

ORDINANCE #25-10

**CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN ORDINANCE AMENDING CHAPTERS 2 AND 106 PERTAINING TO VARIANCES

The City Council of Ramsey ordains:

SECTION 1. AUTHORITY

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

SECTION 2. AMENDMENTS TO CHAPTER 2 AND 106.

The following sections of Chapter 2 and 106 are hereby amended as follows:

Underlined text is inserted into City Code.

~~Strikethrough text~~ is deleted from City Code.

Sec. 2-55. – Board of Appeals and Adjustment.

The City Council shall also serve as and be given the variance approval powers of the board of appeals and adjustment as described in Minnesota Statutes 462.357. Appeals to the board of appeals and adjustment may be taken by any affected person upon compliance with the procedures established in the zoning code. The primary objective of the board of adjustment and appeals shall be to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning code as well as to review and approve/deny variances from the provisions of the zoning code, subdivision code, and sign code as well as dimensional standards in chapter 10, animals, and chapter 109, mobile homes and mobile home parks, where strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. The City Council shall be given the powers and duties given such agencies by Minn. Stats. § 462.357. The City Council shall also be given the powers to consider appeals by owners of land within the official map area who have been denied a land use permit, other than those permits explicitly denied by the city council, approval for a building on land, or any other city action taken pursuant to the zoning code which may affect the landowner's land. The appeal procedures shall be pursuant to Minn. Stats. § 462.359.

Sec. 2-159. Duties, responsibilities and objectives.

- (a) *Planning commission.* The primary objective of the planning commission is to hold public hearings on land use applications from the Zoning Code, Sign Code, and Subdivision Code and to advise the city council on those land use applications and other land use concerns and other duties conferred upon it by this chapter or the city council. In addition, the planning commission shall serve as the planning agency and shall have the powers and duties given such agencies by Minn. Stats. §§ 462.351—462.364. ~~The planning commission shall also serve as and be given the powers of the board of appeals and adjustment. Appeals to the board of appeals and adjustment may be taken by any affected person upon compliance with the procedures established in the zoning code. The primary objective of the board of adjustment and appeals shall be to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning code as well as to review and approve/deny variances from~~

~~the provisions of the zoning code, subdivision code, and sign code as well as dimensional standards in chapter 10, animals, and chapter 109, mobile homes and mobile home parks, where strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. The planning commission shall be given the powers and duties given such agencies by Minn. Stats. § 462.357. The planning commission shall also be given the powers to consider appeals by owners of land within the official map area who have been denied a land use permit, other than those permits explicitly denied by the city council, approval for a building on land, or any other city action taken pursuant to the zoning code which may affect the landowner's land. The appeal procedures shall be pursuant to Minn. Stats. § 462.359.~~

Sec. 106-220. Variances.

- (a) Variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the variances are consistent with the comprehensive plan.
- (b) Public hearing notice mailing distance is 350 feet.
- (c) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning code. "Practical difficulties," as used in connection with the granting of a variance, means:
 - (1) That the property owner proposes to use the property in a reasonable manner not permitted by the zoning code;
 - (2) The plight of the landowner is due to circumstances unique to the property not created by the landowner;
 - (3) The variance, if granted, will not alter the essential character of the locality.
 - (4) Economic considerations alone do not constitute practical difficulties;
 - (5) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems; ~~and~~
 - (6) Public takings of property due to condemnation; ~~and~~
 - (7) Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, subd. 14, when in harmony with this chapter.
- (d) ~~The planning commission~~ City Council may not permit as a variance any use that is not allowed under the zoning code for property in the district where the affected person's land is located.
- (e) ~~The planning commission~~ City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- (f) ~~The planning commission~~ City Council shall serve as the final decision-making authority. However, any action of the ~~planning commission~~ City Council may be appealed to the ~~council~~ Court of Appeals by any affected person if notice of such an appeal is received by the ~~zoning administrator~~ Court of Appeals within ten days of the final action of the ~~planning commission~~ City Council.
- (g) The variance is approved by resolution.
- (h) Recording of variance. A certified copy of a variance resolution shall be recorded with the Anoka County recorder or registrar of titles for record. The variance resolution shall include the legal description of the property included. No building permit shall be issued until after recording is made.
- (i) Additional standards for variances within the Mississippi River Corridor Critical Area Overlay District are found in section 106-910.

SECTION 3. SUMMARY

The following official summary of Ordinance #25-10 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance:

“Chapter 2 – Administration and Chapter 106 – Zoning Code have been amended to set forth procedures in reviewing and approving variances by the Planning Commission and City Council.”

SECTION 4. EFFECTIVE DATE

This ordinance becomes effective upon publication, subject to City Charter Section 5.07.

PASSED by the City Council of the City of Ramsey, Minnesota the ____ day of _____, 2025.

Mayor

ATTEST:

City Clerk