

CHAPTER 74; ZONING

ARTICLE II. Administration and Enforcement.*

*Cross reference--Administration, Ch. 2.

Section 74-31. Violations and penalties.

- (a) Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this chapter shall be guilty of a misdemeanor.
- (b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the zoning administrator in addition to other remedies, may institute any proper action or proceedings in the name of the city, and hereby shall have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to remain correct or abate such violations to prevent the occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

State law reference--Authority to enforce zoning ordinances and provide penalties for violations, Minn. Stats. § 462.362.

Section 74-32. Zoning administrator.

The office of the zoning administrator is hereby established. It shall be the duty of the zoning administrator to enforce this chapter through the proper legal channels.

Cross reference--Officers and employees, § 2-61 et seq.

Section 74-33. Zoning District Classification, Zoning District Boundaries, and Zoning Ordinance Text Amendments.

- (a) *Authority.* This Ordinance and the Zoning District classification or zoning boundaries may be amended from time to time by an Ordinance duly enacted by the City Council in accordance with the procedures of this Section. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as found in the Community (Comprehensive) Plan or changes in conditions in the City. Any change in the Zoning Ordinance shall be in compliance with the Community (Comprehensive) Plan.
- (b) *Initiation.*
 - (1) *Text Amendments.* Proposed text amendments may be initiated by the City Council, the Planning Commission, the Community Development Department, any owner(s) or person(s) with an interest in the real estate in the affected district in the City.
 - (2) *Zoning district classification or boundary amendments.* Proposed zoning district classification or boundary amendments may be initiated

by the City Council, by the Planning Commission, by the Community Development Department, or by any owner(s) or person(s) with an interest in the real estate in the affected district in the City.

(c) *Procedure.*

- (1) *Pre-Application Meeting.* Prior to submission of a zoning amendment application, the applicant may meet with the Community Development staff to discuss the zoning amendment application. Through the pre-application meeting, the Community Development staff will summarize the informational requirements and issues related to the specific zoning amendment request.
- (2) When any proposed change or amendment is initiated by the Council or City staff, such request and all related information shall be referred to the City of Anoka Planning Commission for consideration.
- (3) When any proposed change or amendment is initiated by any owner(s) or persons with an interest in the real estate in the affected district in the City, an application for such amendment shall be filed in the Community Development Department. A non-refundable application fee to cover administrative costs, established from time to time by the City Council, shall accompany the application. The applicant shall also be responsible for payment of actual costs incurred by the City for legal, engineering or other professional services related to review of the zoning amendment request.
- (4) All applications shall contain the following information:
 - a. The applicant's name, address and phone number.
 - b. The suggested wording of any proposed amendment to the text of this Ordinance.
- (5) In the event that the proposed amendment would change the zoning classification or zoning district boundary, the following additional information shall be submitted:
 - a. A legal description and street address of the property proposed to be rezoned;
 - b. The name, address and phone number of the owner or owners of the property;
 - c. Evidence of ownership or an interest in the property;
 - d. The present zoning district classification and existing uses of the property proposed to be rezoned;
 - e. The area of the property proposed to be rezoned, stated in square feet or acres, or fraction thereof;
 - f. A map drawn to scale clearly showing the property proposed to be reclassified; and

- g. Materials explaining the proposed use of the property that address the criteria in subpart (h) of this Section.
 - h. If an application for a change in the boundaries of a zoning district would result in the creation of a zoning district which is inconsistent with the land use designation of the property in the comprehensive plan, the zoning amendment application must be accompanied by an application for an amendment to the comprehensive plan.
 - i. Any other information as determined by staff.
- (6) The amendment request shall be referred to the Community Development staff for a written report and recommendation to be presented to the Planning Commission.
- (7) The Planning Commission shall hold a public hearing for all zoning map amendments and text amendments. Notice of the time and place of the public hearing shall be given not more than thirty (30) days nor less than ten (10) days in advance of the public hearing by publishing a notice in the official newspaper of the City and by mailing a notice of the public hearing to the owner or owners of the property under consideration and, when an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed to all property owners within three hundred fifty (350) feet of the subject property. This notice shall describe the particular change and shall contain a description of the property. Individual notice to property owners is not required for text amendments.
- (8) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this ordinance provided a bona fide attempt to notify has been made.
- (9) The Planning Commission and City Council shall consider the following criteria when considering a change to the zoning classification or zoning district boundary:
- a. Whether the proposed amendment corrects an error or addresses a changing condition, trend or fact.
 - b. Whether the proposed amendment is consistent with the Comprehensive Plan policies.
 - c. Whether the proposed amendment will protect the health, safety and welfare of the public.
 - d. Whether the City and other service providers will be able to provide sufficient public safety, transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development.
 - e. Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, noise, storm water management and vegetation.

