

Planning and Zoning Commission
Agenda for Wednesday, June 18th, 2025
5:30pm

1. **Planning and Zoning Call to Order**
2. Roll call: **Prioreschi, White, Burke, Hernesmaa, Councilor Roose, Palcher, Anderson.** *Staff Kochendorfer.*
3. **Approval of Minutes from May 21st, 2025.** (1-3)
4. **Additions or Deletions from Agenda**
5. **Requests to Appear**
6. **Reports**
 - a. Planning and Zoning Administrator –
 - b. Projects Committee – Minutes in the packet **(3-5)**
 - c. Council – Roose –
7. **New Business**
8. **Old Business:**
 - a. IUP Process Update **(6-15)**
 - b. Magie Dr. Subdivision **(16-18)**
 - c. Permissible Uses List **(19)**
 - d. Update City Comprehensive Plan from 2016
9. **Adjournment**

**Planning and Zoning Commission (Unapproved)
Meeting Minutes for Wednesday, May 21st, 2025**

Planning and Zoning Called to Order @ 5:31PM

Roll call: **White, Hernesmaa, Councilor Roose, Palcher.** *Staff Kochendorfer.* **Excused: Pioreschi, Burke, Anderson**

Approval of Minutes from April 16th, 2025.

Motion Palcher to approve the April 16th, 2025 Minutes/ Second Roose. Motion carried.

Additions or Deletions from Agenda

Requests to Appear

Reports

- a. Planning and Zoning Administrator – Kochendorfer has seen an update in permits with spring being here.

An explanation of the noise ordinance was presented by Kochendorfer. This falls under Chapter 10, Section 29. The noise ordinance is anything that can be a nuisance, but also includes vehicle noise, and many other. The city has amplification permits for people wishing to hold music or events past 9 PM at night. The police department is the enforcer of this ordinance. The building department and planning and zoning may get involved if it's a building related noise concern. Our ordinance doesn't specify a specific time or hours of quiet, other than the amplification permit ordinance which is generally quiet hours of 9 PM to 7 AM. The nuisance noise ordinance doesn't have specific times.

City staff met with Contented Critters Rescue, and they are looking for a new space for there rescued. This would only be household pets, and kenneling of these animals, as well as a storefront. The only current space in our business park is next to the Hub on Miners Drive. There could be some potential rezoning, and permissible use changes that would have to be made.

1120 E Main St was sent a letter for improper sales of ATV/ snowmobiles in R1 Zoning without a permit and licensing, and this is not allowed in R1 Zoning, or via Home Occupation Permit.

- b. Projects Committee – Cancelled.
- c. Council – Roose mentioned that nothing specific to planning and zoning, other than the Harvey Street construction is beginning and surveying has started. There is a project timeline in the council packet. There was a further update from Kochendorfer on the progress of the old Community Center, that is being converted to a hotel. That is moving forward, and the

asbestos abatement should be complete.

New Business

1. RV/ Resorts/Camping Ordinance Update

Kochendorfer explained that the recreational camping/RV Park definition is coming back to P&Z due to the lengthy and confusing wording in the definition that was originally approved by P&Z a few months ago. The proposed definition for Recreational Camping/ RV Parks has been streamlined, with the help of the city attorney. There was consensus amongst the commission that the streamline version makes sense.

Motion White to accept the Recreational Camping Area/RV Park as proposed/ Second Palcher. Motion carried without objection.

Kochendorfer explained the proposed change of the “Resort” ordinance, that was originally proposed by P&Z and changes that were made.

Motion Palcher to accept the Resort ordinance change as proposed/ Second Hernesmaa. Motion carried without objection.

2. Permissible Uses List

Kochendorfer discussed some changes and additions to the current permissible uses list, and the need to add and change. Some proposed changes included adding resorts being permissible by CUP in C1 zoning, Recreational Camping/RV Parks as CUP in RT zoning, adding Tattoo shops to the list as allowed in C1 and C2, adding Agricultural business (Commercial), animal rescues, updating the events category to include language such as “events longer than 4 days”, adding more CUP uses under associations, clubs, lodges, updating rooming houses to include R1 and RT zoning, and possibly adding mobile food vendors on the list. Additional language including SMU as Shoreland Overlay District as well, should be added. Kochendorfer also explained that this is something PZ should look at once a year. After further discussion, it was determined that this would be a good homework exercise, and members should email the PZ Admin with any changes they would like to see, and this can hopefully be resolved at the next PZ meeting.

Motion Hernesmaa to table this discussion to the next meeting/ Second White. Motion carried.

