

## SECTION 3

### ADMINISTRATION - AMENDMENTS (TEXT AND MAP)

#### Section

- 20-3-1: Amendments to Zoning Ordinance
- 20-3-2: Procedure
- 20-3-3: Amendments – Initiation
- 20-3-4: Certification of Taxes Paid

<sup>72</sup>20-3-1: **AMENDMENTS TO ZONING ORDINANCE:** The regulations, restrictions and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or repealed.

<sup>72</sup>20-3-2: **PROCEDURE:**

- A. Requests for an amendment to the Zoning Ordinance (text or map) shall be filed with the City on an official application form and processed in accordance with this Section and Minnesota Statutes 15.99.
  - 1. An application shall be accompanied by a fee as provided for by Section 2-4-2 of the City Code.
  - 2. Such application shall also be accompanied by detailed written and graphic materials fully explaining the proposed change, development, or use including the information required by Section 20-9-6 of this Chapter.
  - 3. The request shall be considered as being officially submitted when the Zoning Administrator determines that all the information requirements are complied with.
  - 4. The City Council, the Planning Commission, and the City staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant and said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.
  - 5. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- B. **Proof of Ownership or Authorization:** 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 petitioners acquire a legal ownership or equitable

ownership interest and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested rezoning.

- C. Upon receipt of said application, the City Clerk shall set a public hearing to be conducted by the Planning Commission following proper hearing notification as applicable.
  - 1. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten (10) days prior to the hearing.
  - 2. Written notification of said hearing shall be mailed to surrounding area property owners within three hundred fifty (350) feet of the property in question at least ten (10) days prior to the hearing.
  - 3. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
  - 4. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
- D. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the Planning Commission and City Council.
- E. The applicant or a designated representative thereof shall appear before the Planning Commission and City Council in order to answer questions concerning the proposed request. Failure by the applicant to attend meetings at which the application is to be considered by the Planning Commission or City Council may be grounds for denial of the request.
- F. The Planning Commission and City Council shall consider possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:
  - 1. The proposed action's consistency with the specific policies and provisions of the Otsego Comprehensive Plan.
  - 2. The proposed use's compatibility with present and future land uses of the area.
  - 3. The proposed use's conformity with all performance standards contained within the Zoning Ordinance and other provisions of the City Code.

4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.
  5. The proposed use can be accommodated by existing public services and facilities and will not overburden the City's service capacity.
- G. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of the Chapter.
  - H. 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.
  - I. Upon completion of the report and recommendation the Planning Commission, the request shall be scheduled for consideration on the agenda of the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
  - J. 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.
  - K. 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.
  - L. 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 agriculture or residential to business, industrial, or planned unit development that allows for commercial or industrial uses shall require a four-fifth's (4/5's) vote of the City Council.
  - M. The Zoning Administrator shall provide the applicant and property owner with written notice of the City Council's findings of fact and decision regarding the application.
  - N. 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. The City Clerk, at the applicant's expense, shall record the ordinance with the appropriate Wright County office. No building permits for the property in question will be granted until recording of the action has been completed.

O. Whenever an application for an amendment has been considered and denied by the City Council, a similar application and proposal for an amendment affecting the same property or Ordinance change shall not be considered again by the Planning Commission or City Council for at least one (1) year from the date of its denial except as follows:

1. Applications are withdrawn prior to the City Council taking action on the matter.
2. If the City Council determines that the circumstances surrounding a previous application have changed significantly.
3. If the City Council decides to reconsider such matter by a four-fifth's (4/5's) vote of the entire City Council.

20-3-3: **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 Chapter. The procedural requirements of Sections 20-3-2.A and 20-3-2.B of this Section 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 Chapter, so as to affect the said real estate.

<sup>72</sup>20-3-4: **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 City utility fees due upon the parcel of land to which the application relates.