

CHAPTER 3

ADMINISTRATION - AMENDMENTS

SECTION:

- 3.01: Procedure
- 3.02: Initiation
- 3.03: Certificate of Taxes Paid

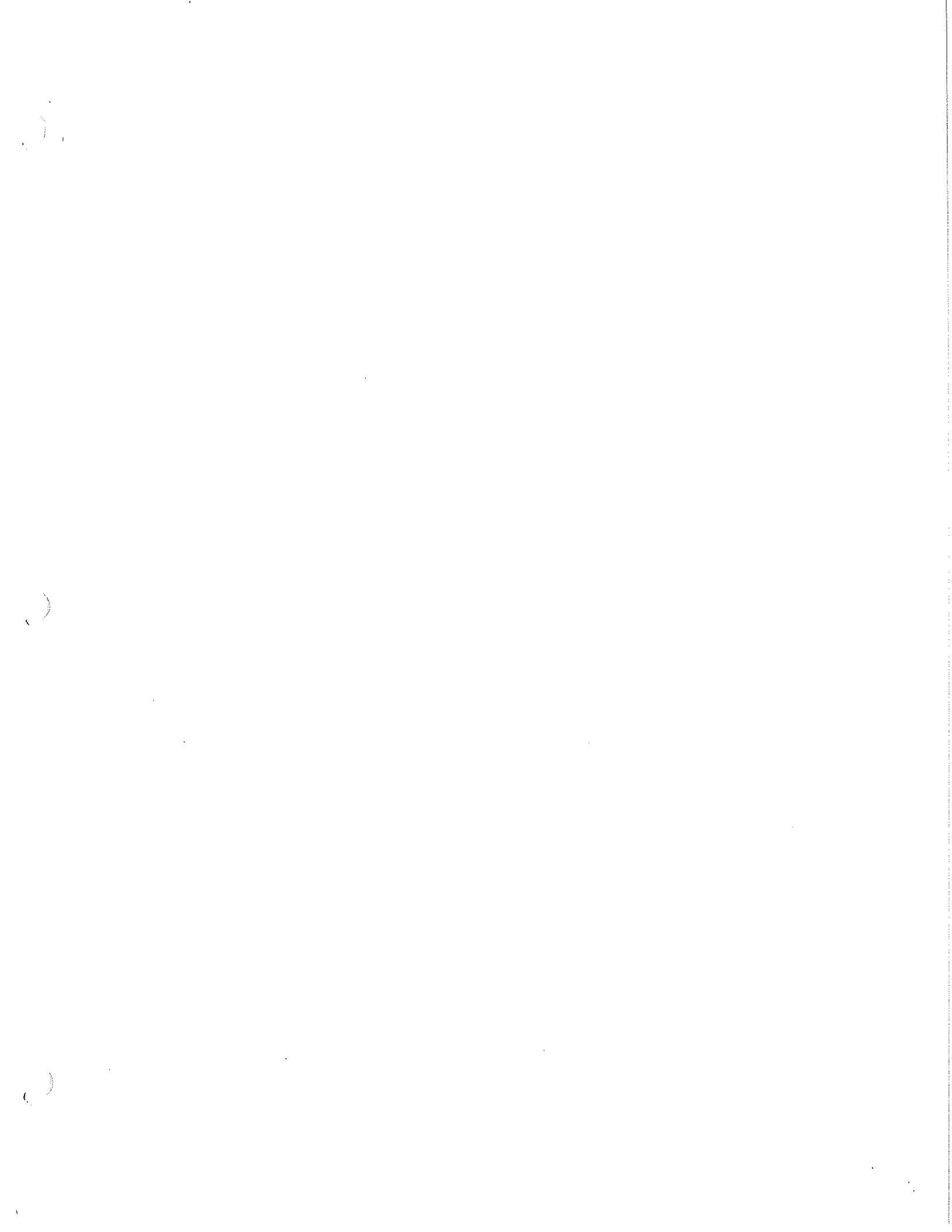
3.01: PROCEDURE:

