

ORDINANCE # 62B**An Ordinance Amending Ordinance No. 62.A**

The City Council of the City of Forada ordains:

1. The purpose of this Ordinance is to amend Articles 4.01 (6) and 12.01 of Ordinance No. 62.A.

2. The City of Forada Ordinance No. 62.A, Article 4.01 (6) is hereby amended to read as follows: wmg\*

“(6) The following uses, but only upon securing a conditional use permit if the City Council determines it will not materially affect adversely the health, safety or property of persons residing in the area:

- (a) Hospitals, clinics, dental offices or other buildings used for the treatment of human ailments.
- (b) Other professional offices in homes used incidentally in the carrying out of a business conducted away from the home.
- (c) Home Business as defined and further regulated in Section 4.01 (7).
- (d) Resort or campground.
- (e) Wireless telecommunication towers.”

3. The City of Forada Ordinance No. 62.A, Article 12.01 is hereby amended to read as follows:

“12.01 Procedure. A conditional use permit may be issued in accordance with this section for any use or purpose for which such permits are required or permitted by this Ordinance. The following procedure shall be used in issuing conditional use permits:

- (1) Application for a conditional use permit shall be made by the owner to the Planning Commission on a form prescribed by the City and accompanied by such other information as required by rules of the Commission.

(2) The Planning Commission shall hold a public hearing on the proposal to issue a conditional use permit and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within five hundred feet (500') of the affected property shall be given notice of the date the Planning Commission will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

(3) The applicant or a representative shall appear before the Planning Commission and answer any questions concerning the proposed conditional use. The Planning Commission shall consider possible adverse side effects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse effects.

(4) The recommendations of the Planning Commission shall be referred to the City Council of the City of Forada within sixty (60) days after the public hearing and placed on the agenda of the City Council at its regular meeting following referral from the Planning Commission.

(5) The City Council shall take action on the application within sixty (60) days after receiving the report of the Planning Commission. If it grants the conditional use permit, the Council may impose any special conditions it considers necessary to protect the public health, safety and welfare. An appeal from any decision of the Council may be taken by any person or persons, jointly or severally, aggrieved by any decision of the Council, or any taxpayer, officer, department, board or bureau of the municipality, to the District Court of this jurisdiction as provided in Minn. Stat. §462.361.

(6) A certified copy of the granted conditional use permit shall be filed with the County Recorder or Registrar of Titles by the City Clerk.

(7) No application for a conditional use permit shall be resubmitted for a period of one (1) year from the date the request is denied except Planning Commission may allow a new application if in the opinion of Building Inspector new evidence or a change in circumstances warrants it.

(8) Work on any project requiring a conditional use permit shall begin within one (1) year of the issuance of the permit and be completed within eighteen (18) months of permit issuance or it shall expire.



(9) If any conditions of the conditional use permit are not adhered to the conditional use permit shall be nullified.

(10) A conditional use permit shall be deemed to authorize only one particular use and shall expire if the conditional use ceases for more than one year for any reason.

3. All other provisions of Ordinance No. 62.A shall remain in full force and effect.

4. This Ordinance shall become effective and enforceable on the day following publication.

Passed by the Forada City Council this 28<sup>th</sup> day of July, 2009.

*Ken Zwick*  
Mayor

Attest: *Ruby Benson*  
Clerk

### CERTIFICATION

I hereby certify that this is a true and correct copy of Ordinance No. 62B passed by the Forada City Council on July 28, 2009.

*William J. Leuthner*  
William J. Leuthner

STATE OF MINNESOTA }  
  } ss  
COUNTY OF DOUGLAS }

The foregoing was acknowledged before me this 25<sup>th</sup> day of August, 2009, by William J. Leuthner, Attorney for the City of Forada.

*Debbie R. Hvezda*  
Notary Public

