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ARTICLE 1: AMENDMENTS (TEXT AND MAP)

Subdivision 1: Purpose

The purpose of this Article is to establish regulations and procedures for the processing of zoning applications requesting amendments to the text and/or maps for the Comprehensive Plan and Zoning Ordinance.

Subdivision 2: Initiation of Amendments

- A. The City Council or Planning Commission may initiate a request to amend the text or district boundaries of this Ordinance as well as may initiate an amendment to the text or maps associated with the Comprehensive Plan. The procedural requirements of this Article shall not apply to such proposed amendments initiated by the Planning Commission or City Council; except to the extent required by Minnesota State Statutes.
- B. Any person owning real estate within the City may petition to initiate a request to amend the district boundaries or land use category or text of this Ordinance; or land use classification as shown in the Comprehensive Plan, so as to affect the real estate owned by that individual or group.

Subdivision 3: Application Submittal Requirements

The following information shall be required for all amendment applications:

- A. Completed application form signed by the fee owner of the subject property (in the case of a map amendment), or applicant (in the case of a text amendment).
- B. Payment of non-refundable basic zoning application fee and escrow fee (if required). If the basic zoning application fee proves to be insufficient to cover all of the costs associated with the processing of said application, such additional costs will be charged back to the applicant.
- C. Written narrative of the proposed amendment describing the purpose of the change; explaining how the proposed amendment is in the best interest of the City; describing how the amendment is related to the Comprehensive Plan, Zoning Ordinance and other policies of the City.
- D. A certificate of survey and complete legal description of the subject site. A boundary survey or area survey including the property in question plus three hundred fifty feet (350) beyond showing lot boundaries, streets, buildings, existing vegetation, topography, and soil tests may be required, if deemed appropriate by City staff.
- E. Certification of taxes paid. Prior to approving an application for an amendment, 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 rezoning application relates.
- F. Any additional documents or information as requested by City staff, which may be needed to explain the request.

Subdivision 4: Procedure

Pursuant to Minnesota State Statutes, an application for an amendment shall be approved or denied within sixty (60) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. City staff is authorized to extend the sixty (60) day time limit by a time period not to exceed sixty (60) additional days; provided written notice of such extension is provided to the applicant before the end of the initial sixty (60) day period. The procedure for amending the Comprehensive Plan or Zoning Ordinance (text and maps) is outlined as follows:

- A. Requests for zoning (text or map) amendments or for amendments to the Comprehensive Plan shall be filed with the Zoning Administrator on an official application form together with the required exhibits and the non-refundable filing fee as established by City Council resolution. Within ten (10) business days of the application submittal, the Zoning Administrator or his/her designee will issue a letter identifying any incomplete items that would be required in order to process the application. The formal review shall not commence until such time as the application is deemed complete.
- B. Following receipt of a complete application, the Zoning Administrator shall provide copies of the proposal to appropriate City staff, consultants, and affected surrounding jurisdictions responsible for review of the amendment. The Zoning Administrator shall also instruct appropriate staff persons to prepare technical

reports when appropriate, and provide general assistance in preparing a recommendation to the Planning Commission and City Council.

- C. Following receipt of a complete application, the Zoning Administrator or his/her designee will set a public hearing date following proper public hearing notification regulations. Notice of such hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the date of 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. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Article.
- D. The Planning Commission shall conduct a public hearing, and report its findings and make recommendations to the City Council. The Planning Commission shall consider possible adverse effects of the proposed amendment. The judgment of the Planning Commission with regard to the application shall be based upon, but is 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 City Comprehensive Plan, including public facilities and capital improvement plans.
 - 2. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
 - 3. There is adequate infrastructure available to service the proposed action.
 - 4. There is an adequate buffer or transition provided between potentially incompatible districts.
- E. The Planning Commission and City staff shall have the authority to request the applicant provide additional information concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant, said information is to be declared necessary in order to establish performance conditions in relation to all pertinent Sections of this Ordinance. Failure on the part of the applicant to supply all necessary support information may be grounds for denial of the request.
- F. The applicant or representative of the applicant shall appear before the Planning Commission and City Council in order to present the case for the applicant and to answer questions concerning the proposal. Failure to appear at either the Planning Commission or City Council meeting, in which the proposal is considered, shall constitute grounds for tabling or denial of the application.
- G. The Planning Commission shall make a recommendation to the City Council. Such recommendations shall be accompanied by the report and recommendation of the City staff. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and appropriate City staff members, City staff shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission and City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary. If upon receiving said reports and recommendations from the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendations of the City Council may differ from that of the Planning Commission, the City Council may before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
- J. The City Council shall approve, deny, or conditionally approve the amendment within sixty (60) days of receipt of the complete application, unless an extension has been provided pursuant to Minnesota State Statutes or a later date has been agreed to in writing by the applicant.
- K. For any application which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial, such approval shall require passage by two-thirds (2/3) vote

