

## Blaine Zoning Ordinance – Chapter 27 – Administration

### 27.02 - Planning Commission/Board of Appeals and Adjustments.

- (a) There is hereby established, for the City of Blaine, a Planning Commission, which also may be known as the Commission.
- ~~(b) The Planning Commission shall be composed of seven (7) members appointed for a term of two (2) years, except that four (4) members shall initially serve a term of one (1) year and their successor shall serve a term of two (2) years, and, thereafter, all members shall serve the prescribed two-year term. Terms for Planning Commissioners shall expire in March of each year when a successor is qualified. Vacancies occurring at the end of a term or during a term shall be filled by mayoral appointment, which a majority of the entire City Council shall confirm no less than ten (10) days following written notice to the Council of an appointment. Members may be removed by the mayor if the removal is confirmed by a majority vote of the entire City Council. The mayor shall appoint a Chair from among the members. At least two (2) members must reside in each council election ward during the term of their appointment. Current members who move from the council election ward they were appointed to shall be allowed to complete their term with the approval of the Mayor and the two (2) Councilmembers from the council election ward they moved from. Should a Commissioner move outside the City their term shall end immediately. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Commission shall provide a public record of its proceedings which include the minutes of its meetings, its findings, and action taken on each matter heard by it, including the final recommendation. The meeting of the Planning Commission shall be held at the call of the Chair and at such other times as the Commission in its rules of procedure may specify. (Ord. No. 88 1112, amended 1 5 1989; Ord. No. 95 1557, amended 5 18 1995; Ord. No. 96 1628, amended 1 2 1997; Ord. No. 15 2319, amended 7 9 2015)~~
- (c) The Planning Commission is an advisory board to the City Council. The Planning Commission shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments, conditional use permits, and variances, using the criteria in Sections 27.03(a), 27.04(a) and 27.05(a). The Planning Commission shall also prepare and recommend a comprehensive plan for the development of the City, study and make recommendations to the City Council as regards means to carry out and maintain the comprehensive plan and regulations thereto. The Commission shall prepare and recommend to the proper officials of the municipality, needed capital improvements consistent with the comprehensive plan for the City. The Commission shall conduct hearings, study, and recommend to the City Council, a zoning code and such amendments thereto as may, from time to time, be proposed.
- (d) Hearings by the Planning Commission shall be held within such time and upon such notice to interested parties as provided in this ordinance and its adopted rules for the transaction of its business.
- (e) The Planning Commission is hereby established as a Board of Appeals and Adjustments for the City of Blaine. The decisions of the Board on matters within its jurisdiction are advisory to the City Council. The Board shall have the powers hereinafter set forth:
  - (1) To hear 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 ordinance.

- (2) To hear requests for variances from the literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to recommend granting such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning ordinance. The Board may not recommend the granting of a variance for any use that is not permitted under the zoning ordinance for property in the zone where the affected person's land is located. The Board may impose conditions in the recommendation for a variance to insure compliance and to protect adjacent properties. A hearing on a request for a variance to the zoning ordinance shall comply with the applicable provisions of the zoning ordinance.
- (3) When a building permit for the construction of a building is not issued because the proposed building is to be constructed within an area identified for public purposes on an official map or maps adopted by the City of Blaine, the Board, upon appeal filed with it by the owner of the land, may recommend the issuance of a permit for said building in such location in any case in which the Board finds, upon the evidence and arguments presented to it, as follows:
  - (aa) That the entire property of the affected property owner, of which such area identified for public purposes forms a part, cannot yield a reasonable return to the owner unless such a permit is granted, and
  - (bb) That balancing the interest of the City in preserving the integrity of the official map and of the comprehensive municipal plan and the interest of the owner of the property in the use of his property and the benefits of the ownership, the issuance of such permit is required by considerations of justice and equity.
- (f) If the City Council agrees with the Board's recommendation that a permit is to be issued, the City shall have six (6) months from the date of the decision of the Board to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible for issuing building permits shall issue the permit if the application otherwise conforms to City Ordinances.
- (g) Hearings before the Board, pursuant to the provisions of paragraphs (f)(1) and (3) shall be preceded by the following: Notice of the purpose, time, and place of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the hearing and a similar notice shall be mailed to the affected property owner, who is the appellant, at least ten (10) days before the day of the hearing. For the purpose of giving notice, the City may use any appropriate records to determine the name and address of the affected property owner.
- (h) The Board shall within a reasonable time make its recommendation as to the matter before it, and shall serve a copy of such recommendation upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney. The Board may adopt rules for the conduct of the hearings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide for a record of its proceedings, which shall include the minutes of its meetings, its findings, and the actions taken on each matter heard by it, including the final recommendation.

## Blaine Code of Ordinances – Chapter 54 – Parks and Recreation

Sec. 54-31. - Established; members; organization.

