

Section 505 - Official Map

505.01. Authority for official maps and plans. This section is adopted pursuant to Minnesota Statutes, section 462.351.

505.03. Definitions. Subdivision 1. The terms defined in this subsection have the meanings given them.

Subd. 2. "Planning agency" or "commission" means the planning and zoning commission.

Subd. 3. "Platting authority" means the city council or any other agency responsible under statute, charter or ordinance for the approval of plats of land within the city or within its area of platting control.

Subd. 4. "Official map" means the official map adopted in accordance with this section.

505.05. Initiation of proceedings. Proceedings for adoption, amendment or repeal of an official map or of any part thereof may be initiated by a recommendation from the commission, action of the council on its own initiative, recommendation of an advisory commission, request of another governmental body or other public agency, or petition of five or more persons owning three or more affected parcels of property.

505.07. Sketch maps and reports. Proposals or requests for proceedings for official maps, or amendments, or changes thereto, 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 any hearing thereon. The 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.

505.09. Reference to planning commission. A proposed official map or any proposed amendment or change thereof shall be referred to the commission for study and recommendation thereon, and such recommendation shall be submitted to the council within 60 days after such reference by the council to the commission. The commission may on its own motion submit proposed maps or changes thereto to the council at any time. If after reference to the commission by the council no recommendation is received by the council from the commission within 60 days after such reference, the council may take such action as it may deem proper upon any such proposed official map or amendment without further action by the commission.

505.11. Notice and hearing. The council, upon receiving a recommendation from the commission as hereinabove set forth, or at any time after 60 days from the date of any referral of any proposed change or map by the council to the commission without receipt of any recommendation thereon from the commission, may consider such proposed change at any regular or special meeting of the council. If a majority of the members of the council are in favor of the proposal, a public hearing shall be held thereon at any regular or special meeting of the council, notice of which public hearing shall be given by a publication thereof once in the official newspaper not less than ten or more than thirty days prior to the date of such hearing and such notice shall further

be mailed not less than ten days prior to such hearing to all persons appearing on the records of the county to be the owners of property affected by such proposed map or change. Such mailing shall be made by regular mail addressed to the last known address of each such owner. In lieu of such mailing, such notices may be served upon any such owner in the same manner as service of process in any civil court action. Failure or inability to serve or mail any such notices shall not invalidate the proceedings. Proof of any service shall be by affidavit. Such notice shall include the time and place of the public hearing, a general description of the property affected, and a general statement of the nature and purpose of the hearing. A copy of the published notice as hereinabove set forth thus served or mailed shall be sufficient. Any such hearing may be continued from time to time not exceeding 60 days from the original hearing date without further publication, mailing, or service. At any such public hearing, the council shall receive evidence and hear arguments concerning any such proposed map or amendment thereto. A final vote on any such proposal shall be taken by the council not later than the first regular meeting thereof following the final adjournment of the public hearing thereon.

505.13. Maps. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition boundary lines on the ground. In unplatted areas, a minimum of a central line survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition boundary lines shown on the official maps shall be attested to by the engineer. 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 county recorder as provided in Minnesota Statutes, section 462.359.

505.15. Effect of official map adoption. After any official map including any amendment thereto has been adopted and filed as provided in this section, the issuance of all building permits by the city shall be subject to the provisions of this section. The building official shall deny all applications for permits to erect new buildings or to expand existing buildings within any area identified or set aside on such official map or any future public use or purpose, unless such application and permit is for an erection, addition or alteration to be completed in not more than 12 months from the date of such permit and the total cost of which shall not exceed \$15,000. The issuance of any permit so granted shall not impair or in any way change or amend the full force and effectiveness of the official map. Whenever any street or other thoroughfare is established, constructed, widened, or otherwise improved or whenever any interest in any land for any other public purposes is acquired by the city or any governmental subdivision, within the limits of any area identified or set aside upon said official map to be used for future public purposes, such governmental subdivisions shall not be required in any acquisition proceedings to pay for any buildings, structures, or other improvements which were erected, placed, altered, or improved thereon without a building permit or in violation of any condition in any permit. The adoption of an official map or any amendment thereto does not transfer to the city or other public governmental subdivision any right, title, or interest to any areas identified or set aside thereon for public purposes. The adoption of such map, plan, and any amendments thereto does hereby authorize the municipality or other governmental subdivision to acquire interests therein for public purposes without paying compensation for any buildings, structures, improvements, or alterations erected in any such areas without a building permit or in violation of any condition or conditions contained in any building permit pertaining to such areas.

505.17. Appeals. Subdivision 1. Hearing: notice. Whenever an application for any building permit is denied pursuant to this section the applicant may appeal from such denial to the council. The council shall hold a public hearing on such appeal at any regular or special meeting of the council, notice of which hearing shall be made in the same manner as set forth in subsection 505.11 in connection with public hearings on the official map.

Subd. 2. Grant. The council may grant such building permit upon evidence presented to it as follows:

- a) that the entire tract owned by the appellant by a denial of its use of that portion thereof for public purposes pursuant to the official map, cannot yield a reasonable return to the owner unless such building permit is granted, and
- b) that balancing the interest of the city in the preservation of the comprehensive plan established by the official map against the interest of the owner of the property in his proposed use thereof, the granting of such building permit is required by the considerations of justice and equity, or the acquisition of such property pursuant to the comprehensive plan shall be commenced forthwith. If the appellant prevails and his application for a building permit is granted, its issuance shall not impair the full force, intent, and effectiveness of the official map.

Subd. 3. Denial. If the council denies the issuance of such permit, the city shall within six months from the date of such denial institute proceedings in eminent domain or otherwise to acquire the land or interest therein set aside for public use upon the official map and if no such proceedings are commenced within said time, the officer responsible for issuing building permits shall issue the permit if the application therefor otherwise conforms to all other pertinent provisions of this code. The building official shall specify the exact location, ground area, type of construction, and other details necessary for the construction of the building for which the permit is granted all within the provisions of the various statutes and provisions of this code pertaining thereto.

505.19. Map adopted. The 1986 official map of the city was duly adopted by ordinance no. 86 - 568 (Amended Ord. No. 86 - 568) Copies of the official map as amended are on file for public inspection in the office of the clerk.