- A. Request for rezoning shall be filed with the City Clerk on an official application form. Such application shall be accompanied by a fee as provided by City Council resolution. Such application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The request for amendment shall be placed on the agenda of the first possible City Council meeting occurring after ten (10) days from the date of submission. The request shall be considered as being officially submitted when all the information requirements are complied with.
- B. Upon receipt of said application, the City Clerk shall set a public hearing following proper hearing notification. The City Council shall conduct the hearing. Notice of said hearing shall consist of a legal property description, description of request and property location, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question if notification is required by State Statute.
- C. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
- D. The City Clerk shall instruct appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of action to the City Council.
- E. The City Council shall consider possible adverse effects of the proposed amendment. Its judgement shall be based upon, but not limited to, the following factors:
 - 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.

2. The proposed use is or will be compatible with present and future land uses of the area.
 3. The proposed use conforms with all performance standards contained herein.
 4. The proposed use will not tend to or actually depreciate the area in which it is proposed.
 5. The proposed use can be accommodated with existing public services and will not overburden the City's service warranty.
 6. Traffic generation by the proposed use is within capabilities of streets serving the property.
- F. The City Council and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- G. The applicant or a representative thereof shall appear before the City Council in order to answer questions concerning the proposed request.
- H. The City Council shall not act upon an amendment until they have received a report and recommendation from City staff or until sixty (60) days after the first regular City Council meeting at which the request was considered.
- I. Approval of a proposed amendment shall require passage by a four-fifths (4/5) vote of the entire City Council.
- J. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment and after said ordinance is published in the official newspaper.
- K. Whenever an application for an amendment has been considered and denied by the City Council, a similar application for the amendment affecting substantially the same property shall not be considered again by the City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths (4/5) vote of the full City Council.

3.02: INITIATION: The City Council may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. The procedural requirements of Section 3.01 of this Ordinance shall not apply to such proposed amendments except to the extent required by State Statute. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate.

3.03: CERTIFICATION OF TAXES PAID: Prior to approving an application for rezoning, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates.



CHAPTER 4

ADMINISTRATION - CONDITIONAL USE PERMITS

SECTION:

- 4.01: Purpose
- 4.02: Procedure
- 4.03: Information Requirement
- 4.04: Lapse of Permit
- 4.05: Performance Bond
- 4.06: Certificate of Taxes Paid

4.01: PURPOSE: The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

4.02: PROCEDURE:

- A. Request for conditional use permits, as provided within this Ordinance, shall be filed with the City Clerk on an official application form. Such application shall be accompanied by a fee as provided for by City Council resolution. Such application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The request for conditional use permit shall be placed on the agenda of the first possible City Council meeting occurring after ten (10) days from the date of submission. The request shall be considered as being officially submitted when all the information requirements are complied with.
- B. Upon receipt of said application, the City Clerk shall set a public hearing following proper hearing notification. The City Council shall conduct the hearing. Notice of said hearing shall consist of a legal property description, description of request and property location, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question.

- C. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
- D. The City Clerk shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.
- E. The City Council shall consider possible adverse effects of the proposed conditional use. Its judgement shall be based upon, but not limited to, the following factors:
 - 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
 - 2. The proposed use is or will be compatible with present and future land uses of the area.
 - 3. The proposed use conforms with all performance standards contained herein.
 - 4. The proposed use will not tend to or actually depreciate the area in which it is proposed.
 - 5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
 - 6. Traffic generation by the proposed use is within capabilities of streets serving the property.
- F. The City Council and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- G. The applicant or a representative thereof shall appear before the City Council in order to answer questions concerning the proposed request.
- H. The City Council shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of the Ordinance. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff.

- I. Approval of a request shall require passage by a four-fifths (4/5) vote of the entire City Council.
- J. Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for the conditional use permit affecting substantially the same property shall not be considered again by the City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by not less than three-fifths (3/5) vote of the full City Council.

4.03: INFORMATION REQUIREMENT: The information required for all conditional use permit applications generally consists of items outlined in Chapter 7 of this Ordinance and shall be submitted unless exempted by the City.

