

Section 86-30 Amendments

- (a) *Intent.* This chapter and the boundary maps adopted pursuant to this chapter may be amended whenever the public necessity and convenience and the general welfare require.
- (b) *Who may apply.* Amendments to this chapter, including rezoning, may be initiated by:
- (1) The city council;
 - (2) The planning commission;
 - (3) The city staff acting on behalf of the city council; or
 - (4) The affected property owner.

For the purpose of this section, the words "affected property owner" shall mean the actual owner of the property which is proposed to be rezoned or is directly controlled by the chapter regulation proposed to be changed.

- (c) *Application forms.* All amendment requests, including rezoning requests, may be applied for only on the forms prepared by the city zoning administrator. All rezoning applications shall be accompanied by a list of names and addresses of the owners of lands within 350 feet of the property described on the application as the same appear on the records of the county.
- (d) *Application fee.* The council may, by resolution, establish a fee for the filing of applications for amendments, including rezoning, by the affected property owners. The fee shall be paid before the application shall be considered, and shall not be refundable. In case of public property being rezoned, the fee may be waived by the zoning administrator.
- (e) *Application requirements.* All applications for changes in the boundaries of any zoning district which are initiated by the petition of the owners of property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands proposed to be changed, proposed buildings and uses, and all lands within 350 feet of the boundaries of the property proposed to be rezoned. ~~Application for rezoning shall be made to the planning commission.~~
- (f) *Procedure.* Application shall be made to the planning commission. The planning commission may hold such hearings on the amendment or rezoning as it may consider necessary, but at least one. ~~Before any amendment or rezoning is adopted, the planning commission shall hold a public hearing~~ shall be held pursuant to Minn. Stat. § 462.357, subd. 3. Following the hearing, the planning commission shall make a report upon the proposal to the council and shall recommend to the council whatever action it deems advisable.
- (g) *City council proceedings.* Upon the receipt of the report of the planning commission, the council may hold whatever hearings it deems advisable and shall make a decision on the request for amendment or rezoning. When the council is making this decision, it is acting as a board of zoning adjustments and appeals. If planning commission meetings are cancelled due to lack of quorum and recommendations are not presented to the council within ~~30~~ 3060 days of the day of submitting application to the planning commission, the council may proceed without receiving a planning commission report. Unless a public hearing is held at the planning commission meeting, at least one public hearing shall be held by City Council pursuant to Minn. Stat. § 462.357, subd. 3. Unless state law otherwise requires a two-thirds vote, the amendment or rezoning shall be effective only if a majority of all the members of the council concur in its passage.
- (h) *Appeal.* Any person aggrieved by a decision of the council shall have a right to appeal such decision to the state district court located in the county. Such appeal shall be filed within 30 days of the date of the council's decision.

(Code 1976, § 11.24; Ord. No. 656 2nd series, § 1, 5-22-2012; Ord. No. 680 2nd series, § 1, 9-24-2013)

State law reference(s)—Amendments, Minn. Stat. § 462.357, subds. 2, 3.

HISTORY

Amended by Ord. [23-024](#) on 11/14/2023