- (a) *Established.* There is hereby established for the city a park board.
- ~~(b) *Membership.* The park board shall be composed of seven members appointed for two-year staggered terms. All park board members' terms shall expire in March of each year when a successor is qualified. Vacancies occurring at the end of a term or during a term shall be filled by mayoral appointment, which a majority of the entire city council shall confirm no less than ten days following written notice to the council of an appointment. At least two members must reside in each council election ward during the term of their appointment. Current members who move from the council election ward they were appointed to shall be allowed to complete their term with the approval of the mayor and the two councilmembers from the council election ward they moved from. Should a commissioner move outside the city their term shall end immediately.~~
- (c) *Compensation of members; expenses.* The members of the park board shall receive as compensation such remuneration as set by council action, and the board may, with the consent of the council, incur expenses that are deemed necessary.
- (d) *Removal of members.* Any park board member may be removed from office at any time by a four-fifths vote of the council. Any member absent from three consecutive regular meetings without the consent of the board shall be deemed to have vacated such member's office, and such vacancy shall be filled by the council as stated in this section.
- (e) *Chairperson.* The chairperson of the board shall be designated by the mayor from among the members of the board. The chairperson shall be responsible for calling and presiding at meetings and shall be entitled to an equal vote with other members of the board.
- (f) *Rules of procedures.* The board shall elect its own officers (except for the chairperson), establish meeting times and adopt its own rules of procedures.

(Code 1963, §§ 72.01, 72.05—72.09; Code 1980, § 14-1; Ord. No. 277, 6-18-1972; Ord. No. 489, 12-18-1975; Ord. No. 88-1113, 1-5-1989; Ord. No. 95-1558, 5-18-1995; Ord. No. 96-1629, 1-2-1997; [Ord. No. 15-2319, 7-9-2015](#) )

## Blaine Code of Ordinances – Chapter 82 – Traffic and Vehicles

Sec. 82-8. - Traffic commission—Establishment, membership, organization.

- (a) *Establishment.* There is hereby established for the city a traffic commission. The traffic commission is an advisory board to the city council. The traffic commission shall review neighborhood traffic concerns on local streets, define issues, review alternatives, look at costs, hold public hearings, and make recommendations to the city council.
- ~~(b) *Membership.* The traffic commission shall be composed of seven members appointed for a term of two years, except that four members shall initially serve a term of three years and their successor shall serve a term of two years, and, thereafter, all members shall serve the prescribed two-year term. Terms for traffic commissioners shall expire in March of each year when a successor is qualified. Vacancies occurring at the end of a term or during a term shall be filled by mayoral appointment, which a majority of the entire city council shall confirm no less than ten days following written notice to the council of an appointment. Members may be removed by the mayor if the removal is confirmed by a majority vote of the entire city council. The mayor shall appoint a chair at large from among the members. At least two members must reside in each council election ward during the term of their appointment. Current members who move from the council election ward they were appointed to shall be allowed to complete their term with the approval of the mayor and the two councilmembers from the council election ward they moved from. Should a commissioner move outside the city their term shall end immediately.~~
- (c) *Organization.* The traffic commission shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The commission shall provide a public record of its proceedings which include the minutes of its meetings, its findings, and action taken on each matter heard by it, including the final recommendation. The meetings of the traffic commission shall be held at the call of the chair and at such other times as the commission in its rules of procedure may specify.

## **Natural Resources Conservation Board**

*Resolution 01-88, Establishing a Natural Resources Conservation Board, was adopted May 17, 2001. The Resolution established the NRCB with an attached policy outlining its structure:*

Whereas, the Blaine City Council and Open Space/Greenway Planning Citizen Committees have been working on creating an Open Space Plan for the City by conducting a Natural Resource Inventory (1999) and completing a Master Greenway Plan (2001); and

Whereas, the Blaine voters passed a bond referendum in November of 2000 to fund the preservation of significant natural areas and trail corridors; and

Whereas, the members of the Blaine City Council wish to implement an Open Space Plan for the City by acquiring significant natural areas for preservation and creating trail corridors with bond funds, park dedication fees dedicated to Open Space, and grant funds available through the Minnesota Department of Natural Resources; and

Whereas, the City Council and Blaine residents are interested in exploring policy options for the maintenance and preservation of Blaine's natural resources; including both public and private initiatives/responsibilities, and

Whereas, the City Council wishes to combine the role of the Citizen's Environmental Committee with this new Board, establishing a formal recommendation process for issues relating to the Board's charge.

Now, therefore, be it resolved by the City Council of the City of Blaine that a Natural Resource Conservation Board is established and the Natural Resource Conservation Board's Process for Selection, Structure, Format, and Charge as contained in the [attached policy document](#) are approved.

Passed by the City Council of the City of Blaine this 17th day of May 2001.