

ORDINANCE NO. 210, THIRD SERIES

**CITY OF ORONO
HENNEPIN COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING TITLE IV LAND USE
PERTAINING TO PUBLIC HEARING NOTIFICATION DISTANCES**

THE CITY COUNCIL OF ORONO ORDAINS:

SECTION 1. Section 78-43(b) shall be amended to read as follows:

Sec. 78-43. - Adoption and amendment procedure.

- (b) No zoning ordinance or amendment shall be adopted until a public hearing has been held by the planning commission or by the council. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the city not less than ten days prior to the day of the hearing. When an amendment includes changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days prior to the day of the hearing to each owner of affected property and property situated wholly or partly within 500 ~~350~~ feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the 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 subsection has been made.

SECTION 2. Section 78-48 shall be amended by adding text to read as follows:

Sec 78-48. Public Hearing.

When required by this ordinance, a public hearing shall be held.

- (a) A notice of the time, place and purpose of the hearing 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 500 feet of the property. For the purpose of giving mailed notice, the person responsible for mailing the 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 published or mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings. This subsection shall not apply to amendments pursuant to Section 78-43.
- (b) In addition, a notice shall be published in the official newspaper once at least ten days before the day of the hearing.

SECTION 3. Section 78-98 shall be amended to read as follows:

Sec. 78-98. - Notice of hearing.

- (a) A public hearing following requirement of Section 78-48 shall be required for an appeal or variance. — ~~A notice of the time, place and purpose of the hearing on an appeal or variance 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 350 feet of the property. For the purpose of giving mailed notice, the person responsible for mailing the 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 published or mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings.~~
- (b) ~~In addition, a notice shall be published in the official newspaper once at least ten days before the day of the hearing.~~

SECTION 4. Section 78-227(1)c. shall be amended by removing text to read as follows:

Sec. 78-227. - Permitted uses.

Within any R-1A one-family residential district, no structure or land shall be used except for one or more of the following uses:

- (1) City-owned public service structures that have been approved by the city council after the required public hearings for public improvement projects, provided that:
- a. All buildings are located at least 50 feet from any adjacent property zoned for residential use.
 - b. The architectural design of the structure is found to be compatible with the surrounding area.
 - ~~e. If the city proposes amendment to the approved design plans or the placement of the structure, notice of the proposed changes shall be mailed to all property owners within 350 feet of the parcel on which the structure is to be located. If the proposed structure is to be located within a public right of way, property owners within 350 feet of the structure shall be mailed notice of the proposed changes. Notice shall be mailed at least 14 days before the council meeting at which the amended plans will be considered.~~

SECTION 5. Section 78-252(1)c. shall be amended by removing text to read as follows:

Sec. 78-252. - Permitted uses.

Within any R-1B one-family residential district, no land or structures shall be used except for one or more of the following uses:

- (1) City-owned public service structures that have been approved by the city council after the required public hearings for public improvement projects, provided that:
 - a. All buildings are located at least 50 feet from any adjacent property zoned for residential use.
 - b. The architectural design of the structure is found to be compatible with the surrounding area.
 - ~~e. If the city proposes amendment to the approved design plans or the placement of the structure, notice of the proposed changes shall be mailed to all property owners within 350 feet of the parcel on which the structure is to be located. If the proposed structure is to be located within a public right of way, property owners within 350 feet of the structure shall be mailed notice of the proposed changes. Notice shall be mailed at least 14 days before the council meeting at which the amended plans will be considered.~~

SECTION 6. Section 78-302(1)c. shall be amended by removing text to read as follows:

Sec. 78-302. - Permitted uses.

Within the LR-1A one-family lakeshore residential district, no land or structures shall be used except for one or more of the following uses:

- (1) City-owned public service structures that have been approved by the city council after the required public hearings for public improvement projects, provided that:
 - a. All buildings are located at least 50 feet from any adjacent property zoned for residential use.
 - b. The architectural design of the structure is found to be compatible with the surrounding area.
 - ~~e. If the city proposes amendment to the approved design plans or the placement of the structure, notice of the proposed changes shall be mailed to all property owners within 350 feet of the parcel on which the structure is to be located. If the proposed structure is to be located within a public right of way, property owners within 350 feet of the structure shall be mailed notice of the proposed changes. Notice shall be mailed at least 14 days before the council meeting at which the amended plans will be considered.~~

SECTION 7. Section 78-327(1)c. shall be amended by removing text to read as follows:

Sec. 78-327. - Permitted uses.

