

# SECTION 12 - ADMINISTRATION AND ENFORCEMENT

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## **Subdivision 1: Zoning Administrator**

- A. The Zoning Administrator shall have the following powers and duties and may delegate them to Department staff as necessary:
1. To receive and review applications for all types of subdivisions for compliance with the provisions of this Ordinance.
  2. To receive and review applications for action by the County Board of Commissioners, Planning Advisory Commission, and/or Board of Adjustment and to provide additional information, recommendations, data and testimony as may be necessary for action to be taken.
  3. To conduct compliance and other inspections. If violations of this Ordinance are discovered, the Zoning Administrator shall notify the violator(s) and take such other steps as are necessary to ensure compliance with this Ordinance.
  4. To maintain records of all actions taken pursuant to the provisions of this Ordinance
  5. To assist the public in complying with and understanding their responsibilities and rights under this Ordinance.
  6. To approve Administrative Subdivision in accordance with Section 7 of this Ordinance

**Subdivision 2: Planning Advisory Commission**

A. The Sherburne County Planning Advisory Commission “Planning Advisory Commission”, as presently established in Sherburne County Zoning Ordinance, shall have the following duties:

1. Conduct public hearings for all Simple, Standard Planned Unit Development subdivisions, registered land surveys, and amendments to this Ordinance.
2. Submit recommendations to the Board with respect to the approval or denial of Simple, Standard Planned Unit Developments subdivisions, registered land surveys.

**Subdivision 3: Board of Adjustment**

A. A plat or subdivision shall not be approved where a variance will subsequently be required to use the lot(s) for their intended use.

B. The Sherburne County Board of Adjustment, as presently established in Sherburne County Zoning Ordinance shall have the following powers:

1. To order the issuance or denial of variances from the provisions of this Ordinance in accordance with Minnesota State Statute, chapter 394.
2. To hear an appeal from any order, requirement, decision, or determination of any administrative official charged with enforcing this Ordinance pursuant to Minnesota State Statute, 394.

C. An Appeal from any decision of the Zoning Administrator may be requested by any aggrieved party in accordance with the Sherburne County Zoning Ordinance and heard by the Board of Adjustment.

**Subdivision 4: Amendments**

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

B. Proceedings for amendment of this Ordinance shall be initiated by:

1. A petition of a landowner in Sherburne County;
2. A recommendation of the County Planning Advisory Commission, or
3. By action of the Board of County Commissioners.

- C. Filing: An application for an amendment shall be filed with the Zoning Administrator. An application to amend this Ordinance shall include:
1. Reason for the requested change;
  2. Statement regarding compatibility with the Sherburne County Comprehensive Plan;
  3. Text portion of the existing language to be amended; and
  4. Proposed amended text.
- D. Before the enactment of any ordinance amending this Ordinance, a public hearing shall be held in the manner provided in Minnesota Statutes, section 394.26 and 375.51; or successor statutes.
- E. Authorization: following the public hearing, the County Planning Advisory 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 Advisory 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.

#### **Subdivision 5: Violations, Penalties and Enforcement**

- A. 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.
- B. Enforcement: This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
- C. 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.

- D. 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.
- E. Compliance: No subdivision of land may be approved for any property on which there is a violation of any Sherburne County Ordinance, unless the Zoning Administrator determines that the subdivision is necessary to resolve the violation.

**Subdivision 6: Fees**

- A. To defray the administrative cost of processing of requests of 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.