

ORDINANCE NO. 159

AN ORDINANCE AMENDING ORDINANCE
NUMBER 99 ENTITLED "AN ORDINANCE ESTABLISHING A
COMMISSION TO PLAN FOR THE PHYSICAL DEVELOPMENT
OF THE CITY OF CARLTON, MINN. AND TO RECOMMEND A
ZONING PLAN" AND AMENDING CITY ORDINANCE NUMBER 102
THE CITY "ZONING" ORDINANCE
AND REPEALING CITY ORDINANCE NUMBER 144

The City Council of Carlton, Minnesota ordains:

1. Section II of Ordinance No. 99 is amended to provide that the Planning Commission shall consist of the duly elected members of the City Council of the City of Carlton.

2. Section III of Ordinance No. 99 is amended to provide that the Planning Commission may elect a Chairperson from one of its members, but in default of such election, the Mayor shall serve as Chairperson.

3. Ordinance No. 99 is amended to add Section XIII, which shall read:

"The Planning Commission shall have such other powers and duties as are allowed by applicable statute, delegated by City Ordinance or delegated to it by the City Council from time to time."

4. Ordinance No. 102, Section 10 is amended to read as follows:

"Section 10. Special Exceptions. Exceptions to the basic provisions of the Zoning District Schedule shall be permitted only for uses listed in Sec. 9 and the complete classification list and only after the issuance of a special exception or permit. An application for a special exception permit shall be filed with the City Clerk's office on a form furnished for the purpose. The application shall be accompanied by plans and other data as prescribed on the form together with such fee as may be prescribed by the City Council from time to time by resolution.

Each application for a special exception permit shall be reviewed by the City Council sitting as the Board of Adjustment and approved by majority vote before a special use permit may be issued. The Board of Adjustment may grant or deny any application for a special exception permit following the policy hereinafter set forth.

No special exception permit shall be granted unless the Board of Adjustment shall find:

- (a) that the special exception will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor substantially diminish and impair property values within the surrounding neighborhood;
- (b) that the proposed development will not increase local or state expenditures in relation to costs of servicing or maintaining neighboring properties;
- (c) that the establishment of the special exception will not impede the normal and orderly development and improvement

of surrounding property for uses predominant in the area;
and

- (d) that the location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general."

5. Ordinance No. 102, Section 12, is amended to read as follows:

"Section 12. Board of Adjustment. There shall be a Zoning Board of Adjustment which shall consist of the duly elected members of the City Council of the City of Carlton, Minnesota. The Board of Adjustment may elect a Chairperson, but in default of such election, the Mayor shall serve as the Chairperson of the Board of Adjustment.

Applications or appeals to the Board of Adjustment may be taken by any person aggrieved. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At any hearing any party may appear in person, or by agent, or by attorney.

The Board of Adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning officer.
- (2) To hear and decide on special exceptions, variances, and all other matters referred to it or upon which it is required to pass under this ordinance; and
- (3) In passing upon variances, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance to vary or modify the application of any of the regulations or provisions of this ordinance so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

In exercising the above mentioned powers such Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The majority vote of the members of the Board shall be sufficient to reverse any order, requirement, decision, or determination of the Zoning Officer or to decide in favor of the applicant on any manner upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.

The Board of Adjustment may adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall

keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Clerk.

The Board of Adjustment shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving the property value, shall permit no building or use detrimental to a neighborhood, and may prescribe appropriate conditions and safeguards in each case."

6. Ordinance No. 102, Section 14 "Amendments" shall be amended to read as follows:

"Section 14 Amendments. This ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by the following procedure:

- (a) An amendment may be initiated by the City Council or by verified petition of not less than fifty percent of the property owners affected by the proposed amendment and fifty percent of those property owners within two hundred feet of the proposed change.
- (b) Before any amendment is adopted the City Council shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten days before the hearing.
- (c) When an amendment involves changes in district boundaries affecting an area of five acres or less, a notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 200 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this provision has been made.
- (d) Following the hearing the City Council may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if two-thirds of all the members of the City Council concur in its passage.

7. Ordinance No. 102, Section 15 "Schedule of Fees, Charges and Expenses" is amended to read as follows:

"Section 15. Schedule of Fees, Charges and Expenses. The City Council shall, by resolution, set fees hereunder from time to time. The schedule of fees shall be available in the office of the City Clerk. A separate fee shall be charged for an application for special exception permit, an application for variance or a petition for amendment of the zoning ordinance or map, with separate fee structures for accessory building, residential or non-profit use, and commercial or industrial use."

8. Ordinance No. 144 is repealed.

This Ordinance becomes effective from and after its passage and publication.

Passed by the City Council this 9th day of MARCH, 1993.



STEVEN HABEGGER, Mayor

Attest:



LARRY BECKSTROM
Clerk/Treasurer