Old Business:

- a. IUP Process Update- Kochendorfer explained the current definition, and what the plan is to change the definition to conform with changing to an event license for events lasting 4 or less consecutive days. The city could be utilizing IUP’s more for items other than just events, such as building, or allowing temporary uses of properties, temporary structures, etc.

- b. Magie Dr Subdivision-
- c. Update City Comprehensive Plan from 2016- Continued discussion and updates to goals and objectives related to the comprehensive plan. Changes were made in real time to pages 21, 22, 23, 24 and part of page 25.

Adjournment at 6:58 PM without objection.

June 9th, 2025
City of Ely Projects Committee Meeting
City Hall Council Chambers

Committee member attendees: Harold Langowski, Rob Wilmunen, Emily Roose, Kris Winkelman, Tommy Teigen, Mike Banovetz, Mayor Heidi Omerza
Absent:, Joe Prioreshi

Also attending: John Fedo, John Jamnick, Kristin Zobitz, Ely HRA

Meeting called to order 5:00 p.m. by Mayor Omerza

I. Additions or Deletions to Agenda: None

II. Approval of Minutes from April 14th , 2025 Meeting.

a. **MOTION (TT/MB) to approve the minutes from the April 14th 2025 meeting. Passed unanimously.**

III. Special Appearances: None

IV. Communications:

a. HL shared that the CDS request for the Burntside Water line project is being supported for funding by our Senators and Congressman.

V. Unfinished Business

a. Reviewed the project list. The projects for 2025 are underway.

b. The trailhead project is nearing completion. The negotiating committee met with the Chamber group to tour the building. The Chamber is very interested in the possibility of moving to the facility. An additional meeting will be needed to discuss the details.

c. JPJ continues to work on the engineering plans for the Burntside Water Line Project

d. The reconnaissance survey was reviewed by SHPO and they are requiring additional work be done. The majority of this work is concerning the potential of the Round House and Depot being eligible to be on the national register and determining the effects the project will have on these properties. Duluth Archeology Center proposed \$9,689.03 to complete this work. There is nothing we can do to proceed with this project until this road block gets completed and SHPO is satisfied by the report. The Ambulance Joint Powers Board will also need to approve this work. **MOTION (RW/ER) to recommend the City Council approve the proposal for the additional archeology work necessary to clear the Fire Hall project for bidding. Passed unanimously.**

e. The archeology study for the mountain bike trails is mostly done. We are still awaiting the lease from the DNR and also need to complete a wetland delineation to review the routes.

f. Harvey Street has started.

g. John Ott has requested the City apply to the IRRR for infrastructure funding for the upgraded water and sewer capacity needed for the Depot Project. **MOTION (ER/CC) to recommend the City Council apply for development infrastructure funding for the utilities for the Depot Project. Passed unanimously.** HL also reported that to complete the property swap made part of the development agreement will require additional survey work. JPJ is providing an estimate for that necessary work.

h. Kristin, John Fedo and Harold attended the IRRR meeting last week and answered questions the board had concerning the work force housing project. The project was awarded \$4,587,204 in funding. This is the first step in a long process to complete. We are also confident in an additional \$1.5 million coming from MN Housing – work Force Housing. A meeting needs to be scheduled with the HRA and it would be helpful to get MHP to assist with the planning of the project. Fedo will contact MHP to see what their availability is.

VI. Clerk/Treasurer Report

- a. HL discussed the 10" water main break last week and the condition of the water main. This project along with the Sheridan Street water lines have been submitted for PFA consideration.

VII. New Business

- a. Three property owners are interested in IRRR residential demolition assistance for their properties. **MOTION (ER/RW) to recommend the City Council apply on the property owner's behalf for residential demolition assistance. Passed unanimously.**
- b. A proposal was received from TKDA to develop the construction documents for the City Hall restoration project. The project includes stone repair, window replacement and plaster repair. The proposal was for \$49,200. **MOTION (RW/ER) to recommend the City Council authorize the TKDA design proposal for the City Hall work. Passed unanimously.**
- c. Minutes were provided from the Ely Green Team, both MB and ER are members of the subcommittee of the Projects Committee. There was discussion about the proposed efforts to get the MPCA to do air monitoring and what that would provide to the City. At this time we will determine if funding is available from the MPCA and determine what outcomes or goals are being expected by the group. There also was discussion concerning RETAP and energy audits on existing City facilities. HL shared what has been done in the past 10 years concerning energy improvements. MB volunteered to look at this opportunity more later this summer to determine if it is feasible.

