

**CITY OF NORTH OAKS  
RAMSEY COUNTY, MINNESOTA**

**ORDINANCE NO. 2023-145**

**AN ORDINANCE AMENDING CITY CODE TITLE XV, CHAPTER 151, REGARDING  
COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES; VARIANCES,  
ZONING ORDINANCE, AND ZONING MAP AMENDMENTS AND SIMILAR LAND  
USE APPROVALS; AND THE BOARD OF APPEALS AND ADJUSTMENTS**

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THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:

**Section One.** Title XV, Chapter 151, Amendment: Title XV, Chapter 151, Section 151.078 of the North Oaks City Code is hereby amended as follows. The ~~struck-out text~~ shows the deleted wording and the underlined text shows the language added to the code:

**§ 151.078 VARIANCES AND APPEALS; BOARD OF APPEALS AND ADJUSTMENTS.**

(A) The City Council shall act as the Board of Appeals and Adjustments and as such have all the powers set forth in Minnesota Statutes, M.S. § 462.357, sSubd. 6, and Minnesota Statutes, M.S. § 462.359, sSubd. 4, as they may be amended from time to time, subject to the right of judicial review.

(B) The City Council, serving as the Board of Appeals and Adjustments by majority vote of the entire Council, shall:

- (1) Hear and decide timely appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision, or determination made by the Building Official ~~Inspector~~ in the enforcement of ~~this chapter~~ the state building code. To be timely, an appeal shall be filed, in accordance with City Code § 151.079(A) not later than thirty ~~30~~ days after the appellant has received a written notice from the Building Official ~~Inspector~~; and
- (2) Hear and decide timely appeals where it is alleged that an error has been made in any order, requirement, decision, or determination made by the Zoning Administrator related to any provision of this Chapter; and

(C) Hearings by the Board of Appeals and Adjustments shall be upon written notice to the interested parties no less than ten days prior to the hearing date. Decisions of the Board of Appeals and Adjustments on matters within its jurisdiction shall be final, subject to the right of judicial review.

**Section Two.** Title XV, Chapter 151, Amendment: Title XV, Chapter 151, Section 151.079 of the North Oaks City Code is hereby amended as follows. The ~~struck-out text~~ shows the deleted wording and the underlined text shows the language added to the code:

**§ 151.079 PROCEDURES FOR REQUESTING CONDITIONAL USE PERMITS, ZONING ORDINANCE AND ZONING MAP AMENDMENTS, VARIANCES, AND APPEALS.**

(A) (1) A request for a conditional use permit, ~~and~~ an amendment to the zoning ordinance or zoning map, a variance or appeal as provided for in this chapter shall be filed with the City Clerk on an official application form.

(2) The application shall be accompanied by a nonrefundable fee as established in § 151.083.

(3) The application shall also be accompanied by as many copies as may be required by the Ceity of detailed written and graphic materials fully explaining the proposed request.

(4) The City Clerk shall refer the application along with all related information to the Zoning Administrator, Building Inspector, and to the Planning Commission.

(B) (1) The Zoning Administrator shall review and analyze the request and submit a written report and recommendation to the Planning Commission within fourteen ~~14~~ days after receiving the application, which report shall be entered in and made part of the permanent record of the Planning Commission meeting.

(2) (a) Notwithstanding anything contained in this chapter or any other ordinance of the Ceity to the contrary, the Zoning Administrator following the review and recommendation by a MPCA certified inspector has the authority to grant a variance not to exceed 15 feet into the setback for the repair or replacement of an Individual sewage treatment system without referral of the application to the Planning Commission or approval by the City Council.

(b) This action shall only be taken when an MPCA-licensed inspector determines that a delay in processing the variance request through normal channels will endanger the health and safety of the Ceity's residents.

(c) Prior to granting the variance, the Zoning Administrator shall secure the written approval of the Mayor or one ~~1~~ member of the City Council.

(3) The Mayor and Council shall be informed of the granting of any variance at the next regular Council meeting.

(C) The Planning Commission shall consider the request at its next regular meeting unless the

request is referred to it less than ~~fifteen~~ 15 days prior to the meeting, in which case the request shall be considered at the next subsequent regular meeting following thereafter.

(D) If the request is for a conditional use permit or ~~an~~ a zoning ordinance amendment or zoning map amendment, the Planning Commission shall hold a public hearing, which hearing shall be scheduled and conducted as follows:-

(1) Notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the Ceity at least ~~ten~~ 10 days prior to the date of the hearing.

(2) Similar notice shall be mailed at least ~~ten~~ 10 days but not more than ~~thirty~~ 30 days prior to the day of hearing, to each owner of other land situated wholly or partly within 350 feet of the land to which the request relates if the request is for a conditional use permit or an amendment which involves changes in district boundaries affecting an area of 5 acres or less.