- f. Whether the proposed amendment will have significant adverse impacts on other property in the vicinity of the subject tract.
 - g. The suitability of the subject property for the existing zoning classification and proposed zoning classification.
 - h. The need for the proposed use at the proposed location.
 - i. Any other criteria which reasonably relates to the application.
- (10) The Planning Commission and City Council may request additional information from the applicant if the Commission or Council deem such information would be helpful in review of the proposal.
- (11) The City Council may require a development agreement for a change in the zoning classification, zoning map or change in the zoning district boundary in those instances where an amendment may be appropriate only under conditions which will prevent traffic congestion, public safety risks, undue concentration or density of people, transportation impediments or other risks to the general public health, welfare and safety.
- (11) The City Council, upon receiving a recommendation from the Planning Commission, shall take action to either approve, deny or approve the application with conditions. The City Council shall reach a decision according to the deadlines established under Minnesota Statutes 15.99, or successor statute.
- (12) The City shall notify the applicant of the City's decision in writing.
- (d) *Consideration after Denial.* Whenever an application for an amendment under this section has been considered and denied by the City Council, a new and substantially identical application affecting the same property shall not be accepted by City staff or considered again by the Planning Commission or City Council for at least one (1) year from the date of its denial, unless, for good cause shown, the City Council, by majority vote of all its members, permits a new and substantially identical application to be processed and considered prior to the expiration of such period.

State law references--Zoning amendments, Minn. Stats. § 462.357, subs. 3, 4; time limits to approve or deny written requests relating to zoning, Minn. Stats. § 515.99.

Section 74-34.

Interim use permits.

- (a) *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, 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.
- (b) *Application.* Subject to the provisions of this chapter, all interim uses shall comply with the provisions of this section.

- (c) *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.
- (d) *Violations.* After two nuisance 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.
- (e) *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.
- (f) *Penalty.* Violations of the interim use standards shall be subject to the enforcement and penalty provisions as contained in this chapter.
- (g) *Criteria for granting an interim use permit.* In granting an interim use permit, the Planning Commission 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 and City Council shall consider and make findings regarding the following factors:
 - (1) The proposed use meets the applicable zoning regulations; and
 - (2) The proposed use will terminate upon a date or event that can be identified with certainty; and
 - (3) 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
 - (4) The proposed use will be subjected to, by agreement with the property owner, any conditions that the City Council 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 and any interim structures upon the expiration of the interim use.
- (h) *Termination.* An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:
 - (1) The date or event stated in the permit;
 - (2) The use has been discontinued for one year; or
 - (3) 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 the permit.

(i) *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;
- (2) Limiting the height, size or location of buildings;
- (3) Controlling the location and number of vehicle access points;
- (4) Increasing the street width;
- (5) Increasing the number of required off-street parking spaces;
- (6) Limiting the number, size, location or lighting of signs;
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- (8) Designation of open space;
- (9) 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.

(j) *Procedure.*

- (1) 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.
- (2) The person applying for an interim use permit shall fill out and submit to the community development department an interim use permit application, appropriate supplementary information, and a filing fee as established by the city council.
- (3) The community development department staff shall refer the application to the Planning Commission for review and recommendation to the city council.
- (4) The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minn. Stats. § 462.357, subd. 3, as amended. The Planning Commission 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.

- (5) The petitioner or representative shall appear before the Planning Commission in order to present information concerning the requested interim use permit.
- (6) If the Planning Commission recommends granting the proposed interim use permit, it may 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.
- (7) 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.
- (8) No application for an interim use permit shall be resubmitted for a period of six months from such order of denial.
- (9) Where applicable, granted interim use permits shall become void if the applicant does not proceed substantially on the work within six months. 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 for good cause.

