. Administering the zoning ordinance often involves some interpretation on the part of the zoning administrator. If a person disagrees with the zoning administrator's interpretation on a requirement, that person may ask the board of adjustments to make a ruling. Both the appellant and the zoning administrator will have an opportunity to make their case before the board.
- Consider requests for variances from the literal provisions of the zoning ordinance. The zoning ordinance contains specific standards that are applied to the development of property. Sometimes there are unique circumstances on a given parcel that make it infea-

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sible to meet all of the standards. In such a case, the owner of the property can make an appeal to the board of adjustments and ask for a variance from the requirements.

- Other duties as the governing body may direct.

Meetings of the board of adjustments are conducted in the form of a public hearing. The proceedings often appear somewhat like a trial, in which the case is explained, evidence is presented, and testimony is taken. The board then reviews the information and makes a decision on the matter.

## Authority

Depending upon the jurisdiction and the powers conferred upon it, the board either:

- makes recommendations and is advisory to the governing body; or
- makes final decisions on variances and interpretations/appeals.

However, it should be noted that the discretion of the board is strictly limited by state enabling legislation, which states that the board must make specific findings regarding the presence of practical difficulties prior to granting a variance. You can read more about “findings of fact” in Chapter 11.

# 4

## Commission/Board Orientation

This chapter includes the following items:

- **Checklist of Planning Commission Orientation Topics**
- **Sample Planning Commission Mission Statement**
- **Sample Bylaws**

New members of the planning commission and/or the board of adjustments should be provided with an orientation session(s) outlining their roles and responsibilities. They should also be provided with resource materials such as local ordinances, maps, etc.

Provided below is a checklist of items that should be covered in the orientation sessions:

- \_\_\_ Brief review of the community's Comprehensive Plan and other significant planning documents
- \_\_\_ Explanation of the structure and workings of the zoning ordinance
- \_\_\_ Explanation of how to read and interpret the zoning map
- \_\_\_ Review of the subdivision regulations
- \_\_\_ Discussion of other land use controls enforced in the community (flood plain regulations, shoreland management, airport zoning, etc.)
- \_\_\_ Review of the community's official map
- \_\_\_ Review of commission/board agendas and minutes
- \_\_\_ Review samples of reports provided to the commission/board for variances, rezonings, conditional uses, etc.
- \_\_\_ Review policies on conflict of interest
- \_\_\_ Discuss training opportunities

Training courses are available for planning commissioners and board of adjustments members from the American Planning Association–Minnesota Chapter and other organizations in the state. A listing of contacts is provided in the Appendix.

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## Sample Planning Commission Mission Statement

Recognizing that community planning is a continuing and dynamic process, always subject to societal changes, the City/Township/County of \_\_\_\_\_ Planning Commission has set forth the following mission statement to clarify its role in the planning process.

1. The Planning Commission is a \_\_\_\_ member volunteer citizen Commission appointed by the (governing body) and staffed by \_\_\_\_\_.
2. The Commission is charged with reviewing, evaluating, and updating the City/Township/County Comprehensive Land Use Plan with the objective to maintain and/or implement the community values defined as quality of life in both a living and working environment. The Commission must then communicate these updates to the (governing body).
3. To accomplish the annual review of the Comprehensive Plan, the Commission encourages constructive citizen and staff participation in the public planning process through public hearings and at regular meetings, through newsletters, and through neighborhood, area, or district planning meetings.
4. The Commission shall complete studies and recommend long term development plans and policies which are consistent with the Comprehensive Plan and the values of the community which are life enriching, economically beneficial, and environmentally sound.
5. The Commission shall utilize (and recommend utilization by other City/Township/County public officials and entities) implementation tools such as zoning and land use permits, subdivision approvals, official mapping, capital improvements programming, and housing plans.
6. The Commission shall encourage efficient utilization of existing infrastructure and buildings and innovative and effective management of public and private land.
7. The Commission shall create, with the assistance of the staff, a land use, economic, and demographic information base for use by citizens and developers.
8. Noting that the City/Township/County of \_\_\_\_\_ is part of a larger community, the Commission will encourage joint meetings and sharing of information with other commissions and committees within the City/Township/County, and with adjacent Planning Commissions.

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## Sample Bylaws

These bylaws were drafted for a city, but may be adapted for townships and counties by changing the language. Governmental units that wish to use these as a guide should make changes as needed to fit local policies and procedures.

### **Article I. Introduction**

#### Section 1. Purpose

It is the intent of the \_\_\_\_\_ Planning Commission to conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner. These bylaws are established for that purpose.

#### Section 2. Application of Bylaws

Unless otherwise specifically indicated, these bylaws shall apply to the transaction and administration of all Planning Commission business and the conduct of all Planning Commission meetings and hearings.

### **Article II. Offices and Duties**

#### Section 1. Offices Designated

The Commission, at its first regular meeting in January of each year, shall select a Chairperson and Vice Chairperson.

#### Section 2. Recording of Meetings

The \_\_\_\_\_ shall supply a qualified staff member to perform all general corresponding and recording secretarial duties for the Planning Commission.

#### Section 3. Duties of Officers

The duties and powers of the offices of the Planning Commission shall be as follows:

##### A. Chairperson

- 1) Preside at all meetings of the Commission
- 2) Call special meetings of the Commission in accordance with the City Ordinance
- 3) Sign documents of the Commission
- 4) See that all actions of the Commission are properly taken
- 5) Cancel or postpone any regularly scheduled meetings

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- 6) Order end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings

B. Vice Chairperson

In the event of the absence, disability, or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibility of the Chairperson.

C. Secretary

A city, county, or township staff member will be assigned to perform the functions of Secretary. The Secretary shall keep record of the proceedings of every meeting of the Planning Commission.

### **Article III. Members**

Section 1. Number.

The Planning Commission shall consist of \_\_\_\_ voting members.

Section 2. Members Appointed.

Voting members shall be appointed by the City Council, County Board, or Township Board for a three year term. Terms shall run from January 1 through December 31. Terms shall be staggered so that there will be continuity of the Commission.

Section 3. Voting.

A member must be present to vote.

Section 4. Vacancies.

Vacancies shall be filled by appointment of the City Council, County Board, or Township Board.

### **Article IV. Meetings and Hearings**

Section 1. Notice

Notices of all meetings and hearings of the Planning Commission shall be made in accordance with all statutory and ordinance notification requirements.

Section 2. Meetings

All meetings of the Planning Commission shall be open to the public.

Section 3. Workshops

Workshops and other meetings whose sole purpose is for general information and/or

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educational purposes will be open to the public. Public testimony may or may not be allowed.

#### Section 4. Meeting Records

All tapes, minutes, evidence, exhibits, correspondence, maps, plats, etc. shall be made a part of the record, become the property of the City/County/Township of \_\_\_\_\_, and be maintained as a permanent record.

#### Section 5. Meetings

##### A. Date and Time

The Planning Commission shall meet regularly on the \_\_\_\_\_ of the month at \_\_\_\_ pm, or as soon as practical.

##### B. Location

The Commission shall meet in regular session in the City Hall Chambers/Board Room/Township Hall, or otherwise designated by ordinance.

##### C. Order of Business

- 1) Approval of Agenda
- 2) Approval of Minutes
- 3) Public Hearings
- 4) Old Business
- 5) New Business
- 6) Communications and Reports
- 7) Other
- 8) Adjourn

##### D. Special meetings

The Chairperson, Vice Chairperson, City Council, or Mayor may call for a special meeting at any time. Notice of the time and place shall conform to the Open Meeting Law.

##### E. Additional Agenda Items

Agenda items are to be added at the workshop meeting. If no workshop meeting is held, additions may be made by calling the Chairperson one week prior to the regular monthly meeting.

#### Section 6. Parliamentary Procedure

All Commission meetings shall be governed by Robert's Rules of Order Newly Revised in all

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cases to which they are applicable and not in conflict with these bylaws, City Code, or other rules this Commission may adopt.

#### Section 7. Agenda

- A. The agenda shall be prepared by planning staff for the Planning Commission meeting and shall close at noon the \_\_\_\_\_ prior to the meeting.
- B. Any Planning Commission member can place an item on the agenda. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.
- C. The agenda may be amended during a Planning Commission meeting by a majority vote of the Commission.
- D. The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many persons should generally be placed early on the agenda.
- E. Planning staff shall prepare a written report detailing the request and the ordinance provisions that apply to the matter.