VIII. Bills:

- a. None

IX. Adjourned at 6:14p.m. No opposition

Respectfully submitted, Harold R. Langowski

Sec. 6.40. Special Events.

(a) *Purpose and Intent.* The purpose of this section is to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, sanitary facilities, utilities, and safety services. Special events are further defined and regulated in the special events policy.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Applicant: Any individual or organization who seeks a special events permit from the city to conduct or sponsor a special event.

Outdoors: Activity conducted outside of a permanent, enclosed structure or building.

Special Event:

- (1) Any temporary event (4 consecutive days or less), sponsored by or organized by one or more organizations, entities, or individuals, with the event held or to be held in full or in part:
 - a. Outdoors on City-owned land, or a public right-of-way intended for the gathering or movement of people or vehicles, and the event is open to the general public; or
 - b. Outdoors on City-owned land, a public right-of-way intended for the gathering or movement of people or vehicles, or privately-owned land, and the event is likely to impact vehicular or pedestrian traffic on a public right-of-way by increasing its hourly flow by at least 50 percent or otherwise impede the orderly, unobstructed, or free flow of vehicular or pedestrian traffic on any such right-of-way.
- (2) This section shall not apply to the following:
 - a. Any permanent place of worship, stadium, athletic field, arena, theatre, auditorium, school-sanctioned events on school property, or fairs conducted pursuant to Minn. Stats. ch. 38
 - b. Special events or activities permitted or licensed by State law or ordinances of the City, other than this section, including publicly-sponsored activities in the local or regional park system
 - c. Events in the nature of a family gatherings
 - d. Non-City-wide garage sales
 - e. Non-recurring auctions or estate sales
 - f. National Night to Unite events established through the City Police Department
 - g. Funeral processions
 - h. Activities conducted by a governmental agency acting within the scope of its authority; and
 - i. Residential neighborhood block parties.

Special Event Permit: A permit issued by the City after the applicant has met all applicable requirements and reviews set forth in this section.

(c) *Permit Required.* No person shall conduct or allow to be conducted any special event as defined in this section without first obtaining a special events permit.

(d) *Requirements for Issuance of a Permit.*

- (1) The following standards shall apply to all special events:

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- a. *Maximum Number of People.* The applicant shall not sell tickets to more than the maximum number of people stated in the special event permit.
 - b. *Sound Equipment.* Sound-producing equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments, and other recording devices, shall not be operated at the permit location so as to be unreasonably loud or be a nuisance or disturbance to the peace and tranquility of City residents. **Application of an amplification permit may be required by rules set forth under city code, section 10.29.**
 - c. *Sanitary Facilities.* In accordance with State Department of Health regulations and standards and local specifications, adequate sanitary facilities shall be provided that are sufficient to accommodate the projected number of persons expected to attend the event.
 - d. *Security.* The applicant shall employ at its own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons in attendance at the special event and for the preservation of order and protection of property in and around the event site. No permit shall be issued unless the City Chief of Police is satisfied that such necessary and sufficient security personnel will be provided by the applicant for the duration of the event.
 - e. *Solid Waste Disposal.* A sanitary method of disposing of solid wastes, in compliance with State and local laws and regulations, shall be provided and shall be sufficient to dispose of the solid waste production anticipated for the maximum number of people allowed by the permit. Plans shall include a provision for holding and collecting all such waste at least once each day, sufficient trash containers, and sufficient personnel to perform such tasks.
 - f. *Parking and Traffic Control.* A parking and traffic control plan for the number of persons projected to attend the event shall be submitted. Such plan shall be sufficient to ensure a free flow of traffic and make available rapid access for emergency vehicles. Further, the applicant shall provide adequate off-street parking facilities on the site or within 1,500 feet thereof to accommodate the projected number of persons expected to attend the event. When adequate off-street parking facilities are not available within 1,500 feet, the applicant may propose an alternate plan to bus attendees from a remote location.
 - g. *Mobile Food Vending.* The applicant shall provide the City evidence (or cause the food vendor to provide evidence) that all food vending operations at the event have all required food licenses from the State Department of Health or the County, as applicable, as well as any applicable mobile food vending permit required under **Section 6.31, pertaining to peddlers, solicitors, transient merchants, mobile food carts, and mobile food vehicles.** The applicant shall comply at all times with the applicable health codes and regulations. Proof of license and permit shall be provided to the City Clerk at least **14** days before the event and kept on site for immediate inspection.
 - h. *Fire Protection.* The applicant shall, at its own expense, take adequate steps to ensure fire protection as determined by the City Fire Department.
 - i. *Duration of Special Event.* The applicant shall operate the special event only on those days and during the hours specified on the permit, which shall not be for more than **(4) consecutive** days, subject to any other limits imposed by other sections of the City Code or State law.
 - j. *Cleanup Plan.* The applicant shall, at no cost to the City, immediately clean up, remove, and dispose of all litter or materials of any kind that are placed or left on the premises because of the event. If the applicant neglects or fails to proceed with cleanup within a two-hour period immediately following the end of the event, or if the cleanup is done in an inadequate manner, the City Clerk/Treasurer or his/her designee shall clean up and charge the applicant for cleanup.

