

Chapter 3
TEXT AND MAP AMENDMENTS

SECTION:

XX-3-1: Amendments Authorized

XX-3-2: Review Criteria

XX-3-3: Procedure

XX-3-4: Initiation of Amendment

XX-3-5: Certification of Taxes and Fees Paid

XX-3-1: AMENDMENTS AUTHORIZED: The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed. (Ord. 900, 18 Apr 22)

XX-3-2: REVIEW CRITERIA: The planning commission and town board shall consider possible adverse effects of the proposed amendment Their judgment shall be based upon (but not limited to) the following factors.

- A. The proposed action's consistency with the specific policies and provisions of the town comprehensive plan.
- B. The proposed use's compatibility with present and future land uses of the area.
- C. The proposed use's potential to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.
- D. The proposed use's conformity with all performance standards contained within this ordinance and other town ordinances.
- E. Traffic generation of the proposed use in relation to capabilities of roads serving the property.
- F. The proposed use can be accommodated by existing public services and facilities and will not overburden the town's service capacity. (Ord. 900, 18 Apr 22)

XX-3-3: PROCEDURE:

- A. Requests for an amendment to this ordinance (text or map) shall be filed with the town on an official application form and processed in accordance with this chapter and Minnesota Statutes section 15.99.
 - 1. An application shall be accompanied by a fee as provided by the town fee schedule ordinance.

2. Such application shall also be accompanied by detailed written and graphic materials fully explaining the proposed change, development, or use including the information required by section XX-9-4 of this ordinance.
 3. The request shall be considered as being officially submitted when the zoning administrator determines that there is compliance with all the information requirements.
 4. The town board, the planning commission, and the town staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant, and said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance.
 5. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- B. The applicant shall supply proof of title of the property for which the rezoning is requested, consisting of an abstract of title or registered property abstract currently certified, together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and, as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested rezoning.
- C. Upon receipt of said application, the town clerk shall set a public hearing to be conducted by the planning commission following proper hearing notification as applicable.
1. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least 10 days prior to the hearing.
 2. Written notification of said hearing shall be mailed to surrounding area property owners within 350 feet of the property in question at least 10 days prior to the hearing.
 3. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
 4. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this chapter, provided a bona fide attempt has been made to comply with the notice requirements of this chapter.

- D. The zoning administrator shall instruct the appropriate staff persons to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the planning commission and town board.
- E. The applicant or a designated representative thereof shall appear before the planning commission and town board in order to answer questions concerning the proposed request. Failure by the applicant to attend meetings at which the application is to be considered by the planning commission or town board may be grounds for denial of the request.
- F. The planning commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this ordinance.
- G. The town board shall not act upon an amendment until they have received a report and recommendation from the planning commission or until 60 days after the first regular planning commission meeting at which the request was considered.
- H. Upon completion of the report and recommendation of the planning commission, the request shall be scheduled for consideration on the agenda of the town board. Such reports and recommendations shall be entered in and made part of the permanent written record of the town meeting.
- I. Upon receiving the report and recommendation of the planning commission and the town staff, the town board shall have the option to set and hold a public hearing if deemed necessary.
- J. If, upon receiving said reports and recommendations of the planning commission, the town board finds that specific inconsistencies exist in the review process and thus the final action of the town board will differ from that of the planning commission, the town board may, before taking final action, refer the matter back to the planning commission for further consideration.
- K. Approval of a proposed amendment shall require a majority vote of the town board. Approval of a proposed zoning map amendment which changes all or part of the existing classification of a zoning district from agriculture or residential to business, industrial, or planned unit development that allows for commercial or industrial uses shall require a four-fifths vote of the town board.
- L. The zoning administrator shall provide the applicant and property owner with written notice of the town board's findings of fact and decision regarding the application.

- M. The amendment shall not become effective until such time as the town board approves an ordinance reflecting said amendment and after said ordinance is published in the official newspaper. The town clerk, at the applicant's expense, shall record the ordinance with the appropriate Sherburne county office. No building permits for the property in question will be granted until recording of the action has been completed.
- N. All decisions made by the town regarding an amendment shall be final, except that any aggrieved person shall have the right to appeal within 30 days after delivery of the decision to the appellant, to the district court in Sherburne county. Any person seeking judicial review under this ordinance shall serve the town and all necessary parties, including any landowners, within the 30 day period defined above.
- O. Whenever an application for an amendment has been considered and denied by the town board, a similar application and proposal for an amendment affecting the same property or ordinance change shall not be considered again by the planning commission or town board for at least one year from the date of its denial except as follows:
 - 1. Applications are withdrawn prior to the town board taking action on the matter.
 - 2. If the town board determines that the circumstances surrounding a previous application have changed significantly.
 - 3. If the town board decides to reconsider such matter by a four- fifths vote of the entire town board. (Ord. 900, 18 Apr 22)

XX-3-4: INITIATION OF AMENDMENT: The town board or planning commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this ordinance. The procedural requirements of subsections 11-3-2.A and B of this chapter shall not apply to such proposed amendments, except to the extent required by State statute. Any person owning real estate or having documented interest therein within the town may initiate a request to amend the district and map boundaries or text of this ordinance so as to affect the said real estate. (Ord. 900, 18 Apr 22)

XX-3-5: CERTIFICATION OF TAXES AND FEES PAID: Prior to approving an application for an amendment, the applicant shall provide certification to the town that there are no delinquent property taxes, special assessments, interest, or town utility fees due upon the parcel of land to which the application relates. (Ord. 900, 18 Apr 22)