

## SECTION V

### ADMINISTRATION

#### 5.1 Permits Required.

1. A permit is, required for the placement of structures or structure additions, including such activities as construction of residences, garages, decks, signs, second story additions, basements, (but not including agricultural accessory structures), and those grading and filling activities not exempted by this Ordinance. Permits are also required for variances, conditional uses, and subdivisions. Application for a permit shall be made to the City on the forms provided by the City Clerk. The application shall include the information necessary in order that the Zoning Administrator or other designated member of the City staff to determine the site's suitability for the intended use. Photographs of existing conditions on the property may be required.
2. The granting of any permit or variance under provisions of this Ordinance shall in no way affect the owner's responsibility to obtain the approval required by any other federal or state statute, ordinance or legislation of any state agency or state subdivision thereof. Approval may be expressly given in conjunction with other permit(s) applied for but no approval shall be implied from the granting of any City of Longville permits nor from the necessity to apply for a permit described in this Ordinance.
3. Where a proposed use requires action of the Board of Adjustment, Planning Commission or Council or posting of financial security, said action shall occur before the Zoning Permit is issued.
4. The City shall not accept applications where the applicant has past due fees or charges due to the City or the County until the account is made current.
5. The Zoning Permit shall contain the parcel number of the property and the signature of the fee or contract owner of the property.
6. Unless extended by the Zoning Administrator, where a Zoning Permit has been issued but no action has occurred within 12 months, the Zoning Permit shall be null and void. Exterior work on the structure shall be complete in 18 months from the issuance of the Zoning Permit. The time limit may be extended by the Zoning Administrator for good cause. A second extension shall be decided by the Planning Commission.
7. If the Zoning Administrator determines that any violation of the permit or other section of the Ordinance has occurred, the permit shall become null and void.

#### 5.2 Existing Violations.

No permit application will be accepted from landowners or their agents on property on which there are current or past unresolved violations or delinquent property taxes.

#### 5.3 Zoning Administration.

1. The Zoning Administrator shall be appointed by the City Council.
2. Duties of the Zoning Administrator:

- A. Determine if applications are complete and comply with the terms of the Ordinance.
- B. Direct or conduct inspections of uses of the land to determine compliance with the terms of the Ordinance.
- C. Maintain permanent and current records of the Ordinance including, but not limited to, maps, amendments, Zoning or Use Permits, Conditional Use Permits, Variances, appeals and applications, and a separate file for future conditions or expiration of permits.
- D. Review, file and forward applications for appeals, Variances, Conditional Uses and Zoning amendments.
- E. Enforce the provisions of this Ordinance by reviewing complaints and by pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time and with the approval of the City Council instituting with the City Attorney in the name of the City any appropriate actions or proceedings against any violator.
- F. Attend meetings and provide research and findings to the City Council.
- G. Issue permitted Zoning Permits upon application for structures on lots conforming to this Ordinance when the conditions of the Ordinance are met; to issue Conditional Use Permits when directed by the City Council; to issue notices of a Zoning change when directed by the City Council.
- H. To mail a copy of the findings to an applicant.
- I. To file copies of Conditional Use Permits and Variances with the County Recorder.
- J. To communicate with the DNR where required by the Ordinance or State Law.
- K. To ensure that the City Council review land use applications or public hearing applications as prescribed by State Statutes.
- L. To conduct periodic and final inspections with a member of the City Council, of property subject to conditions of approval relating to variances, conditional use permits and other land use applications.

#### **5.4 City Council.**

1. The City Council shall have the following duties under this Ordinance:
  - A. Appoint the Zoning Administrator by a majority vote, or terminate the Zoning Administrator by a 4/5 vote.
  - B. Confirm the appointments of the Mayor to the Board of Adjustment/Planning Commission members by a majority vote, or to remove members by a 4/5 vote.
  - C. To decide within the required time frame the following:
    1. Recommendations from the Planning Commission for changes in Zoning District boundaries.
    2. Recommendations from the Planning Commission for acceptance of proposed plats, Conditional Use Permits, final plats and condominium plans.
    3. Recommendations from the Board Adjustment for acceptance of Variances from this Ordinance and the Subdivision Ordinance.
  - D. To hear appeals from the actions of the Board of Adjustment and the Planning Commission where their action is normally final.

#### **5.5 Notification to the Department of Natural Resources.**

1. Notices of public hearing. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls shall be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. However, failure to so notify the Commissioner shall not invalidate such proceedings. Notice of Hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.

2. Notices of approval. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the commissioner or the commissioner's representative and postmarked within ten (10) days of final action. However, failure to so notify the Commissioner or his/her representative shall not invalidate any approval, denial, decision, or other action taken.

