

SECTION 23. AMENDMENTS/REZONINGS

SUBDIVISION 1. AUTHORITY

Whenever the public necessity, convenience, general welfare, or good land use require such amendment, the Board of County Commissioners may by this Ordinance, amend, extend, or add to the regulations of this Ordinance in accord with the applicable provisions of Minnesota Statutes 394.21 to 394.37.

SUBDIVISION 2. PRE-APPLICATION

An applicant for an amendment to the zoning code shall meet with the Environmental Services staff prior to making a formal application. The applicant should make available to the staff sufficient information to present a general idea of the proposal.

SUBDIVISION 3. APPLICATION

- A. The County, on its own prerogative, at any time may initiate proceedings to amend this Ordinance or the rezoning of properties. Upon petition from a resident or residents living within the jurisdiction of this Ordinance, an application for rezoning or amendment may be filed with the Department.
- B. Said application shall be filed at least thirty (30) days prior to the hearing thereof.
- C. An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the Board of County Commissioners until it has received the recommendation of the Planning Commission.

D. AMENDMENT

- 1. Required information accompanying application to amend the wording of this Ordinance shall contain the following:
 - a. Stated reason for the amendment requested.
 - b. Statement on compatibility to the Le Sueur County Land Use Plan.
 - c. Text of the portion of the existing ordinance to be amended.
 - d. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.

- e. Any additional information as may be requested by the Department and/or Planning Commission.

E. REZONING

1. Required information accompanying applications to change district boundaries shall contain the following:
 - a. The names and addresses of the petitioner(s) and their signatures to the petition.
 - b. A specific description of the area proposed to be rezoned, and the names and addresses of all landowners lying within such area, and a description of the property owned by each.
 - c. The present district classification of the area and the proposed district classification.
 - d. Proposed use of the land (a statement of the type, extent, area, etc.).
 - e. Concept Plan.
 - f. Compatibility with the Le Sueur County Land Use Plan and a statement of conditions warranting changes in zoning.
 - g. A legal description of the property(ies) to be rezoned.
 - h. A certified land survey of the property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and structures of adjacent properties within five hundred (500) feet in incorporated areas, and one-half (1/2) mile in unincorporated areas).
 - i. Any additional information as may be requested by the Department and/or Planning Commission.

SUBDIVISION 4. PROCEDURE

- A. Upon receipt of the proper application and other requested material for amendment or rezoning, the Planning Commission shall hold a public hearing in a location to be prescribed.
 1. Such public hearings may be continued from time to time and additional hearings may be held.

- B. The Department shall also give notice of time, place, and purpose of such hearing by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the County, at least ten (10) days before the hearing.
- C. For district boundary changes written notice of public hearings shall be sent by letter to all landowners of record within five hundred (500) feet of the affected property in incorporated areas, and one-half (1/2) mile in unincorporated areas, the affected Town Board and any municipality within two (2) miles of the affected property.
- D. The current records on file with the County Treasurer shall be deemed sufficient for notification purposes. The failure of any landowner to receive notification or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the notification requirements has been made.
- E. All proposed changes in zoning use, district boundaries, or amendments to this Ordinance, when requested by the Planning Commission, shall be reviewed by the Le Sueur County Soil and Water Conservation District (SWCD), County Surveyor, County Highway Engineer, County Board of Health and Sanitarian to determine the adequacy to accommodate the change requested.
- F. Upon receipt of an application for a rezoning or amendment within the flood plain and shoreland districts, the Department shall forward a copy of such application to the Commissioner of Natural Resources sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of any hearing to consider such application. A copy of all decisions regarding a rezoning or amendment within the shoreland and Flood Plain districts shall be forwarded to the Commissioner within ten (10) days of such action.

SUBDIVISION 5. ACTION AND AUTHORIZATION

- A. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed rezoning or amendment.
- B. In making their determination, the Planning Commission and Board of County Commissioners shall consider the following criteria:
 - 1. The proposal reflects and is consistent with the goals and polices of the Le Sueur County Land Use Plan.

2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
 3. The proposal will not have an adverse effect on the value of adjacent properties.
 4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
 5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
 6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
 7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
 8. Soil conditions are adequate to accommodate the proposal.
 9. The proposal will not create a potential pollution hazard.
 10. The proposal will not degrade the water quality of the County.
 11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
 12. The proposal will not negatively affect the protection of the public health, safety, and general welfare.
- C. Following the closing of the public hearing, the Planning Commission shall request the Department to report its findings and recommendations on the proposed amendment or rezoning to the Board of County Commissioners at a regularly scheduled Board meeting.

- D. The Board of County Commissioners shall take action on the proposed amendment or rezone within sixty (60) days from the date of completed application following receipt of the recommendations by the Planning Commission. Said action for approval by the Board of County Commissioners shall not be less than a simple majority vote of its members. If no report or recommendation is transmitted by the Planning Commission within sixty (60) days after the hearing, the Board of County Commissioners may take action without such recommendation. The person making application for the amendment shall be notified in writing of the Board's action.
- E. A copy of all decisions for amendments and rezones within the Shoreland and Flood Plain Overlay districts shall be forwarded to the Commissioner within ten (10) days of such action.
- F. In the event the proposed change in the zoning use district boundaries is denied by the Board of County Commissioners, no request for the same district change on the same property will be considered for at least one (1) year from date of denial.
- G. If a rezoning involves the approval of a Final Plat, and the Final Plat is not filed within one (1) year from the date of the rezoning approval, the rezone reverts back to the original zoning classification.

SUBDIVISION 6. FEES

- A. All applications for a zoning district boundary change or amendment to this Ordinance shall be accompanied by a fee in the amount set by the Board of County Commissioners, payable when the application is filed.
- B. Additional fees may be charged to the applicant and/or landowner for actual costs incurred by the County for legal, engineering, and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and/or the Board of County Commissioners in its decision-making. Such fee shall be determined by the Board of County Commissioners.

SUBDIVISION 7. REGISTRATION

A certified copy of any Rezoning or Amendment shall be filed with the Le Sueur County Recorder and Auditor by the Department. The Rezoning shall include the legal description of the property involved, owner's name, and any conditions stipulated upon approval by the Board of County Commissioners.