Ordinance No. 2020-04

An Ordinance amending sections 300.04 and 400.065 of the Minnetonka City Code, relating to appeals from final city decisions on zoning and subdivision applications

The City of Minnetonka Ordains:

Section 1. Section 300.04(6) of the Minnetonka City Code is amended to read as follows:

6. Appeals.

a) Any person aggrieved by a decision of the planning commission regarding an application on which the decision of the planning commission may be final may appeal such decision to the city council. The appeal shall be submitted in writing within 10 days of the date of the decision or the decision stands. Upon appeal, the city council shall consider the request within 90 days unless an extended period is agreed with the appellant. The city council may reverse the decision of the planning commission by an affirmative vote of two-thirds of its full membership.

b) A person aggrieved by a decision of the city planner or the city engineer that is made under the authority of this ordinance may appeal such decision to the planning commission. The appeal must be submitted in writing within 10 days of the date of the decision. A person aggrieved by a decision of the planning commission regarding such appeal may appeal the decision of the planning commission to the city council. The appeal must be submitted in writing within 10 days of the decision. The city council may reverse the decision of the planning commission by an affirmative vote of at least two-thirds of its full membership.

c) In any matter in which the planning commission's decision is not final but is a recommendation to the city council, the city council may adopt, modify or reject the recommendation of the planning commission by vote of a simple majority of those present, unless otherwise required by this ordinance.

d) A person aggrieved by a final city decision made under this chapter 3 may seek judicial review by filing an action with the Hennepin County District Court within 60 days after the date that the city provides written notice of the final decision to the applicant.

e) Any applicant who obtains a building permit, starts construction, begins a use in reliance upon the decision of the planning commission, or any combination of those activities, prior to the termination of the appeal period, assumes the risk that the decision may be reversed upon appeal. When an appeal is received by the city, the applicant will be notified of the appeal and informed as to the date of the city council meeting where it will be heard.

Section 2. Section 400.065 of the Minnetonka City Code is amended by changing the title of the section to read as follows:

The stricken language is deleted; the underlined language is inserted.
Section 4.005. Violations; Penalties; Appeals.

Section 3. Section 400.065 of the Minnetonka City Code is amended by adding a new subdivision 5, to read as follows:

5. Appeals.

A person aggrieved by a final city decision made under this chapter 4 may seek judicial review by filing an action with the Hennepin County District Court within 60 days after the date that the city provides written notice of the final decision to the applicant.

Section 4. This ordinance is effective upon passage.

Adopted by the city council of the City of Minnetonka, Minnesota, on April 20, 2020.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this Ordinance:

Date of introduction: Feb. 24, 2020
Date of adoption: April 20, 2020
Motion for adoption: Calvert
Seconded by: Kirk
Voted in favor of: Schaeppi, Coakley, Kirk, Schack, Carter, Calvert, Wiersum
Voted against: 
Abstained: 
Absent: 
Ordinance adopted.

Date of publication:

The stricken language is deleted; the underlined language is inserted.
I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on April 20, 2020.

Becky Koosman, City Clerk

The stricken language is deleted; the underlined language is inserted.
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Notice of Adoption of Ordinance No. 2020-04

To whom it may concern:

Notice is hereby given that on April 20, 2020 the Minnetonka City Council adopted Ordinance No. 2020-04, an ordinance amending sections 300.04 and 400.065 of the Minnetonka City Code, relating to appeals from final city decisions on zoning and subdivision applications. This ordinance establishes that a person may appeal a final decision of the city to Hennepin County District Court within 60 days of the written notice of the decision of the city council. A full copy of the Ordinance is available on the city’s web site (minnetonkamn.gov) and may be viewed during regular office hours at the city clerk’s office in city hall. A copy may also be obtained by standard or electronic mail.

Becky Koosman, City Clerk