

CHAPTER 10 LAND USE REGULATIONS

ORDINANCE 1010 ADMINISTRATION

Section 1010.01: ENFORCING OFFICER 1010-1

Section 1010.02: BOARD OF ZONING APPEALS 1010-1

 Subd. 1. Duties of Board 1010-1

 Subd. 2. Hearings 1010-1

 Subd. 3. Decisions 1010-1

Section 1010.03: DUTIES OF THE PLANNING COMMISSION 1010-2

Section 1010.04: ZONING AMENDMENTS 1010-2

 Subd. 1. Criteria for Granting Zoning Amendments 1010-2

 Subd. 2. Kinds of Amendments 1010-2

Section 1010.05: INITIATION OF PROCEEDINGS 1010-2

Section 1010.06: REQUIRED EXHIBITS 1010-2

Section 1010.07: PROCEDURE 1010-2

Section 1010.08: COUNCIL INITIATED ZONING AMENDMENTS 1010-3

Section 1010.09: FEE 1010-3

CHAPTER 10 LAND USE REGULATIONS

ORDINANCE 1010 ADMINISTRATION

Section 1010.01: ENFORCING OFFICER. The Zoning Administrator shall enforce this Ordinance and shall perform the following duties:

- (1) Issue Building Permits and make and maintain records thereof.
- (2) Conduct inspections of use of land to determine compliance with the terms of this Ordinance.
- (3) Maintain permanent and current records of this Ordinance, including but not limited to: all maps, amendments, conditional uses, interim uses, variances, appeals and applications therefore.
- (4) Receive, file and forward all applications for appeals, variances, conditional uses, interim uses, or other matters to the designated official bodies.
- (5) Institute in the name of the City any appropriate actions or proceedings against a violator as provided for herein.

Section 1010.02: BOARD OF ZONING APPEALS. A Board of Zoning Appeals is hereby established, which shall consist of the City Council, vested with such administrative authority as hereinafter provided.

Subd. 1. Duties of Board. A Board of Zoning Appeals shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of zoning maps, and shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator, under certain conditions. The conditions for the issuance of a variance are as indicated in this Code. No use variance shall be issued by the Board of Zoning Appeals.

Subd. 2. Hearings. Hearings by the Board of Zoning Appeals shall be held within such time and upon such notice to interested parties as is provided in this Ordinance and its adopted rules for the transaction of this business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

Subd. 3. Decisions. The Board of Zoning Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of any permit except a variance. The reasons for the Board's decision shall be stated in writing. The decision of such Board shall be final, but any aggrieved person having an interest affected by such decision may appeal to the Stearns County District Court for review of the Board's decision on questions of fact and law. A majority vote of four-fifths of the Board of Zoning Appeals shall be necessary to reverse any decision of the Zoning Administrator. Any decision not reversed shall be deemed affirmed.

CHAPTER 10 LAND USE REGULATIONS

Section 1010.03: DUTIES OF THE PLANNING COMMISSION. The Planning Commission, if appointed, shall provide assistance to the Zoning Administrator and City Council in the administration of this Ordinance and shall review, hold public hearings, and make advisory recommendations to the City Council on all applications for zoning amendments and conditional use permits using the criteria in Sections 504 and 505. If no Planning Commission has been appointed, references thereto in this Ordinance shall mean the City Council and shall have no other effect.

Section 1010.04: ZONING AMENDMENTS. The following provisions shall govern amendments to the zoning ordinance.

Subd. 1. Criteria for Granting Zoning Amendments. The City may adopt amendments to the zoning ordinance and zoning map whenever, in the sole opinion of the City Council, amendments are necessary or desirable to reflect changes in the goals and policies of the City, or changes in conditions in the City.

Subd. 2. Kinds of Amendments. The City Council may adopt amendments to the Zoning Ordinance relating to a change in a district's boundary (rezoning), a change in a district's regulations, or a change in any other provision of this Ordinance.

Section 1010.05: INITIATION OF PROCEEDINGS. Proceedings for amending this Ordinance shall be initiated by one of the following methods:

- (1) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed, submitted to the City Council on the appropriate form accompanied by the appropriate exhibits;
- (2) By recommendation of the Planning Commission to the City Council; or
- (3) By action of the City Council on its own motion.

Section 1010.06: REQUIRED EXHIBITS. A petition to amend the zoning ordinance for purposes of rezoning property, which is brought by property owners, shall be submitted to the City Clerk on the appropriate form. All proposals to rezone property, whether initiated by owners or by the City, shall be accompanied by all of the following:

- (1) A certificate prepared by the Stearns County Auditor or by a registered Abstractor showing all property owners' names and addresses within the affected zone and within three hundred fifty feet (350) of the outer boundaries of the property in question, and
- (2) A boundary survey and preliminary building and site development plan, prepared by a Registered Land Surveyor.

Section 1010.07: PROCEDURE. The procedure for a property owner to initiate a rezoning or district regulation change applying to his property is as follows:

- (1) The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures, and obtain the appropriate form.
- (2) The applicant shall file the completed application form accompanied by the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the

CHAPTER 10 LAND USE REGULATIONS

City Council.

- (3) The Zoning Administrator shall transmit the application to the Planning Commission and shall notify all property owners within three hundred fifty feet (350) of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
- (4) The Zoning Administrator shall set the date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than ten days and not more than thirty days, prior to the hearing. The City Council may waive the mailed notice requirements for a city-wide amendment to the zoning ordinance initiated by the Planning Commission or City Council.
- (5) The Planning Commission shall hold the public hearing and then, within sixty days following the hearing, shall recommend one of three actions: approval, denial, or conditional approval.
- (6) The Planning Commission shall transmit its recommendation to the City Council for its official action within sixty days after holding the public hearing.
- (7) The City Council shall act upon the application within sixty days after receiving the recommendation of the Planning Commission.
- (8) No application of a property owner for an amendment of the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one year period following a denial of such request, except that the Planning Commission may consider a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

Section 1010.08: COUNCIL INITIATED ZONING AMENDMENTS. The procedure for Council initiated zoning amendments for purposes of rezoning property shall be identical to the procedure for property owner zoning amendments, except that the City shall not pay a fee. The Council may amend any other portion of the zoning ordinance, including specifically, but not exclusively, changes in uses, fees, procedures, deadlines, etc., by simple majority vote without following the procedures of this Section and without fee.

Section 1010.09: FEE. The City Council shall establish a fee for zoning amendments, which shall be in an amount sufficient to reimburse the City for costs of mailing, publication, and staff time. The fee shall be as set forth in Section 215 of this Code.