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- k. *Insurance.* Before the issuance of a permit, the applicant shall provide the City with a certificate of liability insurance showing proof of general liability insurance and liquor liability insurance acceptable to the City.
 - 1. Applicant shall procure and maintain for the duration of the event commercial general liability insurance or equal special event coverages protecting it from claims or damages for bodily injury and property damage that may arise from or in connection with the event's operation and use of the City's property as required by State law.
 - 2. If alcohol will be sold or served, the applicant must have liquor (dram shop) insurance providing coverage of at least \$1,500,000.00 per occurrence, along with the applicable license required under the Code and State law.
 - 3. The City shall be endorsed as an additional insured on all liability policies. The applicant's insurance shall be primary.
 - 4. The City reserves the right to modify these insurance requirements depending on the nature and scope of the event.
 - l. *Claims.* The applicant shall agree to defend and hold the City harmless from claims, demands, actions or causes of actions, of any nature of character, arising out of, or related to an event authorized by a special event permit, including attorney fees and all expenses.
 - m. *Damages.* The applicant shall indemnify the City for damages that may result to City property as a result of a special event.
 - n. *Waiver.* The City Clerk/Treasurer or his/her designee may grant a waiver from the requirements of this section where the applicant shows that strict compliance with this section would cause an exceptional and undue hardship or, under the circumstances the requirements of this section are unnecessary. Such waiver shall not be granted if doing so would cause a detriment to the public health, safety, or welfare or impair the intent and purpose of the provisions of this section.
 - o. *Additional Requirement.* The City Clerk/Treasurer or his/her designee may place any other conditions reasonably calculated to protect the health, safety, and welfare of persons attending the event or City residents.
 - p. *Application Procedures.* A written application for a special event permit shall be filed with the City Clerk not less than at least 30 days prior to a city council meeting. The application shall be signed by the person, persons, or parties conducting the event and shall be accompanied by the fee payable hereunder.
 - 1. The submitted application shall include the following:
 - (i) The names, addresses, and other contact information for the person or persons responsible for conducting the event
 - (ii) Date of proposed special event
 - (iii) Type and description of the special event and a list of all activities to take place at the special event
 - (iv) Address of proposed special event
 - (v) Name of property owner at the permit location, if different from the applicant
 - (vii) Duration of the special event, total number of days and/or hours during which the special event is to be held
 - (viii) Estimated number of persons to attend

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- (ix) Any public health plans, including supplying water to the site, solid waste collection, and provision of sanitary facilities, if applicable
 - (x) Any fire prevention and emergency medical services plans, if applicable
 - (xi) Any security plans, if applicable
 - (xii) Whether food or alcohol will be served at the event
 - (xiii) A detailed site plan, including descriptions of all public rights-of-way and private streets for which the Applicant requests the City to restrict or alter normal parking, vehicular traffic, or pedestrian traffic patterns, the nature of restrictions or alterations, and the basis
 - (xiv) A description of any services, City personnel, City equipment, and City property the Applicant requests the City to provide, including the Applicant's estimated number and type needed, and the basis on which the estimate is made
 - (xv) Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments (additional licenses may be required).
 - (xvi) Applicant signature and property owner's signature, if different from applicant; and
 - (xvii) Any other information requested by the City, acting through its City Clerk/Treasurer or his/her designee, deemed reasonably necessary in order to determine the nature of the special event and the extent of any services necessitated by the event.
- (e) *Fees, Charges and Promotion.*
- (1) The fee for a special events permit shall be established by the City Council.
 - (2) The City shall also require the payment to the City of other charges for the recovery of City costs related to the special event, which may include the hourly cost for any employees working on a special event as established by the City Council and equipment charges for the use of City equipment, at usage rates as established by the City Council.
 - (3) In accordance with a written policy applying to special events, the City may sponsor, participate in, or otherwise support a special event, including through the waiving of fees and/or waiving the recovery of City costs, provided the City council approval.
 - (4) In connection with any request for City sponsorship of, participation in, or support of a special event, the applicant shall provide the City financial information regarding the applicant and the special event, as the City may request.
 - (5) Any promotion of a special event by the City, including through the City reader board, City web page, City publications, or by proclamation, shall be in accordance with the City's policies regarding those matters.
- (f) *Granting a Permit.* The City Clerk/Treasurer or his/her designee will review and determine whether or not a request for a special event and/or street closing satisfies all the conditions of this section and other applicable sections of the City Code. In the event the City determines the special event does not meet these criteria, the application shall be denied. **Events lasting longer than 4 consecutive days requires the application of an Interim Use Permit, per City code section 11.43.B.**
- (g) *Denial of Permit.* Without limiting any of the other provisions in this section, the City shall have the right to deny the permit if, in the judgment of the City Clerk/Treasurer or his/her designee, granting of a permit