State law references--Interim uses, Minn. Stats. § 462.3597; time limits to approve written request relating to zoning, Minn. Stats. § 15.99.

Section 74-35.

Interim use permit for Low-Impact Office in a Residential District.

- (a) *Purpose.* The purpose of this section is to provide a mechanism to allow a change in use of residential properties to low-impact office as a way to respond to the changing market for residential properties along heavily traveled roadways. The intent in allowing low-impact office use is that the traffic generated from such use will be comparable to the residential use of the property and will not contribute to further traffic congestion or access issues. In addition, the performance standards are intended to assist in preserving the residential character of the property.
- (b) *Area of Application.* An interim use permit to allow low-impact office use in a residential district shall be limited to areas determined by the City Council.
- (c) *Performance Standards.* To grant an interim use permit for office use of a residential structure, the following performance standards must be met:
 - (1) The average daily trips (ADT) generated from office use of the property shall be equal to or less than the ADT of the permitted residential use of the property.
 - (2) Parking shall be minimized to the extent possible to minimize stormwater runoff and the impact of parking lots on the residential character of the property. Where possible, parking shall not occur in the front yard and any parking areas shall be screened from neighboring

residential properties as approved through the interim use permit process. Vegetative screening is generally preferred.

- (3) Exterior alterations or additions to the residential structure(s) shall maintain the residential character except where required to comply with State fire and building code regulations.
 - (4) No retail sales are permitted.
 - (5) Signage shall be limited to one free-standing sign no more than twenty-one (21) square feet in area and six (6) feet in height. The sign shall be located parallel to the street. The exact location of the sign shall be as approved through the Interim use Permit process.
 - (6) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless otherwise approved through the interim use process.
 - (7) The owner must obtain an amendment to the interim use permit in order to change any of the conditions set forth in the interim use permit or to change the mix of uses on the property.
 - (8) The owner of the property shall obtain any necessary permits or licenses.
 - (9) The property shall be subject to annual inspection and review.
- (d) *Inspection.* The City of Anoka hereby reserves the right, upon approval of an interim use permit to allow office use of a residential structure, to inspect the premises in which such office use is being conducted to insure compliance with the provisions of this subdivision or any conditions imposed in issuance of the interim use permit.
- (e) *Termination.* An Interim Use Permit that allows office use of a residential property shall terminate upon the following: (1) Sale of the property; (2) Conversion of the property to residential use.
- (f) *Revocation.* An Interim Use Permit that allows office use of residential property may be revoked if (1) the property is found to be in violation of the conditions listed in the approved Interim Use Permit; or (2) if access to the property for the purpose of making an inspection is refused to the Zoning Administrator or the Zoning Administrator's designee.
- (g) *Penalty.* Violation(s) of the performance standards set forth in this section shall be subject to the enforcement and penalty provisions as contained in this Chapter.

Section 74-36.

Interim Use Permit for Accessory Structure or Use Predating Principal Structure or Use.

- (a) *Purpose.* The purpose of this section is to provide a mechanism to allow accessory structures or uses to be established on residential lots before establishing a principal use or structure. The intent is to allow a use or structure on a vacant lot that is accessory to a principal use established on a contiguous lot. In addition, the performance standards are intended to preserve the vacant

lot for future development of a principal structure or use and to ensure the residential character of the property and structures are maintained.