Within the LR-1B one-family lakeshore residential district, no land or structure shall be used except for one or more of the following uses:

- (1) City-owned public service structures that have been approved by the city council after the required public hearings for public improvement projects, provided that:

- a. All buildings are located at least 50 feet from any adjacent property zoned for residential use.
- b. The architectural design of the structure is found to be compatible with the surrounding area.
- ~~e. If the city proposes amendment to the approved design plans or the placement of the structure, notice of the proposed changes shall be mailed to all property owners within 350 feet of the parcel on which the structure is to be located. If the proposed structure is to be located within a public right of way, property owners within 350 feet of the structure shall be mailed notice of the proposed changes. Notice shall be mailed at least 14 days before the council meeting at which the amended plans will be considered.~~

SECTION 8. Section 78-347(1)c. shall be amended by removing text to read as follows:

Sec. 78-347. - Permitted uses.

Within the LR-1C one-family lakeshore residential district, no land or structure shall be used except for one or more of the following uses:

- (1) City-owned public service structures that have been approved by the city council after the required public hearings for public improvement projects, provided that:
 - a. All buildings are located at least 50 feet from any adjacent property zoned for residential use.
 - b. The architectural design of the structure is found to be compatible with the surrounding area.
 - ~~e. If the city proposes amendment to the approved design plans or the placement of the structure, notice of the proposed changes shall be mailed to all property owners within 350 feet of the parcel on which the structure is to be located. If the proposed structure is to be located within a public right of way, property owners within 350 feet of the structure shall be mailed notice of the proposed changes. Notice shall be mailed at least 14 days before the council meeting at which the amended plans will be considered.~~

SECTION 9. Section 78-366(1)c. shall be amended by removing text to read as follows:

Sec. 78-366. - Permitted uses.

Within the LR-1C-1 one-family lakeshore residential district, no land or structure shall be used except for one or more of the following uses:

- (1) City-owned public service structures that have been approved by the city council after the required public hearings for public improvement projects, provided that:
 - a. All buildings are located at least 50 feet from any adjacent property zoned for residential use.

- b. The architectural design of the structure is found to be compatible with the surrounding area.
- ~~e. If the city proposes amendment to the approved design plans or the placement of the structure, notice of the proposed changes shall be mailed to all property owners within 350 feet of the parcel on which the structure is to be located. If the proposed structure is to be located within a public right of way, property owners within 350 feet of the structure shall be mailed notice of the proposed changes. Notice shall be mailed at least 14 days before the council meeting at which the amended plans will be considered.~~

SECTION 10. Section 78-392(1)c. shall be amended by removing text to read as follows:

Sec. 78-392. - Permitted uses.

Within any RR-1A one-family rural residential district, no land or structures shall be used except for one or more of the following uses:

- (1) City-owned public service structures that have been approved by the city council after the required public hearings for public improvement projects, provided that:
 - a. All buildings are located at least 50 feet from any adjacent property zoned for residential use.
 - b. The architectural design of the structure is found to be compatible with the surrounding area.
 - ~~e. If the city proposes amendment to the approved design plans or the placement of the structure, notice of the proposed changes shall be mailed to all property owners within 350 feet of the parcel on which the structure is to be located. If the proposed structure is to be located within a public right of way, property owners within 350 feet of the structure shall be mailed notice of the proposed changes. Notice shall be mailed at least 14 days before the council meeting at which the amended plans will be considered.~~

SECTION 11. Section 78-417(1)c. shall be amended by removing text to read as follows:

Sec. 78-417. - Permitted uses.

Within any RR-1B one-family rural residential district, no land or structures shall be used except for one or more of the following uses:

- (1) City-owned public service structures that have been approved by the city council after the required public hearings for public improvement projects, provided that:
 - a. All buildings are located at least 50 feet from any adjacent property zoned for residential use.
 - b. The architectural design of the structure is found to be compatible with the surrounding area.

~~e.—If the city proposes amendment to the approved design plans or the placement of the structure, notice of the proposed changes shall be mailed to all property owners within 350 feet of the parcel on which the structure is to be located. If the proposed structure is to be located within a public right-of-way, property owners within 350 feet of the structure shall be mailed notice of the proposed changes. Notice shall be mailed at least 14 days before the council meeting at which the amended plans will be considered.~~

SECTION 12. Section 78-567(9) shall be amended to read as follows:

Sec. 78-567. - Permit for private improvements within public rights-of-way.