would adversely affect the safety, health, and welfare of the citizens of the City. Such denial may also be based upon the following circumstances:

- (1) The event would unreasonably inconvenience the general public.
 - (2) The event would unreasonably infringe upon the rights of abutting properties.
 - (3) The event would conflict with another proximate event or interfere with construction or maintenance work.
 - (4) There are not sufficient safety personnel or other necessary staff to accommodate the event.
 - (5) The event affects other issues in the public interest as identified by the City.
 - (6) **It is determined that an Interim Use Permit is required.**
- (h) *Enforcement.* The Police Department and other such officers, employees, or agents as the City Clerk/Treasurer or his/her designee, shall enforce the provisions of this section.
- (i) *Revocation of Permit.* The permit for a special event may be revoked by the City at any time if any of the conditions necessary for the issuing of or contained in the special event permit are not complied with or if any of the provisions of this section are violated.
- (j) *Termination of Permit.* An applicant granted a permit under this section may elect to terminate the permit at will by giving written notice to the City Clerk at least seven days prior to the first day of the event. If less than seven days written notice is given to terminate a permitted event that involved the City undertaking contracted work in connection with the event, the applicant shall pay the City for a two-hour minimum charge for the relevant staff time, and the applicant shall compensate the City for any contractual expenses incurred and losses suffered by the City as a result of the termination, subject to Subsection (e)(4) of this section regarding the City's support of a special event. The City Clerk/Treasurer or his/her designee has the authority to cancel or stop an event if it is deemed that the public health, safety, or welfare would be better served with additional restrictions. No special event permit may be transferred to another person or location without the prior written consent of the City Clerk/treasurer or his/her designee.

SEC. 11.43B. INTERIM USES.

Subd. 1. Purpose. The purpose of an interim use permit is to allow a temporary use that is not designated as permitted or conditionally permitted, but is acceptable for a limited period of time subject to conditions set forth in this section. An "interim use" is defined as a temporary use of property until a particular date, until the occurrence of a particular event, **events lasting longer than (4) consecutive days**, or until zoning regulations no longer permit it. An interim use is granted to a particular individual and does not accrue to the subject property. **Events occurring for (4) consecutive days or less, require a special event permit, as required under section 6.40 of the Ely city code, and do not fall under the category of an interim use permit.**

Subd. 2. Application. Subject to the provisions of this chapter, all interim uses shall comply with the provisions of this section.

Subd. 3. Inspection. The city hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.

Subd. 4. Violations. After two nuisances or code violation complaints have been made and verified with written notice to the holder of the interim use permit, a public hearing may be called within 60 days of the last complaint to reconsider the interim use.

Subd. 5. Revocation. An interim use permit may be revoked if (i) the property is found to be in violation of the conditions listed in the interim use permit or (ii) if access to the property for the purpose of making an inspection is refused to the zoning administrator or their designee. The same process established for granting an interim use permit shall be followed when considering revocation of an interim use permit.

Subd. 6. Penalty. Violations of the interim use standards shall be subject to the enforcement and penalty provisions as contained in this chapter.

Subd. 7. Criteria for granting an interim use permit. In granting an interim use permit, the Planning Commission (**Board of Adjustment**) ~~and City Council~~ shall consider the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding properties. The Planning Commission (**Board of Adjustment**) ~~and City Council~~ shall consider and make findings regarding the following factors:

A. The proposed use meets the applicable zoning regulations; and

1. The proposed use will terminate upon a date or event that can be identified with certainty; and
(05-05-2009)

C. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

D. The proposed use will be subjected to, by agreement with the property owner, any conditions that the ~~City Council~~ Planning Commission deems appropriate for permission of the proposed interim use, including a condition that the owner will provide an appropriate surety to cover the cost of removing the interim use any interim structures upon the expiration of the interim use.

