

Chapter 21

PLANNING

Article I. In General

Secs. 21-1--21-30. Reserved.

Article II. Official Map

- Sec. 21-31. Definitions.
- Sec. 21-32. Purpose and intent.
- Sec. 21-33. Adoption.
- Sec. 21-34. Initiation of proceedings.
- Sec. 21-35. Reference to the planning commission.
- Sec. 21-36. Sketch maps and reports.
- Sec. 21-37. Notice.
- Sec. 21-38. Hearing.
- Sec. 21-38.1. City council action.
- Sec. 21-39. Maps.
- Sec. 21-40. Filing.
- Sec. 21-41. Effect.
- Sec. 21-42. Appeals.

ARTICLE I. IN GENERAL

Secs. 21-1--21-30. Reserved.

ARTICLE II. OFFICIAL MAP*

Sec. 21-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Community facilities plan means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the public or semipublic facilities of the city such as recreational, educational and cultural facilities.

Comprehensive plan means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs and may include, but is not limited to, the following:

- (1) Statements of policies, goals and standards;
- (2) A land use plan;
- (3) A community facilities plan; and
- (4) A transportation plan.

The city's comprehensive plan represents policies, aims and objectives for development of the city.

Land use plan means a compilation of policy statements, goals, standards and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire city as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semi-public uses or any combination of such uses.

Official map means a map adopted in accordance with this article and laws of the state in such case provided, showing the location of existing and future public land and facilities, existing streets, proposed future streets and the area needed for widening of existing streets.

Thoroughfare plan means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development and function of streets and highways in the city.

(Code 1976, § 14-403)

Cross reference(s)--Definitions generally, § 1-2.

***Cross reference(s)**--Buildings and building regulations, ch. 6; subdivisions, ch. 26; zoning, ch. 36.

Sec. 21-32. Purpose and intent.

Municipalities are faced with mounting problems in providing means of guiding future development of land so as to ensure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities and to promote the public health, safety, morals and welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve more effectively, will make the provision of public services less costly, and will achieve a more secure tax base. It is the purpose of the city council to provide a uniform procedure for adequately conducting and implementing its municipal planning for the city through proper use of official maps as authorized by the laws of the state. Land that is needed for future street purposes and as sites for other public facilities and services is frequently diverted to nonpublic uses which could have been adjusted to meet the public need or could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied, or it may be obtained later only a prohibitive cost or at the expense of dislocating the owners and occupants of the land, or it may force the city to forego the needed public facility, or result in the selection of an inferior location. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish. The city, through action on its city council, having adopted a comprehensive plan for the city and as a part thereof having adopted a land use plan, a thoroughfare plan and a community facilities plan, by this article relating to official maps expresses its intent to implement the policies and objectives stated therein.

(Code 1976, § 14-402)

Sec. 21-33. Adoption.

The city council may, by ordinance adopted by an affirmative vote of a majority of all members thereof, adopt, amend or repeal official maps in the manner set forth in this article.

(Code 1976, § 14-404)

Sec. 21-34. Initiation of proceedings.

Proceedings for adoption, amendment or repeal of the official map may be initiated by:

- (1) A recommendation of the planning commission; or
- (2) Action of the city council on its own initiative, recommendation by the community development director or petition of the owners of at least 60 percent of the property upon which the designation lies.

(Code 1976, § 14-405; Ord. No. 2159-00, § 2, 3-20-2000)

Sec. 21-35. Reference to the planning commission.

Any proposed official map change shall be submitted to the planning commission to hold a public hearing and make recommendation thereon to the city council. The planning commission shall meet, hold a public hearing, consider such proposed change, and submit its recommendation to the city council within 60 days after submission of the matter to it. If no recommendation is transmitted by the planning commission within 60 days after first opening the public hearing, the city council may take action without further awaiting such recommendation.

(Code 1976, § 14-406; Ord. No. 2159-00, § 2, 3-20-2000)

Sec. 21-36. Sketch maps and reports.

All proposals for proceedings for official maps, however initiated, shall be accompanied by a sketch map or plat showing the lands proposed to be included and the public purpose to be served. Prior to the hearing, the city council may request a report of the city engineer as to the feasibility of any construction involved, and the city planner shall submit a written report on the effect of the proposal on the comprehensive plan.