It is unlawful for any person to alter, improve or use for private purposes in any RS district any platted public right-of-way, any platted public park, or any other property owned by the city without first obtaining a permit from the council, as follows:

- (9) *Permit hearing and notice.* The planning commission or the council shall hold a public hearing or hearings on each application for a permit as required by section 78-48. ~~Notice of the public hearing shall be given not less than ten days nor more than 30 days prior to the date of the hearing by publication in the legal newspaper for the city. Such notice shall contain the description of the land and the proposed use. At least ten days before the hearing, the city clerk shall mail an identical notice to the applicant and to each of the property owners within 350 feet of the outside boundaries of the land in question. Failure of the property owners to receive notice shall not invalidate the proceedings. At the public hearing, the planning commission or the council shall review the application and the statements and drawings submitted with the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.~~

SECTION 13. Section 78-913(11) shall be amended to read as follows:

Sec. 78-913. - Application.

Whenever this chapter requires a conditional use permit, an application in writing may be filed with the zoning administrator, together with such filing fee as may be established by the council and shall be accompanied by a site plan and such information and showing as may be necessary or desirable, including but not limited to the following:

- (11) An abstractor's certified property certificate showing the property owners within 350~~500~~ feet of the outer boundaries of the property in question.

SECTION 14. Section 78-915 shall be amended by adding text to read as follows:

Sec. 78-915. - Hearings and notice.

The planning commission or council may hold a public hearing on each application for a conditional use permit as required by section 78-48. ~~Notice of the public hearing shall be given not~~

~~less than ten days or more than 30 days prior to the date of the hearing by publication in the official newspaper for the city. Such notice shall contain the description of the land and the proposed conditional use and the time and place of the hearing. At least ten days before the hearing, the city clerk shall mail an identical notice to the owner and to each of the property owners within 350 feet of the outside boundaries of the land in question. For the purpose of giving mailed notice, the person responsible for mailing the 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 section has been made.~~ At the public hearing the planning commission or the council shall review the application and the statements and drawings submitted with the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained. Any party may appear at the hearing in person or by agent or attorney. Subject to such limitations as may be imposed by the council, the planning commission or the council may adopt rules for the conduct of proceedings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The city shall provide for a record of the proceedings, which shall include the minutes of the meetings, the findings, and the action taken on each matter heard, including the final action.

SECTION 15. Section 78-1008(c)4. shall be amended by removing text to read as follows:

Sec. 78-1008. - Procedure for processing a planned unit development.

(c) *Schedule.*

(4) The planning commission shall conduct the hearing and report its findings and make recommendations to the city council. ~~Notice of the hearing shall consist of a legal property description and a description of the request, and be published in the official newspaper at least ten days prior to the hearing; and written notification of the hearing shall be mailed at least ten days prior to the hearing to owners of land within 350 feet of the boundary of the property in question.~~

SECTION 16. Section 78-1610(a) shall be amended to read as follows:

Sec. 78-1610. - Alteration of wetlands.

(a) No alteration of land within a wetland overlay district or an existing established wetland buffer is allowed without a wetlands alteration permit, subject to recommendation by the planning commission and approval of the city council. The planning commission must hold a public hearing per Section 78-48.~~after notifying the property owners within 350 feet of the property on which the proposed alteration will occur.~~ Activities that constitute an alteration regulated by this section include changes to the size, depth or contour of the wetlands or its existing established buffer, dredging, or alterations of wetlands or buffer vegetation. Alterations do not include wetland planting or the selective clearing or pruning of trees or vegetation that are dead, diseased, noxious weeds or similar hazards. A wetland alteration permit is not required when a wetland district is rezoned to another zoning classification.

SECTION 17. Section 82-2 shall be amended by adding text to the following definition:

Sec. 82-2. - Definitions.

Public hearing means a hearing to be held by the planning commission to allow for public review and input relating to the proposed subdivision pursuant to Minn. Stat. § 462.358 ~~and public hearing requirements in Section 78-48~~

SECTION 18. Section 82-112 shall be amended to read as follows:

Sec. 82-112. - Subdivision application.

- (a) *Class I subdivisions.* Complete class I preliminary subdivision applications shall include the following:
- (1) Completion of all items on the preliminary subdivision application form;
 - (2) A location map;
 - (3) A half-section map;
 - (4) A certificate of survey of the property ~~(provide 25 copies if the document size exceeds 8½ by 14 inches);~~
 - (5) Class I subdivisions that were required to have a sketch plan review may use all required maps submitted with application, provided no changes have been made by the subdivider; and if changes have been required, new maps shall be prepared and resubmitted with preliminary subdivision application;
 - (6) A property owner's list per public hearing requirements in Section 78-48 ~~and stamped and addressed envelopes for notification of neighbors within 350 feet of the subject tract;~~
 - (7) Any additional information requested by the zoning administrator or planning commission;
 - (8) Payment of the preliminary subdivision review fee; and
 - (9) Written and dated certification by the zoning administrator confirming that the preliminary subdivision application has been completed in compliance with chapter 78 and this chapter.

