

**CITY OF BAXTER, MINNESOTA  
ORDINANCE 2024-012**

**AN ORDINANCE AMENDING THE TEXT OF TITLE 10 OF THE BAXTER CITY CODE**

THE CITY OF BAXTER ORDAINS:

**SECTION 1. Amendments.** The text of Chapter 7: Section 2 “Comprehensive Plan Amendments” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

**10-7-2: COMPREHENSIVE PLAN AMENDMENTS:**

- A. Power To Amend: The city council may adopt amendments to this comprehensive plan. Comprehensive plan amendments shall only be used as a means to reflect changes in conditions and/or the goals and policies of the city.
- B. Comprehensive Plan Amendments: An application for a comprehensive plan amendment shall be approved or denied pursuant to Minnesota statutes chapter 462.357.
  - 1. Filing: A comprehensive plan amendment application shall be filed with the planning and zoning administrator on an official application form. The application shall be accompanied by the fee as set forth in this code. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the planning and zoning administrator, fully describing the proposed amendment. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this section.
  - 2. Staff Analysis: Upon receiving a complete application, as determined by staff review, the planning and zoning administrator shall refer copies of the comprehensive plan amendment application to the city staff and other applicable public agencies as needed in order to receive written comments. The planning and zoning administrator shall instruct the appropriate staff person to: a) coordinate an analysis of the application, b) prepare technical reports, and c) assist in preparing a recommendation to the ~~long range~~-planning commission and city council.
  - 3. Public Hearing Notice: Upon completion of staff’s analysis of the application, the planning and zoning administrator, when required, shall set a public hearing date for an upcoming ~~long range~~-planning commission meeting. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the city’s official newspaper, "The Brainerd Daily Dispatch", at least ten (10) days prior to the hearing. Written notification of the hearing shall also be mailed to all property owners located within five hundred feet (500') of the site at least ten (10) days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate the proceedings.
  - 4. ~~Long Range~~ Planning Commission Consideration: The ~~long range~~-planning commission shall consider the application, as follows:

- a. ~~Long range p~~Planning ~~e~~Commission shall review the request and conduct the official public hearing. At the public hearing, all persons interested in the proposed amendment shall be heard.
- b. The applicant or representatives thereof may appear before the ~~long range~~ planning commission to present information and answer questions concerning the proposal.
- c. ~~Long range p~~Planning ~~e~~Commission and staff shall have the authority to request additional information from the applicant concerning the proposal, as deemed necessary to formulate a recommendation on the proposal.
- d. The city should consider the following issues when reviewing a comprehensive plan amendment request:
  - (1) The extent to which the location criteria of applicable existing or proposed land use plan classifications are satisfied.
  - (2) Evidence submitted by the applicant demonstrating the reason(s) that the plan should be changed, including, but not limited to, whether new information has become available since the comprehensive plan was adopted that supports reexamination of the plan, or that existing or proposed development offers new opportunities or constraints that were not previously considered by the plan.
  - (3) Whether or not the change is needed to allow reasonable development of the site.
  - (4) The relationship of the proposed amendment to the supply and demand for particular land uses within the city and the immediate vicinity of the site.
  - (5) A demonstration by the applicant that the proposed amendment has merit beyond the interests of the proponent.
  - (6) The possible impacts of the amendment on all specific elements of the comprehensive plan as may be applicable.
  - (7) Consideration of the impact of the proposed amendment upon current and future special assessments and utility area charges, future property tax assessments or other fiscal impacts upon the city.

5. City Council Consideration: The city council shall consider a comprehensive plan application, as follows:

- a. Upon receiving the reports and recommendations of the ~~long range~~-planning commission and staff, the city administrator shall schedule the application for city council consideration. The council shall have the option of receiving additional testimony on the matter if they so choose.

- b. The council shall either approve or deny the application. Failure of the council to act within one hundred twenty (120) days of submission of the application is deemed approval of such application, unless the applicant agrees to an extension.
- c. Approval of a comprehensive plan amendment by the city council shall require passage by a four-fifths ( $\frac{4}{5}$ ) vote of all its members. The council may require plan revisions and may impose conditions upon approval, as deemed necessary to protect the health, safety, and general welfare of the city.

6. Effect Of Denial: If a comprehensive plan application is denied by the city council, the ~~long range~~ planning commission or city council shall not consider a similar application for the same amendment for at least six (6) months from the date of its denial. (Ord. 2014-24, 10-21-2014)

**SECTION 2. Summary Publication.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City Council adopted an ordinance amending the standards of Title 10 "Zoning Regulations" as follows:

Section 10-7-2: Comprehensive Plan Amendments are to transfer authority of the comprehensive plan from the Long Range Planning Commission to the Planning Commission.

**SECTION 3. Effective Date.** This amendment shall take effect upon its passage.

**Whereupon, said Ordinance is hereby declared adopted on this 16<sup>th</sup> day of July 2024.**

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Darrel Olson, Mayor

**ATTEST:**

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Kelly Steele, City Clerk

*City Seal*