

SECTION 1004 – AMENDMENTS (TEXT AND MAP)

SECTION

- 1004.01: Purpose
- 1004.02: Initiation of Proceedings
- 1004.03: Procedure
- 1004.04: Application and Submittal Requirements
- 1004.05: Amendments to Floodplain Management Regulations and Maps

1004.01: PURPOSE: The purpose of this section is to establish regulations and procedures for the processing and consideration of amendments to the text and maps of the Comprehensive Plan and Zoning Ordinance. The City Council may adopt amendments to the Comprehensive Plan and Zoning Ordinance (map and text) in relation both to land uses within a particular area of the community or district or to the location of the land use/zoning district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan or changes in conditions in the City.

1004.02: INITIATION OF PROCEEDINGS: Proceedings for amending the Comprehensive Plan or Zoning Ordinance shall be initiated by at least one of the following methods.

Subd. 1. By petition of an owner or owners of property which is proposed for a change in land use and/or zoning designation or for which district regulation changes are proposed.

Subd. 2. By recommendation of the Planning Commission.

Subd. 3. By action of the City Council.

1004.03: PROCEDURE: The procedure for amending the Comprehensive Plan and/or Zoning Ordinance (map and text) is outlined as follows:

Subd. 1. Prior to filing an application for amendment, the prospective applicant(s) shall schedule a preliminary meeting with the Zoning Administrator or designee to discuss items including, but not limited to the nature of the proposed use, consistency of the proposal with applicable City policies and standards, and information required for a formal application. The City Council may amend the Comprehensive Plan and/or Zoning Ordinance as proposed by the City Council, by the Planning Commission or by petition of a person owning property within Big Lake in accordance with the following:

1. The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a non-refundable filing fee and escrow as established by City Council resolution. Within fifteen (15) business days of application submittal, the City Administrator or designee will issue a letter identifying any incomplete items required to process the application. The request shall be considered as being officially submitted when all of the information requirements have been deemed to be complete by the Zoning Administrator and the applicable fees and escrows have been paid. The formal review will not commence until such a time, as the application is complete. (Ord. 2003-12, 9/10/03).
2. Following receipt of a complete application, as determined by the Zoning Administrator or designee, copies of the proposal will be submitted to the appropriate City staff, consultants and affected jurisdictions responsible for review of the amendment.
 - a. The Commission of the Department of Natural Resources shall be notified in writing and said notice shall be postmarked at least ten (10) days in advance of a public hearing for any request to amend the boundaries or text of the Shoreland District.
3. The Zoning Administrator or designee shall set the date for a public hearing and publish the date, time, meeting location, subject site location (for map amendments) and brief description of the proposal in the official newspaper at least ten (10) days prior to the public hearing. Written notices shall be mailed at least ten (10) days prior to the public hearing to all owners of land within three hundred fifty (350) feet of the boundary of the property to which the amendment relates (for map and site specific amendments), if notification is required by State Statute.
4. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth in this Section.
5. The Planning Commission shall hold the public hearing to consider the application and the possible adverse effects of the proposed amendment. The judgment of the Planning Commission with regard to the application shall be based upon (but not limited to) the following factors:
 - a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 - b. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment, it meets the purpose and intent of the individual district.

- c. There is adequate infrastructure available to serve the proposed actions.
 - d. There is an adequate buffer or transition provided between potentially incompatible uses or districts.
6. The Planning Commission and City staff shall have the authority to request the applicant to provide additional information concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant. 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.
7. The applicant or a representative of the applicant shall appear before the Planning Commission (and City Council) in order to present the case for the applicant and to answer questions concerning the proposal. Failure of the proponent to appear at either the Planning Commission or City Council consideration of the matter shall constitute grounds for tabling or denial of the application. The applicant shall be responsible to pay all fees associated with re-notification (including staff time, publication and postage charges) for an application that is tabled due to failure of the applicant to attend the meeting.
8. The Planning Commission shall make a recommendation to the City Council to approve, deny, or conditionally approve the petition within sixty (60) days of the receipt of the complete amendment application.
9. Upon receiving the recommendation of the Planning Commission and the City staff, the City Administrator shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
10. When the City Council receives the recommendation of the Planning Commission on any request for change, or if the Planning Commission has not given the City Council a recommendation within forty-five (45) days after submittal of a complete application, The City Council shall set a time for a public hearing on the request. The notice shall be published and mailed as set forth in this Section.
11. Upon receiving the report and recommendation of the Planning Commission and City Staff, the City Council shall hold a public meeting to act on the application. The City Council may, before taking final action and subject to the limitations provided under Minn. Stat. 15.99, refer the matter back to the Planning Commission for further consideration based upon new information, or if the City Council finds that specific inconsistencies exist in the review process. The City Council shall provide the Planning Commission with a written statement detailing the reasons for referral.

12. The City Council shall approve, deny or conditionally approve the amendment within sixty (60) days of receipt of the complete application, unless an extension has been provided pursuant to Minn. Stat. 15.99 or a later date agreed to in writing by the applicant.
13. Approval of a proposed amendment shall require a majority vote of all members of the City Council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial shall require a two-thirds (2/3) (four out of five members of the City Council), majority vote of all members of the City Council.
 - a. A copy of approved amendments under local Shoreland Management controls shall be sent to the Commissioner of Natural Resources or the Commissioner's designated representative and postmarked within ten (10) days of final action.
14. The amendment shall not become effective until such time as the City Council approves a resolution (in the case of a Comprehensive Plan amendment) or an ordinance (in the case of a Zoning Ordinance amendment), and the ordinance is published in the official newspaper.
15. Denial of applications for amendment shall be accompanied by written findings of fact of the City Council including supporting data setting forth the reasons for the denial in terms of the ways in which the proposed use fails to meet the standards and intent of the Comprehensive Plan and/or this Ordinance and is otherwise injurious to the public health, safety and welfare.
16. No application which has been denied wholly or in part shall be resubmitted for at least one (1) year from the date of its denial, unless substantial changes have been made which warrant reconsideration, as determined by the Zoning Administrator.

1004.04: APPLICATION SUBMITTAL REQUIREMENTS:

Subd. 1. General Information Requirement. The information required for all amendment applications shall include:

1. Completed application form signed by the fee owner of the subject site (in the case of a map amendment), or applicant (in the case of a text amendment).
2. Written narrative of the proposed amendment describing the purpose of the change; explaining how the proposed amendment is in the interest of the City; describing how the amendment is related to the Comprehensive Plan, Zoning Ordinance and policies of the City.

3. A certificate of survey and complete legal description of the subject site. A boundary survey or area survey including the property in question plus three hundred fifty (350) feet beyond showing lot boundaries, buildings, streets, existing vegetation, topography and soil tests may be required, if deemed appropriate by the Zoning Administrator.
4. Payment of non-refundable application fee(s) and escrow as set forth by City Council resolution.
5. Certification of taxes paid. Prior to approving an application for a map amendment, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the map amendment application relates.

1004.05: AMENDMENTS TO FLOODPLAIN MANAGEMENT REGULATIONS AND MAPS

Subd. 1. The floodplain designation on the official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulated floodplain elevations and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commission of Natural Resources if it is determined by the Commissioner that, through other measures, lands are adequately protected for the intended use. (Ord. 2011-05, 09-14-11)

Subd. 2. All amendments to Section 1064 (Floodplain Districts) of this Chapter, including amendments to the official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Chapter and said notice shall include a draft of the Chapter amendment or technical study under consideration. (Ord. 2004-09, 4/14/04).