Chapter 5 INTERIM USE PERMITS

SECTION:

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XX-5-1: PURPOSE: The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
- B. To allow a use that is presently judged acceptable by the town board, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- C. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the comprehensive plan; provided, that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development. (Ord. 900, 18 Apr 22)

XX-5-2: REVIEW CRITERIA: The planning commission and town board shall consider possible adverse effects of the proposed interim use. Their judgment shall be based upon (but not limited to) the following factors.

- A. The proposed action's consistency with the specific policies and provisions of the town comprehensive plan.
- B. The proposed use's compatibility with present and future land uses of the area.
- C. The proposed use's potential to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

- D. The proposed use's conformity with all performance standards contained within this ordinance and other town ordinances.
- E. Traffic generation of the proposed use in relation to capabilities of roads serving the property.
- F. The proposed use can be accommodated by existing public services and facilities and will not overburden the town's service capacity. (Ord. 900, 18 Apr 22)

XX-5-3: GENERAL PERFORMANCE STANDARDS: The evaluation of any proposed interim use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria, as may be applicable to the specific parcel, lot, or use:

- A. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or 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.
- B. Screening of the use and landscaping of the parcel or lot shall be provided in compliance with chapter 19 of this ordinance.
- C. The parcel or lot shall be accessed by a road of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right-of-way shall be provided.
- D. Adequate off street parking and off street loading shall be provided in compliance with chapter 21 of this ordinance.
- All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses, and shall be in compliance with section XX-16-10 of this ordinance.
- F. All signs and informational or visual communication devices shall be in compliance with chapter 23 of this ordinance.
- G. Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be imposed to ensure compliance with section XX-16-11 of this ordinance.
- H. The hours of operation may be restricted when there is judged cause incompatibility with surrounding uses.

- I. 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 XX-16-8 of this ordinance.
- J. The stormwater management for the parcel or lot shall be subject to the review and approval of the town engineer.
- K. The use shall have adequate on-site sewage treatment system in compliance with section of XX-16-6 of this ordinance.
- L. The use complies with all applicable performance standards of the zoning district in which it is located, this ordinance, or other town ordinances.
- M. The use and site shall be in compliance with any federal, state, or county law or regulation that is applicable and any related permits shall be obtained and documented to the town. (Ord. 900, 18 Apr 22)

XX-5-4: SPECIFIC USE STANDARDS: The evaluation of any proposed interim use permit request shall be subject to and include, but not be limited to, the following specific performance standards and criteria, as may be applicable to the parcel, lot, or use:

- A. Activities Requiring Rural Isolation:
 - 1. The site shall have frontage on a hard surface public road unless access via a gravel road is approved by the town board.
 - 2. A certificate of insurance is submitted to the zoning administrator.
 - 3. The facility shall provide adequate restroom facilities as determined by the town board.
 - 4. The town board may restrict the number of people who may use the property at any given time.
- B. Asphalt and Concrete Mixing Plants, Portable:
 - 1. The plant and equipment shall be located and screened in such a manner so as to have the least environmental and aesthetic impact on adjacent properties.
 - 2. Traffic to and from the mining site shall be routed to avoid streets that primarily serve abutting residential properties as approved by the town engineer.

- 3. All federal, state and local air, water and noise standards shall be met. All necessary federal, state and local permits shall be obtained by the operator.
- 4. Hours of operation shall be 6:00 am to 6:00 pm Monday through Saturday unless otherwise approved by the town board based on noise, traffic and air control mitigation measures.
- 5. Aggregate mined on site shall be adequate for use in asphalt or concrete and shall be the primary sources of aggregate used in the plant.
- C. Auction Business:
 - 1. The entire operation takes place on 10 acres or more.
 - 2. The applicant shall demonstrate adequate on-site parking and restroom facilities.
 - 3. Goods to be auctioned may be displayed outside in a secured area two weeks prior to the auction, and shall be removed from outside within two weeks after the auction unless otherwise approved by the town board.
 - 4. All signage shall comply with chapter23 of this ordinance.
 - 5. The use shall be conducted no more than six days per calendar year.
- D. Automobile Mechanical, and/or Body Repair Shops provided that all storage of vehicles with damaged body parts is screened from view as required by chapter 30 of this ordinance.
- E. Bed and Breakfast:
 - 1. The facility may have no more than eight guest rooms, used by temporary guests.
 - 2. The owner or caretaker shall live in the facility during normal operations.
 - 3. Banquets, weddings, commercial meetings, luncheons, and similar activities serving more than 10 guests may require an application for an occasional special event interim use permit, unless otherwise allowed by the town board with the facility interim use permit.
 - 4. Rooms used for sleeping shall be part of the primary residential structure. The facility shall have a minimum of one parking space per guest room, and two parking stalls for staff. All parking shall be off-street.