#### Section 8. Procedure for Public Hearings.

- A. Planning staff or consultants, if any, shall summarize for the public the relevant issues of the application contained in the written staff report. The Commission members may direct questions to staff regarding the application.
- B. The Chairperson shall call the public hearing to order and declare the time, and prior to taking testimony, shall explain:
  - 1) The order of testimony
  - 2) The purpose and requirements of the public hearing under Minnesota law
  - 3) That each speaker shall provide their name and address and that public comments should be limited to matters pertinent to the application under review and avoid duplicative testimony. The Chairperson may place reasonable time limits on public comments, depending on the number of persons waiting to testify on the matter.
  - 4) The type of application under consideration
- C. The applicant and/or representative shall be given an opportunity to present evidence in support of the request and rebut any issues or conditions identified in the staff report
- D. Members of the public, if any, may testify, either in person or through their agent. Written testimony submitted may be read and will be added to the public

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record.

- E. The applicant shall have an opportunity to answer questions from the Commission.
- H. The Commission shall close the public hearing by motion and majority vote of the Commission. The Commission may deliberate and decide the matter.
  - 1) The Commission may direct questions to the applicant, planning staff, or public to clarify issues but no further testimony may be received from the public.
  - 2) If the Commission identifies relevant facts that remain unknown or disputed, the Commission may postpone closing the hearing by motion and majority vote until the Planning Commission's next meeting and refer the issue to planning staff for further fact finding.

#### Section 9. Protocol for Public Hearings

- A. Everyone who wishes to give testimony shall be given a reasonable opportunity to speak.
- B. All statements or questions should be directed to the chairperson.
- C. All statements should be as factual as possible and should not involve personalities.
- D. Speakers should refrain from repeating what has already been stated.
- E. Each speaker shall provide his or her name and address to the recorder.
- F. The Planning Commission reserves the right to question any speaker.
- G. Written testimony may be received.
- H. No additional testimony may be offered after the close of the public hearing.

#### Section 10. Communications with Public and Applicant

- A. General. Prior to the public hearing or Commission deliberation, no Commission member shall lobby the merits of a pending case with staff, applicant, Commission member, or the general public.
- B. Disclosures. If a commissioner has discussed the pending case, the commissioner shall disclose the facts relating to such discussion during the public hearing.
- C. Exception. Nothing in this section shall preclude the general information communication by Commission members relating to the general conduct of a meeting or hearing, nor shall anything in this section forbid staff or commissioners from discussing with commissioners an upcoming meeting, so long as the facts or merits of the meeting are not discussed.

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### Section 11. Quorum

A majority of the Commission members entitled to vote shall constitute a quorum for the transaction of business.

### Section 12. Conflict of Interest

Any member of the Planning Commission who shall feel that he or she may appear to have, or in fact has, a conflict of interest on any matter that is on the Planning Commission agenda shall voluntarily excuse himself or herself, vacate his or her seat, and refrain from discussing and voting on said matter as a Planning Commissioner.

A conflict of interest is any direct contractual, pecuniary, or other beneficial interest in the outcome of a matter before the Planning Commission.

### Section 13. Orientation for new Planning Commissioners

To assist new Planning Commission members in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be required to:

- A. Attend an orientation session with (staff, Planning Commission Chair, other).
- B. Read the Planning Commissioner Orientation Manual.

## **Article IV. Education, Conference and Convention Policy**

The (governing body) and Planning Commission of \_\_\_\_\_ recognize and accept the concept that the acquisition and maintenance of a body of knowledge and skills are necessary and desirable to perform the job of the Planning Commissioner. Further, both groups encourage and highly recommend periodic attendance at various educational opportunities, conferences, and conventions.

The following is the policy of the \_\_\_\_\_ Planning Commission on educational meetings, conferences, and conventions:

- A. Attendance at educational meetings, conferences, and conventions is subject to availability of funds.
- B. Attendance at educational meetings, conferences, and conventions is voluntary. Planning Commission members are encouraged to attend educational meetings, conferences, and conventions.
- C. Involvement in relevant professional organizations such as APA-MN, office holding, or committee work is considered educational.
- D. Planning Commission members are encouraged to participate in the budget process and to request allocations for educational purposes.
- E. In the event of budget constraints, the acquisition of skills and knowledge through educational meetings, conferences, and conventions shall take precedence over the maintenance of same.

# 5

## The Comprehensive Plan

**This chapter will address the following topics:**

- **What is a Comprehensive Plan?**
- **How is it Used?**
- **Why Should a Community Have a Comprehensive Plan?**
- **How is it Developed?**
- **How Often Should it be Updated?**

### What is it?

“The term Comprehensive Municipal Plan means a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of the municipality and its environs...and it may include, but is not limited to, the following: statements of policy, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. A Comprehensive Plan represents the planning agency’s recommendation for the future development of the community.”  
(Minnesota Statutes Section 462.352 Subd. 5.)

### How is it Used?

The Comprehensive Plan is supposed to serve as a resource for guiding decisions about the development of the community. (You might say that it is the “program statement” for the development of the community.) It helps identify important community elements, features and values, goals and objectives. It is used by those involved in “building the community” to make sure that what they build achieves the desired outcome. Decisions about future development of the community should be consistent with the Comprehensive Plan.

For example, the land use component of the plan may use a map to divide the community into broad land use categories such as residential (various densities), commercial, industrial, public, etc. Then, as the zoning ordinance is defined (or redefined), its zoning categories and maps should generally reflect the land use element of the Comprehensive Plan.

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In order for the Comprehensive Plan to provide useful guidance to local government officials and the general public, it needs to be current and accurately reflect the community's history and vision for the future. If it becomes outdated, or out of synchronization with community realities, then it will not be respected as a worthwhile guide.

Finally, as a policy document, the Comprehensive Plan does not set forth mandates, laws, or ordinances. Its purpose is to guide decisions related to those instruments. Elected officials still have the option of making decisions that run counter to the Comprehensive Plan, but at least those decisions can be evaluated in a broader context, with a clear understanding of the interrelationship of the factors involved.

## Why Should a Community Have a Comprehensive Plan?

While not every unit of local government in Minnesota is required to adopt a Comprehensive Plan,<sup>3</sup> there are several good reasons why every community/county should have one:

1. A Comprehensive Plan can help both the public and private sectors of the community make better development decisions. If the Comprehensive Plan is out of date (or non-existent) it cannot adequately serve as a guide for the development of the community.
2. Land use decisions can benefit from a Comprehensive Plan that considers the “best” locations for various uses, the ability to service various areas of the community, compatibility with adjacent uses, etc.
3. The community can anticipate needed public improvement projects, and be better prepared to finance them, if it has a Capital Improvements Program (see Chapter 6). A Capital Improvements Program helps identify, prioritize, and program future capital expenditures.
4. A Comprehensive Plan can help avoid unplanned growth and development around the community. Unplanned development can cause urban sprawl, and eventually place a burden on the community when the unplanned areas demand urban services.
5. Planning for growth and development leads to greater efficiencies in the provision of infrastructure and services to developing areas. Communities need to plan for future growth and development, particularly in the arena of annexation, sprawl, urban service boundaries, and coordination with adjoining jurisdictions.
6. Other quality of life issues can also be addressed through the plan, such as how big a community wants to become, preservation of natural areas and sensitive environments, provision of recreation areas, housing quality and quantity, aesthetics, etc.

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<sup>3</sup> In the seven county metropolitan area, all cities are required to adopt a comprehensive plan and submit it to the Metropolitan Council for review under Minnesota Statutes Section 462.355, Subd. 1a. See the Local Planning Handbook, <http://www.metrocouncil.org/planning/LPH/handbook.htm>.

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7. Land use ordinances and decisions based on a Comprehensive Plan will hold up better under judicial scrutiny if challenged in a court of law.

Failure to adequately plan for the future development of the community can adversely affect the quality of life enjoyed by its residents. The cost of government will be higher to provide services than would otherwise be needed if the community planned its growth and development. Important natural and cultural features that reflect the community's heritage may be lost to unplanned development. Investments in public facilities that are not carefully planned may lead to inefficiencies and lost opportunities.

## How is the Comprehensive Plan Developed?

The process for creating a Comprehensive Plan is not “etched in stone” and varies from community to community, depending on such factors as community size, scope of the plan, planning experience, and resources available.

While it is beyond the scope of this handbook to outline a detailed comprehensive planning process, the following relatively simple three-phase approach is offered for consideration.

**Phase 1:** Identifies the community's existing resources, and makes projections about future growth, population, and housing trends. The purpose of this phase is to provide an understanding of the community's resources as they exist today, and make some predictions or forecasts about the future.

