

Section 86-48 Procedure

- (a) Application for the issuance of a conditional or interim use permit shall be made to the planning commission. The planning commission may hold such hearings on the proposal to issue a conditional or interim use permit as it may consider necessary, but at least one public hearing shall be held pursuant to Minn. Stat. § 462.357, subd. 3. Following the hearing, the planning commission shall make a report upon the proposal to the council and shall recommend to the council whatever action it deems advisable.
- (b) Upon receipt of the report of the planning commission, the council may hold whatever hearings it deems advisable and shall make a decision upon the request for a conditional or interim use permit. When the council is making such decision, it is acting as a board of zoning adjustments and appeals. The council may impose conditions and require guarantees in the granting of conditional or interim use permits to ensure compliance and to protect adjacent properties. If planning commission meetings are cancelled due to lack of quorum and recommendations are not presented to the council within 30 days of the day of submitting application to the planning commission, the council may proceed without receiving a planning commission report; in this case, at least one public hearing shall be held pursuant to Minn. Stat. § 462.357, subd. 3.
- (c) Any use permitted under the terms of any conditional or interim use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.
- (d) The conditions in the granting of conditional or interim use permit imposed by the council are binding for the applicant and all its successors and assigns. Violation of any of the conditions shall result in the granted permit becoming null and void unless a variance for condition modification is applied for and approved pursuant to this chapter. Whenever an application for a conditional use permit has been considered and approved by the council which imposed certain conditions, an application for a condition modification variance shall not be considered by the planning commission or council for at least one-year from the date of a conditional use permit approval or when circumstance sufficiently change to justify a review. Interim use permits are issued to an applicant and cannot be transferred to another entity.
- (e) Expiration. Whenever within one year after granting a conditional use permit, the work as permitted shall not have been commenced, then the conditional use permit shall become null and void unless a request for extension of time in which to complete the work has been granted. The extension shall be requested in writing and filed with the zoning administrator at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of the request. The request for extension shall state facts showing good faith attempt to complete the work permitted in the conditional use permit. Upon receipt of the extension request, the Zoning Administrator may grant an extension of up to one year. Conditional use permits may be revoked by the City if the conditional use requires the property to be used in the conditionally permitted manner continuously and the property ceases to be continually used for a period of twelve consecutive months or longer. A conditional use permit for a nonconforming use expires upon discontinuance of the nonconforming use for a period of twelve months or longer.
- (f) A certified copy of all conditional use permits shall be filed with the county recorder.
- (g) Any person aggrieved by the granting or denial of the issuance or extension of a conditional or interim use permit shall have the right to appeal such decision to the state district court located in the county. Such appeal shall be filed with the court within 30 days of the date of the decision of the council.