

SECTION 8

²⁰ ADMINISTRATION - ADMINISTRATIVE PERMITS

Section

- 20-8-1: Purpose
- 20-8-2: Procedure
- 20-8-3: Performance Standards
- 20-8-4: Agreement
- 20-8-5: Non-Permit Approvals
- 20-8-6: Expiration of Administrative Permit Approvals
- 20-8-7: Certification of Taxes Paid
- 20-8-8: Initiation

20-8-1: **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.

⁷²20-8-2 : **PROCEDURE:**

- A. Request for an administrative permit shall be filed with the City on an official application form and processed in accordance with this Section and Minnesota Statutes 15.99.
 - 1. An application shall be accompanied by a fee as provided for by Section 2-4-2 of the City Code.
 - 2. Such application shall also be accompanied by detailed written and graphic materials fully explaining the proposed change, development, or use including the information required by Section 20-9-6 of this Chapter.
 - 3. The request shall be considered as being officially submitted when the Zoning Administrator determines that all the information requirements are complied with.
 - 4. The Zoning Administrator shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant, said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.
 - 5. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

- B. Proof of Ownership or Authorization: The applicant shall supply proof of title and the legal description of the property for which the administrative permit is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested interim use permit.
- C. The Zoning Administrator shall review the application and related materials and shall determine, in consultation with other City staff as may be appropriate, 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 based upon (but not limited to) the following factors:
 - 1. The proposed action's consistency with the specific policies and provisions of the Otsego Comprehensive Plan.
 - 2. The proposed use's compatibility with present and future land uses of the area.
 - 3. The proposed use's conformity with all performance standards contained within the Zoning Ordinance and other provisions of the City Code.
 - 4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.
 - 5. The proposed use can be accommodated by existing public services and facilities and will not overburden the City's service capacity.
- E. The Zoning Administrator shall make a determination on approval or denial of the administrative permit.
- 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. The Zoning Administrator shall provide the applicant and property owner with written notice of a determination of non-compliance with applicable codes, ordinances, and the standards in this Section and that the application for the permit shall be considered denied.
- H. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 7 of this Chapter.

⁷²20-8-3: **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.

⁷²20-8-4: **AGREEMENT:** The administrative permit and the stipulations, limitations and conditions therein shall be applied to the property in question. All written and graphic materials officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator for review and approval.

⁷²20-8-5: **NON-PERMIT APPROVALS:** In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Section 20-8-2.D this Chapter.

⁷²20-8-6: **EXPIRATION OF ADMINISTRATIVE PERMIT APPROVAL:** Unless otherwise specified by the Zoning Administrator at the time it is authorized, an administrative permit shall be null and void and expire if the applicant fails to utilize such administrative permit and fulfill each and every condition attached thereto within one (1) year from the date of its authorization unless a petition for an extension of time in which to complete or utilize the permit has been granted by the Zoning Administrator provided that:

- A. The extension is requested in writing and filed with the City at least thirty (30) days prior to the expiration of the initial administrative permit request.
- B. The request for extension states facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the administrative permit.
- C. A maximum of one (1) administrative extension shall be granted.
- D. The extension shall not exceed ninety (90) days from the initial administrative permit expiration date.
- E. There shall be no charge for the filing of a petition for an administrative extension.

⁷²20-8-7: **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 application relates.

⁷²20-8-8: **INITIATION:** The City Council or the Planning Commission may, upon their own motion, initiate a request for an administrative permit in conformance with the provisions of this Section. Any person owning real estate or having documented interest therein, may initiate a request for an administrative permit applicable to said real estate in conformance with the provisions of this Section.