

## CHAPTER 9 - ZONING APPLICATION PROCEDURES

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#### **9.01: SCOPE.**

Certain applications of this Ordinance require study and action by the City Council, the Planning Commission, City staff, the applicant, and various experts, in varying combinations dependent upon the nature of the request. These include proposed conditional use permits, interim use permits, variances, zoning ordinance text or map amendments, comprehensive plan text or map amendments and appeals on zoning questions. An application shall be processed in accordance with the procedure set forth below.

#### **9.02: APPLICATION.**

Applications shall be filed with the Zoning Administrator on an official application form(s) provided by the City. Said applications shall be accompanied by a fee as established by Ordinance. In addition, the application shall also be accompanied by detailed written and graphic materials fully explaining the rationale for the proposed change, development or use. The number of copies to be provided and any additional data shall be determined by the Zoning Administrator. Applications must be complete before they are accepted. The application shall be accompanied by detailed illustrations containing such information as is necessary to show compliance with this Ordinance.

#### **9.03: SITE PLAN/CERTIFICATE OF SURVEY.**

A site plan of the subject property (in some instances a certificate of survey prepared by a licensed land surveyor may be required as deemed necessary by the Zoning Administrator and/or City Engineer), depicting the following, as applicable:

- A. Name and address of developer/owner;
- B. Name and address of architect/designer, if applicable;
- C. Date of plan preparation and dates and descriptions of all revisions;
- D. Name of project or development;
- E. All proposed improvements, including (unless waived by the Zoning Administrator):
  - 1. Required and proposed setbacks;
  - 2. Location, setback, and dimensions of all existing and proposed buildings and structures;
  - 3. Location of all adjacent buildings located within one-hundred (100) feet of the exterior

- boundaries of the property in question;
4. Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles;
  5. Location, number, and dimensions of proposed loading spaces;
  6. Location, width, and setbacks of proposed curb cuts and driveways;
  7. Vehicular and pedestrian circulation;
  8. Sidewalks, trails, and walkways;
  9. Location and type of all proposed lighting, including details of all proposed fixtures;
  10. Location of recreation and service areas;
  11. Location of all proposed outdoor storage including details for screening;
  12. Location of all exterior heating, ventilation and air conditioning equipment including details for screening;
  13. Location of rooftop equipment and proposed screening;
  14. Location of proposed fire lanes and fire hydrants;
  15. Proposed building exterior materials and color;
  16. Existing and/or proposed sign locations and dimensions;
  17. Existing and/or proposed drainage by contours (two foot maximum);
  18. Location and proposed ownership of existing and/or proposed stormwater facilities;
  19. Existing and proposed landscaping by size and type of plant material;
  20. Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures; and
  21. Location, size, and type of water and sewer system mains and proposed service connections.

**9.04: SUPPLEMENTAL DATA.**

Additional information, data and other plans and information as required by the Zoning Administrator may be required including but not limited to:

- A. Color drawings or renderings and/or sample exterior building materials proposed for all principal and accessory buildings.
- B. Typical floor plan and room plan drawn to scale with a summary of square footage for each use or activity.
- C. Vicinity map showing the property in relation to near by highways or major street intersections.
- D. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program.
- E. If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

**9.05: PRE-APPLICATION MEETING.**

A pre-application meeting shall be required by City staff at which the appropriate application procedures, requirements and applicable provisions relating to the request will be reviewed and explained.

**9.06: INCOMPLETE APPLICATION.**

An application will be deemed complete unless the City sends written notice within fifteen (15) business days of submission of the application indicating that it is not complete and indicating what information is missing. This notice shall be considered given by its deposit in the U.S. Mail, first class postage prepaid, addressed to any listed applicant at the address given on the application form.

**9.07: FURTHER DATA.**

The City Council, Planning Commission, and City staff may request additional information from the applicant concerning the application or may retain expert opinions at the expense of the applicant, or may require as a condition of proceeding with its consideration of any matter, that the applicant furnish expert opinion and data at the expense of the applicant.