- (b) *Eligibility.* An interim use permit to allow accessory structures or uses to be established on lots before establishing a principal use or structure shall be limited to vacant lots contiguous to lots that have an established residential principal use or structure and have the same property owner.
- (c) *Performance Standards.* To grant an interim use permit for an accessory structure or use as allowed under this Article, the following performance standards must be met:
 - (1) The vacant lot shall be contiguous to a lot that has an established residential principal use or structure.
 - (2) The proposed structure or use shall be accessory to the principal structure or use on the contiguous lot.
 - (3) Both lots shall be within a residential zoning district.
 - (4) The proposed accessory use and/or structure must meet all zoning, building and fire code requirements.
 - (5) The location of the proposed accessory structure or use shall not interfere with the future construction of a principal use or structure.
 - (6) Outside storage shall be prohibited.
 - (7) The accessory structure or use shall not be related to a home occupation, business, office, commercial or industrial use.
 - (8) The proposed structure shall be similar in color, style and exterior materials as surrounding residential properties.
 - (9) The owner of the property shall obtain any necessary permits or licenses.
 - (10) The property shall be subject to annual inspection and review.
- (d) *Inspection.* The City of Anoka hereby reserves the right to inspect the premises upon which an accessory use or structure established under this Subdivision is located or conducted to insure compliance with the provisions of this Subdivision or any conditions imposed in issuance of the interim use permit.
- (e) *Revocation.* An interim use permit granted under this Subdivision may be revoked when:
 - (1) The property is found to be in violation of the conditions listed in the approved interim use permit; or
 - (2) The property owner or interim use permit holder refuses access to the property for the purpose of making an inspection to the Zoning Administrator or the Zoning Administrator's designee.
- (f) *Termination.* An interim use permit granted under this Subdivision shall terminate upon the occurrence of any of the following events:

- (1) There is a change in ownership of either the lot with the accessory structure or use for which the permit was granted, or the contiguous lot with the principal structure or use; or
 - (2) A principal structure or use is established on the lot for which the permit was granted; or
 - (3) The lot is combined into one tax parcel; or
 - (4) The date or event identified in the permit; or
 - (5) The use has been discontinued for one (1) year;
- (g) *Penalty.* Violation(s) of the performance standards set forth in this section shall be subject to the enforcement and penalty provisions as contained in this Chapter.

Section 74-37.

Appeals and variances.

- (a) *Application.* Application for a variance shall be made to the Planning Department on forms provided by the City. The application shall be accompanied by the following:
- (1) A plat or to-scale map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features and mature trees;
 - (2) Evidence of ownership or an interest in the property;
 - (3) Documentation explaining the practical difficulties;
 - (4) The fee as required by the city code; and
 - (5) Such other information as may be required by the city to assist in review and analysis of the requested variance.

State law reference--Authority for above, Minn. Stats. § 462.354, subd. 2.

- (b) *Variances.* A variance may be granted from the requirements of this ordinance including restrictions placed on nonconformities.
- (1) Variances shall only be considered when:
 - a. The proposed variance is in harmony with the general purpose and intent of the zoning ordinance; and
 - b. The proposed variance is consistent with the comprehensive plan.
 - c. That granting the requested variance will not alter the essential character of the neighborhood and will not confer on the applicant any special privilege that would be denied by this ordinance to other lands, structures, or buildings in the same district.

- d. That the proposed actions will be in keeping with the spirit and intent of this ordinance.
- (2) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. A variance granted under this sub-section shall also meet the standards in subpart (1) above.
- a. Practical difficulties means:
 - 1. That the property owner proposed to use the property in a reasonable manner not permitted by this ordinance; and
 - 2. That the plight of the landowner is due to circumstances unique to the property not created by the landowners; and
 - 3. The proposed variance, if granted, will not alter the essential character of the locality.
 - b. Practical difficulties also include inadequate access to direct solar energy systems.
 - c. Economic considerations alone do not constitute practical difficulties.
- (3) Variances must be granted for:
- a. Earth sheltered construction as defined in State law when such construction is in harmony with this ordinance (M.D. 216C.06, subd. 14)
 - b. The temporary use of a one-family dwelling as a two-family dwelling.
- (4) No variance may be granted that would allow any use that is not allowed in the zoning district in which the property is located.
- (5) The City may impose conditions in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by granting the variance.

State law reference--Similar provisions, Minn. Stats. § 462.357, subd. 6(3).6(1)

- (c) *Procedure.* The City Council shall decide upon requests for variances by approving or denying the same in part or in whole. The procedure for processing variances is as follows:
- (1) *Notice to effected property owners.* Upon submission of a completed application, including all items in subsection (a) of this section, the request for a variance will be placed on the next agenda of the Planning Commission occurring after twenty one (21) days from the date of submission. The Planning Commission shall consider the application only after notice has been sent by mail to adjacent property owners as required by Minn. Stats. § 462.357, subd. 3, as amended.