(3) A copy of the notice, and, when applicable, a list of the names 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.

(4) 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 herewith has been made.

(5) The Planning Commission shall set reasonable rules for the conduct of the hearing and shall follow Robert's Rules of Order.

(E) When the application concerns conditional uses and/or zoning ordinance amendments, the Planning Commission shall make findings of fact and recommend approval or denial ~~sixty~~ 60 days after a complete application has been received, which findings and recommendation shall be presented in writing to the City Council.

(F) The City Council shall not consider a conditional use permit or ~~an~~ a zoning ordinance amendment or zoning map amendment until it has received the findings and recommendation from the Planning Commission unless more than ~~sixty~~ 60 days have expired after the Planning Commission first considered the request, in which event the City Council may take action on the request upon its own initiative. No zoning ordinance or map amendment may be acted upon by the City Council until a public hearing on the proposed zoning ordinance or map amendment has been held before the Planning Commission.

(G) (1) The City Council shall make findings of fact and render a decision within ~~60~~ sixty days after it receives any recommendation from the Planning Commission or takes its own initiative.

(2) All reports, recommendations, and findings documenting the reasons for the decision shall be made part of the permanent record of the City Council meeting.

(H) Approval of a request for a conditional use permit or zoning ordinance or zoning map ~~an~~ amendment shall be by affirmative vote of the majority of the City Council. ~~4/5ths of the City Council, when at least 4 members are present.~~

(I) When the application concerns variance and/or appeals, the Planning Commission shall make findings of fact and recommend approval or denial within sixty ~~60~~-days after the application was first considered, which findings and recommendation shall be presented in writing to the City Council.

(J) The City Clerk shall notify the applicant, in writing, of decisions of both the Board of Adjustments and Appeals and the City Council.

**Section Three.** Title XV, Chapter 151, Amendment: Title XV, Chapter 151, Sections 151.084-086 of the North Oaks City Code are hereby added as follows:

**Comprehensive Plan**

**§ 151.084 COMPREHENSIVE PLAN.**

(A) The City has to date adopted a series of Comprehensive Plans as required by Minnesota statutes. It shall be the function and duty of the Planning Commission to consider and propose amendments to any existing Comprehensive Plan and to and to act as the planning agency of the City for purposes of Minnesota Statutes, Cha. 462.

(B) The Comprehensive Plans may address themselves to such subjects as proposed public buildings, public utility services, all forms of recreational facilities and other matters related to the development of the City.

(C) Such Comprehensive Plan may go beyond the subjects listed herein so long as the Comprehensive Plan relates to the general statement of policy contained in Minnesota Statutes, § 462.351 as it may be amended from time to time.

(D) Each Comprehensive Plan may be prepared in Sections, each of which shall relate to a major subject of the Comprehensive Plan or to a major geographical section of the City.

(E) The Planning Commission may from time to time propose amendments or additions to the Comprehensive Plan or any section thereof under the same procedures applicable to adoption of each Comprehensive Plan whenever changed conditions or evaluation by the Planning Commission indicate that amendment or addition is necessary or appropriate.

(F) Each proposed Comprehensive Plan or amendment thereof or addition thereto shall be subject to approval by the City Council.

**§ 151.085 PROCEDURE FOR ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN.**

(A) Before adopting a Comprehensive Plan or any section of it or any amendment thereof, the Planning Commission shall hold at least one public hearing thereon, notice of the time, place and purpose of which shall be given by publication in the official City newspaper at least ten days before the hearing. Following the hearing, the Planning Commission shall make a recommendation to the City Council regarding the proposed comprehensive plan or comprehensive plan amendment. A proposed comprehensive plan or an amendment to it may not be acted upon by the City Council until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date an amendment proposed by the City Council has been submitted to the Planning Commission for its recommendation.

(B) Except as otherwise provided in Minnesota Statutes, § 462.355, adoption by the City Council shall be by resolution of the Council passed by a vote of a majority of the members of the Council.

**§ 151.086 PROCEDURE FOR PLAN EFFECTUATION.**

(A) Upon the adoption of a Comprehensive Plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect the Comprehensive Plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical, economic, and social development of the City and as a basis for the efficient expenditure of funds relating to the subjects of the Comprehensive Plan.

(B) The recommended means may include, at the discretion of the Planning Commission, but are not limited to, zoning regulations, regulations for the control of subdivision plats, an official map, coordination of the normal public improvements of the City, a long-term program of capital expenditures, and any other means that reasonably relate to the purposes of this section.

**Section Four.** Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the 24<sup>th</sup> day of August, 2023.

**CITY OF NORTH OAKS**

By: Krista Wolter

Krista Wolter

Its: Mayor

Attested:

By: Kevin Kress  
Kevin Kress  
Its: City Administrator/City Clerk

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