- 5. There may be one non-illuminated sign totaling not more than 12 square feet in area, located on the property, but outside of the public right-of-way.
- F. Business selling vehicles, boats or farm implements.
- G. Campgrounds, Recreational:
 - 1. The campground shall be seasonal, and shall not be in use from November 1st through May 1st. Areas within a floodplain shall not be in use from October 1st through May 1st. Campgrounds shall comply with all local, state, and federal rules and regulations.
 - 2. The campground owner/operator shall provide an operational plan, to be approved by the town board. In addition to addressing the provisions listed in this section, the operational plan shall include the calendar months of the year which the campground will operate, the maximum number of camping sites including the type of site (i.e. primitive tent camping, RV full hook-ups, etc).
 - 3 The campground owner/operator shall obtain a primary or annual license from the department of health in compliance with Minnesota statutes, prior to recording of the interim use permit and shall submit a copy of the license to the zoning administrator.
 - 4. All overnight guests of the campground shall register their names, permanent address(s), make and model of vehicle(s), and license plate number(s). The campground owner/operator shall retain this registration log for at least one-year, and shall be made available to law enforcement officials upon request.
 - 5. Campgrounds shall provide a caretaker or attendant who shall maintain all facilities in a clean, orderly and sanitary condition. The caretaker or attendant shall be readily available at all times in case of an emergency.
 - 6. The storage, collection, and disposal of refuse and garbage in a recreational campground shall be so conducted as to not create health hazards, rodent harborage, insect breeding areas, accident, fire hazards, or air pollution. In recreational camping areas, garbage and refuse containers shall be provided on the ratio of at least one for every four sites. Refuse and garbage collection shall be made at least twice each week and more often when necessary to prevent nuisance conditions.
 - 7. Campgrounds shall have a stormwater management plan approved by the town Engineer.

- 8. Wells and septic systems shall comply with department of health and pollution control agency regulations.
- 9. Campgrounds shall have an adequately sized severe weather shelter(s) onsite, as approved by the town building official. Temporary campgrounds established as emergency housing in a disaster area as declared by the governor or president of the United States may be exempt unless its use exceeds a period of 18 months.
- 10. Campgrounds shall provide an evacuation plan in case of severe weather, flood, fire, or other disaster, as approved by the county emergency management director, and shall be provided to campers at the time of registration.
- 11. All livable structures (i.e. RV's, park trailers, etc.) shall be road ready, licensed (if applicable), and able to operate on their own power or towed on public roads in a legal manner.
- 12. The campground owner shall maintain streets and roadways in the campground so as to permit passage of emergency vehicles and reverse maneuvering of recreational vehicles.
- 13. Each RV site shall be a minimum of 16 feet in width and 70 feet in depth (minimum area of 2,000 square feet per RV site) to accommodate an RV and secondary vehicle.
- 14. Each tent site shall be a minimum of 10 feet wide and 30 feet in depth and accommodate the structure and one parking space.
- 15. On site toilets, bathing, and laundry facilities shall comply with state rules and statutes and section XX-16-6 of this ordinance.
- 16. All dead storage fish houses shall be accessible to emergency vehicles.
- 17. All campsites shall comply with applicable department of natural resources setbacks for permanent and temporary structures and recreational vehicles.
- 18. No permanent structures shall be permitted within a S district or FP district.
- 19. No domestic animals or pets of occupants of the campground may run at large, or be a public nuisance. (Ordinance 900, 18 Apr 22)
- H. Commercial or Private Kennel:
 - 1. An interim use permit issued under this section shall not be transferred to any person other than the person to whom the permit was issued.

