

**ORDINANCE NO. 861
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

**AN ORDINANCE AMENDING
CHAPTERS 5 AND 8 OF THE
NEW BRIGHTON ZONING CODE
REGARDING APPROVAL PROCEDURES**

THE CITY COUNCIL OF THE CITY OF NEW BRIGHTON ORDAINS as follows:

Section 1. New Brighton Zoning Code, Chapter 5, Article 4, B-4 Downtown Business District, Section 5-350 is amended by deleting the ~~stricken~~ language and adding the underlined language as follows:

Sec. 5-350. General Development Plans in a B-4 Downtown Business District.

- (1) The Council shall approve a general development plan within the B-4 Downtown Business District.
- (2) Such plans shall contain the following information:
 - A. Location and configuration of proposed buildings.
 - B. Location and size of public and/or private parking areas, streets or ways to serve existing or proposed development.
 - C. Special architectural or design regulations to control development in the District.
 - D. Special signing regulations to control District signing.
 - E. Any proposed limitations on the use and development of properties within the District.
- (3) In approving a general development plan, the City Council may attach such conditions as it deems necessary to protect the public health, safety, and welfare, or to better carry out the stated purposes of this Chapter of the Zoning Code, and may require that such conditions be set forth in covenants regulating the use and development of properties in the District.
- (4) Approval shall only be granted after review by the Planning Commission at a public hearing and action by the City Council. Approval of a general development plan shall require a majority ~~two-thirds~~ vote of ~~all the members~~ of the City Council.
- (5) Notice of the hearing shall be given in the same manner as specified in Section 8-620.

Section 2. New Brighton Zoning Code, Chapter 5, Article 4, B-4 Downtown Business District, Section 5-360 is amended by deleting the ~~stricken~~ language as follows:

Sec. 5-360. Development Regulations in a B-4 Downtown Business District.

(1) Within a B-4 District there shall be no construction or expansion of buildings or structures nor expansion of any existing land use that is not consistent with the General Development Plan without obtaining an amendment to the general development plan for such construction or expansion. The construction or expansion must be in general compliance with the comprehensive plan for the City.

(2) Application for amendments required herein shall include the submission of detailed site and development plans for development of all or an appropriate portion of the site. Plans shall be submitted in accordance with the terms of Section 8-010 of the Zoning Code except that the City may exempt an applicant from providing some of the information in cases involving the expansion of existing buildings or land uses when such information would not be necessary to establish the effects of the proposal on surrounding properties or to establish compliance with approved plans.

(3) The procedure for consideration of an amendment shall be the same as that for a special use permit as specified in Section 8-120 ~~except that approval requires a two-thirds vote of the entire Council.~~

(4) Commercial and industrial uses within a B-4 Downtown Development District shall comply with all development regulations applicable in the B-3, General Business District, except as modified by the approved general development plan for the District or by the terms of conditions imposed by the Council for a specific development.

(5) Residential uses within a B-4 Downtown Development District shall comply with all development regulations applicable in the R-3B, Multiple-Family Residence District, except as modified by the approved general development plan for the District or by the terms of conditions imposed by the Council for the specific development.

Section 3. New Brighton Zoning Code, Chapter 8, Article 1, General Conditions, Section 8-055 is amended by deleting the ~~stricken~~ language and adding the underlined language as follows:

Sec. 8-055. Public Hearing.

(1) Public hearings held to consider the rezoning of any property shall be in strict accordance with the provisions of Section 8-320.

(2) All other public hearings referred to in this Chapter shall be held by the Planning Commission after notice of the time and place of such hearing has been published in the official newspaper at least ten days before the hearing. The Planning Commission shall cause notice to be mailed to each property owner within 350 feet of the property under consideration at the hearing, and such notice shall be mailed to the last known address of the owners at least ten days before the hearing.

(3) In all cases, except those which include only a building permit application, the City Council may act upon a majority 4/5ths vote of the City Council ~~its membership~~. All public hearings held by the Planning Commission prior to City Council action in any matter shall conform with the procedure set forth in this Section.

Section 4. New Brighton Zoning Code, Chapter 8, Article 2, Special Use Permit and Variance, Section 8-120 is amended by deleting the ~~stricken~~ language and adding the underlined language as follows:

Sec. 8-120. Procedure.