- (2) *Planning Commission action.* The Planning Commission shall make a recommendation to the City Council to either approve or deny the requested variance. The recommendation shall include findings of fact in support of the Planning Commission decision. The Planning Commission may suggest the imposition of conditions in granting variances to effect the intent of this ordinance and to protect adjacent properties. The petitioner or representative may appear before the Planning Commission in order to present information or to answer questions.
 - (3) *City Council action.* The City Council, acting as the board of adjustment, may grant a variance if it has been established that practical difficulties exist. The City Council shall, on all variance applications, whether granted or denied, record findings of fact in writing that are consistent with section 74-37 and state the City Council's reasons for such action. A copy of the City Council resolution regarding final action on the request shall be mailed to the applicant.
 - (4) *Time line for action by the City.* The City Council must approve or deny the application for a variance within sixty (60) days of the City receiving all required information. The 60-day time limit starts over only if the City sends notice, within fifteen (15) business days, of receipt of the request, telling the applicant what information is missing. The city may extend the 60-day time limit before the end of the initial time limit by providing written notice of the extension to the applicant. The notification to the applicant must state the reasons for the extension and its anticipated length, which may not exceed 60 days, unless approved by the applicant. Failure of the City Council to deny an application within 60 days, without an extension, is deemed approval of the request. Findings of fact stating the reasons for either an approval or a denial must be made in writing at the time of the action.
 - (5) *Time limitations.* Unless otherwise specified by the City Council at the time it is authorized, a variance shall expire if the applicant fails to utilize such variance by initiation of construction, within one (1) year from the date of its authorization. After the variance has expired, it must be revoked by the City Council, resulting in the variance becoming null and void. The applicant and/or owner may file a written request with the Planning Department for an extension prior to the expiration of the variance. The Planning Commission shall make a recommendation to the City Council, who then may extend the deadline for initiation of construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. Once the variance is utilized as approved, the variance becomes perpetual.
 - (6) *Specific project.* A variance shall be valid only for the reason for which it was granted. Construction of any project shall be in substantial compliance with the building plans and specifications reviewed and approved by the City Council.
- (d) *Appeals.* Any person aggrieved by an order, requirement, decision or determination first made by the Zoning Administrator may have such decision reviewed if a request for review is submitted to the Zoning Administrator within ten (10) days of the date of the decision. The appeal shall be in writing and shall

include a statement of the alleged errors or omissions. The City Council, acting as the Board of Adjustment, shall hear and decide such appeals. Upon receipt of an appeal, a hearing shall be set before the City Council and the appellant shall be notified by mail of the time and place of the meeting. The City Council may reverse or affirm wholly or in part any ruling, decision, or determination of the Zoning Administrator.

- (e) *District Court Appeals.* An aggrieved person wishing to seek review of an action pursuant to Minnesota Statute §462.361, Subdivision 1, as amended, may file an appeal with the Anoka County District Court. No appeal shall be effective unless it is served and filed within 60 days as follows: (1) For an appeal from the adoption or amendment of an ordinance, rule, or regulation, - from the effective date of the ordinance; (2) For an appeal from an order - from the issuance of the order; (3) For an appeal from any other decision governed by this Chapter and/or referenced in Minnesota Statute §462.361, Subdivision 1, as amended - from the decision of the City Council.

State law reference--Similar provisions, Minn. Stats. § 462.357, subd. 6(1).

State law reference--Time limits to approve or deny written requests relating to zoning, Minn. Stats. § 15.99.

Section 74-38.

Building permits; site plans.

- (a) Building permits shall be required as specified in the requirements set forth in the state building code which is incorporated into section 18-32.
- (b) Before building permits are issued for the development or alteration of multiple family, commercial, industrial, or non-residential structures, a site plan shall be reviewed by the Planning Commission and approved by the City Council.
- (c) Site plan review may be initiated by submitting a Planning and Zoning Application form provided by the Planning Department. Such form shall include the following:
- (1) Applicant information;
 - (2) Owner information;
 - (3) Site information (address, legal description, P.I.N.);
 - (4) Signature of owner and applicant;
 - (5) A site plan shall be included that contains the following information:
 - a. A certified site survey drawing by a registered engineer or land surveyor showing property boundaries and dimensions.
 - b. Building locations and dimensions (existing and proposed) on and within 50 feet of subject property. Also identify adjacent property land use.
 - c. Adjacent roadways and proposed entrances and exits for vehicles.
 - d. Grading plan (existing and proposed two feet or five feet topographical contours); spot elevations may be sufficient for sites of less than one-quarter acre in area with no slopes greater than 12 percent.