4.04: LAPSE OF PERMIT: If within one year after granting a conditional use permit, as permitted by the conditional use permit, shall not have been completed or utilized, then such a conditional use permit shall become null and void unless a petition for extension of time in which to complete or to utilize the use has been granted by the City Council. Such extension shall be required in writing and filed with the City Clerk at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete or use the use permitted in the conditional use permit. Such petition shall be presented to the City Council for decision.

4.05: PERFORMANCE BOND:

- A. Upon approval of a conditional use permit, the City shall be provided, where deemed necessary by the City Council, with a surety bond, cash escrow, certificate of deposit, securities or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.
- B. The security shall be in the amount equal to one hundred twenty-five (125) percent of the City Engineer's or Building Official's estimated costs of labor and materials for the proposed improvements or development.

- C. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and ordinances of the City has been issued by the City Building Official.
- D. Failure to comply with the conditions of the conditional use permit and the ordinances of the City shall result in forfeiture of the security.

4.06: CERTIFICATION OF TAXES PAID: Prior to approving an application for a conditional use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the conditional use permit application relates.

CHAPTER 5

INTERIM USES

SECTION:

- 5.01 Purpose and Intent
- 5.02 Procedure
- 5.03 General Standards
- 5.04 Termination
- 5.05 Certification of Taxes Paid

5.01. PURPOSE AND INTENT: The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
- B. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- C. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

5.02. PROCEDURE: Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established by Chapter 4 of this Ordinance..

5.03. GENERAL STANDARDS: An interim use shall comply with the following:

- A. Meet the standards of a conditional use permit set forth in Section 4.02, Subd. 5 of this Ordinance.
- B. The use is allowed as an interim use in the respective zoning district.
- C. The date or event that will terminate the use can be identified with certainty.

- D. The use will not impose additional unreasonable costs on the public.
- E. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

5.04. TERMINATION: An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- A. The date stated in the permit.
- B. Upon violation of conditions under which the permit was issued.
- C. Upon change in the City's zoning regulations which renders the use non-conforming.
- D. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

5.05. CERTIFICATION OF TAXES PAID: Prior to approving an application for an interim use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the interim use permit application relates.

TEXT AMENDMENT ZONING ORDINANCE
CHAPTER 6

The purpose of the text amendments are to clarify certain provisions, extend authority to grant minor variances, and modify language of some sections.

Amend section 6.02 as follows:

- A. The City Council, City Zoning Administrator, and/or City Building Inspector shall serve as the Board of Adjustment and Appeals. (Reference page 6-1)

- 5. It shall be within the authority and discretion of the City Zoning Administrator and/or the City Building Inspector to grant administrative variances for any setbacks in the zoning ordinance providing such variances do not exceed 12 inches and that there is proven to be adequate reason to grant such a variance. This administrative variance shall not require a public hearing nor will it require notice to property owners. The fee for granting this variance shall be the same as for other administrative actions and may be modified from time to time by the City Council. (Reference page 6-3)

Amend section 6.03 as follows:

- A.Such application shall also be accompanied by copies of detailed written and graphic materials necessary for the explanation of the request.
- B. Upon receipt of said application, the City Clerk shall set a public hearing, if required, following specified notification procedures as needed.....(Reference page6-3)

- F. The applicant or a representative thereof may appear before the City Council to answer questions concerning the proposed variance. (Reference page 6-4)

TEXT AMENDMENT TO ZONING ORDINANCE CHAPTER 6

AN AMENDMENT RELATING TO GRANTING TO BUILDING INSPECTOR OR ZONING ADMINISTRATOR CERTAIN AUTHORITY RELATING TO GRANTING OF SETBACK VARIANCE REQUESTS.

This Ordinance Amendment shall take effect and be in force from and after its publication.

(Mayor) Marilyn Dziakowski
(Clerk)

Approved by the City Council of the City of Clear Lake on this 5th day of August, 2002.

**CITY OF CLEAR LAKE, MINNESOTA
TO
TEXT AMENDMENT ZONING ORDINANCE
CHAPTER 6**

Section 1. The City of Clear Lake ordains as follows:

Section 2. Purpose:

The purpose of the text amendments are to clarify certain provisions, extend authority to grant minor variances, and modify language of some sections.

