
Chapter IV

Administration and Enforcement

The Zoning Administrator, appointed by the City Council, shall enforce the provisions of this ordinance and any amendment thereto and shall have the power to certify zoning compliance and to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this ordinance. The Zoning Administrator shall:

- a. Enforce and administer the provisions of this Ordinance;
- b. Receive applications for conditional use permits and forward, along with recommendations, to the Planning Commission;
- c. Receive applications for variance requests and forward, along with recommendations, to the Planning Commission;
- d. Receive applications for zoning amendments and forward, along with recommendations, to the Planning Commission;
- e. Maintain all records relating to the application for and deliberations relating to the issuance or denial of permits;
- f. Develop and maintain a public information bureau relating to local development issues;
- g. Maintain the Official Zoning Map

1. Violations and Penalties

Any person, firm, corporation, or voluntary association which violates or refuses to com-

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ply with any of the provisions of this ordinance shall be guilty of a misdemeanor, except those violations specifically subject to administrative fines under this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

2. Variances (Rev. 09-08-11; Ord. 672)

Requests may be made for variances from the literal provisions of the Zoning Ordinance in instances when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance. The Planning Commission may impose appropriate conditions in conformity with this ordinance if those conditions are directly related to and bear a rough proportionality to the impact created by the variance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this ordinance.

A. Procedure

1. Application for Permit

An applicant desiring a variance shall fill out and submit to the Princeton Zoning Administrator an Application for Consideration of Variance Request form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.

2. Public Hearing

The Planning Commission shall hold at least one public hearing within 45 days of receipt of each completed application for a Variance after notice of the hearing has been published in the official newspaper at least 10 days before said hearing. The Planning Commission shall also cause a notice to be mailed to each of the owners of property located within 350 feet of the boundary lines of the property upon which such use has been requested. The Planning Commission decision will serve as the final ruling and the decision will be reported to the City Council for information only.

3. Appeal

An appeal of any administrative decision made in the enforcement of this Ordinance shall be made by completing and submitting an Application for Appeal, which is available from the Zoning Administrator, to the Zoning Administrator within thirty (30) days of the public hearing. Such appeal shall be heard by the Board of Adjustments within sixty (60) days of the date that such appeal is submitted to the Zoning Administrator.

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B. Standards

A variance shall not be granted by the Planning Commission unless it conforms to the following standards:

1. Is the variance in harmony with the general purposes and intent of the zoning ordinance?
2. Is the variance consistent with the Comprehensive Plan?
3. Does the property owner propose to use the property in a reasonable manner not permitted by the zoning ordinance?
4. Are there circumstances unique to this property not created by the landowner?
5. Will the issuance of the variance maintain the essential character of the locality?
6. Does the alleged practical difficulty involve more than economic considerations?

3. Conditional Use Permit (Rev. 03-08-12; Ord. 681)

A. Procedure *amended 3-8-12 #682*

1. Application for Permit

An applicant desiring a Conditional Use Permit shall fill out and submit to the Princeton Zoning Administrator an Application for Conditional Use form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.

2. Public Hearing

The Planning Commission shall hold at least one public hearing on each application for a Conditional Use Permit after notice of the hearing has been published in the official newspaper at least 10 days before said hearing. The Planning Commission shall also cause a notice to be mailed to each of the owners of property located within 350 feet of the boundary lines of the property upon which such use has been requested. The Planning Commission decision will serve as the final ruling and the decision will be reported to the

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City Council for information only. If a determination for denial is made, findings of fact shall be provided.

3. Appeal

Upon denial by the Planning Commission, the applicant shall have thirty (30) days to file an appeal with the Zoning Administrator. Such appeal shall be heard by the Board of Adjustments within sixty (60) days of the date that such appeal is submitted to the Zoning Administrator.

B. Standards

The Planning Commission shall grant a Conditional Use Permit and shall order the issuance of such permit only if it finds that such use at the proposed location complies with the following standards:

1. The proposed use does not violate the health, safety or general welfare of Princeton residents.
2. The proposed use has been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation.
3. Adequate parking and loading is provided in compliance with the Ordinance.
4. Possible traffic generation and access problems have been addressed.
5. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
6. The proposed use conforms to the City's Comprehensive Plan and is compatible with present and future land uses of the area.

C. Conditions

In approving any Conditional Use Permit, the Planning Commission may impose conditions which it considers necessary to meet the standards of this ordinance and to protect the best interests of the surrounding area or the City as a whole. Failure by the applicant or property owner to comply with the conditions of approval shall result in the revocation proceedings according to subsection E.

These conditions may include, but are not limited to, the following:

1. Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe;

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2. Off-street parking and loading areas where required, with particular attention to the items in Subd. 1 and the economic, noise, glare, or odor effects of the conditional use on nearby property;
3. Refuse and service areas, with particular reference to the items in Subd. 1 and Subd. 2 above;
4. Utilities, with reference to location, availability, and compatibility;
5. Diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
7. Required yards and other open space;
8. General compatibility with present and future land uses of the area; and
9. Hours of operation.

D. Expiration

The applicant or property owner shall make a complete application for all permits necessary for operation of the conditional use permit within 12 months of the conditional use permit approval, and the project shall be substantially complete within 24 months of issuance of the first such permit. The Planning Commission has the authority to grant extensions where reasonably necessary.

Failure by the applicant or property owner to initiate construction as stated above shall result in the revocation proceedings according to subsection E.

E. Revocation

1. Appropriate notice and public hearing process, according to subsection A.2, shall take place prior to the revocation of a conditional use permit.
2. Revocation of a conditional use permit shall be based upon factual evidence and include findings of fact.