(Code 1976, § 14-407)

Sec. 21-37. Notice.

Notice of the public hearing shall be given by publication at least once in the official newspaper, not less than ten days and not more than 30 days prior to such hearing, stating the time and place thereof, description of property to be included and a general statement of the nature of the purpose of the hearing. Not less than ten, nor more than 30 days prior to such hearing, a copy of such notice shall also be mailed by the city clerk to all owners of such land, as such owners appear upon the records of the county auditor, and addressed to the last known address, as shown by the auditor's records. If attempt is made in good faith to serve all persons in the manner and at the times provided in this section, failure to serve one or more through inadvertence shall not invalidate the proceedings. Proof of service shall be made by the affidavit of the persons serving the same and shall be filed with the city clerk.

(Code 1976, § 14-408; Ord. No. 2159-00, § 2, 3-20-2000)

Sec. 21-38. Hearing.

At the time set for the hearing, the planning commission shall hear arguments for and against such proposed official map and may continue such hearing from time to time not to exceed 30 days from the original date specified in the notice of hearing. Final recommendation on the proposed change shall be forwarded to the city council within 30 days after the hearing is closed.

(Code 1976, § 14-409; Ord. No. 2159-00, § 2, 3-20-2000)

Sec. 21-38.1. City council action.

The city council shall hold two readings of ordinance amendment to modify the official map. The first reading of the ordinance shall not be less than seven or more than 60 days after receiving a recommendation from the planning commission. Final vote shall be within 120 days of the planning commission recommendation.

(Ord. No. 2159-00, § 2, 3-20-2000)

Sec. 21-39. Maps.

The official map shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a registered land surveyor.

(Code 1976, § 14-410)

Sec. 21-40. Filing.

After adoption, amendment or repeal of an official map, a certified copy of the official map, or sections thereof with a copy of the adopting, amending or repealing ordinance attached shall be filed with the register of deeds as provided in M.S.A. §§ 462.351--462.364.

(Code 1976, § 14-411)

Sec. 21-41. Effect.

After an official map has been adopted and filed, the issuance of building permits by the municipality shall be subject to the provisions of this section. The officer responsible for issuing building permits shall deny all applications for permits to expand existing buildings or structures or to establish new buildings or structures within the area identified for a public purpose on the official map or on property outside any building lines as shown on such official map, unless such permit is for an improvement not exceeding \$5,000.00 within any 12-month period as determined by the inspection services department. If a permit is so granted, its issuance shall not impair the full force and effectiveness of the official map. Whenever any street or highway is widened or improved or any new street is opened, or interests in land for other public purposes are acquired by the city, it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the municipality any right, title or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the municipality to acquire such interests without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.

(Code 1976, § 14-412)

Sec. 21-42. Appeals.

If a building permit is denied because of the requirements of this article, the city council shall have the power, upon appeal filed by the owner of the land and upon receiving the recommendation and advice of the planning commission, to grant a building permit in such location in any case in which the council finds, upon the evidence and arguments presented to it, that:

- (1) The entire property of the appellant of which such area identified for public purposes forms a part cannot yield a reasonable return to the owner unless such a permit is granted; and
- (2) Balancing the interest of the municipality in preserving the integrity of the official map and of the comprehensive plan and the interest of the owner of the property in the use of his property and in the benefits of ownership, the grant of such permit is required by considerations of justice and equity.

If a permit is so granted, its issuance shall not impair the full force and effectiveness of the official map. Failure of the planning commission to report on the proposal within 60 days after such referral, or such period as may be designated by the city council, shall be deemed to have satisfied the requirements of this article. The city council shall hold a hearing on the appeal and there shall be published a notice of such hearing in the official newspaper once at least ten days before the day of the hearing. If the city council authorizes the issuance of a permit, the city council or other boards or commissions having jurisdiction shall have six months from the date of the decision of the council to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible for issuing building permits shall issue the permit if the application otherwise conforms to local ordinances. The city council shall specify the exact location, ground area, type of construction and height.

(Code 1976, § 14-413)