

**Chapter 8  
ADMINISTRATIVE PERMITS**

**SECTION:**

- XX-8-1: Purpose
- XX-8-2: Performance Standards
- XX-8-3: Procedure
- XX-8-4: Non-Permit Approvals
- XX-8-5: Agreement
- XX-8-6: Performance Security
- XX-8-7: Expiration of Permit Approval
- XX-8-8: Certification of Taxes and Fees Paid

**XX-8-1: PURPOSE:** The purpose of this chapter 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 town. (Ord. 900, 18 Apr 22)

**XX-8-2: 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. (Ord. 900, 18 Apr 22)

**XX-8-3: PROCEDURE:**

- A. Request of Permit:
  - 1. The town board or the planning commission may, upon their own motion, initiate a request for an administrative permit in conformance with the provisions of this ordinance.
  - 2. 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 ordinance.
- B. Request for an administrative permit shall be filed with the zoning administrator on an official application form and processed in accordance with this chapter and Minnesota statutes 15.99.
  - 1. An application shall be accompanied by a fee as provided by the town fee schedule ordinance.
  - 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 XX-9-4 of this ordinance.

3. The request shall be considered as being officially submitted when the zoning administrator determines that there is compliance with all the information requirements.
  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 with said information declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance.
  5. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- C. 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 administrative permit.
  - D. The zoning administrator shall review the application and related materials and shall determine, in consultation with other town staff as may be appropriate, that the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and performance standards.
  - E. The zoning administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the proposed use's conformity with all performance standards contained within this ordinance and other town ordinances.
  - F. The zoning administrator shall make a determination on approval or denial of the administrative permit.
  - G. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with this ordinance and other ordinances of the town shall be attached to the permit.
  - H. The zoning administrator shall provide the applicant and property owner with written notice of a determination of noncompliance with applicable codes, ordinances, and standards in this chapter and that the application for the permit shall be considered denied.
  - I. Unresolved disputes as to administrative application of the requirements of this section shall be subject to appeal as defined by chapter 7 of this ordinance. (Ord. 900, 18 Apr 22)

**XX-8-4: NONPERMIT 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 XX-8-3.E of this chapter. (Ord. 900, 18 Apr 22)

**XX-8-5: 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 town shall be treated as a formal agreement between the applicant and the town. 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. (Ord. 900, 18 Apr 22)

**XX-8-6: PERFORMANCE SECURITY:** Upon approval of an administrative permit the town shall be provided with a performance security in accordance with section XX-10-2 of this ordinance. (Ord. 900, 18 Apr 22)

**XX-8-7: EXPIRATION OF 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 permit and fulfill each and every condition attached thereto within one 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 town at least 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 conditional use permit.
- C. A maximum of one administrative extension shall be granted.
- D. The extension shall not exceed 90 days from the initial conditional use permit expiration date.
- E. There shall be no charge for the filing of a petition for an administrative extension. (Ord. 900, 18 Apr 22)

**XX-8-8: CERTIFICATION OF TAXES AND FEES PAID:** Prior to approving an application for an administrative permit, the applicant shall provide certification to the town that there are no delinquent property taxes, special assessments, interest, or town utility fees due upon the parcel of land to which the application relates. (Ord. 900, 18 Apr 22)