

COUNTY OF PINE

BY-LAWS

PINE COUNTY ZONING BOARD

GENERAL GOVERNING RULE

The Zoning Board shall be governed by the provisions of Minnesota Statutes Chapter 394 or successor statutes; and local laws and ordinances, as may be amended from time to time. Every Board member will thoroughly familiarize themselves with these provisions including the Subdivision and Platting Ordinance, Shoreland Management Ordinance, Kettle River Wild and Scenic River Ordinance, Flood Plain Management Ordinance, Subsurface Sewage Treatment Systems Ordinances, Comprehensive Plan, and other such "Official Controls" adopted by the County. In case of uncertainty or difficulty, the County Attorney should be consulted for clarification and amplification.

MEMBERSHIP

The Zoning Board is recognized and vested in Section 11.0 of the Amended Pine County Subdivision and Platting Ordinance. As outlined by this Ordinance:

1. The Zoning Board shall be composed of seven (7) voting members appointed by the Chair of the County Board in the manner described herein. One County Commissioner shall also be appointed by the Chair of the County Board as a non-voting liaison member of the Zoning Board. Members may be suspended or removed for non-performance of duty or misconduct in office. Any vacancies shall likewise be filled. At least two (2) members must reside in the unincorporated area of the County.
2. Each County Commissioner shall nominate one or more persons to serve as a member. These nominees do not have to reside in that Commissioner's district. The Chairman shall appoint one member from each Commissioner's list of nominees and two additional at-large members.
3. The terms of appointment for those members representing Districts 2, 4, and one at-large member will expire December 31, 2019 and each four (4) years thereafter. The terms of appointment for those members representing Districts 1, 3, 5, and one at-large member will expire on December 31, 2021 and each four (4) years thereafter.

OFFICERS AND ORGANIZATION

CHAIR. The Zoning Board shall annually elect a Chair from its members. The Chair shall be elected by majority vote, secret ballot or otherwise, of the Board at the first meeting after January 1 and shall hold office until his/her successor is elected and assumes office. If no one receives a majority, voting shall continue until one member receives majority support. The Chair shall serve for a period of one year and may be elected to succeed him/her self.

The Chair shall supervise the affairs of the Board, preside at all meetings, appoint subcommittees as may be necessary, schedule special meetings, and decide on all points of order and procedure subject to the provisions of adopted rules and procedures, unless directed otherwise by a majority of the Board in session at that time. The Chair or his appointee shall serve as hearing officer, shall conduct meetings so as to keep them moving as rapidly and efficiently as possible and shall remind members, witnesses and petitioners to stick to the subject at hand.

VICE-CHAIR. The Zoning Board shall annually elect a Vice-Chair from its members. The Vice-Chair shall be elected in the same manner and for the same term as the Chair. The Vice-Chair shall serve for a period of one year and may be elected to succeed him/her self. The Vice-Chair shall perform those duties delegated by the Chair and act as Chair in the event of the Chair's illness, disability, or absence.

SECRETARY. The Zoning Board shall annually elect a Secretary from its members. The Secretary shall be elected in the same manner and for the same term as the Chair. He/She shall serve for a period of one year and may be elected to succeed him/her self. The Secretary shall serve as parliamentarian, attest to all adopted minutes and policies of the Board, and act as temporary Chair in the absence of Chair and Vice-Chair. All other administrative duties and responsibilities of the Secretary are delegated to the Zoning Administrator or their designee including, the keeping of a minute book showing the record of all important facts pertaining to each meeting, which include but not be limited to the following: names and addresses of all persons appearing before the Board, a record of all hearings, all exhibits presented to the Board, a copy of each resolution acted upon by the Board, the vote of each member, members absent or failing to vote. The Secretary shall cause any other details to be included within the minute book as may be ordered by the Board or its Chair. Such minute book shall be filed in the Zoning Office and shall be a public record.

ZONING ADMINISTRATOR. The Zoning Administrator or their designee, subject to direction of a majority of the Board and/or the Chair, shall conduct all correspondence of the Board and shall generally supervise the clerical work of the Board. The Zoning Administrator shall schedule and facilitate the first meeting of the year until such time that a Chair is elected.

DUTIES

As provided for in Minnesota Statutes, Sections 394.27 and 394.30; or successor statute, the Pine County Zoning Board shall have, at a minimum, the following duties and responsibilities:

1. Cooperate with the Zoning Administrator and other employees of the County in preparing, reviewing and recommending for adoption by the County Board of Commissioners, a Comprehensive Plan or amendments thereto;
2. Recommend to the County Board of Commissioners Comprehensive Plan execution in the form of official controls, amendments thereto and changes to the text of official controls;
3. Conduct public hearings on adoption or amendment to official controls, conditional use permits, variance requests, and subdivision applications;
4. Review all applications for conditional use permits, plans for subdivision, and requests for amendment to official controls and submit findings and recommendation of approval or denial to the County Board of Commissioners;
5. Grant variances from the requirements of Pine County ordinances in accordance with applicable ordinance variance provisions as well as the provisions from Minnesota Statutes Chapter 394 or successor statutes.
6. Hear and decide appeals from orders, requirements, decisions, or determinations of Zoning office staff in accordance with the provisions from Minnesota Statutes Chapter 394 or successor statutes.

7. Have the authority to perform other duties and responsibilities as required by official controls or assigned by the County Board of Commissioners from time to time.

MEETINGS

The Zoning Board shall meet on a regular basis as determined by the Zoning Board.

REGULAR MEETINGS shall be scheduled annually on a designated weekday of each month as determined by majority vote of the Board at the first meeting after January 1. Meetings shall not be held on legal holidays, election days, or known caucus or civic event dates. Upon establishment, the annual meeting schedule shall be distributed and made public to applicants and petitioners by the Zoning Administrator.