Section 3. Section 6.02 (A) shall be amended to read as follows:

- A. The City Council, City Zoning Administrator, and/or City Building Inspector shall serve as the Board of Adjustment and Appeals. (Reference page 6-1)

Section 4. Section 6.02(B)(5) shall be enacted to read as follows:

- 5. It shall be within the authority and discretion of the City Zoning Administrator and/or the City Building Inspector to grant administrative variances for any setbacks in the Ordinance providing such variances do not exceed twelve (12) inches and that there is proven to be adequate reason to grant such a variance. This administrative variance shall not require a public hearing nor will it require notice to property owners. The fee for granting this variance shall be the same as for other administrative actions and may be modified from time to time by the City Council. (Reference page 6-3)

Section 5. Section 6.03(A)(B) and (F) shall be amended to read as follows:

- A. Request for a variance or appeal shall be filed with the City Clerk on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. This fee shall not be refunded. Such application shall also be accompanied by copies of detailed written and graphic materials deemed necessary by the City for the explanation of the request.
- B. Upon receipt of said application, the City Clerk shall set a public hearing, if required, following proper hearing notification. The City Council shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description, description of request and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question.

F. The applicant or a representative thereof may appear before the City Council to answer questions concerning the proposed variance.

Section 6. This Ordinance shall take effect upon and after its publication as provided by law.

Enacted by the Clear Lake City Council the 17th day of April, 2003.

Attest: Marilyn Bijalski
City Clerk/Treasurer

William K. ...
Mayor

Published in the West Sherburne Citizen, the 20th day of March, 2003.

Marilyn Bijalski
City Clerk/Treasurer

CHAPTER 6

ADMINISTRATION - VARIANCES

SECTION:

- 6.01: Purpose
- 6.02: General Provisions and Standards
- 6.03: Procedures
- 6.04: Information Requirement
- 6.05: Lapse of Variance or Appeal
- 6.06: Performance Bond
- 6.07: Certification of Taxes Paid

6.01: PURPOSE: The purpose of this Section is to provide for deviations from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance.

6.02: GENERAL PROVISIONS AND STANDARDS:

- A. The City Council shall serve as the Board of Adjustment and Appeals. *Amended*
- B. Review Criteria: Conditions governing considerations of variance requests:
 - 1. In considering all requests for a variance and in taking subsequent action, the City Council shall make a finding of fact that the proposed action will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Have the effect of allowing any uses which are prohibited, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by State law.
 - d. Increase the danger of fire or endanger the public safety.

- e. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Ordinance.
 - f. Violate the intent and purpose of the Comprehensive Plan.
 - g. Violate any of the terms or conditions of Item 2, below.
2. A variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:
- a. Undue hardship will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district or area.
 - (1) Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.
 - (2) Undue hardship caused by the special conditions and circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of this Ordinance.
 - (3) Special conditions and circumstances causing undue hardship shall not be a result of lot or building size, or building location when the lot qualifies as a buildable parcel.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to any reasonable use.
 - c. The special conditions and circumstances causing the undue hardship are not the result from the actions of the applicant.
 - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions.
 - e. The request is not a result of non-conforming lands, structures or buildings in the same district.

- f. The request is not a use variance.
 - g. The variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.
- 3. Application for a variance shall set forth reasons that the variance is justified in order to make reasonable use of the land, structure or building.
 - 4. Should the City Council find that the conditions outlined heretofore apply to the proposed lot or parcel, the City Council may grant a variance from the strict application of this Ordinance so as to relieve such difficulties or hardships to the degree considered reasonable, provided such relief may be granted without impairing the intent of this Ordinance.

6.03: PROCEDURES: *Amended*

- A. Request for a variance or appeal shall be filed with the City Clerk on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. This fee shall not be refunded. Such application shall also be accompanied by ten (10) copies of detailed written and graphic materials necessary for the explanation of the request.
- B. Upon receipt of said application, the City Clerk shall set a public hearing following proper hearing notification. The City Council shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description, description of request and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question.
- C. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Ordinance.
- D. The City Clerk shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.
- E. The City Council and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.

