

Chapter 16

Functions of the Zoning Administrator, Planning Commission and BOA

16.01 Enforcement.

- (1) The provisions of this Ordinance shall be administered by the Planning and Zoning Department.
- (2) When any work has been stopped by the Zoning Administrator for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.
- (3) The Zoning Administrator may issue citations and/or call upon the County Attorney to perform such duties as necessary to enforce the provisions of this Ordinance.

16.02 Duties and Powers of the Office of the Zoning Administrator.

- (1) Determine if applications comply with the terms of this Ordinance.
- (2) Conduct inspections of structures and uses 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, maps, amendments, conditional uses, variances, appeals and applications.
- (4) Receive, file and, as appropriate after review, forward all applications for appeals, variances, conditional uses, and amendments to the designated official bodies.
- (5) Maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the Floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.
- (6) Provide and maintain public records relative to matters arising out of this Ordinance.

16.03 Permit Required. It shall be unlawful to proceed with the erection, enlargement, or structural alteration of any building without first procuring a building/land use permit in accordance with the adopted Building Code of the County and in accordance with this Ordinance.

- (1) No permit shall be issued unless such building or land use is designed and arranged to conform to the provisions of this Ordinance.
- (2) For permits issued within the Floodway, Flood Fringe, or Floodplain, the applicant shall be required to submit certification by a registered professional engineer, registered

architect, or registered land surveyor that the finished fill and building elevation were accomplished in compliance with the provisions of this Ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.

- (3) Permits shall be required for the placement of fill or excavation of materials within the Floodplain.
- (4) Application for a permit shall be signed by the applicant or authorized agent and filed with the Zoning Administrator's office.
- (5) All applications shall contain the following information: the location and dimensions of the lot or premises; the nature of the proposed construction alteration and repair; the present and proposed use of land or any structure on the premises. In addition to the above information, applications for permits within the Floodplain shall show elevation of the lot; existing and proposed structures, fill or storage of material; and the location of all information in relation to the stream channel.
- (6) To each application, there shall be annexed an inked or blue print copy of the plan to be followed, accurately scaled, which plan shall also contain the lot dimensions and the location thereon of the proposed construction, alteration or repair or land use.
- (7) Upon receipt of an application for a permit within the authority of the Administrator to issue, the Administrator shall examine the same to determine whether the proposed construction, alteration, repair, enlargement, demolition or removal and proposed use shall comply with the provisions of this Ordinance, all building and health ordinances or regulations of the County, and the State law, and upon so determining affirmatively shall issue a permit to the applicant in the manner and form as approved by the County Board.
- (8) Fees for such permits shall be pursuant to fee schedules and amendments, thereto, as established by the County Board.
- (9) If it shall be determined that for any reason, the permit requested may not be issued, the Administrator shall provide to the applicant written notification stating the reason for refusing to issue said permit.
- (10) A building permit is valid only to the fee owner of the property at the time of the granting of the permit. No building permit or its provisions is transferable.

16.04 Planning Commission.

- (1) The Wabasha County Board of Commissioners hereby establishes the Wabasha County Planning Commission. The Planning Commission shall consist of five (5) members appointed by the County Board. Each Commissioner shall be afforded the right to recommend an individual of their choice to be appointed to the Planning Commission. One County Commissioner shall serve as an ex officio member of the Planning Commission. Members of the Planning Commission may be different from those appointed to the Board of Adjustment. At least two (2) members of the Planning Commission shall be from the unincorporated area of the County.

- (2) The term of each member of the Planning Commission shall be two years. Each member may be eligible at the discretion of the County Board of Commissioners for reappointment for an additional term. In the event a member is unwilling or unable to fulfill a term, the Board shall appoint someone to fulfill the term.
- (3) No more than one (1) voting member of the Planning Commission shall serve as an officer or employee of the County.
- (4) The Planning Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has four (4) consecutive unexcused absences in any one year, the secretary shall certify this fact to the Planning Commission and the Planning Commission shall notify the County Board, who shall then appoint a replacement for the unexpired term, as if the member has resigned.
- (5) Should any vacancy occur among the members of the Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chairperson of the County Board by the Zoning Administrator. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with the provisions of this ordinance.
- (6) The members of the Planning Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Planning Commission.
- (7) The Planning Commission shall elect a chairperson, vice-chairperson, and secretary from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations. Secretarial duties may be assigned to County Staff. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the Board for adoption amendments to the Comprehensive Plan and/or Zoning Ordinance. The Planning Commission shall also review and make recommendations to the Board all applications for conditional use permits and plans for the subdivision of land.
- (8) The Board may by ordinance assign additional duties and responsibilities to the Planning Commission, including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. The Planning Commission may be required by the board to review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the County for that purpose by any local unit of government or any state or federal agency and shall report therein in writing to the Board.

16.05 Board of Adjustment.

- (1) A Board of Adjustment is hereby established and vested with such authority as is provided by Minnesota State Statutes.

- (2) The Board of Adjustment shall consist of five (5) members appointed by the County Board. Each Commissioner shall be afforded the right to recommend an individual of their choice to be appointed to the Board of Adjustment. Members of the Board of Adjustment may be different from those appointed to the Planning Commission.
- (3) The term of each member shall be two years, and shall begin as appointed by the Board of Commissioners and continue through the last year of his/her term or until a successor is appointed. Each member may be eligible at the discretion of the County Board of Commissioners for reappointment.
- (4) At least two (2) members of the Board of Adjustment shall be from the unincorporated area of the County and one member shall also be a member of the County Planning Commission. No elected official of the County or employee of the Board of County Commissioners shall serve as a member of the Board of Adjustment.
- (5) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Board member from voting thereon shall be decided by a majority vote of all regular Board members except the member who is being challenged.
- (6) In the event a vacancy occurs as a result of death, incapacity, resignation or removal of any member of the Board of Adjustment, a new member shall be appointed as above provided, but only for the unexpired term of the predecessor.
- (7) The Board of Adjustment may call for the removal of any member for malfeasance or nonfeasance in office. If a member has four (4) consecutive unexcused absences in any one year, the secretary shall certify this fact to the Board of Adjustment and the Board of Adjustment shall notify the County Board, and the unexcused absences shall constitute nonfeasance. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
- (8) The Board of Adjustment shall be paid a per diem as established by the County Board, and all members of the Board may be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board.
- (9) The Board of Adjustment shall elect a chairperson, vice-chairperson, and secretary from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations. Secretarial duties may be assigned to County Staff.
- (10) The meetings of the Board of Adjustment shall be held at the call of its chairman and at such other times as the Board in its rules of procedures may specify, all in a manner consistent with the Minnesota Open Meeting Law.

- (11) The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statute, Sections 394.21 to 394.37, and perform such other duties as required by the official controls. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

- (12) An appeal from any order, requirement, decision or determination of any administrative official shall be taken within thirty (30) days after receipt of notice of the decision by filing with the Zoning Administrator a written notice of appeal, specifying the grounds thereof. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing. The notice of appeal shall state the particular order, requirement, decision or determination from which the appeal is taken; the name and address of the appellant; the grounds for the appeal; the relief requested by the appellant; all necessary state and federal permits; and the variance request and a statement outlining the unique or particular situation or peculiar hardship involved in creating the need for a variance. Failure to follow this appeal process shall result in the appealed order, requirement, decision, or determination becoming final and binding on the parties. An appeal filed after the appeal period shall be considered an improper request.