E. The proposed use must be allowed under the conditions listed under section 11.40, List of permissible and conditional uses.

Subd. 8. Termination. An interim use shall terminate upon the occurrence of any of the following events, whichever comes first:

- A. The date or event stated in the permit;
- B. The use has been discontinued for one year; or

C. There is a change in ownership of the property for which the interim use permit was issued. If it is believed that a violation of the conditions of approval has occurred, the Planning Commission ~~and City Council~~ may take action to revoke the interim use permit through the public hearing process, including notification to the property owner of the city's intent to consider revocation of the permit.

Subd. 9. Conditions of approval. In permitting a new interim use permit or amending an existing interim use permit, the Planning Commission may recommend and ~~the City Council may~~ impose, in addition to the standards and requirements expressly specified by this section, additional conditions which the Planning Commission ~~or City Council~~ consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- 1. Increasing the required lot size or yard dimension;
- B. Limiting the height, size or location of buildings;
- 1. Controlling the location and number of vehicle access points;
- 2. Increasing the street width;
- 3. Increasing the number of required off-street parking spaces;
- 4. Limiting the number, size, location or lighting of signs; (05-05-2009)

G. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property;

I. Designation of open space;

I. Annual review, if deemed appropriate by the city council.

Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the interim use permit shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The zoning administrator or their designee shall maintain a record of all interim use permits including information on the use, location and conditions imposed by the city council, time limits, review dates, and such other information as may be appropriate.

Subd. 10. Procedure.

a. Applications for interim use permits will not be accepted from anyone who is not the owner of the land for which the application is made, unless such land is public in nature.

b. The person applying for an interim use permit shall fill out and submit to the Planning and Zoning Department an interim use permit application, appropriate supplementary information, and a filing fee as established by the city council.

c. The Planning and Zoning Department staff shall refer the application to the Planning Commission for review and recommendation to the **Board of Adjustment** ~~city council~~.

D. ~~The Planning Commission~~ **The Board of Adjustment** shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minn. Stat. § 462.357, subd. 3, as amended. The ~~Planning Commission~~ **Board of Adjustment** shall make a recommendation ~~to the City Council~~ to either approve or deny the request. ~~The City Council shall take final action on the request. An applicant denied a permit may make application for a hearing before the Council. The Council may reverse the decision of the Board of Adjustment if a 3/4ths vote of the Council deem the issuance of a permit is necessary for the protection of the public interest.~~

E. The petitioner or representative shall appear before the Planning Commission in order to present information concerning the requested interim use permit.

F. If the Planning Commission ~~recommends~~ **approves** granting the proposed interim use permit, it may **also** recommend conditions ~~to the City Council~~ that the commission considers necessary to protect the public health, safety and general welfare of the surrounding area along with findings supporting the recommendation to approve. If the Planning Commission recommends denial of the proposed interim use permit, it shall recommend findings in support of

the denial. ~~to the city council.~~

- G. An amended interim use permit application shall be administered in a manner similar to that required for an interim use permit. Requests for an amendment to an interim use permit shall include the requested changes related to the interim use and information in support of the requested changes.
- H. No application for an interim use permit shall be resubmitted for a period of six months from such order of denial.
- I. Where applicable, granted interim use permits shall become void if the applicant does not proceed substantially on the work, ~~or with the event~~ within six months ~~from approval~~. To proceed substantially means to make visible improvements to the property. One or more extensions for not more than six months each may be granted by the ~~City Council Board of Adjustment~~ for good cause.

Source: Ordinance Number 232, Second Series
Effective Date: May 5, 2009

462.3597 INTERIM USES.

Subdivision 1. **Definition.** An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Subd. 2. **Authority.** Zoning regulations may permit the governing body to allow interim uses. The regulations may set conditions on interim uses. The governing body may grant permission for an interim use of property if:

- (1) the use conforms to the zoning regulations;
- (2) the date or event that will terminate the use can be identified with certainty;
- (3) 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; and
- (4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

Subd. 3. **Public hearings.** Public hearings on the granting of interim use permits shall be held in the manner provided in section 462.357, subdivision 3.