- F. The applicant or a representative thereof shall appear before the City Council to answer questions concerning the proposed variance.
- G. The City Council shall make findings of fact and approve or deny a request for variance within sixty (60) days after the date of the application is submitted.
- H. A variance of this Ordinance shall be by four-fifths (4/5) vote of the full City Council.

6.04: INFORMATION REQUIREMENT: The information required for all variance applications generally consists of items outlined in Section 6.03 of this Ordinance, and shall be submitted unless exempted by the City.

6.05: LAPSE OF VARIANCE OR APPEAL: If within one year after granting a variance, the use, as permitted by the variance or appeal, shall not have been completed or utilized, then such a variance or appeal shall become null and void unless a petition for extension of time in which to complete or to utilize the use has been granted by the City Council. Such extension shall be required in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete or use the use permitted in the variance or appeal. Such petition shall be presented to the City Council for decision.

6.06: PERFORMANCE BOND:

- A. Upon approval of a variance or appeal, the City shall be provided, where deemed necessary by the City, with a surety bond, cash escrow, certificate of deposit, securities or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance or appeal and the ordinances of the City.
- B. The security shall be in the amount equal to one hundred twenty-five (125) percent of the City Engineer's or Building Official's estimated costs of labor and materials for the proposed improvements or development.
- C. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance or equal or appeal and ordinances of the City has been issued by the City Building Official.

- D. Failure to comply with the conditions of the variance or appeal and the ordinances of the City shall result in forfeiture of the security.

6.07: CERTIFICATION OF TAXES PAID: Prior to approving an application for a variance, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the variance application relates.



CHAPTER 7

ADMINISTRATION - PLAN REVIEW

SECTION:

- 7.01: Purpose
- 7.02: General Provisions
- 7.03: Information Requirement
- 7.04: Enforcement
- 7.05: Certificate of Taxes Paid

7.01: PURPOSE: The purpose of this Chapter is to establish a formal plan review procedure and provide regulations pertaining to the enforcement of site design and construction standards as agreed to by the contractor through their officially submitted plan documents.

7.02: GENERAL PROVISIONS:

- A. **Plan Required:** In addition to other plan requirements outlined in this Ordinance, site and construction plans will be required and shall be submitted to and approved by the Building Official prior to the issuance of any building permit.
- B. **City Council Review:** All building and site plans for multiple family, commercial or industrial construction shall be subject to review and approval of the City Council.
- C. **Plan Agreements:** All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor, owner, and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard or specification without prior submission of a plan modification request to the Building Official for their review and approval.

7.03: INFORMATION REQUIREMENT: The information required for all site and construction plan review applications generally consists of the following items, and shall be submitted unless exempted by the City:

- A. **Site Development Plan:**
 - 1. Location of all buildings on lots including both existing and proposed structures.

2. Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
 3. Location and number of existing and proposed parking spaces.
 4. Vehicular circulation (area and on site).
 5. Architectural elevations (type and materials used on all external surface).
 6. Location and type of all proposed exterior lights.
 7. Curb cuts, driveways, number of parking spaces and loading areas.
 8. Site plan details such as trash receptacles, etc.
- B. Dimension Plan:
1. Lot dimensions and area.
 2. Dimensions of proposed and existing structures.
 3. "Typical" floor plan and "typical" room plan.
 4. Setbacks of all existing buildings and structures located on property in question.
 5. Proposed setbacks of future buildings or structures.
 6. Sanitary sewer and water plan with estimated use per day.
- C. Grading Plan:
1. Existing contours.
 2. Proposed grading elevations.
 3. Drainage configuration.
 4. Storm sewer catch basins and invert elevations.
 5. Spot elevations.
 6. Proposed road profile.

D. Landscape Plan:

1. Location of all existing trees, type, diameter, and which trees will be removed.
2. Location, type and diameter of all proposed plantings.
3. Location and material used for all screening devices.

7.04: ENFORCEMENT: The Building Official shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this Chapter has been officially documented by the Building Official.

7.05: CERTIFICATION OF TAXES PAID: Prior to approving an application for plan review, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates.