of the full City Council. Approval of any other type of proposed amendment shall require passage by a majority vote of the full City Council.

- L. The amendment shall not become effective until such time as the City Council approves a Resolution (in the case of a Comprehensive Plan amendment) or an Ordinance (in the case of the Zoning Ordinance), and such approval is published within the official newspaper.
- M. Denial of applications shall be accompanied by written findings of fact of the City Council and any supporting data setting forth the reasons for the denial. No application which has been denied wholly or in part shall be resubmitted for consideration by the Planning Commission or City Council for at least six (6) months from the date of its denial.

ARTICLE 2: CONDITIONAL USE PERMITS

Subdivision 1: Purpose

The purpose of the Conditional Use Permit is to provide the City with a reasonable degree of discretion when determining the suitability of certain designated uses upon the general welfare, public health and safety. The Conditional Use Permit authorizes and regulates uses that may be considered beneficial in specific instances to the general health, safety, and welfare of the City; yet ensures that such uses are not detrimental to surrounding property and are consistent with the stated purpose of the zoning district in which such uses are located. The City may consider conditions regarding operation, location, arrangement, construction and other factors when determining the effects of a proposed conditional use.

Subdivision 2: Application Submittal Requirements

The following information shall be required for all Conditional Use Permit applications:

- A. Completed application form signed by the applicant. If the applicant is not the fee owner of the subject property, the fee owner's signature shall be provided on the application form as well.
- B. Payment of non-refundable basic zoning application fee and escrow fee (if required). If the basic zoning application fee proves to be insufficient to cover all of the costs associated with the processing of said application, such additional costs will be charged back to the applicant.
- C. Written narrative and graphic materials fully describing and explaining the proposed change, development, or use.
- D. A certificate of survey and complete legal description of the subject site. A boundary survey or area survey including the property in question plus three hundred fifty feet (350) beyond showing lot boundaries, streets, buildings, existing vegetation, topography, and soil tests may be required, if deemed appropriate by City staff.
- E. 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 rezoning application relates.
- F. Any additional documents or information as requested by City staff, which may be needed to explain the request.

Subdivision 3: Procedures

Pursuant to Minnesota State Statutes, an application for a Conditional Use Permit shall be approved or denied within sixty (60) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. City staff is authorized to extend the sixty (60) day time limit by a time period not to exceed sixty (60) additional days; provided written notice of such extension is provided to the applicant before the end of the initial sixty (60) day period. Additional City requirements are as follows:

- A. Requests for a Conditional Use Permit shall be filed with the Zoning Administrator on an official application form together with the required exhibits and the non-refundable filing fee as established by City Council resolution. Within ten (10) business days of the application submittal, the Zoning Administrator or his/her designee will issue a letter identifying any incomplete items that would be required in order to process the application. The formal review shall not commence until such time as the application is deemed complete.
- B. Following receipt of a complete application, the Zoning Administrator shall provide copies of the proposal to appropriate City staff, consultants, and affected surrounding jurisdictions responsible for review of the amendment. The Zoning Administrator shall also instruct appropriate staff persons to prepare technical reports when appropriate, and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- C. Following receipt of a complete application, the Zoning Administrator or his/her designee will set a public hearing date following proper public hearing notification regulations. Notice of such hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the date of 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. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Article.