4. Rezoning Procedure

No change shall be made in the boundary line of the districts or in the use, height, or area regulation of any district or change of requirements except after a public hearing

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and upon the two-thirds vote of the City Council. Such change shall be made only as follows:

A. By Initiative of the City Council or City Planning Commission

The City Council or City Planning Commission may, of its own initiative, change boundaries of a district or a use, height, or area regulation of any district after a public hearing and upon two-thirds vote of the Council. Notice of such hearing shall be given in the same manner as specified in Section B below.

B. Request by a Property Owner

1. The Zoning Administrator shall, upon receiving a request for rezoning from the property owner or owners affected, refer such request to the City Planning Commission. Such request shall be accompanied by a fee listed in a current fee schedule.
2. The City Planning Commission shall hold at least one public hearing on any request for rezoning after notice of such hearing has been published in the official newspaper at least ten days before the hearing and shall also cause a similar notice to be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the rezoning relates. Any request for rezoning shall be accompanied by a site plan and/or other descriptive material clearly indicating how the property will be utilized. Failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this ordinance has been made. The Planning Commission shall notify the City Council of its recommendations within 15 days of a public hearing.

C. Planning Commission Recommendation

A Planning Commission recommendation shall be sought by the City Council prior to any final City Council action regarding a rezoning request.

The Council shall, upon receiving the recommendation of the Planning Commission, place such request on the agenda of its regular meeting and decide the issue within 30 days. Notification to the applicant shall be made of the Council's action.

5. Board of Adjustments

(amended 3-27-14, ord 704)

A. Board Created

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The City Council shall act as Board of Adjustments or may by resolution appoint a Board of Adjustments. Staff services for the Board shall be furnished by the Zoning Administrator.

B. Powers and Duties of the Board

The Board of Adjustments shall have the power and duty of hearing and deciding appeals in the following cases:

1. Appeals

An Appeal may be taken where it is alleged that there is an error in any order, requirement, decision, or determination made by the Planning Commission, the Zoning Administrator, Building Inspector, or other City Staff Member in the enforcement of the Zoning Ordinance or Subdivision Regulations.

C. Procedures

1. Filing for Appeal

Appeals may be made by any affected person by filing a notice of appeal with the City Clerk within 15 days after the decision from which the appeal is taken. Notice of Appeal must be filed on forms provided by the City, including all information requested and payment of the filing fee.

2. Decision by Board

Upon filing for an appeal from a Notice of Appeal the City Administrator administrative order or determination, the Board shall set a date for hearing thereon which shall be no later than forty-five (45) days from the date of filing, and the Board shall hear the applicant and such persons as wish to be heard, either in person or by agent or attorney. Notice of any such hearing shall be mailed not less than 10 days before the date of hearing to the person who filed the appeal, and in the case of an appeal involving a request for variance, rezoning, conditional use permit or plat, to each owner of property situation wholly or partly within 350 feet of the Applicant's property. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this ordinance has been made. Within 15 days after the hearing, the Board shall make its order deciding the Appeal and serve a copy of such order upon the Appellant by mail.

3. Form of Action Taken and Record Thereof

The Board shall provide a record of its proceedings which shall include a tape recording of the proceedings, the minutes of its meeting, its findings of

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fact, and the action taken on the Appeal, including its final order. The Board's final order shall be served on the Appellant by U.S. Mail

4. Further Appeal from the Board's decision shall be filed in the appropriate Court and served on the City Clerk within 33 days of the Clerk's mailing of the Board's final order to the Appellant. In the event of further Appeal, Appellant shall provide to the Court and the Board, a copy of the transcript of the Board's Appeal Proceeding taken from the Board's tape recording by a certified Minnesota Court Reporter. The Board's final order remains in effect unless stayed by the Court.

6. INTERIM USES (Rev. 11-18-10; Ord. 658)

An interim use permit as defined in Chapter II may be issued using the following procedure:

A. Procedure

1. Request for interim uses, as provided within this chapter, shall be filed with the Zoning Administrator on an official application form.
2. The Planning Commission shall prepare a findings of fact after holding a public hearing in the manner provided in M.S. § 462.357, as it may be amended from time to time. If, in the opinion of the city, the interim use requested is appropriate for the property in question, the Planning Commission shall prepare findings of fact supporting issuance of the permit.
3. The appropriateness of any interim use for a specific property shall be determined by the resolution of the City Council, adopted by at least a simple majority, after their review of all evidence presented including the findings of fact prepared by the Planning Commission.

B. Findings of Fact

When reviewing an application for an interim use, the city shall base its judgment on the following factors and any other factors it may deem appropriate for the specific property. The interim use may be granted if:

1. The proposed use is an interim use listed in the district in which the application is being made;
2. The date or event that will terminate the use can be identified with certainty and continued;
3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters;
4. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

C. Conditions of Approval

The user agrees to any and all conditions that the city deems appropriate for permission of the use. The conditions may include but are not limited to:

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1. A performance bond for the entire period of the interim use sufficient to cover any future costs the city may incur to enforce the provisions of the interim use permit;
2. Hours of operation, parking restrictions, lighting restrictions, screening, landscaping, fencing, signing restrictions, noise restrictions and the like.

D. Review of Permit

Failure of the city to specifically note conditions or restrictions does not waive the city's ability to enforce existing codes or hold a subsequent hearing and delete or impose additional conditions upon the property at any time. The Planning Commission shall review the interim use permit after eleven months have expired and recommend to the Council whether the use approved under the interim use permit shall be continued. If continued, the permit is subject to all other restrictions, subsequent revisions and provisions listed herein.

E. Longevity, Termination and Expiration

1. Any interim use may be terminated by a change in this chapter or violations of any of the conditions imposed after the original or subsequent hearings held by the city.
2. Any interim use permit issued by the city automatically expires upon the termination date noted in the permit or upon change of the ownership of the property, whichever comes first.