- 2. No more than 40 dogs over six months of age shall be kept on the private and/or commercial kennel property, including no more than 10 unsterilized female dogs over six months of age, unless approved by the Town Board.
- 3. Dogs must be confined or under direct control of the kennel operator or staff at all times.
- 4. The owner and/or operator of the private or commercial kennel shall operate the kennel so as to not unreasonably disturb the peace and quiet of any person in accordance with this Ordinance.
- 5. Outdoor kennel areas shall be fenced consisting of durable materials with a minimum height of six feet and shall deter dogs from escaping over, under, or through the fence.
- 6. Shelter:
 - a. All-weather kennels or shelters and dog runs or enclosed exercise areas shall be provided for all dogs and shall be adequately sized for the particular breed.
 - b. Kennels may require a building permit if over 200 square feet in area.
- 7. A waste management plan for proper disposal of animal feces at least once each day shall be submitted to provide for disposal of animal wastes via a subsurface sewage treatment system or enclosed in a container of sufficient construction to eliminate odors and organisms.
- 8. Location:
 - a. Kennels shall be located on a parcel that complies with the minimum lot requirements of the applicable zoning district.
 - b. Kennels, runs, and shelters shall be setback a minimum of 500 feet from any existing residence except that of the kennel owner.
 - c. Kennels, runs and shelters shall comply with the minimum setback requirements of the applicable zoning district. (Ord. 900-2, 19 Sep 23)
- I. Contractor's Yard:

- 1. Small Contractor's Yard:
 - a. Within the R1 district, the parcel area shall be a minimum of 2.5 acres and homesteaded by the applicant
 - b. There may be a maximum of four licensed motorized or non-motorized vehicles associated with the contractor's yard including trucks and trailers. Equipment stored on vehicles or trailers are excluded.
 - c. There may be only two employees (full-time and part-time) reporting to the parcel other than a family member residing on the property. This includes employees who are on-site only to pick up and drop off equipment and materials.
 - d. Exterior storage of equipment, business supplies, or waste material is prohibited except for the permitted commercially licensed vehicles.
 - e. Setbacks: The contractor's yard and all related uses shall comply with the setbacks of the R1 district
- 2. Medium contractor's yard:
 - a. Within the R1 district, parcel area shall be a minimum of 10 acres.
 - b. There may be a maximum of 20 commercially licensed motorized or nonmotorized vehicles associated with the contractor's yard including trucks and trailers.
 - c. There may be a maximum of 20 employees (full time equivalent) working onsite. This includes employees who are on-site to pick up and drop off materials and equipment.
 - d. Setbacks: Within the R1 district, the contractor's yard and all related uses shall be setback a minimum of 150 feet from all property lines.
- 3. Large Contractor's Yard:
 - a. Property shall be in an industrial district as established by chapter 45 of this ordinance.
 - b. The maximum number of commercially licensed motorized or nonmotorized vehicles (includes trucks and trailers) associated with the contractor's yard shall be approved by the town board.

- c. The maximum number of employees (full time equivalent) working on site shall approved by the town board.
- d. Setback: The contractor's yard and all related uses shall be within the permitted setbacks within the applicable zoning district as outlined in this ordinance.
- 4. The contractor's yard may not be located within the S district or the FP district.
- 5. The contractor's yard shall abut a hard-surface public road unless access via a gravel road is approved by the town engineer.
- 6. All outside storage shall be adequately screened from existing or proposed residential areas by fence, wall, or vegetated earth berm.
- 7. Applicants shall include the following information with the application:
 - a. A written description describing the proposed contractor's business and activities conducted on-site, including the following:
 - (1) The number of employees (full-time and part-time) reporting to the contractor's yard.
 - (2) The type and amount of equipment stored on-site.
 - (3) The type and amount of vehicles, materials and supplies stored onsite.
 - (4) If, how, and where vehicles and equipment will be maintained onsite.
 - b. A survey or aerial photo showing the following:
 - (1) Parcel acreage.
 - (2) Location and dimensions of all existing and proposed buildings on the property.
 - (3) Location and dimensions of existing and proposed outdoor storage areas.
 - (4) Location and details of existing and proposed screening.
 - (5) Location and distance of neighboring residences.