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is 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 goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 8. The conditional use complies with the general and specific performance standards as specified by within this Article.
- E. The Planning Commission 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 representative of the applicant shall appear before the Planning Commission and City Council in order to present the case for the applicant and to answer questions concerning the proposal. Failure to appear at either the Planning Commission or City Council meeting, in which the proposal is considered, shall constitute grounds for tabling or denial of the application.
- G. The Planning Commission shall make a recommendation to the City Council. Such recommendations shall be accompanied by the report and recommendation of the City staff. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and appropriate City staff members, City staff shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission, the City Council shall make a recorded finding of fact and may impose any conditions they consider necessary to protect the public health, safety, and welfare. If the City Council finds that specific inconsistencies exist in the review process and thus the final recommendations of the City Council will differ from that of the Planning Commission, the City Council may, before taking action, refer the matter back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action. If the City Council approves the request or approves the request with conditions, approval of a request shall require passage by a majority vote of the entire City Council.
- J. Denial of applications shall be accompanied by written findings of fact of the City Council and any supporting data setting forth the reasons for the denial. No application which has been denied wholly or in part shall be resubmitted for consideration by the Planning Commission or City Council for at least six (6) months from the date of its denial.

Subdivision 4: General Performance Standards

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria (Additional specific standards and criteria may be cited for respective conditional uses, as noted within each particular zoning district. A request shall be evaluated based upon those additional standards and criteria when provided):

- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.
- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformities shall be eliminated.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

Subdivision 5: Amendments to a Conditional Use Permit

Holders of a Conditional Use Permit may propose modifications to the permit at any time. No changes in the approved plans or scope of the conditional use shall, however, be undertaken without prior approval of those changes by the City. Any proposed change in the authorizing resolution, or conditions, and site plan alterations that involve building size or integral changes to the design and location of proposed site elements, shall constitute a request for an amendment to the Conditional Use Permit. These changes shall be submitted to the Planning Commission, following the procedures for hearing and review set forth in this article, and shall make findings of fact and recommendations which shall be transmitted to the City Council for their approval. Modifications, not meeting the requirements as stipulated above, shall be reviewed and approved by the City Council.

Subdivision 6: Revocation

The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this Ordinance, City Codes, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the Zoning Administrator shall notify the responsible person that they have an opportunity to show good cause why the permit should not be revoked. The application shall be processed and considered pursuant to the procedure set forth within this Article for the processing of conditional use permits. The Zoning Administrator shall provide the affected property owner a copy of the proceedings and finding of the Planning Commission and City Council.

Subdivision 7: Expiration

- A. Unless the City Council approves a different time period for the request when action was first taken, if, within one year after a conditional use permit has been granted, the permitted work has not been completed, then such permit shall become null and void without further action by the Planning Commission and City Council, unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator 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 the work permitted in the conditional use permit. A request for extension of one (1) year or any extension of time longer than one (1) year shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
- B. A Conditional Use Permit authorizes only the use specified in the permit. If the authorized use ceases to exist for a continuous period of one (1) year or more, the City may proceed with revocation of the conditional use permit, if it is determined that continuation of the Conditional Use Permit is no longer consistent with the public interest, following the process as outlined within Section 21, Article 2, Subdivision 6 of this Ordinance.

Subdivision 8: Performance Bond

Upon approval of a conditional use permit the City may require 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. An amount equal to 125% of the estimated costs of labor and materials for the proposed improvements or development shall be collected. Said project can be handled in stages at in the discretion of the City Council. 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 codes of the City has been issued by the Building Official. Failure to comply with the conditions of the conditional use permit and/or the codes of the City shall result in forfeiture of the security.

ARTICLE 3: INTERIM USES

Subdivision 1: Purpose

The purpose of the interim use permit is to allow a temporary use that is not designated as a permitted or conditionally permitted but is acceptable for a limited period of time subject to conditions set forth in this Article.

Subdivision 2: Permit Required

No use designated as an “Interim Use” in any zoning district shall be established unless and until an Interim Use Permit has been granted by the City Council.