**Phase 2:** Identifies and clarifies key issues that the community needs to address in the comprehensive plan. This phase focuses on the subjective/value-based decisions that the community should face as it plans for the future. The purpose of this phase is to help answer the question—How do we want our community to look and function 10–20 years from now?

**Phase 3:** Transforms the information from the previous two phases into policies that will guide the future development of the community.

Under Minnesota Statutes Section 462.355 (Section 394.24 for counties), the planning commission is responsible for the development of the Comprehensive Plan. Commissions working in larger communities may have experienced planning staff available to do the bulk of the work on the planning process. Most commissions serving smaller communities do not have experience with such matters. Oftentimes consultants are used to facilitate the process, gather data, and help draft plans and policies, while the commission provides oversight and quality control.

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## How Often Should the Plan Be Updated?

A Comprehensive Plan should be updated on a periodic basis. The general rule of thumb is that every 5 years it should be reviewed to consider new trends, changing economic conditions, and community goals. A ten-year interval between plan updates is typical, although the timing will depend on each community's rate of growth and change. (Communities in the Metro area are required to update their plans every ten years.) Answers to the following questions will help you decide if your community's Comprehensive Plan needs updating:

- Do the policies spelled out in the plan still reflect the community's desires or expectations?
- Are the City's administrative policies and actions consistent with those found in the Comprehensive Plan?
- Do the policies in the Comprehensive Plan provide useful direction?
- Are the policies too specific or not specific enough?
- Have the actions recommended in the plan largely been completed or rendered irrelevant by changing circumstances?

# 6

## The Official Map & Other Planning Documents

**This chapter of the manual will address planning documents that work in conjunction with the Comprehensive Plan:**

- **The Official Map**
- **The Capital Improvements Program**
- **The Overall Economic Development Program**
- **Other Types of Plans**

### The Official Map

The Official Map is a process authorized by Minnesota Statutes Section 462.352 to identify land needed for a public purpose (i.e., streets, aviation purposes, and other necessary public facilities or services) in order to implement the Comprehensive Plan.

After adoption of a major thoroughfare plan or community facilities plan, the community may adopt an Official Map by ordinance. Once an area that is privately owned has been delineated for a public purpose on the Official Map, the city is not required to pay for buildings or structures that may be subsequently placed within the mapped areas without a permit.

### Capital Improvements Program

The Capital Improvements Program is a planning document which defines and sets priorities for the community's capital projects, usually for a five-year period with annual updates. It usually includes text, maps, tables of projects, costs by year, and a proposed method for project financing.

This plan is intended to ensure that improvements are made to the community on an equitable basis and that utility projects precede street projects, etc. The Capital Improvements Program may be adopted after holding public hearings which give residents an opportunity to gain a better understanding of the improvement process and time to anticipate improvements and investments in their area.

The plan is not a final commitment to projects, and each project requires additional approval by the governing body prior to proceeding. The plan assists the governing body in determining what projects to commit to on an annual basis and also prepare bonding documents if needed.

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The Capital Improvements Program is a responsible part of the planning process because it places fiscal responsibility on goals and helps the community develop at a reasonable and affordable rate.

The Capital Improvements Program should reflect the goals and plans of the Comprehensive Plan.

## Other Types of Plans

There are many other types of plans that planning commissions may be involved in, including park and open space plans, watershed plans, downtown or neighborhood revitalization plans, transit station area plans, and other plans that apply the basic planning process to a specific area or corridor. These plans may be integrated into or treated as elements of a comprehensive plan. While these plans are typically prepared by staff or consultants, the planning commission may be interested in these plans as they relate to the Comprehensive Plan and community ordinances and regulations.

# 7 The Zoning Ordinance

**This chapter addresses one of the most important topics for the Planning Commission: zoning. It includes:**

- **The Zoning Map**
- **Creating Zoning Districts**
- **The Zoning Text**

The Zoning Ordinance translates the land use goals of the Comprehensive Plan into an ordinance or law which regulates the way in which the land may be used by property owners. The ordinance regulates the development of individual lots and the use of land and buildings within the community. The regulations are contained in two important documents: the Zoning Map and the text of the Zoning Ordinance.

## Zoning Map

All of the land in the community is divided into zoning districts which are drawn and shown on the jurisdiction's official map. The purpose of the districts are to outline what land uses are acceptable in which areas of the community. A typical zoning map will designate areas for commercial uses, residential uses, industrial uses, etc.

Figure 2 shows part of a zoning map from a small city in Minnesota. The zoning districts are outlined with heavy lines, and are identified with bold letters and numbers such as R-1, R-2, B-1, PU, etc. Each of these designations permit specific types of land uses within their boundaries. For example, the R-1 areas may allow only single family dwellings, while the R-2 areas may allow duplexes or triplexes in addition to single family dwellings. The B-1 area may allow only commercial uses, or only upper-story residential units in mixed-use buildings. Likewise, commercial uses are often prohibited from developing in residential districts.

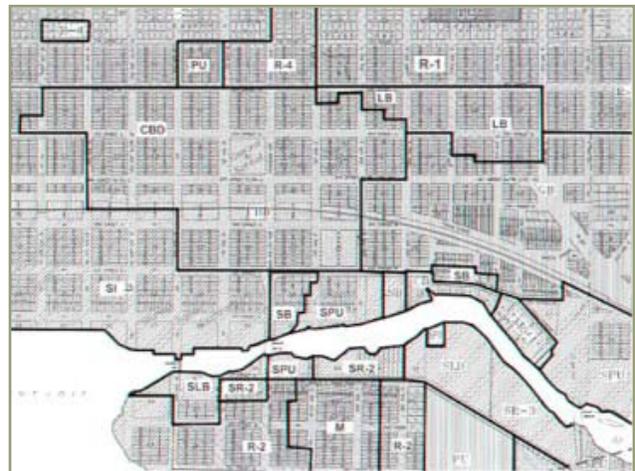


Figure 2

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## Creating Zoning Districts

The zoning of a property must comply with its Comprehensive Plan designation in cities in the seven-county metropolitan area. In many cases, the zoning districts closely represent the actual land use in the community. For example, areas already developed as residential generally are zoned as such, and commercial district boundaries tend to follow established commercial areas. Creating districts to follow existing development is fairly easy, though care must be taken to make sure that district boundaries are not arbitrary or creating “single use” districts.

Many communities use zoning districts to guide certain types of development into specific areas. This is especially true in newer communities and those experiencing growth. Areas that are undeveloped or in need of redevelopment may be zoned to encourage certain land use activities. Areas may be set aside for residential, commercial, industrial, or open space needs. As the community continues to develop, those uses are channeled into the appropriate zone.

Since the zoning map is a legal document, the boundaries of the zoning district must be drawn with care and precision. Errors delineating a district boundary may cause a land owner hardship or development delays, and could even affect such things as mortgage financing and property taxes.

Usually zoning boundaries follow centerlines of streets, alleys, railways, or other landmarks, so as to allow for easier interpretation of a parcel’s designation. However, sometimes the boundaries may need to follow individual lot lines or cross through unplatted parcels. When this occurs, extra care must be taken to ensure that the boundaries are appropriately placed.

## Zoning Ordinance Text

While the zoning map outlines the various zoning districts, it is the actual text of the zoning ordinance that spells out the specific land use regulations. The ordinance addresses such matters as:

- How the ordinance will be enforced
- Definitions
- A general description of the intent of each zoning district
- What specific uses are allowed in each zone, including permitted uses, restricted uses, and conditional uses
- Minimum requirements for lot size, setbacks, fences, landscaping, etc.
- Off-street parking requirements
- Regulations of signs
- Process for seeking variances, rezonings, conditional use permits, etc.
- Treatment of non-conforming uses

## Administration and Enforcement

The provisions of the zoning ordinance are usually administered and enforced by the zoning administrator. The zoning administrator generally has the following duties:

- Determine that all building permits comply with the terms of the zoning ordinance
- Conduct inspections of buildings and uses of land to determine compliance with terms of the ordinance
- Maintain permanent and current records of the ordinance
- Process applications for variances, rezonings, ordinance changes, CUPs, etc.
- Initiate proceedings against a person or entity violating the zoning ordinance
- Interpret the ordinance when questions arise about the literal provisions of the ordinance

A property developer usually is required to submit a site plan for approval prior to starting construction. The site plan shows how the proposed project will comply with the ordinance requirements, such as building setbacks, provision of off-street parking, location of signs, landscaping, etc. Figure 3 shows an example of a site plan.

The site plan requirements may vary depending on the type of development or the scope of the project. For example, many communities require less information for a single family dwelling or duplex than they would for a commercial development. Large projects may require a site plan drawn by a civil engineer, while the site plan for a new garage on a residential lot may be drawn by the property owner.