- e. Drainage plan (catch basins, culverts, ponding areas), indicate drainage pattern.
 - f. Parking areas (indicate type of surface, arrangement and dimension of spaces), truck loading docks and maneuvering areas, sidewalks, retaining walls, refuse storage, service areas, and other manmade features.
 - g. Landscape/Tree Preservation plan (existing significant vegetation to be removed and to remain, including street trees, by size and species; proposed trees, shrubs and ground cover by size and species). The developer is responsible for planting the street trees specified by the city forester for the boulevard areas adjacent to the parcel.
 - h. Utility plan (existing and proposed sanitary sewer, water, hydrant location, storm sewer, and electric).
 - i. Location of all easements and building and parking setbacks.
 - j. Designation of snow storage area.
 - k. Development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units and parking spaces provided.
 - l. In specific cases, the planner may require building elevations indicating building height and building materials (facade and roof).
- (d) Site plans shall be accompanied by such review fees as are determined by the Council.
- (e) The City Council may require a performance bond or other security, in form approved by the city attorney, to guarantee completion of any of the site plan improvements other than construction of the primary structure. Such security shall be provided prior to issuance of the building permit and shall be in an amount 1.25 times the approved estimated cost of labor and materials for the exterior site plan improvements. Failure to complete the site plan improvements within the time permitted by council shall entitle the city to the security which may be applied toward completion of the improvements, including all costs incurred by the city associated with performing or causing such work to be performed.
- (f) Conditions and Restrictions. The Planning Commission may recommend and the City Council may impose such conditions and restrictions as deemed necessary to protect the public interest and to secure compliance with the requirements of this chapter.
- (g) Administrative approval.
- (1) Site plan approval/review may be approved administratively provided that the applicant can demonstrate that all provisions of this chapter have been met and additionally comply with the following conditions:

- a. The development will not cause an increase in need for parking spaces.
 - b. The existing development is in compliance with all zoning or other regulations.
 - c. The proposed development will not change the drainage patterns.
- (2) Planning staff, in consultation with other city staff members shall notify the building inspector that the applicant meets or exceeds the city's land use and zoning requirements and may proceed with the building permit application.
 - (3) Applications for administrative review may be submitted to the Planning Department and will be processed within two weeks from submittal date. Planning Staff in consultation with other appropriate city staff will determine the site plan requirements and information needed. Cost for administrative review will be as set by the city council.
 - (4) Plans which do not comply with the provisions of this section and this chapter must receive Planning Commission review and City Council approval in accordance with this section.
 - (5) An applicant may file an appeal to the City Council concerning the interpretation or requirements placed on the project by city staff. The appeal shall follow the public hearing process as established in subsection 74-35(c).
 - (6) City staff will report annually to the Planning Commission and City Council on the number and description of administratively approved site plans.
- (h) *Time Limitations.* Unless otherwise specified by the City Council at the time it is approved, a site plan shall be valid for one (1) year to allow for the initiation of construction. If initiation of construction is not started within one (1) year, or within any extension granted hereafter, the approval shall expire. After the site plan has expired, it must be revoked by the City Council, resulting in the site plan becoming null and void. The Planning Department must notify the applicant and/or owner sixty (60) days prior to the expiration of the site plan by regular and certified mail. The applicant and/or owner may file a written request with the Planning Department for an extension prior to the expiration of the site plan. The Planning Commission shall make a recommendation to the City Council who then may extend the site plan approval for periods of not more than twelve (12) months each upon finding that:
- (1) The proposed use, or uses, is consistent with the City's Comprehensive Land Use Plan current at the time the request for an extension is considered; and,
 - (2) The project design meets the applicable City Code standards in effect at the time the request for an extension is considered, or the design is modified to satisfy those standards.

Secs. 74-39--74-60

Reserved.