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CHAPTER 8

ADMINISTRATION - APPEALS

SECTION

- 8.01: Board Designation
- 8.02: Applicability
- 8.03: Procedures
- 8.04: Stay of Proceedings
- 8.05: Appeal

8.01: BOARD DESIGNATION: The City Council shall serve as the Board of Adjustment and Appeals.

8.02: APPLICABILITY: An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. City Staff opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

8.03: PROCEDURES:

- A. An appeal from the ruling of an administrative officer of the City shall be made by the property owner or their agent within thirty (30) days after the making of the order being appealed.
- B. The property owner or their agent shall file with the City a notice of appeal stating the specific grounds upon which the appeal is made.
- C. Any appeal filed shall be comprehensive and include all matters subject to question. Subsequent appeals filed by the same individual or group which are intended to cause unjustifiable delay in the decision making process shall not be accepted by the City.
- D. The filing of an appeal shall be accompanied by a fee as provided for by City Council resolution.
- E. The Board of Adjustment and Appeals shall make a Finding of Fact and its decision by resolution within sixty (60) days from the date at which the Board of Adjustment and Appeals first considered the appeal.

8.04: STAY OF PROCEEDINGS: An appeal stays all proceedings in furtherance of the action being appealed unless it is certified to the Board of Adjustment and Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, on notice to the City.

8.05: APPEALS FROM DECISIONS OF THE BOARD OF ADJUSTMENT AND APPEALS: Any person or persons or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment and Appeals, shall have the right to seek review within thirty (30) days of the decision with a court of record of such decision in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Section 462 as such statute may be from time to time amended, supplemented or replaced.

CHAPTER 9

ADMINISTRATION - ADMINISTRATIVE PERMITS

SECTION

- 9.01 Purpose
- 9.02 Procedure
- 9.03 Information Requirement
- 9.04 Performance Standards
- 9.05 Administration and Enforcement
- 9.06: Certificate of Taxes Paid

9.01 PURPOSE: The purpose of this section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, with the goal of protecting the health, safety, and welfare of the citizens of the City.

9.02 PROCEDURE:

- A. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City.
- B. New applications and applications for amending administrative permits shall be accompanied by a non-refundable fee as set forth by resolution of the City Council.
- C. The Zoning Administrator shall review the application and related materials and shall determine that the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards.
- D. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be base upon (but not limited to) the following factors:
 - 1. Compliance with and effect upon the policies and provisions of the official Comprehensive Plan.
 - 2. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.

3. The use, event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 4. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 5. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
 6. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 7. The use, event or activity and site conform to all applicable performance standards of this Ordinance.
- E. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within thirty (30) days from the date of submission of a complete application. Upon notification to the applicant that any application presented is incomplete in any way, no action will be commenced by the City until such time as a complete application is submitted.
- F. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Ordinance shall be attached to the permit.
- G. Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
- H. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Chapter 8 of this Ordinance.

9.03 INFORMATION REQUIREMENT: The information required for all administrative permit applications shall include:

- A. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of

employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.

- B. A copy of the approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
- C. An accurate floor plan, which in the judgement of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exists.
- D. A copy of the current sales tax certificate issued by the State of Minnesota, if applicable.
- E. Certification that all property taxes, special assessments, interest and utility fees due upon the parcel to which the administrative permit relates have been paid.
- F. Proof that the applicant has insurance, in an amount acceptable to the City, to protect from risks inherent in the proposed activity.
- G. Information identified in Section 7.03 of this Ordinance, as may be applicable.

9.04: PERFORMANCE STANDARDS: All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed.

9.05: ADMINISTRATION AND ENFORCEMENT:

- A. The Zoning Administrator shall keep a record of applications and administrative permits.
- B. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
- C. Enforcement of the provisions of this paragraph shall be in accordance with Chapter 10 of this Ordinance. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

9.06: CERTIFICATION OF TAXES PAID: Prior to approving an application for an administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates.