## **5.6 Fees.**

1. Schedule. The City Council shall establish a schedule of fees applicable to all permits, applications, petitions, appeals and administrative fees required for the administration and enforcement of this Ordinance. The fee schedule shall be made available to the public.
2. Payment. No application for a land use permit, conditional use permit, planned unit development permit, subdivision plat, nor any other required permit, petition to amend the land use, nor any appeal shall be recognized, acted upon, issued or granted unless and until all required fees have been submitted in full by means of cash, check or money order. Receipt of all fees shall be subject to their collection by the City. If a fee is submitted by check, no permit granted or action taken shall be of any force until the check so submitted shall prove collectable.
3. Refunds. Should an application for a hearing, or an appeal be denied, the fee shall not be refunded.
4. When costs associated with processing or reviewing an application exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to hire in reviewing permits. Outstanding fees shall be paid before issuance of the permit and any construction of the project begins.

## **5.7 Required Decision Making Time Frames.**

1. Pursuant to Minnesota Statutes, Chapter 15.99, as amended, the City of Longville establishes the following time frames for decisions made on all land use requests before the City, including Variances, Conditional Use Permits, Zoning District Boundary Changes, Zoning Ordinance Amendments, Appeals of Decisions by the Zoning Administrator or Planning Commission and Zoning Permits.
  - A. It shall be the applicant's responsibility to submit a completed application packet, which shall by definition include the application forms approved by the City, site plan with all information required by this Ordinance and remit proper fees for the land use application. Once the Zoning Administrator or appointee has received the completed application packet, the review time frame shall commence. The Zoning Administrator shall notify applicants in writing when a completed application has been received.
  - B. The City shall within sixty (60) days of the receipt of a completed application, make a decision on the request. A determination shall be either a recommendation to another body or a final action approving or denying a request. Time frames for other reviews required by statutes or other government units shall not be counted as time during the local decision making process. Once the other agency or governmental unit has made their determination, the time frame for local review shall again commence.
  - C. If the City is unable to make a proper determination within the prescribed sixty (60) day time frame, it shall have the right to extend the time frame another sixty (60) days. The City shall, in

writing, notify the applicant that it is unable to complete the review process and state the specific reasons why the process must be extended.

- D. If the City is unable to make the final determination within 120 days of the original application date, it shall, in writing, request an extension from the applicant. The applicant shall have the authority to approve or deny the request for an extension.

## SECTION VI

### ENFORCEMENT

#### 6.1 Violations and Penalties.

1. This ordinance shall be administered and enforced by the Zoning Administrator who is hereby designated the enforcing officer.
2. In the event of a violation or a threatened violation of the ordinance, the City Council may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations. It shall be the duty of the City Attorney to institute such action.
3. The contractor(s) performing any work requiring a permit under this ordinance shall be in violation of the ordinance if working on the site prior to the issuance of a permit.
4. The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to the Ordinance shall be a misdemeanor, and upon conviction thereof, the violation shall be subject to a fine of not more than \$500 or imprisonment for a term not to exceed 90 days or both. Each act of violation and every calendar day on which such violation occurs or continues shall be a separate offense.
5. If the City determines to enforce compliance of the Zoning Ordinance through a civil remedy, the offending party shall be required to reimburse the City for the City's reasonable attorney's fees and costs, and other professional costs incurred by the City associated with enforcing the offending party's compliance with the Zoning Ordinance.

#### 6.2 Liability of City Officials.

The failure of any officer of the City or Board or employees of the City to act pursuant to this Ordinance, except as an individual acting in his own behalf, shall not be an offense and shall not subject the officer, Board or employee to any penalty except those provided under the City personnel policies.

#### 6.3 Equitable Relief.

In the event of a violation or threatened violation of any provision of this Ordinance or the conditions of any permit issued pursuant to the Ordinance, the City, in addition to other remedies, may act or institute action to prevent, restrain, correct or abate such violation or threatened violation.

#### 6.4 Cease and Desist Orders.

Cease and desist orders may be issued when the City has probable cause that an activity regulated by this or any other Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, it shall not again be resumed until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

#### 6.5 Administrative Fees and Restoration.

Any application for a permit that is made after the work has commenced and which requires a permit or is done in violation of a permit shall be charged an additional administrative fee. All late applications shall require the payment of an after-the-fact fee as indicated in the fee schedule. In addition, the City Council, or the Zoning Administrator may require correction and/or restoration of the property to its original state should the application for a permit be denied or if the action permitted does not include all or part of the work commenced prior to approval of said permit.