Subdivision 3: Application Submittal Requirements

- A. Application shall be made by the fee owner, authorized representative of the fee owner of the property, or tenant/lessee with written proof of authorization from the fee owner or representative of the fee owner verifying approval of the application as proposed for the property upon which the interim use is to be located.
- B. Applications shall include, but are not limited to, the following:
 - 1. A completed application form signed by the fee owner of the property or authorized representative of the fee owner;
 - 2. All necessary information to fully describe the nature of the request and the use, its operation and intensity, location on the site, affect on abutting and adjacent properties and site improvements necessary to conduct the use at that location;
 - 3. A letter from the applicant stating the date or event that the use will terminate;
 - 4. A signed consent agreement, provided by the City of Isanti, agreeing to the following:
 - a. That the applicant, owner, operator, tenant and/or user have no entitlement to future re-approval of the Interim Use Permit;
 - b. That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
 - c. That the applicant, owner, operator, tenant and/or user will abide by the conditions of the approval that the City Council applies to the Interim Use Permit.
 - 5. 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 application relates.
 - 6. Any other information that may be required by the City of Isanti to evaluate the application, relative to the criteria to be considered, as set forth in Subdivision 5 of this Article.

Subdivision 4: Procedure.

Pursuant to Minnesota State Statutes, an application for an Interim Use Permit shall be approved or denied within sixty (60) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. City staff is authorized to extend the sixty (60) day time limit by a time period not to exceed sixty (60) additional days; provided written notice of such extension is provided to the applicant before the end of the initial sixty (60) day period. Additional City requirements are as follows:

- A. Requests for an Interim Use Permit shall be filed with the Zoning Administrator on an official application form together with the required exhibits and the non-refundable filing fee as established by City Council resolution. Within ten (10) business days of the application submittal, the Zoning Administrator or his/her designee will issue a letter identifying any incomplete items that would be required in order to process the application. The formal review shall not commence until such time as the application is deemed complete.
- B. Following receipt of a complete application, the Zoning Administrator shall provide copies of the proposal to appropriate City staff, consultants, and affected surrounding jurisdictions responsible for review of the amendment. The Zoning Administrator shall also instruct appropriate staff persons to prepare technical reports when appropriate, and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- C. Following receipt of a complete application, the Zoning Administrator or his/her designee will set a public hearing date following proper public hearing notification regulations. Notice of such hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the date of 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. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Article.

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Interim Use. The judgment of the Planning Commission shall be based upon, but is not limited to the Criteria for Granting an Interim Use Permit as provided within Subdivision 5 of this Article.
- E. The Planning Commission 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 representative of the applicant shall appear before the Planning Commission and City Council in order to present the case for the applicant and to answer questions concerning the proposal. Failure to appear at either the Planning Commission or City Council meeting, in which the proposal is considered, shall constitute grounds for tabling or denial of the application.
- G. The Planning Commission shall make a recommendation to the City Council. Such recommendations shall be accompanied by the report and recommendation of the City staff. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and appropriate City staff members, City staff shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission, the City Council shall make a recorded finding of fact and may impose any conditions they consider necessary to protect the public health, safety, and welfare. If the City Council finds that specific inconsistencies exist in the review process and thus the final recommendations of the City Council will differ from that of the Planning Commission, the City Council may, before taking action, refer the matter back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action. If the City Council approves the request or approves the request with conditions, approval of a request shall require passage by a majority vote of the entire City Council.
- J. Denial of applications shall be accompanied by written findings of fact of the City Council and any supporting data setting forth the reasons for the denial. No application which has been denied wholly or in part shall be resubmitted for consideration by the Planning Commission or City Council for at least six (6) months from the date of its denial.

Subdivision 5: Criteria for Granting an Interim Use Permit

The Planning Commission and City Council shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding properties. The Planning Commission and City Council shall consider and make findings regarding the following factors:

- A. The proposed use shall meet the applicable zoning regulations; and
- B. The proposed use will not adversely impact implementation of the Comprehensive Plan; and
- C. The proposed use will terminate upon a date or event that can be identified with certainty; and
- D. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- E. The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the Interim Use Permit; and

- F. The proposed use will be subjected to, by agreement with the property owner, any conditions that the City Council deems appropriate for permission of the proposed interim use, including a condition that the owner may be required to provide an appropriate surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use.