- (6) Location of well, septic or other sanitary facilities on-site.
- J. Farm-Related Bunkhouse for a Temporary Residence.
- K. Home Business in an Accessory Building:
 - 1. The business shall be located on the homesteaded property of the business owner.
 - 2. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider shall be used to separate business from non-business use to identify compliance with the 1,800 sq ft maximum floor area. All work shall be conducted within the accessory building.
 - 3. There may be no more than two employees (full time equivalent) other than a member of the household residing on the premises.
 - 4. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
 - 5. There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.
 - 6. Excessive noise, glare, odors, traffic or other nuisances may be justification for the town to revoke or modify the terms of the interim use permit.
 - 7. The town board may limit the daily hours of operation.
 - 8. Any solid or liquid waste shall be handled and disposed of according to any applicable county or state regulations.
 - 9. The applicant and/or property owner shall permit the zoning administrator to inspect the property at any time.
- L. Manufactured Home, Farm Related (temporary seasonal)
 - 1. The owner/applicant can demonstrate a need for the permit.
 - 2. A maximum of three manufactured homes may be located on each farming operation. A farming operation includes all lands under common/joint ownership used predominately for labor intensive agricultural purposes.

- 3. Farming operations shall have a minimum of 80 acres of land, or if less shall demonstrate that there is no local housing available for seasonal workers.
- 4. The length of time the temporary residence shall be occupied is limited to the needs of the farming operation and allowed only from April 15th through November 1st. The manufactured home shall be occupied by farm workers only.
- 5. The total number of occupants in any one manufactured home does not exceed the code of federal regulations 3280.109 as amended, regulating the number of persons per sq ft of bedroom.
- 6. The employer and employees are in compliance with all applicable state and federal labor laws.
- 7. The manufactured home is connected to an on-site septic system, in accordance with section XX-16-6 of this ordinance.
- 8. An escrow is issued in the name of the town, payable to the town, for the sum of \$5,000 that may be drawn by the town in its sole discretion for purposes including, but not limited to, the cost of capping and closing of any separate septic systems, administrative and legal fees for the foregoing, and repayment of delinquent personal property taxes on the manufactured home. The escrow shall be held for as long as the manufactured home is on the property.
- 9. All solid waste generated by the occupants shall be disposed of properly, in accordance with the solid waste ordinance.
- M. Manufactured Home, Farm Related (temporary year-around):
 - 1. The residents' income is derived in part from the farmstead of which the manufactured home is intended to be located, or that the majority income of the occupant or owner is derived from past association with the farmstead.
 - 2. An escrow is issued in the name of the town, payable to the town, for the sum of \$5,000 that may be drawn by the town in its sole discretion for purposes including, but not limited to, the cost of capping and closing of any separate septic systems, administrative and legal fees for the foregoing, and repayment of delinquent personal property taxes on the manufactured home. The escrow shall be held for as long as the manufactured home is on the property.
 - 3. The manufactured home is connected to an on-site septic system, in accordance with section XX-16-6 of this ordinance.