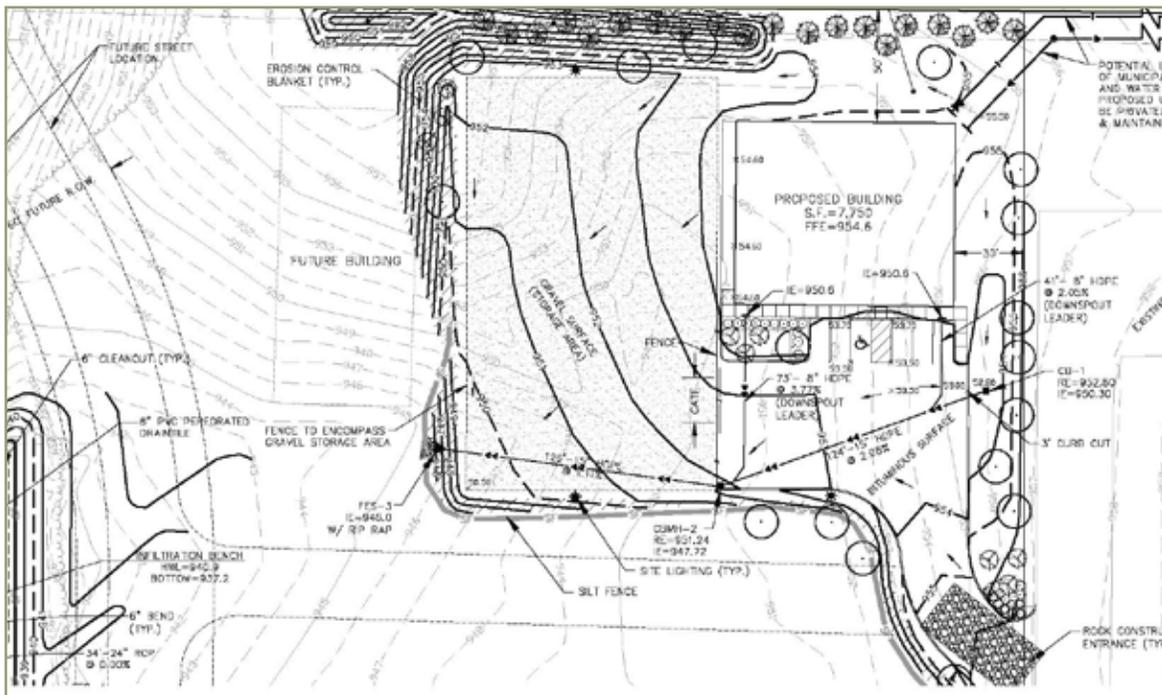


Figure 3

## Description of Districts

The zoning ordinance usually provides a brief description of the intent of each district. This description helps in the initial determination of boundaries on the zoning map, and is referred to when a property owner seeks a new zoning classification. An example of the purpose and intent description of a district follows:

Figure 4

Use	R-1	R-2	R-3	B-1	B-2	I-1
Residential						
Single-Family Dwelling	P	P	P			
Duplex		P	P			
Multi-Family			P	P		
Commercial						
Bar/Lounge					P	
Bookstore				P	P	

### *AG AGRICULTURAL DISTRICTS*

**Purpose and Intent.** These districts are intended to allow for the continuation of agricultural practices and activities especially in areas that may be annexed to the City of \_\_\_\_\_ where public services are not yet available, an alternative use is not imminent and the owner desires to continue to farm the land. For uses permitted by right refer to Chapter 23.5(F).

## Use Categories in Districts

Each zoning district allows certain types of land uses which are specifically spelled out in the zoning ordinance. This usually occurs in a “table of permitted uses” and is often supplemented with other sections of the ordinance which give more detail about permitted, restricted, and conditional uses. Figure 4 shows an example of part of a table of permitted uses:

The table of permitted uses shows that duplexes are permitted in R-2 and R-3 zones, but they are not permitted in any of the other zones, while multi-family dwellings are permitted in the B-1 districts as well as the residential zones.

**Permitted Uses** are allowed by right in the district. Permitted uses are subject to dimensional regulations and any required building permits, but as long as they meet the requirements for the zoning and/or building codes, they have to be permitted. (Not all jurisdictions have a building code; some counties or townships issue zoning permits which state that the proposed development conforms to the zoning ordinance, but do not address structural issues.) Permitted uses are also known as primary or principal uses.

**Accessory Uses** are located on the same lot, but are subordinate or incidental to principal use. Accessory uses are subject to dimensional regulations and required building permits. They include

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detached garages and outbuildings which may be desired to enhance the use of the property but not change the primary permitted use of the parcel.

**Restricted Uses** are allowed by right in the district if special restrictions are met and maintained. Restricted uses are subject to dimensional regulations and any required building permits, and as long as they meet the requirements for the zoning and/or building codes, they have to be permitted.

**Conditional Uses** are permitted in a district only upon issuance of a Conditional Use Permit (CUP). They are land uses that would not be appropriate generally, but may be allowed with appropriate conditions upon a finding that the use or development conforms to the Comprehensive Plan of the community, and the use is compatible with the existing neighborhood. A CUP differs from a restricted use in that the CUP requires a special application, a public hearing, and formal action by the governing body, whereas a restricted use does not.

**Planned Unit Development (PUD)** is a site-specific zoning district intended to provide flexibility in development location and design. The PUD process allows variety (a mixture of land uses, housing types, and densities) to maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics. PUDs may involve density transfer. Project density may be clustered, basing density on number of units per acre rather than specific lot dimensions, and the land saved may be used for common and public open space.

**Overlay Districts** provide for specific standards which are applied in addition to the general standards of one or more 'underlying' primary zoning districts. Examples include: floodplain districts, wetland districts, shoreland management districts, and airport zoning districts.

### Minimum Requirements for Lot Size, Yards, Fences, Landscaping

Not only does the zoning ordinance determine where certain uses may be located in the community, it usually regulates the placement, size, and bulk of structures. Often referred to as site development requirements, these standards address such things as:

- Minimum lot size (area) and minimum lot width
- Front, rear, and side building setbacks from property lines
- Building coverage ratios (how much of the lot can be covered by buildings or impervious surfaces)
- Maximum building size and height
- Setbacks for parking areas
- Landscaping requirements (usually does not apply to single family residential uses)
- Minimum standards for parking lot design

If a property cannot meet the site development requirements, the owner will need to apply for a variance from the requirements.

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## Off-Street Parking Requirements and Sign Regulations

Most zoning ordinances include special sections for requiring off-street parking and regulating signs. The intent of off-street parking requirements is to insure that property owners provide adequate parking for tenants, patrons, and occupants of the property. The ordinance will generally require a specific number of parking spaces based on the land use. A formula is used to determine the actual number of stalls required. For example, an apartment complex may be required to provide 1.5 stalls per dwelling unit, while a retail complex may be required to provide 1 stall per 250 square feet of retail space. There are guidebooks that can help a community make determinations on parking requirements, supplemented with actual observations of parking lot use.



Sign regulations are often one of the most controversial parts of the zoning ordinance. These regulations often address the size and location of signs, whether or not temporary or portable signs are permitted, and how many signs can be displayed on a property. As a general rule, ordinances cannot regulate the content (the message) of signs without running afoul of First Amendment (free speech) issues.



## Process for Seeking Variances, Rezonings, Conditional Use Permits

The Zoning Ordinance outlines the procedural requirements for seeking special considerations to its literal provisions. If an individual wants to change the zoning of a parcel, or cannot meet all of the required setbacks, or needs a CUP, certain steps must be followed in order to process the request. The ordinance will generally require the following:

1. The petitioner (person seeking the change) must apply to the planning authority using forms provided by the authority.
2. The petitioner may need to provide documentation supporting the request for a change. The documentation might include such items as a survey or site plan, a written description of why the request is needed, an impact study, and a filing fee.
3. The planning authority notifies neighbors and property owners within a given distance of the subject property that a request for variance, rezoning, or CUP has been made.
4. The petitioner will be allowed an opportunity to present his/her case to the planning authority, as will neighbors who may support or oppose the request. In some cases, the planning authority has the ability to make the decision to approve or deny the request, and sometimes the request must go to the governing body for ultimate determination.

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## 60-Day Rule

When administering the zoning ordinance, the zoning administrator must recognize that the local government has only 60 days to review a written request related to zoning or it is deemed automatically approved under Minnesota Statutes Section 15.99. Courts have demanded strict adherence to this rule. The 60-day rule does not apply to plat or subdivision approvals or building permits. Subdivision statute Section 462.358 provides its own time periods of 120 days for preliminary plat approval and 60 days for final plat approval.

