



49 chief of police, such decision may be appealed to the city administrator, who will have the  
50 authority to make a final determination as to whether the appellant is to be charged with  
51 a fee for a false alarm.  
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53 **SECTION 4.** Section 50-32 Violations Subsection (b) is hereby amended to read as follows:  
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- 55 (a) *Hearings.* If a person accused of violating this article so requests within 10 days of receipt  
56 of a citation, a hearing shall be scheduled, the time and place of which shall be published  
57 and provided to the accused violator.  
58

59 **SECTION 5.** Section 66-225 Denial of permit Subsection (b) is hereby amended to read as  
60 follows:  
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- 62 (b) The city administrator or designee shall act promptly upon a timely filed application for a  
63 parade or special event permit, but in no event shall grant or deny a permit less than 48  
64 hours prior to the parade or special event and shall include reasons for denial. ~~Any~~  
65 ~~applicant shall have the right to appeal the denial of a parade or special event permit to~~  
66 ~~the city council. The appeal shall be filed within five days after receipt of the denial to the~~  
67 ~~city clerk. The city council shall act upon the appeal at the next scheduled meeting~~  
68 ~~following receipt of the notice of appeal.~~  
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70 **SECTION 6.** Section 70-5 Abatement procedure Subsection (b) is hereby amended to read as  
71 follows:  
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- 73 (b) Summary abatement. The city administrator or designee may provide for abating a public  
74 nuisance without following the procedure required in paragraph (a) above when:  
75 (1) There is an immediate threat to the public health or safety;  
76 (2) There is an immediate threat of serious property damage; or  
77 (3) A public nuisance has been caused by private parties on public property.

78 If the city administrator or designee abates the nuisance under this section, he must  
79 reasonably attempt to notify the owner, occupant, or other responsible party of the intended  
80 action and the right to appeal the abatement and any cost recovery ~~at the next regularly~~  
81 ~~scheduled city council meeting.~~  
82

83 **SECTION 7.** Section 70-129 Approval is hereby amended to read as follows:  
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85 All permits are subject to the approval of the city administrator upon recommendation of  
86 the chief of police. ~~Appeals of denials of permits are subject to council review.~~  
87

88 **SECTION 8.** Section 70-131 Notice to owners of surrounding property is hereby amended to  
89 read as follows:  
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91 An annual permit shall require notice to be given to surrounding property owners and an  
92 opportunity for them to object prior to issuance of a permit under this subdivision, but such  
93 objections shall not require the permit to be withheld. ~~Any person may appeal the denial of a~~  
94 ~~permit to the council.~~  
95

96 **SECTION 9.** Section 78-96 Board established Subsection (a) is hereby amended to read as  
97 follows:

- 98  
99 (a) A zoning board of appeals and adjustments is established. The planning commission is  
100 constituted as the board of appeals and adjustments. ~~The decisions of the board are~~  
101 ~~advisory to the council.~~ The board shall have the following powers:
- 102 (1) To hear and decide appeals from any affected person where it is alleged that  
103 there is an error in any order, requirement, decision or determination made by an  
104 administrative officer in the enforcement of this chapter.
  - 105 (2) To hear requests for variances in accordance with this chapter.
  - 106 (3) To exercise other functions as provided in this chapter.

107  
108 **SECTION 10.** Section 78-99 Appeals procedures is hereby amended to read as follows:

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110 The decisions of the board on requests for variances are advisory and will automatically proceed  
111 to the council for review. The decisions of the board on appeals are binding. The applicant or  
112 other person or officers of the city affected may appeal a binding decision of the board to the  
113 council by filing a written notice stating the action appealed from and stating the specific  
114 grounds upon which the appeal is made. The notice shall be accompanied by a fee in the  
115 amount prescribed by the current city fee schedule payable to the city, which fee shall not be  
116 refundable. An appeal under this section shall be filed no later than 10 days following the  
117 decision of the board.