An application for a special use permit shall be referred by the proper City official to the Planning Commission for consideration at a public hearing following publication as prescribed in Section 8-055 and recommendation to the City Council. The Planning Commission shall report to the City Council within forty days after receiving the application at a regular meeting. The City Council shall consider the application within 45 days after receipt of the application by the Planning Commission and with or without a recommendation from the Planning Commission. The City Council may grant application for a special use permit by a majority 4/5ths vote of the Council ~~all its membership~~. The fee for processing a special use permit shall be established by resolution.

Section 5. New Brighton Zoning Code, Chapter 8, Article 2, Special Use Permit and Variance, Section 8-220 is amended by deleting the ~~stricken~~ language and adding the underlined language as follows:

Sec. 8-220. Procedure.

Applications for variances shall be referred by the proper City official to the Planning Commission at a public hearing following publication as prescribed in Section 8-055 and recommendation to the City Council. The Planning Commission shall report to the City Council within forty days after receiving the application at a regular meeting. The City Council shall act on the application within 45 days after receipt of the application by the Planning Commission and with or without a recommendation from the Planning Commission. The City Council may grant application for a variance by a majority 4/5ths vote of the Council ~~all its membership~~. The fee for processing a variance shall be established by resolution.

Section 6. New Brighton Zoning Code, Chapter 8, Article 3, Rezoning, Section 8-320 is amended by deleting the ~~stricken~~ language and adding the underlined language as follows:

Sec. 8-320. Rezoning by Petition.

(1) The Planning Commission shall, upon the petition of fifty percent or more by number of the property owners within 200 feet of the property to be rezoned fix a date for a public hearing. The petition shall be accompanied by an abstractor's certificate showing the names of all property owners within 350 feet of the property to be rezoned. The fee for processing a rezoning shall be established by resolution.

(2) The Planning Commission shall hold at least one public hearing on any petition for rezoning after published notice of the time and place at least ten days before the hearing. The Planning Commission shall also cause a notice to be mailed to each property owner within 350 feet of the

property for which the rezoning is petitioned, such notices to be mailed to the last known addresses of the owners at least ten days before the hearing.

(3) The petitioner requesting the rezoning shall erect, or cause to be erected, at least one sign per street frontage on the property described in the petition. The sign(s) shall be of a design approved by the City and shall be 36 inches by sixty inches in size, shall have letters at least four inches high using Helvetica medium type face or other letter style approved by the City and shall be constructed of sturdy material. The sign shall contain the following information:

“This property proposed for rezoning
from _____ to _____ district.”

“New Brighton Planning Commission to consider on
_____ (insert date of first meeting).” _____

“For information, contact the City at:

_____ @

The sign shall be erected not less than ten days before the first hearing on the petition before the Planning Commission.

The sign(s) at all times shall be kept in good repair and shall be maintained in place until a final decision on the petition has been made by the City Council and shall be removed by the petitioner within five days after the final decision. The failure of any petition to comply fully with the provisions of this Section relating to sign(s) shall not prevent the Planning Commission and City Council from acting on the petition nor invalidate any rezoning granted by the City Council.

(4) After hearing the petition, the City Council may, by ordinance, grant the petition by a majority 4/5ths vote of all its members. If the rezoning changes all or a part of the existing classification of a zoning district from residential to either commercial or industrial, a two-thirds majority vote of all members of the City Council is required.


Section 7. New Brighton Zoning Code, Chapter 8, Article 3, Rezoning, Section 8-330 is amended by deleting the ~~stricken~~ language and adding the underlined language as follows:

Sec. 8-330. Rezoning by Council Initiative.

(1) The City Council may, by ordinance, on its own initiative, change boundaries of a district or a use, height or area regulation of any district after a public hearing by the Planning Commission and upon a majority 4/5ths vote of all members of the City Council in the same manner as specified in Section 8-320 (2). If the rezoning changes all or a part of the existing classification of a zoning district from residential to either commercial or industrial, a two-thirds majority vote of all members of the City Council is required.

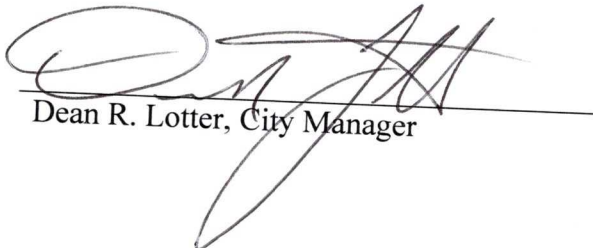
Section 8. This ordinance shall be in full force and effect from and upon its adoption and publication according to law.

Adopted this 8th day of May, 2018 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Valerie Johnson, Mayor

ATTEST:


Sandra Daniloff, Deputy City Clerk


Dean R. Lotter, City Manager