The 60-day period does not begin to run until the local government receives a complete application. If a local government denies a request, it must give the applicant written reasons for denial at the time it denies the request. If the written statement for denial is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial but before the expiration of the 60-day period. The written statement must be consistent with the reasons stated in the record at the time of denial.

The failure of a motion to approve a request constitutes denial so long as the members voting against the motion state on the record the reasons for denial.

A local government can extend the application deadline an additional 60 days (up to 120 days) to consider a request, if the following is provided to the applicant: (1) written notification of the extension before the end of the initial 60 day period; (2) the reasons for the extension; and (3) the anticipated length of the extension.

# 8

## The Subdivision Regulations

This chapter addresses subdivision regulations and the subdivision review process:

- **The Subdivision Ordinance**
- **The Subdivision Process**
- **Preliminary Plat Review**
- **Final Plat Review**

### The Subdivision Ordinance

Like the Zoning Ordinance, the Subdivision Ordinance also translates the Comprehensive Plan into law and establishes the procedures for dividing the community into streets, blocks, buildable lots, and open spaces consistent with the Comprehensive Plan.

The Subdivision Ordinance provides for organized and planned development of subdivided areas. It requires consideration of the coordinated layout and proper arrangement of streets and utilities, recreation areas, lot sizes which meet the minimum zoning ordinance standards, provision for drainage, pedestrian movement, and coordination with other communities.

### The Subdivision Process

The subdivision process begins when a land owner approaches the city with plans to divide a parcel into lots. City staff reviews the subdivision process and requirements with the developer, and discusses the importance of coordinating the developer's plans with the city's long range plans.

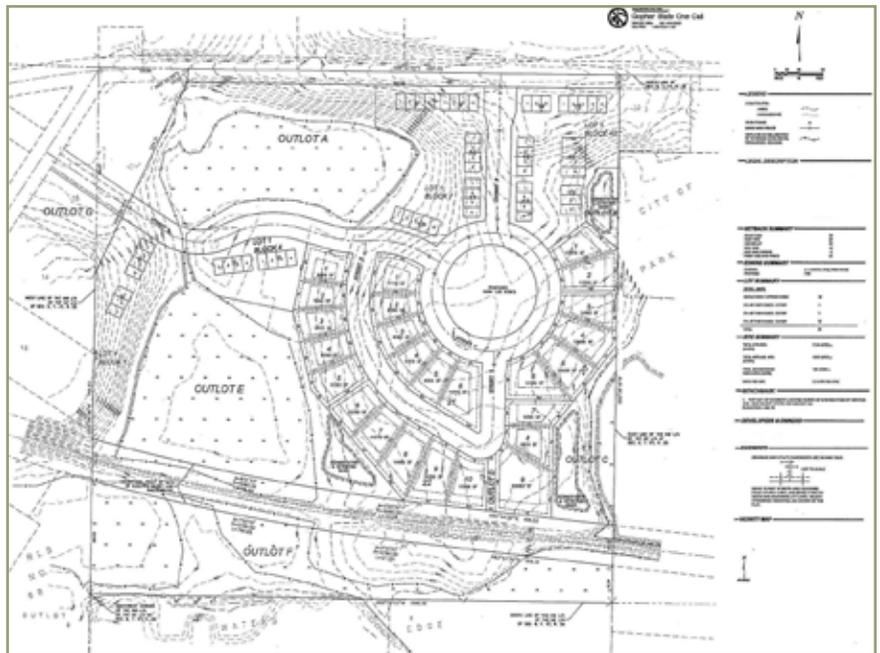


Figure 5

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## Preliminary Plat Review

The next step involves the preparation of a document called the preliminary plat. The preliminary plat is a detailed plan showing how the land will be divided. It shows the location of streets and easements, water and sewer improvements, the size and shape of lots and blocks, open space, etc. The following checklist shows the types of information typically required on a preliminary plat. Figure 5 shows an example of a preliminary plat.

When the developer has prepared the plans with the required information, it is submitted to the city for review and consideration for approval. The Planning Commission should review the preliminary plat based on the considerations such as the following:

1. Is the proposed subdivision consistent with the Comprehensive Plan?
2. Are the proposed uses within the subdivision consistent with the Zoning Ordinance?
5. Is the proposed land use compatible with the surrounding land uses in the area?
4. Does the proposed development make the best use of views to and from the lots, is the layout suitable for the proposed use, and is the layout suitable for the topography of the land?
5. What are the needs of the community for parks and open space in the area?
6. Is the proposed development complementary to existing open space and natural areas, including lakes and wetlands?
7. Is the transportation system within the subdivision laid out in a safe and pleasant manner, and does it provide connections to existing public streets and provide for future continuation of public streets into undeveloped land?
8. Does the proposed subdivision conform to the street and block layout requirements of the Subdivision Ordinance?
9. What are the general economic impacts of the proposed subdivision?
10. What population changes will occur, and what are the impacts upon the existing public facilities including thoroughfares, school systems, and recreation services?
11. Are the proposed lots large enough to adequately provide for the proposed development, or might it be necessary in the future to grant variances for proposed buildings, due to lot peculiarities within the subdivision?
12. Are easements provided for all future public utility needs, and for access to other public areas?
13. Is an environmental assessment worksheet required by state law, and if so, what are the findings and are adequate measures taken to mitigate any significant issues?

A public hearing is also held on the preliminary plat to receive public comment plus comment from other communities, if appropriate, along with utility companies and the Department of Transportation or other road jurisdiction.

The Commission may approve the preliminary plat, suggest changes, or deny the plat. The Commis-

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## Preliminary Plat Checklist

- Proposed name of subdivision, which shall not duplicate or resemble the pronunciation of any plat previously recorded in the County
- Location by section, town, range, or by other legal description
- Names and addresses of the owner, subdivider, surveyor, and designer
- Graphic scale, North point, date of preparation
- Boundary line of proposed subdivision and existing zoning classifications
- Total approximate acreage
- Location, widths, and names of all existing or previously platted streets or other public ways showing type, width, and condition of improvements if any, railroad and utility right-of-way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract, and to a distance of one hundred feet beyond the tract
- Location and size of existing sewers, water main culverts, or other underground facilities within the tract, and to a distance of one hundred feet beyond the tract. Such data as grades, invert elevations and locations of catch basins, manholes, and hydrants shall also be shown.
- Boundary lines of adjoining unsubdivided or subdivided land, within one hundred feet identifying by name and ownership
- Topographic data, including contours at vertical intervals of not more than two feet, except that contour lines shall be no more than one hundred feet apart. Watercourses, wetlands, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown.
- Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street previously used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used.
- Location and widths of proposed alleys, pedestrian ways, and utility easements
- Typical cross-sections of proposed improvements upon streets and alleys, together with an indication of the proposed storm water runoff
- Approximate center line gradients of proposed streets and alleys, if any
- Location, size, and approximate gradient of proposed sewer lines and water mains
- Layout, numbers, and typical dimensions of lots
- Minimum front, rear, and side-street building setback lines, indicating dimensions
- Areas other than streets, alleys, pedestrian ways, and utility easements intended to be dedicated or reserved for public use, including the size of such area or areas in acres
- Statement of the proposed use of lots, stating type of residential buildings with number of proposed dwelling units, type of business or industry, so as to reveal the effect of development on traffic, fire hazards, or congestion of population
- Proposed protective covenants
- Provisions for water supply
- Provisions for sewage disposal, drainage, and flood control
- If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions

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sion's action is usually a recommendation to the governing body.

The city's approval of the preliminary plat gives the developer the assurance that the final plat will be accepted by the city if built to the standards approved in the preliminary plat.

### Final Plat Review

During the next step of the process, a final plat is prepared. The final plat typically shows the following information:

- Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths.
- When lots are located on a curve, or when side lot lines are at angles other than 90 degrees, the width of the building setback line shall be shown.
- An identification system for all lots and blocks.
- True angles and distances to the nearest established street in lines or official monuments (not less than three), which shall be accurately described in the plat.
- Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and angles.
- Radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
- Accurate location of all survey monuments.
- Accurate outlines and legal description of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision, with the purposes indicated therein.
- Certification by a registered surveyor in the form required by Minnesota Statutes.
- Execution by all owners of any interest in the land and any holders of a mortgage thereon of the certificate required by Minnesota Statutes, and which certificate shall include a dedication of the utility easements and any other public areas, in such form as shall be approved by the city attorney.
- Certifications showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
- Certification that all required improvements have been installed (streets, utilities, etc) or, at the city's discretion, contractual agreements between the developer and the city providing for these have been executed.