Subdivision 6: Conditions of Approval

In permitting a new interim use permit or amending an existing interim use permit, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this section, additional conditions which the Planning Commission and/or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the height, size, or location of buildings;
- C. Controlling the location and number of vehicles access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- H. Designation of open space;
- I. Obtaining the necessary licenses as required by the City of Isanti, Isanti County or State of Minnesota;
- J. Restrictions on the hours of operation;
- K. Exterior lighting is limited to protect adjacent or nearby property;
- L. Controlling architectural appearance and functional design of the building or site;
- M. Applicable performance standards of the zoning district in which such use is located are met and non-conformities are eliminated;
- N. Annual review, if deemed appropriate by the City Council.
- O. Any additional stipulations, pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public, health, safety, and welfare, can be served as well or better by modifying or expanding upon the conditions set forth herein.

Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the interim use permit shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator or their designee shall maintain a record of all interim use permits including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

Subdivision 7: Inspection

The City hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.

Subdivision 8: Termination

An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:

- A. The date or event stated in the permit or established by City Council at the time of approval;

- B. The use has been discontinued for one year;
- C. Upon an amendment to the City Code that no longer allows the interim use; or
- D. There is a change in ownership of the property for which the interim use permit was issued.

Subdivision 9: Revocation and Suspension

- A. The City Council may suspend or revoke an Interim Use Permit upon the failure of the interim use, or the interim use's permittee, owner, operator, tenant, or user to comply with the provisions of the Code, the laws of the State of Minnesota, the approved plans, conditions of approval, or by finding that the activities allowed under the permit adversely affect the public health, safety, and welfare.
- B. The City Council may suspend or revoke an Interim Use Permit, if access to the property for the purpose of making an inspection is refused to the Zoning Administrator or their designee.
- C. A suspension or revocation of an Interim Use Permit shall be preceded by written notice to the permittee and a hearing. The notice shall provide at least ten (10) days notice of the time and place of the hearing and shall state the nature of the violations. The notice shall be mailed to the permittee at the most recent address listed on the application. The hearing of a contested case may be before the City Council or in accordance with Minn. Stats. Section 14.57 to 14.60, but informal disposition of a contested case by stipulation, pursuant to Minn. Stats. Section 14.59, may provide an adequate basis for imposition of sanctions.

Subdivision 10: Cancellation of Interim Use Permits

- A. Where applicable, granted interim use permits shall become null and void if the applicant does not proceed substantially on the work within one (1) year. To proceed substantially means to make visible improvements to the property. One or more extensions for not more than six (6) months each may be granted by the City Council for good cause.
- B. Should the use operating under a valid interim use permit cease its operation for a continuous period of one (1) year, the interim use permit shall be considered expired and any subsequent use of the premises shall be in conformance with the use regulations for the zoning district in which the property is located.
- C. In the event that building plans or site plans are required to be approved by the Planning Commission or City Council before a building permit can be issued, such approval will have the effect of extending the term of the interim use permit for a period of one (1) year beyond the date of approval of such building or site plans.

ARTICLE 4: ADMINISTRATIVE PERMITS

Subdivision 1: Purpose

The purpose of this section is to establish regulations and procedures for the processing and consideration of activities or uses, which are seasonal or temporary in duration, to be allowed by administrative permit, upon review and approval of the Zoning Administrator or his / her designee, with the goal of protecting the health, safety, and welfare of the citizens of the City.

Subdivision 2: Procedure

- A. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator or his / her designee on forms 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 activity, event, or use. Judgment shall be based upon, but not limited to, the following factors:
 - 1. Compliance with the policies and provisions of the official Comprehensive Plan and other city plans and ordinances.
 - 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 or substantially diminish and impair the 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.
- E. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within fifteen (15) 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 Chapter 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 the 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 subdivision shall be subject to appeal as defined by Section 20 of this Ordinance.

Subdivision 3: Application Submittal Requirements

- A. A complete application form and legal description of the subject site.
- B. Payment of a non-refundable filing fee and escrow as set forth by City Council resolution.

