

**LINWOOD TOWNSHIP
ANOKA COUNTY
STATE OF MINNESOTA
ORDINANCE NO. 165
ORDINANCE AMENDING
CHAPTER 8, PART 6,
SECTION 11, SUBDIVISION 2
OF THE TOWN CODE FIFTH
REVISION, VARIANCES,
PLANNING COMMISSION
RECOMMENDATIONS,
STANDARDS**

The Town Board for the Town of Linwood, Anoka County, Minnesota, hereby ordains:

A. Chapter 8, Part 6, Section 11, Subd. 2, Paragraph (a) of the Town Code is amended as follows:

Paragraph (a) is replaced with "Requests for a variance or appeal shall be filed with the Town Clerk or designee on an official application form. Such application shall be accompanied by a fee as set by the Town's adopted fee schedule".

Paragraph (a) is renumbered as Paragraph 1.

B. Chapter 8, Part 6, Section 11, Subd. 2, Paragraph (a) of the Town Code is amended to insert the following as Paragraph 2 and items (a) through (f):

2. Such application shall also be accompanied by three (3) copies of detailed written and graphic materials necessary for the explanation of the request and narrative statement addressing the following standards:

(a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same District; and

(b) That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Ordinance; and

(c) That special conditions and circumstances do not result from the action of the applicant; and

(d) That granting the variance will not alter the essential character of the area or community; and

(e) That granting the variance will not result in a use that is otherwise not permitted in the zoning district; and

(f) That the applicant proposes to use the property in a reasonable manner.

C. Chapter 8, Part 6, Section 11, Subd. 2, Paragraph (b) is amended as follows:

Chapter 8, Part 6, Section 11, Paragraph (b) is replaced with:

3. Upon receiving a complete application, the Town Clerk or designee shall refer the application, along with all related information, to the Planning and Zoning Administrator for a Staff Report and recommendation to the Planning and Zoning Commission.

Chapter 8, Part 6, Section 11, Paragraph (b) is renumbered as Paragraph 3.

D. Chapter 8, Part 6, Section 11, Subd. 2, Paragraphs (c) and (d) are amended as follows: Paragraph (c) is renumbered as Paragraph 4 and replaced with:

4. The Planning Commission shall consider the variance at its next regular meeting unless the date that the application is determined to be complete falls within 25 days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting.

Paragraph (d) is renumbered as Paragraph 5.

E. Chapter 8, Part 6, Section 11, Subd. 2, Paragraph (e) is renumbered as Paragraph 6 and amended as follows:

The words "the authority to request additional information" shall be replaced with "the authority to conduct a site visit and request additional information".

F. Chapter 8, Part 6, Section 11, Subd. 2, Paragraph (f) the words "The Town Clerk" are replaced with "The Town Clerk or designee".

The words "within 350 feet" are replaced with "within 500 feet".

G. Chapter 8, Part 6, Section 11, Subd. 2, Paragraphs (g) and (h) are amended as follows:

Paragraph (g) is renumbered as Paragraph 8.

Paragraph (h) is renumbered as Paragraph 9 and the words "Such recommendation shall be in writing" are replaced with "Such recommendation to the Town Board shall be in writing".

H. Chapter 8, Part 6, Section 11, Subd. 2 Paragraph (i) is deleted.

I. Chapter 8, Part 6, Section 11, Subd. 2 Paragraphs (j), (k), and (l) are renumbered as Paragraph 10, 11, and 12 respectively.

J. Chapter 8, Part 6, Section 11, Subd. 2, Paragraph (m) is renumbered as paragraph 13 and amended as follows:

The words "shall be by majority vote of the full Town Board." shall be replaced with "shall be by majority vote of the Town Board."

K. Chapter 8, Part 6, Section 11, Subd. 2, Paragraph (n) is renumbered as paragraph 14 and amended as follows:

The words "The Town Clerk" are replaced with "The Town Clerk or designee".

Passed by the Town Board of the Town of Linwood this 24th day of April 2018.

This Ordinance shall be effective upon passage and publication in the official Township newspaper.

Michael Halliday, Chairman
ATTEST: Pamela Olson
Town Clerk

Published in the
Forest Lake Times
May 17, 2018
815734