**9.08: TECHNICAL REPORTS.**

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 City Council. The technical reports are to be entered in and made part of the record of the Planning Commission and forwarded to the City Council.

**9.09: NOTICE OF HEARING.**

- A. For applications involving any of the following, the Zoning Administrator shall set a date for a public hearing.
  - 1. Zoning Ordinance and/or Comprehensive Plan Amendments.
  - 2. Conditional Use Permits.
  - 3. Interim Use Permits.
  - 4. Variances
- B. Notice of such hearing shall consist of a legal property description, a general description of the property location, and a description of the request. Said notice shall be published in the official newspaper at least ten (10) days prior to the hearing and no more than thirty (30) days prior to the hearing. Written notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the records available to the City within three hundred fifty (350) feet of each parcel included in the request. In addition the public hearing notice shall be mailed to the Department of Natural Resource Area Hydrologist, County Highway Department and/or the Minnesota Department of Transportation if the application impacts shorelands, county highways or state highways.
- C. Failure of the City to send, or a property owner to receive notice shall not invalidate any proceedings under this Section, provided that a bona fide attempt has been made to comply with the requirements of this Section.

**9.10: PUBLIC HEARING.**

- A. Presentation of Application. The applicant or a representative of the applicant shall appear before the Planning Commission in order to present the case for the application and to answer questions concerning the request.
- B. Recommendation of Planning Commission. The Planning Commission shall recommend such

actions or conditions relating to the application as it deems necessary or desirable to carry out the intent and purpose of this Ordinance and the Comprehensive Plan. Such recommendation shall be either included in the minutes or be in the form of a written resolution forwarded to the City Council.

- C. Record Before City Council. The Zoning Administrator shall place the report and recommendation of the Planning Commission and the City staff on the agenda for the next regular City Council meeting after Planning Commission action. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- D. City Council Review. Subject to the limitations of Minnesota Statutes Section 15.99, as amended, supplemented or replaced from time to time, the City Council shall act upon an application after it has received the report and recommendation from the Planning Commission and the City staff. If, upon receiving the reports and recommendations of the Planning Commission and the City staff, the City Council desires further consideration or finds that inconsistencies exist in the review process, data submitted or recommended action, the City Council may, before taking final action, refer the matter back to the Planning Commission with a statement detailing the reasons for referral. This procedure shall be followed only one (1) time on an application, except for good cause. The City Council may refer an application back to the Planning Commission if it determines that changes in the application made after the Planning Commission recommendation require such action.
- E. City Council Action. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council (i) may, as it deems necessary, set and hold a second public hearing, and (ii) shall make findings of fact and impose any condition on approval that it considers necessary to protect the public health, safety, and welfare, and shall make its decision as to the application.

**9.11: NOTICE TO APPLICANT.**

The Zoning Administrator shall notify the applicant of the decision of the City Council in writing, including any relevant resolution and findings that may have been passed by the City Council.

**9.12: FILING OF NOTICE OF ACTION.**

A certified copy of any Zoning Ordinance amendment, conditional use permit, or variance authorized shall be filed with the County Recorder if the action has been approved.

**9.13: RECONSIDERATION.**

Whenever an application has been considered and denied by the City Council, a similar application affecting substantially the same property shall not be considered again by the Planning Commission or City Council before the expiration of six (6) months from the date of its denial and any succeeding denials.

**9.14: INSPECTION.**

The City reserves the right upon issuing any zoning approval to inspect the premises to ensure compliance with the provisions of this Section or any conditions additionally imposed.

**9.15: TIMELINE.**

Timeline. Pursuant to Minnesota Statutes Section 15.99, as amended, supplemented or replaced from time to time, an application shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City in accordance with Minnesota Statutes or a time waiver is granted in writing by the applicant.

**9.16: CERTIFICATE OF TAXES PAID.**

Prior to approving any application for zoning or land use request, the applicant shall provide certification

to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates.