

SECTION 12 - ADMINISTRATION AND ENFORCEMENT

- Subdivision 1: Zoning Administrator**
Subdivision 2: Board of Adjustment
Subdivision 3: Amendments and Rezonings
Subdivision 4: Violations, Penalties and Enforcement

Subdivision 1: Zoning Administrator

1. The office of the Zoning Administrator is hereby established for which the Board of County Commissioners may appoint such employee or employees of the County as it may deem proper.
2. The duties of the Zoning Administrator shall include the following:
 - A. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for Registered Land Surveyors, Simple Plats and Standard Plats;
 - B. Receive and forward all applications and petitions for matters to come before the Board of Adjustment;
 - C. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for amendments to this Ordinance;
 - D. Inspect all development to insure that the standards of this Ordinance are being complied with;
 - E. Receive and act on Administrative Subdivision requests;
 - F. Provide and maintain a public information bureau relative to matters arising out of this Ordinance; and
 - G. Maintain the County Zoning Map.

3. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.
4. It shall be the duty of the County Attorney and the Sheriff of Sherburne County when called upon by the Zoning Administrator, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

Subdivision 2: Board of Adjustment

1. **Creation and Membership:** Board is hereby established and vested with such authority as is hereinafter provided and provided by Minnesota Statutes, Chapter 394. Such Board shall consist of at least five (5) members of which at least two (2) are members of the County Planning Commission, excluding any elected officer of the County or employees of the Board of County Commissioners. The Board shall be appointed for three (3) year terms. The Board shall appoint a secretary and an alternate from the Planning and Zoning Department.
2. **Chair and Rules:** The Board of Adjustment shall elect a chair and vice chair from among its members. It shall adopt rules at the beginning of each year for the transaction of its business and shall keep a public record of its transactions, findings and determinations.
3. **Meetings:** The meetings of the Board of Adjustment shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. The applicant or their agent must be present at the public hearing at which their application is considered, or action on the application will be tabled unless waived by the Board of Adjustment. If the applicant is not present at the meeting and has not waived their rights under Minnesota Statutes § 15.99 in writing, the Board must take action.
4. **Notification:** Written notice of time, place and purpose of the public hearings shall be published in the official newspaper, designated by the County Board of Commissioners. Notices will be sent to the landowner, applicant, and owners of record within the distances specified in Minnesota Statute 394.
5. **Variances:** The Board of Adjustment shall have power to grant a variance adjustment in and exception to dimensional regulations of this Ordinance to the extent of the following and no further;
 - A. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this Ordinance.

"Hardship" means that the property in question cannot be put to a reasonable use if used under the conditions allowed by this ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner, and a variance will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this ordinance.

Variances shall not be granted if:

1. The terms of the variance are inconsistent with the *Sherburne County Comprehensive Plan*.
2. The request would not be in harmony and character to the surrounding neighborhood.
3. The use is prohibited in the zoning district in which the subject property is located.
4. The use would restrict the passage of stormwater in such a manner as to increase the height of flooding and / or negatively impact adjacent properties.

The Board may have full discretion to require additional information as needed to make a decision on a variance, and may impose conditions in the granting of variance to insure compliance and to protect adjacent properties and the public interest.

- B. To interpret zoning district boundaries on official zoning maps.
 - C. To permit the extension of a zoning district where the boundary line thereof divides a lot in on ownership at the time of the passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.
6. Appeals:
- A. An appeal from any order, requirement, decision, or determination of any administrative official charged with enforcing this ordinance shall be perfected within ten days (10) of the administrative official's decision by filing with the Board of Adjustment shall then fix a reasonable time for the hearing of the appeal and give notice thereof to the appellate and the officer from whom the appeal is taken and to the public by publishing a notice of the hearing once in the official newspaper of the County at least ten (10) days before the date set for the hearing. The Board of Adjustment shall thereupon make a decision upon the notice of appeal in writing within fifteen (15) days of the public hearing.

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. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the State shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to District Court in the county in which the land is located on questions of law and fact.

Subdivision 3: Amendments and Rezonings

1. Application: This Ordinance or the Official Zoning Map may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section.

Proceedings for amendment of this Ordinance shall be initiated by:

- A. A petition of a landowner in Sherburne County;
 - B. A recommendation of the County Planning Commission, or
 - C. By action of the Board of County Commissioners.
2. Filing: An application for an amendment shall be filed with the Zoning Administrator.
 3. Public Hearing: Upon receipt in proper form of the application and other requested material, the Sherburne County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the County.
 4. Authorization: following the public hearing, the County Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the Zoning Administration within sixty (60) days after the hearing. If no report or recommendation is transmitted by the County Planning Commission within sixty

(60) days after the hearing, the Board of County Commissioners may take action without awaiting such recommendation.

Upon filing of such report or recommendation, the Board of County Commissioners may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Board of County Commissioners may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of the members of the Board concur in its passage.

5. Fees: To defray the administrative cost of processing of requests for an amendment to this Ordinance, a fee not exceeding administrative costs shall be paid by the petitioner. Such a fee shall be determined by the Board of County Commissioners.

Subdivision 4: Violations, Penalties and Enforcement

1. Violations and Penalties: Any person, partnership or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to law.
2. Enforcement: This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
3. Actions: In the event of a violation or a threatened violation of this Ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
4. Mandamus Proceedings: Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.