

SECTION 3. ADMINISTRATION - AMENDMENTS (TEXT AND MAP)

Subdivision

- 3.01 Amendments to Zoning Ordinance
- 3.02 Procedures
- 3.03 Amendments - Initiation
- 3.04 Certification of Taxes Paid

3.01 AMENDMENTS TO ZONING ORDINANCE: The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties with interest and citizens shall have an opportunity to be heard. At least ten (10) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. Any action taken pursuant to this section shall also be in compliance and accordance with the rules and regulations of the Department of Natural Resources, State of Minnesota, and the Federal Emergency Management Agency.

3.02 PROCEDURE: Pursuant to Minnesota Statutes 15.99, an application for an amendment shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. Additional procedural requirements are as follows:

- A. Requests for rezoning (text or map) shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided by City Council resolution. Such application shall also be accompanied by fifteen (15) copies of detailed written and graphic materials fully explaining the proposed change, development of use and list of property owners located within one-half (1/2) mile of the subject property. Said property owners list shall be certified by the County or City. The request for amendment shall be placed on the agenda of the first possible Planning Commission meeting. The request shall be considered officially submitted when all the informational requirements are complied with.
- B. The applicant shall supply proof of title of the property for which the rezoning is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioner acquire a legal ownership or equitable ownership interest or supply written authorization from the owner(s) of the property in question to proceed with the requested rezoning.

- C. Upon receipt of said application, the Zoning Administrator shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing and report its findings and recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of the request, and shall be published in the official newspaper at least ten (10) days prior to hearing and written notice of said hearing shall be mailed at least ten (10) days prior to all owners of land within one-half (1/2) mile of the subject property.
- D. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
- E. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.
- F. The Planning Commission and City Council shall consider possible adverse effects of the proposed amendment. Its judgement shall be based upon (but not limited to) the following factors:
 - 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
 - 2. The proposed use is or will be compatible with present and future land uses of the area.
 - 3. The proposed use conforms with all performance standards contained herein.
 - 4. The proposed use will not tend to or actually depreciate the area in which it is proposed.
 - 5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
 - 6. The proposed use is in conformance with the City's water connection and assessment policies or is contiguous to existing development of a similar zoning.
- G. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.

Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

- H. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
- I. The Planning Commission shall recommend approval or denial of the request.
- J. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission or until sixty (60) days after the first regular Planning Commission meeting at which the request was considered.
- K. Upon receiving the report and recommendation of the Planning Commission, the Zoning Administrator shall place the report and recommendation on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- L. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary.
- M. If, upon receiving said reports and recommendations of the Planning Commission, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
- N. Approval of a proposed amendment shall require a majority vote of the City Council. Approval of a proposed zoning map amendment which changes all or part of the existing classification of a zoning district from residential to either business, industrial, or planned unit development that allows for commercial or industrial uses shall require a four-fifths (4/5) vote of the City Council.
- O. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment and after said ordinance is published in the official newspaper.
- P. Whenever an application for an amendment has been considered and denied by the City Council, a similar application and proposal for the amendment affecting the same property shall not be considered again by the Planning Commission or City

Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by the City Council.

3.03 AMENDMENTS - INITIATION: The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. The procedural requirements of Sections 3.02.A and 3.02.B of this Ordinance shall not apply to such proposed amendments except to the extent required by State Statute. Any person owning real estate or having documented interest therein, within the City, may initiate a request to amend the district and map boundaries or text of this Ordinance as to affect the same real estate.

3.04 CERTIFICATION OF TAXES PAID: Prior to approving an application for an amendment, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or utility fees due upon the parcel of land to which the rezoning application relates.