SPECIAL MEETINGS may be called by the Chair or any three members of the Board through notification by the Zoning Administrator. At least 72 hours notice of the meeting time and place set for such special meetings shall be given to each member.

TIME & PLACE Meetings shall be held at the Pine County Courthouse, 635 Northridge Dr NW, Pine city or suitable location in Sandstone unless otherwise designated by the Chair. Meetings shall convene no later than 7:00 P.M. and continue until all applications on the agenda have been heard or until 10:30 PM. No new applications shall be considered after 10:30 PM. The Zoning Board may, at its discretion, continue an application on the floor at 10:30 PM. Any remaining applications shall be continued to the next regular meeting or Special Meeting as may be called by the Chair.

CALLING AND CANCELLATION OF MEETINGS. The annual schedule of regular meeting dates and times shall be reserved by the Board membership. Whenever there is proper business to come before a regular meeting of the Board, the Zoning Administrator shall outline the Agenda and deliver meeting materials the preceding week, not less than 72 hours prior to the regular meeting time. Whenever there is no proper business which may come before a regular meeting of the Board, the scheduled meeting shall be considered cancelled and no agenda or packet materials delivered. Regardless of business agenda items, the Board shall hold a regular meeting a minimum of once every 6 months (bi-annual).

CONDUCT OF THE MEETINGS. All meetings shall be open to the public. A quorum shall consist of four voting members of the Board; however, a hearing may be held with only one member of the Board present. The Chair or a majority of Board members present may change this order of business for that meeting.

Where these by-laws do not otherwise dictate, parliamentary procedure governed by Roberts Rules of Order shall be followed at meetings where hearings are held. At special meetings and when obviously useful the Board will hold group discussion not following any set parliamentary procedure except when motions are before the Board.

APPLICATIONS

Any application to the Board shall be filed through the Zoning Administrator. The Zoning Administrator shall establish application submittal deadlines sufficient to meet Hearing publication and review requirements that coincide with the Board's annually adopted meeting schedule.

All applications shall be submitted on a form provided by the Planning and Zoning Department, if one is available, and accompanied by all items required in the applicable zoning ordinances, statutes, and official controls.

Any application not showing the location of structures and uses that cannot be accurately located or be deficient for other reasons shall be rejected by the Planning and Zoning Department. Acceptance by the Department does not preclude the Board from requesting additional information.

HEARINGS

PURPOSE AND NOTICE OF HEARING. The Board shall conduct public hearings on adoption or amendment to official controls, conditional use permits, and applicable subdivision applications. The purpose of a hearing is to collect information and facts in order for the Board to develop a rational planning recommendation to the Board of Commissioners. The Zoning Administrator shall schedule and give notice of the hearing according to Minnesota Statutes Chapter 394.26 or successor statutes and ordinances.

CONDUCT OF HEARING. Any person may appear in person or by agent at a public hearing. The standard of conduct, rules, and order of business for a public hearing shall be in accordance with the Rules of Conduct for Zoning Board Public Hearings policy of the Board.

DECISIONS

TIME OF DECISION. Zoning Board decisions and recommendations to the Board of Commissioners shall be made within as short a time as practical. Actions of the Board shall be completed in such a manner as to allow the Board of Commissioners to act within 60 days of receipt of a complete application in accordance with Minnesota Statutes 15.99. The initial 60 day period may be extended by providing written notice of the extension to the applicant before the end of the initial 60-day period. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

VOTE. All regular members including the Chair may vote on all items unless there is a conflict of interest, except the County Commissioner liaison as this is a non-voting regular member. The concurring vote of a majority of the members of the Board present and voting shall be necessary to pass or recommend Board of Commissioner approval/denial on any issue before the Commission. A quorum shall consist of four voting members of the Board; a quorum must be present to vote.

FORM OF DECISIONS. Recommendations and decisions of the Board shall be made in the form of motions and/or resolutions in a manner conducive to good communication and meeting the requirements of statutes and ordinances. After a motion has been made, seconded, and repeated by the Chair, the Board shall discuss the item at hand and render a decision or recommendation on a decision to the County Board of Commissioners. Said motions and/or resolutions shall be recorded in the minutes of the meeting.

FILING OF DECISIONS. Decisions of the Board shall be public record. The Zoning Administrator shall file all matters required in accordance with Minnesota Statutes 394.301 Subd. 4, 394.27 Subd. 8 and amendments to official controls in accordance with Minnesota Statute 394.35, or successor statutes.

CONFLICT OF INTEREST. No Board member shall sit in hearing nor vote in passing upon any case in which he or she is personally or financially interested, or has any direct contractual, fiscal, or other beneficial interest in the outcome of the matter. Any member of the Zoning Board who feels that he or she may have, or in fact has, a conflict of interest on any matter that is on the Board agenda shall voluntarily excuse himself or herself, and refrain from discussing said matter as a board member. Additionally, any member can raise the questions of whether a particular issue involves a conflict of interest sufficient to disqualify another member from voting. The Board shall decide by majority vote of the attending members, excepting the member in question, if the conflict raised is sufficient to disqualify.

REPEALER AND AMENDMENTS

These By-Laws may be amended by a majority vote of all members of the Board, provided that there be a period of at least twenty-five (25) days from initial presentation to final action.

The Planning Commission By-Laws adopted February 1, 2011 and the Board of Adjustment By-Laws adopted November 2, 2016 are hereby repealed and replaced by majority vote of all members of the Pine County Zoning Board present this 18th day of January, 2018.

ATTEST:



Nancy Rys
Zoning Board Secretary



Skip Thomson
Zoning Board Chair

This instrument was drafted by:
Pine County Zoning Department & Zoning Board
Pine County, Minnesota