In order to receive approval of a final plat, the applicant must demonstrate compliance with the conditions and requirements of preliminary plat approval. Once the governing body has approved a final plat it is filed with the County Recorder, and only at that time do the parcels become recorded and saleable lots.

# 9 The Meeting

**This chapter covers typical items that may come up on a planning commission's agenda:**

- **Agenda Action Items**
- **Zoning Amendment (Text and Map)**
- **Conditional/Special Use Permit**
- **Subdivisions**
- **Discussion Items**
- **Commissioner Opportunities**
- **Minutes and Documents**

The meeting agenda is the order of business and the required items of business for a given meeting. It includes general information about the meeting time and location, plus standard items such as roll call, approval of past meeting minutes, new and old business, reports, and so on. It will also include any special actions needed by the body. A sample agenda is provided below:

## **AGENDA**

### **PLANNING COMMISSION**

#### **COMMUNITY ROOM CITY HALL**

**12 Main Street  
Any City, MN 54000**

**October 13, 2010, 7:00 P.M.**

1. Roll Call
2. Approval of Minutes of 9/15/10
3. Review Petitions / Public Hearings
  - A. 5th Street Market Rezoning
  - B. Byingtime Salvage Yard CUP
4. Old Business
5. New Business

- 
- A. Discussion of Sign Regulations review
  - B. Consider special meeting in November
  6. Report of Chairperson
  7. Planning Commissioner Items
  8. Report of Staff
  9. Communications
  10. Miscellaneous
  11. Adjournment

Additional items may be placed on an agenda by request to the Chairperson and a vote of the Commission. These additional items usually fall under new business.

## Agenda Action Items

Certain procedures, such as hearing notices, etc. are often necessary in order to place land use applications on the agenda. The following section discusses various planning issues and the procedures the planning commission should follow.

These items affect land use and require a public hearing, after which the Commission is expected to reach a decision. The primary purpose of a public hearing is to share information about proposed developments, plans, and ordinance amendments with the public, and to give citizens an opportunity to comment on the proposals. Public hearings must be advertised to the public at least ten days in advance of the hearing, and must follow proper procedures. Keep in mind that the 60-day rule must be followed when reviewing zoning applications (see Chapter 7).

## Zoning Amendment (Text and Map)

Amendments are changes in district boundaries on the zoning map or in the text of the zoning ordinance. Amendments are necessary in order to meet changing conditions within the community, and should be made only when the amendment is in the public interest and conforms to the Comprehensive Plan. Before recommending an amendment to the ordinance, the planning commission should consider the following conditions:

- A. Has there been a change in circumstance within the city, township, or county?
- B. Has an error been made in the original plan?
- C. Is the proposed change consistent with the land use map and the policies of the Comprehensive Plan?

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In dealing with amendments, the Commission should determine if the request could have an impact on adjacent property values and would be compatible with surrounding land uses.

Usually, the Commission selects one of the following options:

- A. Recommend approval of the request
- B. Recommend denial of the request
- C. Table the request (tabling delays the request indefinitely and requires re-notification)
- D. Continue the public hearing to a specific date (done to provide additional time to obtain further information)
- E. Close the hearing and delay action without re-notification.

## Conditional/Special Use Permit

Conditional/special uses are those which may be appropriate or desirable but require special approval because they may need more detailed review for issues such as excessive height or bulk, traffic congestion, strain on essential public facilities and services, etc. Conditional/Special uses must be permitted within a zoning district if they meet specified standards and are not detrimental to the district. The ordinance spells out the standards which must be met in order to grant a Conditional/Special Use Permit. In approving a Conditional/Special use, specific conditions may be imposed to ensure that the standards are met.

The Commission selects one of the following options:

- A. Recommend approval of the request with conditions that are tied to the Comprehensive Plan
- B. Recommend denial of the request
- C. Table the request (tabling delays the request indefinitely and requires re-notification)
- D. Continue the public hearing to a specific date (done to provide additional time to obtain further information)
- E. Close the hearing and delay action without re-notification

## Subdivisions

A subdivision is the division of land into two or more lots. The Subdivision Ordinance outlines criteria for filing a subdivision application, the review process, design standards, parkland dedications, and basic improvements.

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Two types of subdivisions may be reviewed by the Commission.

1. Preliminary Plat: Initial drawings and/or maps of a proposed subdivision
2. Final Plat: Final drawings and/or maps of a subdivision previously reviewed as a preliminary plat

The Commission selects one of the following options:

- A. Recommend approval of the subdivision
- B. Recommend approval of the subdivision with conditions
- C. Recommend denial of the subdivision
- D. Table the subdivision (tabling delays the subdivision indefinitely and requires re-notification)
- E. Continue the public hearing to a specific date (done to provide additional time to obtain further information)

## Discussion Items

No action is anticipated on discussion items, and a public hearing is not required. These items can include: sample ordinances, community needs, capital improvements, review of studies, training programs, etc. These items may fall under the agenda heading of New Business, Staff Reports, Communications, or Miscellaneous.

## Commissioner Opportunities

The agenda may also provide for a report from the chairperson and planning commissioners' items. This provides an opportunity to discuss personal interests and concerns without mixing these interests into other agenda items. Through this procedure, commissioners can be adequately heard, communication can take place, and there will be due process within the Commission.

## Minutes and Documents

The primary planning commission documents include reports from staff or consultants; plans and documents submitted by applicants; documents, statements or exhibits submitted at public hearings; and resolutions adopted by the Commission.

Official records of the Commission, such as minutes and findings, should be maintained in bound books, and an archives file is also desirable.

There should also be a permanent case file maintained for each applicant for each item brought before the Commission. The case file should include:

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- A. Application
  - B. Plans and documents submitted by the applicant
  - C. Hearing notice and copy of published notice, including a list of persons to whom hearing notices were sent
  - D. Staff reports
  - E. Materials submitted at the hearing
  - F. Reports from other agencies
  - G. Minutes
  - H. Resolutions
  - I. Action by the governing body
  - J. Staff correspondence

The minutes of planning commission meetings should follow the same format as the agenda, and should include:

- A. Attendance
- B. Reference to staff reports
- C. Relevant discussion during public hearings
- D. Motions and seconds
- E. Conditions applicable to motions
- F. Voting record

# 10 Due Process & Public Hearings

**The purpose for holding a public hearing is to ensure due process. Due process ensures that all persons appearing before the planning commission will be treated equally and given the same opportunities. Due process encourages objective decision-making by providing all interested persons a notice and an opportunity to be heard.**

Land use issues are frequently contested, and the outcome is often decided based on whether or not the planning commission provided participants due process.

Public hearings must treat all interested participants fairly and equally, provide complete disclosure of what is being proposed to all parties, and provide the applicant and all citizens with the right to have their views and arguments heard. After the hearing, the planning commission must adopt adequate findings of fact to ensure that a court does not overturn the decision.

Due process requires:

1. Adequate notice of public hearings sent to persons within a specified distance of the affected property (as outlined in state statute) and published in the official newspaper of the city/township/county
2. The opportunity to be heard – see Guidelines for Conducting a Public Hearing
3. Findings of fact be adopted to support decision
4. No conflict of interest on the part of planning commissioners
5. Prompt decisions
6. Records of the proceedings (minutes of the meeting)

Provided below is a suggested guide for conducting public hearings. Following a procedure such as this one can help to make hearings more manageable and ensure that those in attendance have an adequate opportunity to address the commission.

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## Guidelines for Conducting a Public Hearing

1. Everyone who wishes to speak will be allowed to do so.
2. All statements and questions shall be directed to the Chairperson.
3. All statements should be as factual as possible.
4. Please refrain from repeating what has already been said.
5. Do not involve personalities.
6. Before speaking, state your name and address for the recorder.
7. The planning commission reserves the right to question any speaker.
8. Staff shall be permitted to ask questions to clarify motions or items brought out at the hearing.
9. Staff will furnish the planning commission with all pertinent information concerning the request.
10. The applicant and/or his or her representative will then comment on the request.
11. The public will provide comments on the request. The applicant will then have an opportunity to answer questions.
12. All other testimony such as maps, drawings, photos, and soil information will be made part of the hearing record.
13. After the close of the public hearing, no additional testimony may be offered, except those comments in response to questions from the Commission.

It is recommended that a copy of the hearing procedures be posted or distributed to the public prior to the start of the hearing. Doing so helps those in attendance prepare their statements and understand how the process will work.

