

**CITY OF MAYER
ORDINANCE # 205**

**AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 152: ZONING,
SECTION 152.031 SITE PLAN REVIEW REQUIRED; SECTION 152.153 BOARD OF APPEALS
AND ADJUSTMENTS; VARIANCES; SECTION 152.154 INTERIM USES; AND SECTION
152.155 CONDITIONAL USE PERMITS (CUP)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYER THAT THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE, RELATED TO EXPIRATION OF SITE PLAN REVIEWS, VARIANCES, INTERIM USE AND CONDITIONAL USE APPROVALS, BE AMENDED TO READ AS FOLLOWS:

Section 1. Title XV: Land Usage, Chapter 152 Zoning, Section 152.031 Site Plan Review Required, of the Mayer Municipal Code, is hereby amended to add the provisions with underlined text as follows:

(D) Plan Modifications. An amended site plan involving major changes as determined by the Zoning Administrator, shall be applied for and administered as required for a new site plan.

(E) Expiration. Unless the City Council specifically approves a different time when action is officially taken on the request, site plans which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the City Council within one (1) year of the date the site plan is approved, unless the applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved site plan. The applicant shall have the right to submit an application for time extension before the expiration of the one (1) year period and the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete any building, structure, addition or alteration, or use approved in the site plan. Said extension shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

Section 2. Title XV: Land Usage, Chapter 152 Zoning, Section 152.153 Board of Appeals and Adjustments, of the Mayer Municipal Code, is hereby amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows:

~~(g) A variance shall become void one year after it was granted if any construction required has not been completed.~~

(C) Expiration. Unless the Board of Appeals and Adjustments specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the Board, unless the applicant commences the authorized use or improvement within one (1) year of the date the variance is issued or unless before the expiration of the one (1) year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. Said extension shall be presented to the Planning Commission for a recommendation and to the Board for a decision.

Section 3. Title XV: Land Usage, Chapter 152 Zoning, Section 152.154 Interim Uses, of the Mayer Municipal Code, is hereby amended to add the provisions with underlined text as follows:

(F) Annual Review/Revocation. The Planning Commission may require the annual review of any interim use permit to ensure that its conditions are being complied with. Failure to comply with any condition set forth in a interim use permit shall constitute a violation of this section and shall be cause for the revocation of the interim use permit by the City Council following a public hearing. The property owner shall be notified in advance of the City Council's review of the permit.

(G) Expiration. Unless the City Council specifically approves a different time when action is officially taken on the request, interim use permits which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the City Council, unless the applicant commences the authorized use within one (1) year of the date the interim use permit is issued or unless before the expiration of the one (1) year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the interim use permit. Said extension shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

Section 4. Title XV: Land Usage, Chapter 152 Zoning, Section 152.155 Conditional Use Permits (CUP), of the Mayer Municipal Code, is hereby amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows:

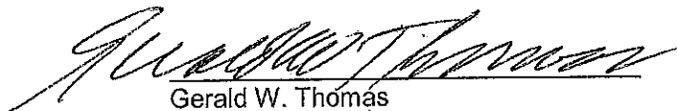
(G) Expiration. Unless the City Council specifically approves a different time when action is officially taken on the request, conditional use permits which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the City Council, unless the applicant commences the authorized use within one (1) year of the date the conditional use permit is issued or unless before the expiration of the one (1) year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Said extension shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

~~(1) A conditional use permit shall become void one year after being granted by the City Council if substantial construction has not been completed or if that use shall cease for more than 12 consecutive months.~~

~~(2) A conditional use permit is non-transferable and shall expire upon the sale or transfer of ownership of the use or property.~~

Section 5. This Ordinance shall become effective following its summary passage and publication in the official newspaper of the City.

ADOPTED by the City Council of the City of Mayer, Carver County, Minnesota this 9th day of November, 2015.



Gerald W. Thomas
Mayor

ATTEST:


Lois A Maetzold
City Clerk

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