- 4. Travel trailers, recreational vehicles, or any other type of vehicle modified for living space shall not be used as a permanent structure and shall not be connected in any fashion to existing water and septic systems for the purpose of erecting a permanent structure. For the purposes of this section, a permanent structure is any trailer or vehicle that is used between November 1st and May 1st of the following year.
- N. Manufactured Home (Temporary) for Parents, Grandparents, Children, Sisters or Brothers by Blood or Adoption):
 - 1. The manufactured home is to be located on a parcel of at least five acres with one permanent dwelling. The occupant(s) of either the manufactured home or the permanent dwelling shall be:
 - a. The parent(s) or grandparents of the occupant of the other residence or,
 - b. A child, sister, or brother who suffers from a full or total disability as classified by social security, worker's compensation, or a doctor, and who resides in or will reside in one of the residences.
 - 2. The applicant shall submit with the application and annually thereafter, a signed statement certifying that the occupant of the manufactured home is a parent, grandparent, child, sister, or brother who suffers a full or total disability as classified by social security, worker's compensation or a doctor. The statement shall describe the need that makes it necessary for parents, grandparents or relative of the first degree to live on the same parcel with the children or grandchildren or a release that will allow the zoning administrator or their designee to verify the disability.
 - 3. The manufactured home shall be removed from the site within 120 days of such time as it or the permanent residence ceases to be occupied by a parent, grandparent, child, sister, or brother.
 - 4. The manufactured home shall not be made a permanent structure.
 - 5. The manufactured home shall not require the creation of a separate well.
 - 6. An escrow is issued in the name of the town, payable to the town, for the sum of \$5,000 that may be drawn by the town in its sole discretion for purposes including, but not limited to, the cost of capping and closing of any separate septic systems, administrative and legal fees for the foregoing, and repayment of delinquent personal property taxes on the manufactured home. The escrow shall be held for as long as the manufactured home is on the property.

- 7. An on-site sewage system to serve the manufactured home can be installed in accordance with section XX-16-6 of this Ordinance.
- O. Mining subject to the provisions of chapter 25 of this ordinance.
- P. Occasional Special Event:
 - 1. An application is submitted which includes the following:
 - a. A site plan showing:
 - (1) Location of any grading, excavation or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.
 - (2) Location of any temporary buildings, stockpiled materials, and or industrial equipment.
 - (3) Location of storage area for equipment.
 - b. A letter giving an in-depth description of the proposed operation. Said letter shall contain at a minimum:
 - (1) The number of employees reporting to the site.
 - (2) Plans for traffic control.
 - (3) A discussion of parts of the special event that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
 - (4) Plans for provision of sanitary facilities such as portable toilets for workers and attendees.
 - (5) Reasons the town board should approve the application.
- Q. Recreational Activities:
 - 1. A certificate of insurance and/or a performance surety may be required.
 - 2. Sanitary facilities shall be installed as judged necessary by the zoning administrator.
 - 3. An operational plan approved by the zoning administrator is established and all activities are conducted in accordance with the operational plan.

- 4. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
- 5. Any type of special event that will attract or involve more than the number of people stipulated in subsection 4 of this section above shall require approval of the town board.
- 6. The permit shall be subject to annual administrative renewal in accordance with chapter 8 of this ordinance.
- R. Rural Tourism:
 - 1. Standards:
 - a. A rural tourism business shall be located on a metes and bounds parcel of at least five acres in area and is homesteaded by the applicant.
 - b. Any new buildings shall be setback 50 feet from side and rear lot lines.
 - c. Rural tourism business may not be located within 0.25 mile of 10 residences existing at the time of application.
 - d. Rural tourism shall be limited to no more than 300 guest/visitors at one time.
 - Submittal Information. In addition to submittal requirements set forth in chapter
 9 of this ordinance, the following information shall be provided with an interim use permit application:
 - a. Site plan drawn to an appropriate scale for effective interpretation.
 - b. Property boundaries, access roads (public and private), and proposed onsite parking areas that complies with chapter 21 of this ordinance.
 - c. Existing uses on adjacent properties and distance of dwellings within 500 feet of the property boundary.
 - d. Existing and proposed structures listed for each building where guests will have access and the maximum capacity for each structure as required to comply with building code and applicable fire safety requirements.
 - e. Location of temporary toilet facilities, which may be required.