118  
119 **SECTION 11.** Section 78-100 Subdivisions is hereby amended to read as follows:

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121 ~~[Purposely left blank]. Appeals to the board of appeals and adjustments may be taken by any~~  
122 ~~affected person upon compliance with any reasonable conditions imposed by the subdivision~~  
123 ~~regulations. The board has the following powers with respect to the subdivision regulations:~~

- 124
- 125 (1) ~~To hear and decide appeals where it is alleged that there is an error in any order,~~  
126 ~~requirement, decision or determination made by an administrative officer in the~~  
127 ~~enforcement of chapter 82.~~
  - 128 (2) ~~To hear requests for varying the regulations as they apply to specific properties where an~~  
129 ~~unusual hardship on the land exists, but variances may be granted only upon the specific~~  
130 ~~grounds set forth in the subdivision regulations. Unusual hardship includes but is not~~  
131 ~~limited to inadequate access to direct sunlight for solar energy systems.~~

132  
133 **SECTION 12.** Section 78-143 Review process Subsection (2) is hereby amended as to read  
134 follows:

- 135
- 136 (2) *Planning and zoning coordinator.* The planning and zoning coordinator shall make a  
137 decision on site plans reviews to change the use of a building or parcel of land; to modify  
138 the interior or exterior of a building or site or land feature in any manner that results in a  
139 different site design or intensity of use, including the requirement for additional parking  
140 or to enlarge a building by less than ten percent of its gross floor area. The planning and  
141 zoning coordinator shall have the authority to refer an administrative site plan review to  
142 the city council for decision. ~~The owner may appeal the decision of the planning and~~  
143 ~~zoning coordinator to the city council.~~

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**SECTION 13.** Section 78-1134 Subdivisions Subsection (b) is hereby amended to read as follows:

- (b) Administrative review. The city council shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this article. An appeal must be filed within 10 days of the administrative official’s order, requirement, decision, or determination.

**SECTION 14.** Section 78-1285 Vegetation alterations Subsection (a) is hereby amended to read as follows:

- (a) No live tree within 75 feet of the shoreline or within the bluff impact zone with a diameter of six inches or more (or 19 inches in circumference or greater) measured three feet above the ground may be removed without first obtaining a permit from the city staff, provided that at least the equivalent number of replacement trees of a size and nature found acceptable to the staff are planted at the same setback from the shoreline as those removed. Appeals of staff determinations as to type, size and quality of the trees to be replaced will be to the council. Removal of trees that are dead shall not require a permit, but such trees must be inspected by city staff prior to their removal.

**SECTION 15.** Chapter 82 Article II is hereby amended by the addition of the following Section 82-51:

**Sec 82-51. – Appeals.**

The zoning board of appeals and adjustments established in Section 78-96 shall also serve as the subdivision board of appeals and adjustments. The board has the following powers with respect to the subdivision regulations:

- (1) 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 chapter 82. An appeal under this section shall be filed no later than 10 days following the order, requirement, decision or determination. Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the subdivision regulations.
- (2) To hear requests for varying the regulations as they apply to specific properties where an unusual hardship on the land exists, but variances may be granted only upon the specific grounds set forth in the subdivision regulations. Unusual hardship includes but is not limited to inadequate access to direct sunlight for solar energy systems.

The procedures set forth in Sections 78-97 through 78-99 apply to determinations of the subdivision board of appeals and adjustments.

**SECTION 16.** Section 82-85 Appeal to the council Subsection (d)(3) is hereby amended to read as follows:

~~[Purposely left blank]-Appeal to the council. Should any subdivider wish to appeal a~~

192 ~~recommendation of the planning commission to the council, the subdivider shall, within ten-~~  
193 ~~days of the action by the planning commission, file a written appeal with the zoning-~~  
194 ~~administrator and pay an appeal fee. Upon filing of an appeal, the zoning administrator shall~~  
195 ~~have ten days to prepare a report and place the appeal on the agenda of the next regularly-~~  
196 ~~scheduled council meeting. The council shall review the report and appeal and may concur with-~~  
197 ~~the planning commission or may instruct the planning commission to reconsider the-~~  
198 ~~application.~~

199  
200 **SECTION 17. EFFECTIVE DATE:** This ordinance shall take effect immediately upon its passage and  
201 publication.

202  
203 **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016 on a vote of \_\_ ayes and \_\_ nays by the City Council  
204 of Orono, Minnesota.

205  
206 ATTEST:

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209  
210 \_\_\_\_\_  
211 Diane Tiegs, City Clerk Lili Tod McMillan, Mayor

212  
213  
214 *Ordinance published in The Laker and The Pioneer newspapers the week of \_\_\_\_\_, 2016.*