# 11 Findings of Fact

This chapter covers findings of fact, including the following:

- **When are Findings Needed?**
- **Valid Findings**
- **Legal Considerations**

The planning commission's decisions must be based on facts submitted at the public hearing and recorded in the minutes. Planning commissioners must always remember that any matter before them could be litigated.

The standard by which the planning commission reviews an agenda item depends on whether it is acting in a legislative or quasi-judicial capacity.

When reviewing a zoning ordinance text amendment or rezoning request, the planning commission is acting under its legislative authority. When operating under this authority, the planning commission's decision is judged on whether it is constitutional, rational, and related to protecting the public health, safety, and welfare of the community. Courts refer to this as the rational-basis standard.

The planning commission is acting in a quasi-judicial capacity when it reviews a variance, conditional use permit, or other similar request. When operating under this authority, the planning commission must apply the facts of the request to the applicable standards in the ordinance. If the request complies with the standards set forth in the ordinance, the planning commission must approve it or recommend approval, depending on the application. If the planning commission denies a request, the reasons must relate to the request's failure to comply with ordinance standards. If the planning commission's decision is challenged, a court will consider whether it cited legally and factually sufficient reasons or whether the decision was arbitrary.

## When Are Findings Needed?

The planning commission should adopt Findings of Fact when making a decision or recommendation on a land use application. Under the 60-day rule, the planning commission must cite reasons for denying a "written request related to zoning." (See Chapter 7 for more information on the 60-day rule.)

Findings of fact enable a court to sustain a zoning decision. Generally speaking, a decision will be upheld if the findings of fact demonstrate a rational and legally sufficient basis for decision that is not arbitrary and capricious.

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## Valid Findings

Valid findings include:

- A. The proposed use is consistent with the Comprehensive Plan, and it will not impede the normal and orderly development and improvement of surrounding vacant property.
- B. The proposed change is consistent with the future or planned land use map.
- C. The proposed zone change is appropriate because an error was made when drawing the original boundaries on the zoning map.
- D. The proposed use will not endanger, injure, or detrimentally affect the use and enjoyment of other property in the immediate vicinity.
- E. With the conditions placed upon it, the proposed project will not contaminate groundwater.
- F. The applicant has established that there are practical difficulties in complying with the zoning ordinance.
- G. Neighbors made numerous comments during the public hearing that the streets in the vicinity are congested and the addition of the proposed use would exacerbate traffic congestion.

The following reasons are not valid bases for findings:

- A. The proposed use is better than what is there now.
- B. The property is vacant now (weed patch, dust blowing, etc.) and this use will improve it.
- C. You can't keep a landowner from using his/her land.
- D. This proposal will bring in more revenue to the city.
- E. The owner can't sell or lease it with the present zoning.
- F. The owner can get more money for the property if it's rezoned.
- G. The neighbors do not like the proposal.

## Legal Issues

Without adequate findings of fact, a local government's decision could be overturned or sent back for reconsideration. Courts generally consider the following:

1. Is the law clear in its requirements and expectations for the zoning request?
2. Do the findings of fact represent testimony and information considered at the public hearing?
3. Is there a reasonable connection between the findings of fact, the ordinance(s), and the local government's decision?

# 12 Parliamentary Procedure

## Robert's Rules of Order

Planning Commission proceedings are sometimes conducted in accordance with Robert's Rules of Order to provide for standard procedures, avoid confusion, ensure a fair hearing for everyone, and to protect citizens' rights.

### Order of Business

1. Call to order: The Chairperson says, "The meeting will please come to order."
2. Establish a quorum: In order to conduct business legally, a certain number of commissioners must be present. The number for a quorum is stated in the city/county/township ordinance.
3. Approval of Agenda: The meeting agenda is approved, either as presented or as amended.
4. Minutes: The minutes of the previous meeting are approved, either as presented, or as amended.
5. Agenda Items: The Commission works through its agenda of public hearing items, discussion items, training, information, etc.
6. Announcements: Announcements are made.
7. Adjournment: The meeting ends by a vote.

### How to Make a Motion

1. To obtain the floor, a commissioner says, "Mr./Madam Chairperson." The Chairperson recognizes the speaker by name.
2. To make a motion, say, "I move that we..."
3. To obtain a second, wait for another commissioner to say, "I second the motion."
4. The Chairperson then says, "It is moved and seconded that we..." He/she then says, "Is there any discussion?" Discussion may now occur. (At this point, your motion has become property of the entire Commission, and you cannot change it without the consent of the Commission.)
5. The Chairperson then asks, "Are you ready for the question?" If yes, he/she says, "All in favor of the motion say 'aye.'" Then, "All opposed, say 'no.'"
6. If a majority of the commissioners vote in favor of the motion, the Chairperson says, "The motion carries." If a majority are opposed, he/she says "The motion is lost (fails)."

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7. To withdraw a motion: Before it has been repeated by the Chairperson, the maker of a motion may withdraw it. After it has been repeated by the Chairperson, the maker may withdraw it, if no one objects.
  8. To amend a motion before a vote has been taken, a motion may be amended by saying, "I move to amend the motion by..." The Commission then votes on the amendment before discussing and voting on the original motion.
  9. To end debate and call for a vote on the motion say, "I move the previous question." After the motion is seconded, the Chairperson says, "Shall the main question be now put?" No discussion is allowed on this motion, and it requires a 2/3 vote to carry. If the motion carries, all debate instantly stops and the Chairperson calls for a vote on the previous question/motion.
  10. To complain about conditions such as heat, noise, etc., say, "I raise a question of privilege." This is a device that permits a commissioner to bring up an urgent matter for consideration immediately. You may interrupt a speaker with this device; you do not need a second; there is no debate, and no vote is taken.

# 13 Keeping Up With the Changing Field of Planning

The field of planning is not static – it is continually evolving in response to changes in the environment, in federal and state legislation, and in society as a whole. Among the new ideas that have influenced planning and land development in the last few decades are:

## Sustainable Development

Sustainable development is a philosophy that can be applied to business, government, and individuals. Under Minnesota Statutes Section 4A.07, Subd. 1(b), sustainable development is defined as, “development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.”

The State of Minnesota encourages communities to include sustainable development principles in their planning efforts. The following are typical goals for sustainable development:

- Provide a high quality of life for present and future generations.
- Do this without exceeding the environment’s ability to recycle wastes, provide resources and support a rich diversity of life.
- Meet current needs while leaving future generations as many options for resource use and development as possible.

A good source of assistance for Minnesota communities interested in sustainable development is GreenStep Cities, a program of the Minnesota Pollution Control Agency. Minnesota GreenStep Cities is a voluntary challenge, assistance and recognition program to help cities achieve their sustainability goals through implementation of 28 best practices. Each best practice can be implemented by completing one or more specific actions from a list of four to eight actions. These actions are tailored to all Minnesota cities, focus on cost savings and energy use reduction, and encourage innovation. See <http://greenstep.pca.state.mn.us/>.

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## Smart Growth

The philosophy of “smart growth” focuses on creating compact, walkable neighborhoods that provide a variety of housing and transportation choices, in contrast to “sprawl” development patterns. Smart growth concepts have been widely advocated and adopted in many communities. The U.S. Environmental Protection Agency offers a broad range of resources on smart growth, including the following ten smart growth principles:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

See [www.epa.gov/smartgrowth/about\\_sg.htm](http://www.epa.gov/smartgrowth/about_sg.htm).

## New Urbanism

The philosophy of New Urbanism is similar to that of smart growth. However, New Urbanist planners, architects and urban designers place a greater emphasis on design of neighborhoods, districts and corridors, using traditional town and city planning techniques. According to the Congress for the New Urbanism (CNU), “New Urbanism recognizes walkable, human-scaled neighborhoods as the building blocks of sustainable communities and regions.” The CNU concentrates on issues such as design of human-scaled streets, thoroughfares and shared public space, and the promotion of zoning and other codes that foster mixed use rather than sprawl. See [www.cnu.org](http://www.cnu.org).

## Form-Based Codes

Form-based codes are a recent outgrowth of New Urbanism. These codes tend to focus on building form and placement, rather than the uses within buildings. By emphasizing the relationships among buildings, and between buildings and streets or public spaces, it becomes feasible to combine a broader range of land uses, from housing to offices, shops and workshops, that are typically kept

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separate under conventional zoning codes. Some proponents of form-based codes tend to demonize conventional zoning, but their approaches are still worth considering as a way to focus attention on urban form. For more information, see the Form-Based Codes Institute website, [www.formbased-codes.org](http://www.formbased-codes.org).