- f. Location of any existing or proposed wells or subsurface wastewater treatments systems (SSTS). The number of bathrooms in existing buildings shall ensure public restrooms comply with the Americans disability act.
- g. A written description of the planned activities including maximum number of guests/visitors.
- h. Frequency and number of activities proposed in a calendar year. Days of week and hours of operation proposed.
- i. Hours of Operation/Activity including set-up/clean-up for activities and events.
- j. Description of any proposed outdoor activities including but not limited to: placement of temporary tents, public address system, and amplified music.
- k. Proposed site lighting and landscaping.
- I. Anticipated maximum number of vehicle trips per day which would include arriving and leaving the site.
- 3. Conditions. In addition to all other applicable zoning ordinance requirements including but not limited to the review criteria included in chapter 5 of this ordinance, the following items shall be considered by the planning commission and town board when reviewing an application for rural tourism:
 - a. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the town based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no unreasonable adverse impact on the neighbors from the noise, traffic, trespass, light, or other impacts deemed relevant by the town.
 - b. The town shall consider the character of the neighborhood and traffic quantity when determining the maximum capacity of people allowed and the type of activity generated by the business and the amount of parking required.
 - c. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the town. Parking areas shall be a minimum of 40 feet from all property lines, and appropriately screened from neighboring property.

- d. Driveway access location and any road upgrades required shall be approved by the town engineer.
- e. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- f. The town board may require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.
- g. Subsurface wastewater treatments systems (SSTS) which is subject to a change in occupancy or gallon per day loading as a result of an approved interim use permit shall be retrofitted and/or upgraded to conform to current code requirements.
- h. All existing buildings or proposed buildings to be used in association with the business shall be certified by an architect or engineer to be in compliance with current structural building and electrical standards for new occupancy prior to any use of the structures.
- i. There may be one sign totaling not more than 12 square feet in size, located on the property and outside the public right of way.
- j. Outside, activities shall be completed during daylight hours. Inside activities shall be completed by 11:00 p.m.
- k. Any on-site preparation and handling of food or beverages shall comply with all applicable federal, state or local standards.
- I. The owner will maintain a log of the activities occurring onsite that includes activity/event dates, group identity, times and number of guests.
- m. The site plan with the above written descriptions along with any condition added during planning commission and/or town board review will become a part of any approved interim use permit
- S. Sexually oriented use, principal provided that the use complies with the requirements established by chapter 30 of this ordinance.
- T. Solar farm meeting the requirements set forth by chapter 29 of this ordinance.
- U. Temporary Tire and/or Waste Collection and/or Recycling Operations:
 - 1. Adequate parking and restroom facilities shall be provided.

- 2. A mitigation plan is submitted, controlling water pollution, air pollution, traffic, litter, odors and noise.
- 3. Events held by governmental entities are exempt from obtaining an interim use permit.
- V. Temporary Start-up Business:
 - 1. The business shall be located on the homesteaded property of the business owner if located within the R1 district.
 - 2. The business shall be compatible with the neighborhood, and not create a nuisance.
 - 3. The business may be allowed for a period no longer than three years, after which time the interim use permit shall expire, and is not renewable or transferable. At the time of expiration, all business activities shall end, and business-related vehicles, equipment, and materials shall have been removed from the property.
 - 4. The business is located on a minimum of five acres.
 - 5. Days and hours of operation shall be determined by the town board.
 - 6. The maximum number of employees (full time equivalent) working on-site shall be determined by the town board.
 - 7. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider shall be used to separate business from non-business use to identify compliance with the 1,800 sq ft maximum floor area. All work shall be conducted within the accessory building.
 - 8. There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.
 - 9. Excessive noise, glare, odors, traffic, or other nuisances may be justification for the town to revoke or modify the terms of the interim use permit.
 - 10. The applicant and/or property owner shall permit the zoning administrator to inspect the property at any time.

- W. Temporary Use by Government Entities:
 - 1. An application is submitted which includes the following:
 - a. A site plan showing the location of the temporary use and any temporary structures, parking areas, etc.
 - b. A cross-section plan of the proposed work, if applicable.
 - c. A construction erosion control plan.
 - d. A drainage and restoration plan for a use in a R1 district.
 - e. A letter giving an in-depth description of the proposed operation. Said letter shall contain at a minimum:
 - (1) The number of employees reporting to the site.
 - (2) Plans for traffic control at the temporary site and in the location of the project if at a location other than the site.
 - (3) A discussion of parts of the operation that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
 - (4) Plans for provision of sanitary facilities for workers.
- X. Yard Waste Composting:
 - 1. Drop-offs are allowed from commercial business and/or licensed haulers. If government entities or citizen drop-offs are allowed, additional conditions will be required for security, and removal of separate waste streams.
 - 2. Only leaves, brush and grass clippings can be accepted at the site.
 - 3. Shall obtain a county solid waste facility license agreement for the operation
 - 4. The use shall not be located in a platted development or within 1,000 feet of a platted development.
 - 5. Shall be located at least 1,000 feet from the nearest residence existing at the time of application.
 - 6. The site may not be located within the S district or the FP district.