## SECTION VII

### PLANNING COMMISSION

#### 7.1 Organization.

1. The City Council shall act as the Planning Commission and a chairman shall be annually appointed by the Council from among its members.
2. The Commission shall meet a minimum of eleven times a year, once each month except December, at a regular meeting unless the docket is empty in which case the Mayor can approve suspension of a meeting. Special meetings shall be advertised in the official newspaper and posted in the City Hall at least 10 days in advance of the meeting.

#### 7.2 Duties.

1. To hold hearings after proper public notice in the official newspaper and individual notice by regular mail of any property owners within a minimum of 350 feet of any land use in question. Such notices shall be given at least 10 days before the hearing date.
2. To decide within the required timeframe the following:
  - A. Requested Zoning District boundary changes or amendments to the Ordinance.
  - B. To review proposed plats or floor plans and to approve or deny final plats and final floor plans.
  - C. To review and approve all metes and bounds property divisions within the City.
  - D. To review requests for Conditional Use Permits with complete findings to justify the decision.
  - E. To periodically review the Zoning map and Ordinances and consider their role in shaping the growth of the community and to make such changes as are necessary to guide growth and current land use toward the goals of the Comprehensive Plan.
  - F. To review the Comprehensive Plan when appropriate.
3. It shall be the duty of each individual member to be present at all meetings of the Planning Commission and Board of Adjustment. More than 3 absences in any one year period shall be grounds for replacement by the City Council.

#### 7.3 Conditional Use Permits.

1. Conditional Use Permits shall be issued to the property for structures or other specified uses, after a public hearing. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the City Council and with no fee by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.

2. Submissions for C.U.P. The applicant shall complete the Conditional Use Permit application. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.
  
3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the City Council may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the City Council considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:
  - A. Increasing the required lot size or yard dimension.
  - B. Limiting the height, size or location of buildings.
  - C. Controlling the location and number of vehicle access points.
  - D. Increasing the street width.
  - E. Increasing or decreasing the number of required off-street parking spaces.
  - F. Limiting the number, size, location or lighting of signs.
  - G. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
  - H. Designating sites for open space.
  
4. The City Council shall decide the issue with consideration to the following:
  - A. The following must be met:
    1. The use or development is an appropriate conditional use in the land use zone.
    2. The use or development, with conditions, conforms to the comprehensive land use plan.
    3. The use with condition is compatible with the existing neighborhood.
    4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
  
  - B. The following must be considered:
    1. The conditional use should not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purpose permitted on those properties, nor substantially diminish or impair values in the immediate vicinity.
    2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
    3. The conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community.
    4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
    5. Adequate measures have been taken to provide sufficient off- street parking and loading space to serve the proposed use.
    6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.



7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
  8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.
5. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.
  6. Conditional Use Permits may be transferable where requested by an applicant and approved by the City Council.
  7. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the City Council which shall make the final decision on reinstating or revoking the suspended permit.
  8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the City Council, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.
  9. Appeals from the action of the City shall be filed with District Court within 30 days after completion of the action.



## SECTION VIII

### BOARD OF ADJUSTMENT

#### 8.1 Organization.

The Board of Adjustment shall consist of the members of the Planning Commission, and shall hold its meetings concurrently with the Planning Commission meetings on a monthly or more frequent basis at the discretion of the Chairperson.

#### 8.2 Duties.

1. To consider appeals from the action of the Zoning Administrator wherein the Board will take the authority of the Administrator.
2. To hold hearings on Variances after proper public notice in the official newspaper and individual notice by regular mail to any property owners within a minimum of 350 feet distance of any Variance in question. Such notice shall be given at least 10 days before the hearing date.
3. To determine Variances within the required time frame with complete findings to justify the action.
4. To keep a record of its proceedings, notifications and justifications for its actions.

#### 8.3 Variances.

1. Variances shall not create a use not provided for in a zoning district.
2. Variances shall be issued to the property and are not transferable.
3. Variances shall be issued to the property for structures or other specified uses after a public hearing. All applications for a Variance shall be submitted to the Zoning Administrator **30** days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.
4. Submissions for Variances. The applicant shall complete the Variance application. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

5. Variances shall be decided within the required time frame with consideration for the following:
  - A. The strict interpretation of the Ordinance would create undue hardship, and
  - B. The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner, and
  - C. The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance, and
  - D. The variance will not create a land use not permitted in the zone, and
  - E. The variance will not alter the essential character of the locality, and
  - F. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.
    1. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.
    2. Failure by the owner to act within 6 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.
    3. Appeals from the action of the City shall be filed with the District Court within 30 days after completion of the action.