## Planning and Healthy Communities

There is growing interest in the planning field in how land use and transportation planning affect public health. For example, how do street designs affect individual behaviors such as walking or biking? How do development patterns affect these same transportation choices? How does the availability, or lack, of affordable and healthy food affect public health, especially in disadvantaged communities? The local foods movement, as well as public health initiatives such as Active Living Minnesota, are making new connections between planning, food production, and community health. See <http://www.activelivingbydesign.org/category/initiatives/active-living-minnesota> for information about programs in several Minnesota communities.

# 14

## Definitions & Terms

One of the most critical components of any planning discussion or planning document is the definitions of the terminology that is used. When those involved in the process have a shared understanding of the terms being used, communication around those terms can be more productive.

The purpose of this chapter is two-fold: first to provide definitions of some commonly used terms, and second, to provide examples of how zoning terms may vary in how they are defined from community to community.

### Commonly Used Terms

**ACCESSORY USE:** an activity or structure that is incidental or secondary to the principal use or structure on the same site.

**AQUIFER:** a geologic formation which stores and transmits groundwater to wells and springs.

**BUFFER:** a strip of land, usually landscaped, located between two different, and in most cases, incompatible land uses.

**BUILDABLE AREA:** the space remaining on a lot after the setbacks have been met.

**CARRYING CAPACITY:** the intensity of use which a parcel of land can accommodate without incurring environmental damage.

**CLUSTER DEVELOPMENT, CONSERVATION DESIGN:** a subdivision plan which places housing units into compact groupings, while providing a network of commonly owned or dedicated open space.

**COLLECTOR STREET:** a street which carries traffic from local streets to arterials.

**COMPREHENSIVE PLAN:** a document consisting of a map, identifying land uses and their intensity, text, which contains background information, goals, policies, and a plan for implementation.

**CONFLICT OF INTEREST:** any direct contractual, pecuniary or other beneficial interest in the outcome of a matter before the Commission.

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**DEDICATION:** private land which the owner turns over for public use, such as: parks, roads, etc.

**DENSITY:** the average number of dwelling units per unit of land (acre).

**DOWN ZONING:** changing a district from a higher to a lower use, e.g. from commercial to residential use.

**EASEMENT:** a limited right to use property owned by someone else for such purposes as utility facilities or drainage.

**ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW):** a brief assessment of a project to determine potential significant environmental effects and the need for Environmental Impact Statement.

**ENVIRONMENTAL IMPACT STATEMENT (EIS):** an analysis and evaluation of the potential effects of a project on the environment.

**FLOOD PLAIN:** the area adjoining a watercourse which has been, or may be, covered by flood waters.

**GREEN ACRES LAW:** a state law authorizing a system of deferred taxes for land defined as agricultural land.

**HIGHEST AND BEST USE:** the use of property that will bring its owner maximum profit. It is a real estate concern which does not take into account the impacts of such use on other properties. Zoning regulations may limit the use of a property in order to minimize negative impacts to other properties or to the general public. Such limits may provide the property owner less than maximum profit, thus providing less than highest and best use.

**IMPERVIOUS SURFACE:** any material which reduces or prevents the infiltration of stormwater.

**IMPROVED LAND:** land that has been improved with facilities such as sewers, water lines or roads.

**INFRASTRUCTURE:** the basic framework of improvements and facilities on which continuance and growth of a community depends, such as roads, water and sanitary sewer lines, storm sewers, communication, systems, schools, etc.

**LANDLOCKED:** a parcel of land which does not have frontage on a public street or right of way.

**LAND USE PLAN:** that part of a Comprehensive Plan which deals with the relationship between the different land uses, and serves as a guide to decisions regarding zoning and development.

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**METES AND BOUNDS:** a system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or marker, or other permanent features.

**NONCONFORMING STRUCTURE OR USE:** a use of a land or structure lawfully existing before the adoption of a zoning ordinance, or the amendment of the zoning ordinance, making the use or structure inconsistent with the current official controls as written.

**OFFICIAL MAP:** a map which displays the public improvements plan adopted by the governing body.

**PERFORMANCE STANDARDS:** regulations which provide specific criteria governing the operation of a land use.

**PERCOLATION (PERC) TEST:** a measurement of the rate of seepage of water in soil to determine the suitability of different soils for development, especially for septic tanks and drainfields.

**PLAT:** a map or drawing which graphically delineates the boundary of a land parcel for identification and record of title. A recorded legal document with the County Recorder.

**QUORUM:** the number of commissioners that must be present to legally conduct business.

**SETBACK:** the minimum horizontal distance between a structure and a lot line, road, highway or high water mark.

**SPOT ZONING:** rezoning of a small area for higher intensity use than the surrounding land, not in accordance with the Comprehensive Plan.

**TAKING:** a Zoning Ordinance may be found to be unreasonable, discriminatory or confiscatory if it “takes” property without due process of law or denies equal protection of the laws. Such an ordinance violates the 14th Amendment to the Constitution of the United States, as well as the Minnesota Constitution. A land owner must be paid compensation for a taking.

**WATERSHED:** the area drained by a river, stream, lake or other body of water.

**WETLANDS:** low-lying, waterlogged or shallow water lands such as bogs, swamps and marshes which play an important role in the hydrologic cycle and also serve as wildlife habitat.

**ZERO LOT LINE:** the location of a building on a lot in such a manner that one or more of the building’s sides lies directly on a lot line.

**ZONING:** the practice of designating permitted uses of land and standards for development based on mapped zones which separate one set of land uses from another.

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## Zoning Definition Comparisons

The definition of terms in the zoning ordinance plays a key role in interpreting provisions and requirements. The following examples show how what may seem to be commonly understood terms can take on a different and often more specific meaning in the zoning ordinance.

### Lot

**Webster's New Collegiate Dictionary:** A portion of land; a measured parcel of land having fixed boundaries and designated on a plat or survey.

**From a County Ordinance:** For zoning purposes, as covered by this ordinance, a lot is a parcel of land designated by plat, metes and bounds, registered land survey, auditors subdivision or other accepted means and separate from other parcels or portions by said description and of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage or access on a public street or road or body of water.

**From a City Ordinance:** Land occupied or to be occupied by a building, land use or group of buildings together with such open spaces or yards as are required by this ordinance and having its principal frontage on a public street.

### Family

**Webster's New Collegiate Dictionary:** a group of individuals living under one roof and usually under one head.

**A County Ordinance:** One or more persons occupying a single housekeeping unit and using common cooking facilities.

**A City Ordinance:** An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons not so related, living together as a single housekeeping unit using common cooking and kitchen facilities.

### Sign

**Webster's New Collegiate Dictionary:** A lettered board or other display used to identify or advertise a place of business.

**A County Ordinance:** Any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person, when the same is displayed or placed out-of-doors in view of the general public and shall include every detached sign.

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**A City Ordinance:** Any letter, work, symbol, model, printed, projected, or affixed device, poster, picture, reading matter, or other representation in the nature of an advertisement, announcement, direction, or informative device including structural and component parts, that is located outdoors and is larger than one (1) square foot in area.

The American Planning Association has compiled a good listing of zoning definitions in a report titled *Planners Dictionary* (PAS 521/522) (available from APA, at [www.planning.org/apastore](http://www.planning.org/apastore)).

# Appendix

## On-Line Resources

There is a wealth of information available to citizen planners via the Internet. If you do not have access to the Internet at home or at your local government offices, check with your local library. Most county extension offices also provide Internet access.

**American Planning Association:** This site is geared towards providing services and resources to both professional and citizen planners. Check out the Planning Advisory Service and the Publications links. <http://www.planning.org>

**Cyberbia:** Internet Resources for the Built Environment: A site hosted at the University of Buffalo providing searches for links to articles on many planning topics, plus sample ordinances. <http://www.cyberbia.org/>

**Minnesota State Statutes:** You can find complete up-to-date versions of planning legislation at this site hosted by the Minnesota Revisor of Statutes. <http://www.leg.state.mn.us/leg/statutes.htm>

- City enabling Legislation
- County enabling legislation
- Township enabling legislation

**Law of the Land:** A blog maintained by Patricia Salkin, professor of law at the Albany Law School, Albany, New York that provides land use case law summaries from around the United States. <http://lawoftheland.wordpress.com>

**League of Minnesota Cities:** A great resource for general information on planning and zoning, including the Handbook for Minnesota Cities and other guides. <http://www.lmc.org>

**Planning Commissioner's Journal:** This is an online version of this popular journal. Many of the resources here require a subscription to the journal, or can be read online, but not printed. <http://www.plannersweb.com>