- 7. The site shall be located on a hard-surface public road unless access via a gravel road is approved by the town engineer.
- 8. All outside storage shall be screened from residential areas.
- 9. The number of employees (full-time and part-time) reporting to the site may be limited by the town board.
- 10. All material shall be removed prior to transfer or sale of property.
- 11. Material shall be removed prior to the termination of the permit.
- 12. The compost site shall not be greater than 10,000 cubic yards in area. (Ord. 900, 18 Apr 22)

XX-5-5: PROCEDURE:

- A. Request for Permit:
 - 1. The town board or the planning commission may, upon their own motion, initiate a request for an interim use permit in conformance with the provisions of this chapter.
 - 2. Any person owning real estate or having documented interest therein may initiate a request for an interim use permit for said real estate in conformance with the provisions of this chapter.
- B. Request for an interim use permit shall be filed with the town on an official application form and processed in accordance with this chapter and Minnesota Statutes section 15.99.
 - 1. An application shall be accompanied by a fee as provided in 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 town board, the planning commission, and the town staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant, and said information is to be 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 interim use 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.
- D. Upon receipt of said application, the town clerk shall set a public hearing to be conducted by the planning commission following proper hearing notification as applicable.
 - 1. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least 10 days prior to the hearing.
 - 2. Written notification of said hearing shall be mailed to surrounding area property owners within 350 feet of the property in question at least 10 days prior to the hearing.
 - 3. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.
 - 4. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth in this chapter, provided a bona fide attempt has been made to comply with the notice requirements of this chapter.
- E. The zoning administrator shall instruct the appropriate staff persons to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the planning commission and town board.
- F. The applicant or a designated representative thereof shall appear before the planning commission and town board in order to answer questions concerning the proposed request. Failure by the applicant to attend meetings at which the application is to be considered by the planning commission or town board may be grounds for denial of the request.

- G. The planning commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this ordinance.
- H. The town board shall not consider or act upon a interim use permit until they have received a report and recommendation from the planning commission or until 60 days after the first regular planning commission meeting at which the request was considered.
- I. Upon completion of the report and recommendation of the planning commission, the request shall be scheduled for consideration on the agenda of the town board. Such reports and recommendations shall be entered in and made part of the permanent written record of the town board meeting.
- J. Upon receiving the report and recommendation of the planning commission and town staff, the town board shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition it considers necessary to protect the public health, safety, and welfare.
- K. If, upon receiving said reports and recommendations of the planning commission and town staff, the town board finds that specific inconsistencies exist in the review process and thus the final action of the town board will differ from that of the planning commission, the town board may, before taking final action, refer the matter back to the planning commission for further consideration.
- L. Approval of a request shall require passage by a majority vote of the town board.
- M. The zoning administrator shall provide the applicant and property owner with written notice of the town board's findings of fact and decision regarding the application.
- N. If a request for an interim use permit receives approval of the town board, the town clerk, at the applicant's expense, shall record such with the appropriate Sherburne county office. No building permits for the property in question will be granted until recording of the action has been completed.
- O. All decisions made by the town regarding an interim use permit shall be final, except that any aggrieved person shall have the right to appeal within 30 days after delivery of the decision to the appellant, to the district court in Sherburne County. Any person seeking judicial review under this ordinance shall serve the town and all necessary parties, including any landowners, within the 30 day period defined above.
- P. Whenever an application for an interim use permit has been considered and denied by the town board, a similar application for the interim use permit affecting substantially the same property shall not be considered again by the planning commission or town board for at least one year from the date of its denial, except as follows:

- 1. Applications are withdrawn prior to the town board taking action on the matter.
- 2. If the town board determines that the circumstances surrounding a previous application have changed significantly.
- 3. If the town board decides to reconsider such matter by a four- fifths vote of the entire town board. (Ord. 900, 18 Apr 22)

XX-5-6: TERMINATION OF PERMIT: An interim use shall terminate on the happening of any of the following events, whichever first occurs:

- A. The date or event stated in the interim use permit.
- B. Upon violation of conditions under which the interim use permit was issued.
- C. Upon change in the town's zoning regulations that renders the use nonconforming.
- D. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
- E. Upon a change in ownership, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:
 - 1. The sale of all or substantially all of the company assets.
 - 2. Sale or acquisition of 40 percent or more of the controlling interest (voting) stock if the company stock is publicly traded;
 - 3. Sale of 51 percent of the voting stock if a non-publicly traded stock or closely held corporation;
 - 4. Execution of a management agreement; or
 - 5. The change of any officer or majority stockholder if the company is a closely-held corporation. The IUP shall expire with a change of ownership, or unless otherwise required by the IUP's conditions as determined by the town board.
- F. The approved use is inactive for one year or longer as determined by the zoning administrator. (Ord. 900, 18 Apr 22)

XX-5-7: AGREEMENT: The approval of an interim use 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-5-8: PERFORMANCE SECURITY: Upon approval of an interim use 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-5-9: AMENDED PERMIT: The owner of a property with an interim use permit may propose an amendment to modify the interim use at any time. No changes in the approved plans, intensity or scope of the interim use shall, however, be undertaken without prior approval of those changes by the town. Requests for permit modifications shall be processed according to section XX-5-5 of this chapter and shall be subject to all requirements and standards of this ordinance; except, that those permit modifications meeting the following criteria, as determined by the zoning administrator, may be approved administratively in accordance with chapter 8 of this ordinance:

- A. Only applications for preexisting uses or uses explicitly classified as allowed uses, including accessory uses, by the approved interim use permit governing the use of the property are eligible for administrative approval.
- B. The permit modification shall not result in an increase in hours of operation, traffic, employees, or number of dwelling units, expand any principal building or otherwise increase the intensity of the use of the site.
- C. The permit modification shall comply with all requirements of the applicable zoning district and all other performance standards of this ordinance or other town ordinances.
- D. All applications for permit modification shall be complete and in full accordance with the requirements of section XX-9-4 of this ordinance. (Ord. 900, 18 Apr 22)

XX-5-10: EXPIRATION OF PERMIT APPROVAL:

A. Unless otherwise specified by the town board at the time it is authorized, an interim use permit shall be null and void and expire if the applicant fails to utilize such interim use 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:

- 1. The extension is requested in writing and filed with the town at least 30 days prior to the expiration of the initial interim use permit request.
- 2. 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 interim use permit.
- 3. A maximum of one administrative extension shall be granted.
- 4. The extension shall not exceed 90 days from the initial interim use permit expiration date.
- 5. There shall be no charge for the filing of a petition for an administrative extension.
- B. Upon receiving a recommendation from the planning commission and town staff, the town board may grant an extension of the conditional use permit of greater than 90 days; provided, that:
 - 1. The conditions described in subsections A1, A2, and A3 of this section are satisfied.
 - 2. The extension shall not exceed one year from the initial interim use permit expiration date.
 - 3. The filing of a petition for extension is subject to fee requirements established by the town fee schedule ordinance. (Ord. 900, 18 Apr 22)

XX-5-11: REVOCATION OF PERMIT:

- A. The planning commission may recommend, and the town board may direct, the revocation of any interim use permit for cause upon determination that the authorized interim use is not in conformance with the conditions of the permit or is in continued violation of this ordinance, other town ordinances, or other applicable regulations.
- B. The town board or planning commission shall initiate an application and the zoning administrator shall notify the responsible person that they have an opportunity to show cause why the permit should not be revoked.
- C. The application shall be processed and considered pursuant to section 11-5-5 of this chapter. (Ord. 900, 18 Apr 22)

XX-5-12: CERTIFICATION OF TAXES AND FEES PAID: Prior to approving an application for an interim use 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)