

ORDINANCE #27-F

**AN ORDINANCE AMENDING ORDINANCE #27
CARLTON COUNTY ZONING ORDINANCE**

The Board of Commissioners of Carlton County ordains as follows:

Section I Article 3, Section 6 is amended in its entirety to read as follows:

Section 6. Variances and Appeals

Subd. A. Variances.

1. The Board of Adjustment shall have the authority to allow variances from some of the requirements in this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance in cases when there are practical difficulties in the way of carrying out the strict letter of any official control, when the terms of the variance are consistent with the Carlton County Community-Based Comprehensive Plan, and when the approval of a variance does not allow a use that is otherwise not allowed in the particular zoning district. Practical difficulties, as used in connection with the granting of a variance, means the property owner proposes to use the property in a reasonable manner not permitted by the official controls of this Ordinance. The Board of Adjustment may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.

2. The Board of Adjustment must make all of the following findings in order to grant a variance:

A. The property owner is proposing to use the property in a reasonable manner not permitted by this Ordinance.

B. The practical difficulty is unique to the subject property and is not created by the property owner or prior property owners.

- C. The variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute a practical difficulty if a reasonable use for the property exists under the terms of this Ordinance.
- E. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
- F. The terms of the variance are consistent with the Carlton County Community-Based Comprehensive Plan.
- G. If applicable, variances shall be granted for earth-sheltered construction as defined in Minnesota Statutes 216C.06, Subdivision 14, when in harmony with this Ordinance.
- H. If applicable, the Board of Adjustment may consider the inability to use solar energy systems a practical difficulty in the granting of variances.

If the variance is after-the-fact, the Board of Adjustment should consider the additional following factors:

- I. Why did the applicant fail to obtain a variance, and did the applicant act in good faith;
- J. Did the applicant attempt to comply with the law by obtaining permits;
- K. Did the applicant obtain a permit from another entity that violated the law;
- L. Did the applicant make a substantial improvement in the property;
- M. Did the applicant complete repairs, construction before the applicant was informed of the impropriety;
- N. Is the nature of the property residential/recreational and not commercial;
- O. Are there similar structures in place;
- P. Would the benefits to the public be outweighed by the detriments to the applicant if regulations were enforced?

Section II Article 3, Section 8, Subd. B, 3 of Carlton County Zoning Ordinance, Ordinance #27 is amended to read as follows:

- 3. Any other lot of record that is in separate ownership from abutting property that does not meet the lot area, width or depth requirements of this Ordinance must meet the minimum of 50% of the area, dimensional and setback requirements of the zoning district in which it is

located and have demonstrated to the satisfaction of the Zoning that all sanitary sewer requirements of Carlton County Ordinance No. 30: Subsurface Sewage Treatment Systems Ordinance may be met.

Section III Article 4, Section 5, Subd. H, 6, B, 1) of Carlton County Zoning Ordinance, Ordinance #27 is amended to read as follows:

1.) Natural Environment Lakes

Name	Public Waters Inventory I.D. #	Name	Public Waters Inventory I.D. #
		Unnamed	9-74

Section IV Article 4, Section 5, Subd. H, 6, C, 4) of Carlton County Zoning Ordinance, Ordinance #27 is amended to read as follows:

4.) St. Louis River

Designation	Public Waters Inventory I.D. #	Legal Description Sec-Twp-Rg
Remote	9-193	South of I-35 in the S1/2 of Sec 30 and Sec 31, T49N, R16W
Recreational	9-193	North of I-35 in Sec 18, Sec 19, and the N1/2 of Sec 30, T49N, R16W
Recreational	9-193	N1/2 of T 48N, R. 16-15W

Section V Article 5, Section 15, Subd. D, 5 of Carlton County Zoning Ordinance, Ordinance #27 is amended to read as follows:

5. Appeals. Decisions made under this Subdivision may be appealed to the Board of Water and Soil Resources under Minn. Rule part 8420.0905.

Section VI This Ordinance shall be in full force and effect after its passage and publication according to law.

Approved and adopted by the Board of Commissioners of Carlton County this 13th day of September, 2011.

/s/ Thomas R. Proulx

Thomas R. Proulx, Board Chair

ATTEST:

/s/ Paul G. Gassert

Paul Gassert, County Auditor

Legal notice published in the Arrowhead Leader on the 25th day of August, 2011.

Public Hearing held at the Carlton County Transportation Department on the 7th day of September, 2011, at 7:00 p.m.

Ordinance Published in the Arrowhead Leader on the 13th day of October, 2011.