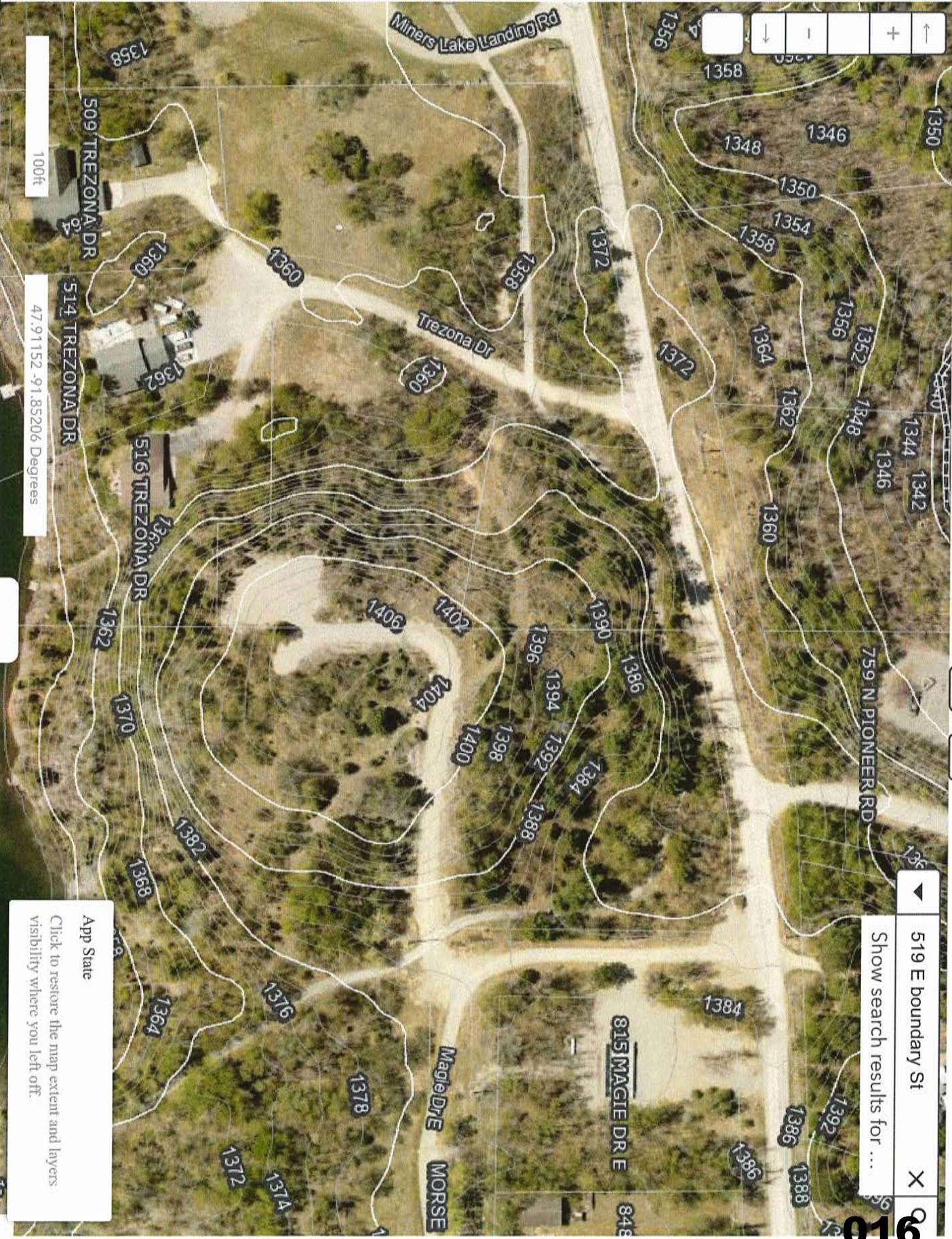
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Le County Land Explorer