CHAPTER 10

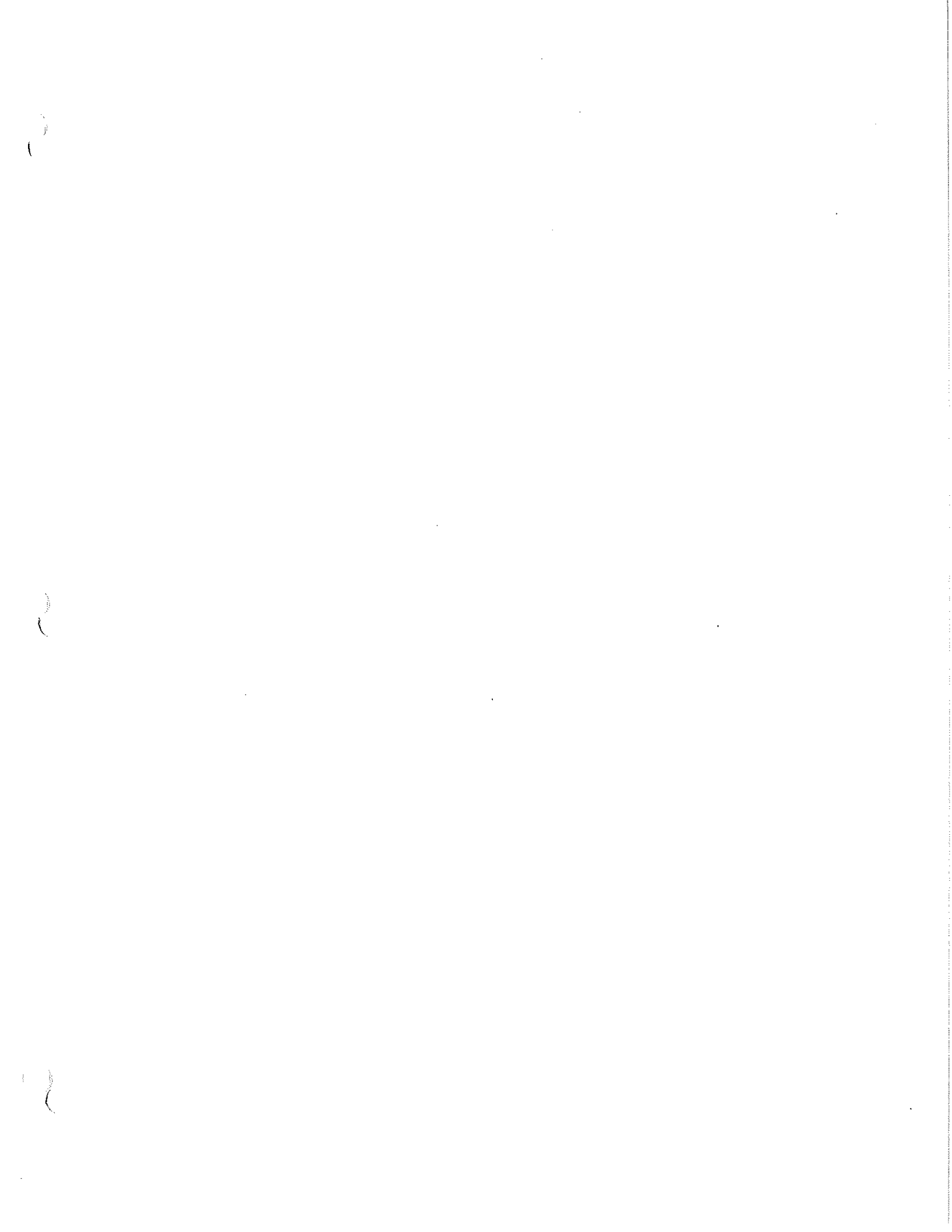
ENFORCEMENT AND PENALTIES

SECTION:

- 10.01: Administration
- 10.02: Violation

10.01: ADMINISTRATION: This Ordinance shall be administered and enforced by the Zoning Administrator who is appointed by the City Council. The Zoning Administrator may institute in the name of the City any appropriate actions or proceedings against a violator as provided by statute, charter or ordinance.

10.02: VIOLATION: Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under State law. Each day that a violation is permitted to exist shall constitute a separate offense.



CHAPTERS 11 - 14

RESERVED