

ORDINANCE 2017-08

**AMENDING FAIRMONT CITY CODE CHAPTER 26 ZONING. ARTICLE II.
DIVISION 2. AMENDMENTS. SEC. 26-40. ACTION BY CITY COUNCIL**

WHEREAS, Fairmont City Code, Article II. Division 2. Amendments. Sec. 26-40. Action by City Council (a) requires a two-thirds majority of all the members of the city council to amend the zoning code as codified in Chapter 26 of the City Code; and,

WHEREAS, Minnesota Statute Section §462.357, Subd. 2 establishes that a governing body may adopt and amend a zoning ordinance by a majority vote of all its members, except for amending any portion of a zoning ordinance which changes a zoning district from residential to either commercial or industrial; and,

WHEREAS, Minnesota Statutes Sections §§462.351-462.365, the Municipal Planning Act, supersedes local municipalities' laws about zoning and therefore the voting requirements are established by state law.

NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN,
the Fairmont City Code Chapter 26 Zoning to be amended as follows:

Sec. 26-40. Action by city council.

- (a) If the planning commission recommends approval of an amendment to this chapter or the official zoning map, the city council shall hold a public hearing within thirty (30) days after receipt of the recommendation....
After conclusion of the hearing the city council may adopt the amendment

or any part thereof in such form as it deems advisable. The amendment shall be effective only if ~~two-thirds~~ a majority of all members of the city council concur on its passage. The adoption or amendment of any portion of this chapter or the official zoning map which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the governing body.

Motion by:
Second by:
All in Favor:
Opposed:
Abstained:
Absent:

PASSED, APPROVED AND ADOPTED, this _____ day of _____, 2017

Deborah Foster, Mayor

Patricia Monsen, City Clerk

1st Reading: August 14, 2017
2nd Reading: August 28, 2017