St. Louis County, MN



Le Cadastral



100ft

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County Land Explorer

St. Louis County, MN



Le Cadastral



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100ft

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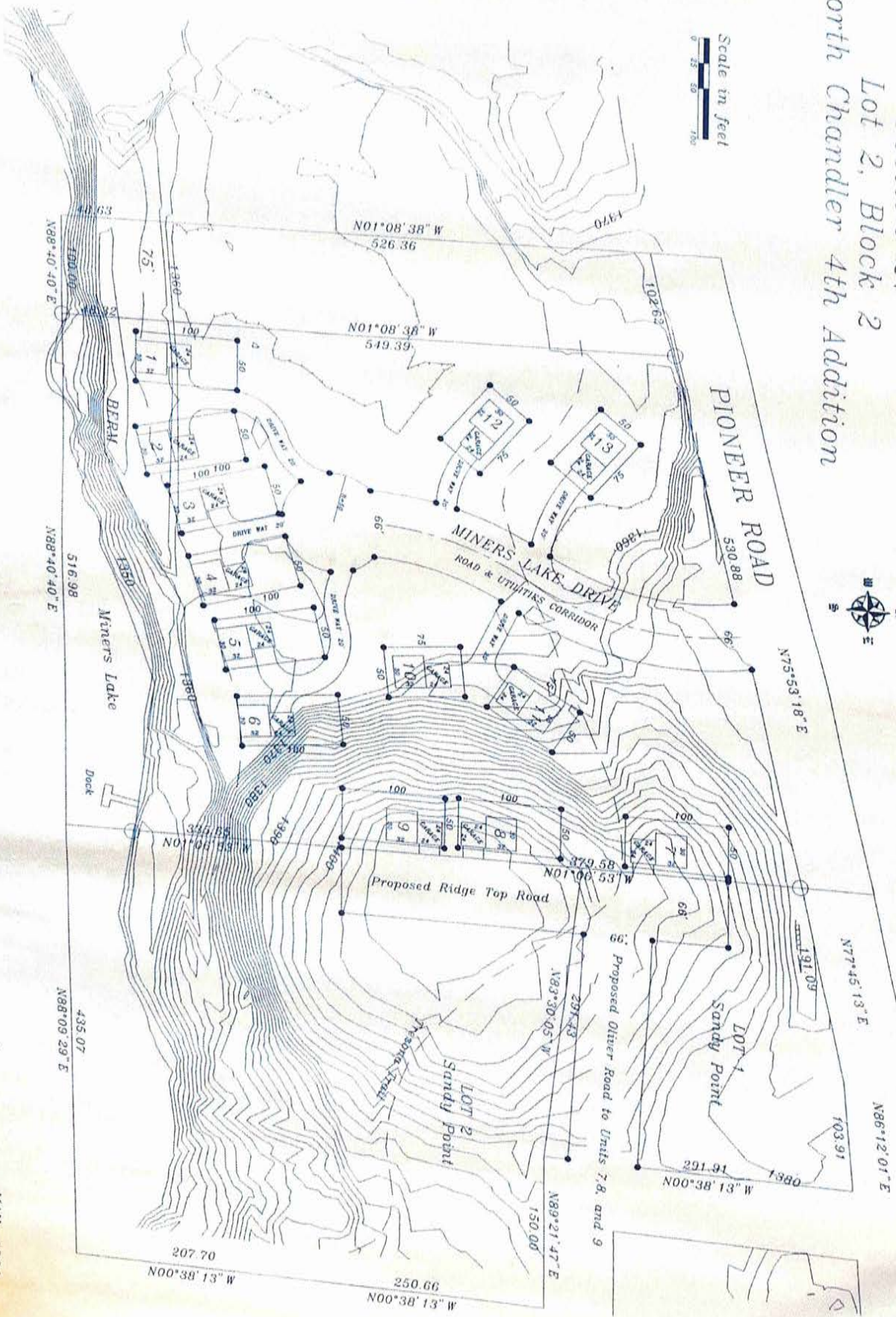
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 Click to restore the map extent and layers visibility where you left off.

TREZONA HILLS PRELIMINARY PLAN
 T63N, R12W
 Section 27
 Lot 2, Block 2
 North Chandler 4th Addition

BEAR ISLAND SURVEYING INC.
 ELY, MINNESOTA



Scale in feet
 0 25 50 100



ORDINANCE NO. 391, 2nd Series

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, REVISING THE ELY CITY CODE CHAPTER 11, SECTION 40 CONDITIONAL USES.

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 11, Section 4 of the Ely City Code is amended to read as follows:

SEC. 11.40. LIST OF PERMISSIBLE AND CONDITIONAL USES. On the following table, the uses listed are the primary use in the district. An open circle, "O", means that the use is permitted in that district, only if a conditional use permit is granted by the Board of Adjustment. An "I" means that the use is permitted in that district only if an interim use permit is granted by the Board of Adjustment. An "X" means that the use is permitted in the district, subject to the general provisions of the Zoning Chapter. A blank space means that the use is not permitted in the district. For uses not included on this list, application shall be made to the Board of Adjustment for a determination that the proposed use is or is not of the same general character as a permitted, not permitted, or conditional use.

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Resorts			O	<u>O</u>	O				O	O
<u>Recreational Camping Area/RV ParkRV Park</u>			<u>O</u>	O	O		O	O		O
<u>Tattoo Shop</u>				<u>X</u>	<u>X</u>					

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is effective thirty (30) days after final adoption and publication.

First Reading:

Second Reading:

Adopted this ____ day of _____, 2025.

Mayor

Clerk-Treasurer

Publication Dates:

Newspaper: Ely Echo