- C. 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.
- D. 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, bonafide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
- E. An accurate floor plan, when in judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
- F. 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 administrative permit application relates.
- G. Any additional information as identified by City staff, as may be applicable to describe the proposed use, event, or activity.

Subdivision 4: Performance Standards.

All uses, events, or activities allowed by administrative permit shall conform to the applicable standards and regulations outlined in the zoning district in which such use, event, or activity is proposed. The use, event, or activity and site shall conform to all applicable performance standards of this Ordinance.

Subdivision 5: 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 Section 20 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.

ARTICLE 5: VARIANCES

Subdivision 1: Purpose

The purpose of this Article is to provide regulations and procedures for deviations from the literal provisions of this Ordinance including restrictions placed on nonconformities; in instances where the strict enforcement of this Ordinance would cause practical difficulties when it is demonstrated that such variances are found to be in harmony with the general purposes and intent of this Ordinance and such variances are found to be consistent with the Comprehensive Plan.

Subdivision 2: Board of Zoning Adjustment and Appeals

The City Council shall act as the Board of Zoning Adjustment and Appeals.

Subdivision 3: Application Submittal Requirements

The following information shall be required for all Variance applications:

- A. Completed application form signed by the applicant. If the applicant is not the fee owner of the subject property, the fee owner's signature shall be provided on the application form as well.
- B. Payment of non-refundable basic zoning application fee and escrow fee (if required). If the basic zoning application fee proves to be insufficient to cover all of the costs associated with the processing of said application, such additional costs will be charged back to the applicant.
- C. Written narrative and graphic materials fully describing and explaining the proposed development and rationale for the variance request.
- D. A certificate of survey and complete legal description of the subject site. Existing and proposed structures as well as setbacks from property lines and the ordinary high watermark of lakes and rivers, lot area, impervious surface coverage, building coverage, easements, grade elevations (existing and proposed).
- E. A copy of proposed building plans including elevation drawings for all exterior sides of the proposed structure.
- F. Certification of taxes paid. Prior to approving an application for 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 rezoning application relates.
- G. Any additional documents or information as requested by City staff, which may be needed to explain the request.

Subdivision 4: Procedures

Pursuant to Minnesota State Statutes, an application for a Variance shall be approved or denied within sixty (60) days from the date of its official and complete submission, unless extended pursuant to Statute or a time waiver is granted by the applicant. City staff is authorized to extend the sixty (60) day time limit by a time period not to exceed sixty (60) additional days; provided written notice of such extension is provided to the applicant before the end of the initial sixty (60) day period. Additional City requirements are as follows:

- A. Requests for a Variance shall be filed with the Zoning Administrator on an official application form together with the required exhibits and the non-refundable filing fee as established by City Council resolution. Within ten (10) business days of the application submittal, the Zoning Administrator or his/her designee will issue a letter identifying any incomplete items that would be required in order to process the application. The formal review shall not commence until such time as the application is deemed complete.
- B. Following receipt of a complete application, the Zoning Administrator shall provide copies of the proposal to appropriate City staff, consultants, and affected surrounding jurisdictions responsible for review of the amendment. The Zoning Administrator shall also instruct appropriate staff persons to prepare technical reports when appropriate, and provide general assistance in preparing a recommendation to the Planning Commission and City Council.
- C. Following receipt of a complete application, the Zoning Administrator or his/her designee will set a public hearing date following proper public hearing notification regulations. Notice of such hearing shall be

published in the official newspaper of the municipality at least ten (10) days prior to the date of 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. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Article.