Certification does not mean all information is correct, just that apparently all issues identified in the subdivision have been addressed by the subdivider.

- (b) *Class II subdivisions.* Complete class II preliminary plat applications shall include the following:
- (1) Completion of all items on the preliminary plat application form;
 - (2) All maps and other information submitted for the sketch plan review shall be considered submitted for the preliminary plat review; and if changes have been made by the subdivider, new maps shall be prepared and resubmitted;
 - (3) A property owner's list per public hearing requirements of Section 78-48 ~~and stamped and addressed envelopes for notification of neighbors within 350 feet of the subject tract;~~
 - (4) Provision of ~~25~~ copies of the preliminary plat in a form required by the City;

- (5) In areas served by public sewer and/or water, a plan showing the existing service ties and the proposed connection sizes and locations (~~provide 25 copies if the plan size exceeds 8½ by 14 inches~~);
- (6) In areas not served by public sewer, an on-site sewage treatment site evaluation report for each lot, and a copy of the current compliance inspection report for each existing on-site system;
- (7) Any additional information requested by the zoning administrator or planning commission;
- (8) Payment of the preliminary plat review fee; and
- (9) Written and dated certification by the zoning administrator confirming that the subdivision has been completed in compliance with chapter 78 and this chapter.

Certification does not mean all information is correct, just that apparently all issues identified have been addressed by the subdivider.

(c) *Class III subdivisions.* Complete class III preliminary plat application shall include the following:

- (1) Completion of all items on the preliminary plat application form;
- (2) All maps and other information submitted for the sketch plan review shall be considered submitted for the preliminary plat review; and if changes have been made by the subdivider, new maps shall be prepared and resubmitted;
- (3) A property owner's list per public hearing requirements of Section 78-48~~and stamped and addressed envelopes for notification of neighbors within 350 feet of the subject tract~~;
- (4) Provision of ~~25 copies~~ of the preliminary plat;
- (5) Provision of ~~25 copies~~ of the utilities map;
- (6) A soil survey and report by the Hennepin Soils and Water Conservation District (to be requested by the city if the zoning administrator feels such information is necessary for the subdivision review);
- (7) A soil erosion and sedimentation control plan;
- (8) A vegetation preservation and protection plan;
- (9) Any additional information requested by the zoning administrator or planning commission such as:
 - a. Proposed protective covenants;
 - b. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards and congestions of population; or
 - c. Where the subdivider is the owner or intends to attempt to acquire the property adjacent to that property which is being proposed for the subdivision, the planning commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and any future subdivision; in any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions;

- (10) Payment of the preliminary plat review fee; and
 - (11) Written and dated certification by the zoning administrator confirming that the subdivision has been completed in compliance with chapter 78 and this chapter. Certification does not mean all information submitted is correct, just that apparently all issues identified in the subdivision have been addressed by the subdivider.
- (d) *Application deadlines.* The subdivider shall file a complete preliminary subdivision application with the zoning administrator ~~at least 30 days prior to the regularly scheduled planning commission meeting at which a public hearing will be scheduled~~ at the deadline established by the city annually.

SECTION 19. Section 82-113(c) shall be amended to read as follows:

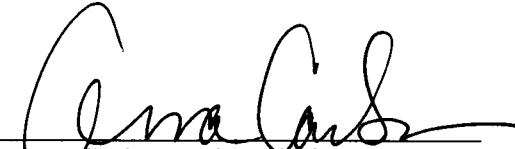
Sec. 82-113. - Staff and agency review of the preliminary subdivision.

- (c) *Public hearing meeting notice.* Notice of the hearing shall be consistent with Section 78-48. ~~consist of the time and place, the address of the property and a brief description of the proposal, including subdivider's name, the number of lots proposed, and their proposed use, and shall be published in the official newspaper at least ten days prior to the meeting. Written notification of the meeting shall be mailed at least ten days prior to all owners of land set forth on the property owner's list within 350 feet of the boundary of the property in question.~~

SECTION 20. EFFECTIVE DATE: This ordinance shall take effect immediately upon its passage and publication.

ADOPTED this 25th day of June, 2018 on a vote of 5 ayes and 0 nays by the City Council of Orono, Minnesota.

ATTEST:


 Anna Carlson, City Clerk


 Dennis Walsh, Mayor

Ordinance published in The Laker and The Pioneer newspapers the week of July 7, 2018.