- D. The Planning Commission shall hold a public hearing and consider the application and possible adverse effects of the proposed Variance. An application for a variance shall not be approved unless the variance, if permitted, is in harmony with the general purposes and intent of the ordinance and is consistent with the Comprehensive Plan and findings are made that failure to grant the variance would result in practical difficulties on the applicant. Practical difficulties used in connection with the granting of a variance, means that the property owner meets all of the following criteria:
1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
 2. The plight of the landowner is due to circumstances unique to the property and has not been caused by the landowner.
 3. A variance, if granted, will not alter the essential character of the locality.
 4. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems.
 5. Economic considerations alone do not constitute practical difficulties.
- E. The Planning Commission 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 representative of the applicant shall appear before the Planning Commission and City Council in order to present the case for the applicant and to answer questions concerning the proposal. Failure to appear at either the Planning Commission or City Council meeting, in which the proposal is considered, shall constitute grounds for tabling or denial of the application.
- G. The Planning Commission shall make a finding of fact and make a recommendation on such actions or establish conditions directly relating to and proportional to the impact created by the variance request, as they deem necessary to carry out the purposes of this Ordinance to the City Council. The recommendation shall consider the criteria as outlined in Item D, above. Such recommendations shall be accompanied by the report and recommendation of the City staff. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and appropriate City staff members, City staff shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission, the City Council shall make a recorded finding of fact and may impose any conditions that are directly related to and bear a rough proportionality to the impact created by the variance; as they consider necessary to protect the public health, safety, and welfare. If the City Council finds that specific inconsistencies exist in the review process and thus the final recommendations of the City Council will differ from that of the Planning Commission, the City Council may, before taking action, refer the matter back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action. If the City Council approves the request or approves the request with conditions, approval of a request shall require passage by a majority vote of the entire City Council.
- J. Denial of applications shall be accompanied by written findings of fact of the City Council and any supporting data setting forth the reasons for the denial. Whenever an application for a variance has been considered and denied by the City Council, a similar application for variance affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial.

Subdivision 5: Appeal of Ruling

Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the City Council shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented, or replaced.

Subdivision 6: Revocation

The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized variance is not in conformance with the conditions of the approval or is in continued violation of this Ordinance, City Codes, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the Zoning Administrator shall notify the responsible person that they have an opportunity to show good cause why the variance should not be revoked. The application shall be processed and considered pursuant to the procedure set forth within this Article for the processing of variances. The Zoning Administrator shall provide the applicant a copy of the proceedings and finding of the Planning Commission and City Council.

Subdivision 7: Expiration

Unless the City Council approves a different time period for the request when action was first taken, If, within one (1) year after a variance has been granted, the permitted work has not been completed, then such permitted variance shall become null and void without further action by the Planning Commission and City Council, unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance approval. 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 utilize the approval permitted in the variance. A request for extension of one (1) year or any extension of time longer than one (1) year shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

Subdivision 8: Performance Bond

Upon approval of a variance the City may require 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 approved variance and the ordinances of the City. The amount of security shall be determined by the City Council. The amount is equal to 125% of the estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages at in the discretion of the City Council. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditions of the approved variance and codes of the City has been issued by the Building Official. Failure to comply with the conditions of the variance and/or the codes of the City shall result in forfeiture of the security.

ARTICLE 6: APPEALS

Subdivision 1: Board of Adjustment and Appeals Designation and Powers

The City Council shall act as the Board of Adjustment and Appeals and shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.
- B. To hear and decide requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

Subdivision 2: Applicability

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

Subdivision 3: Filing

An appeal from the action of an administrative officer of the City shall be filed by the property owner or their agent with the Zoning Administrator within thirty (30) days after the making of the order, requirement, or interpretation being appealed.

Subdivision 4: Stay of Proceedings

An appeal stays all proceedings and the 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 of stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, and upon subsequent notice to the City.

Subdivision 5: Procedure

The procedure for making such an appeal shall be as follows:

- A. The property owner or their agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council resolution. In cases where the application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within ten (10) business days of the date of submittal.
- B. The Zoning Administrator shall prepare technical reports and request supporting reports and documentation from other staff members when appropriate. The Zoning Administrator shall provide general assistance in preparing a recommendation on the action to the Board of Adjustment and Appeals.
- C. The Board of Adjustment and Appeals shall make its decision by resolution within sixty (60) days from the date on which a completed application is filed.
- D. The Zoning Administrator shall serve a copy of the final order of the Board upon the petitioner by mail.

Subdivision 6: Appeals from the Board of Adjustment and Appeals

Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Board of Adjustment and Appeals shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented, or replaced.