

## SECTION 10. SITE PLAN REVIEW

### Subdivision

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**10.01 PURPOSE:** The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Ordinance.

**10.02 EXCEPTIONS TO REVIEW:** The following shall be excepted from the foregoing requirements:

- A. Agricultural developments in the A-1 and A-2 Zoning Districts.
- B. Single family detached dwellings.

**10.03 PROCEDURES:** Pursuant to Minnesota Statutes 15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. Additional City requirements are as follows:

- A. Application: An application for site plan approval shall be filed with the City for all developments (except for agricultural developments in A-1 and A-2 Zoning Districts and single family dwellings) within the City. Such application shall be filed with the Zoning Administrator on an official application form and shall be accompanied by a fee as provided for by the City Council resolution. The proposed site plan shall be placed on the agenda of the first possible new business Planning Commission meeting occurring after fourteen (14) days from the date of official submission. The

plan shall be considered as officially submitted only when all of the information and fee requirements are complied with.

B. Preliminary Site Plan:

1. Purpose. The purpose of the preliminary site plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan.
2. Schedule.
  - a. The developer shall meet with the Zoning Administrator and/or City staff to discuss the proposed development.
  - b. The developer shall submit to the Zoning Administrator the necessary application data in site plan form as required herein, and filing fee at least fourteen (14) days prior to the Planning Commission meeting on which the proposal is tentatively scheduled to be heard.
  - c. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the City Council.
  - d. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to obtain expert testimony with the consent and at the expense of the applicant concerning operational factors; said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
  - e. The applicant or a representative thereof shall appear before the Planning Commission to present the proposal and answer any questions concerning the proposed development.
  - f. The Planning Commission shall make a recommendation of approval or denial on the preliminary site plan to the City Council within sixty (60) days of the date of the initial Planning Commission meeting at which the case was heard. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval.
  - g. The Planning Commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Ordinance.

- h. Such recommendation shall be in writing and be accompanied by the report and recommendation of the City Engineer.
- i. The City Council shall not grant site plan approval until they have received a report and recommendation from the Planning Commission and the City Engineer. The City Council shall review all recommendations and approve or deny the application for site plan approval within thirty (30) days of the initial City Council meeting at which the case was heard.
- j. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made a part of the permanent written record of the City Council meeting.
- k. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition it considers necessary to protect the public health, safety, and welfare.
- l. If, upon reviewing said reports and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reason for referral. This procedure shall be followed only one time on a singular action.
- m. Whenever an application for site plan review 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 for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by the City Council.

C. Final Site Plan:

1. Purpose. The final site plan is to serve as a complete, thorough, and permanent public record of the manner in which the subject site is to be developed. It shall incorporate all prior approved plan revisions resulting from the site plan review process.
  2. Schedule. Upon receiving all required final approvals through the site plan review process, the developer shall prepare a final site plan reflecting all revisions and conditions of approval. Three (3) copies of this final site plan shall be submitted to the Zoning Administrator for review and approval.
  3. City staff shall review the final site plan for consistency with the conditions of approval outlined by the City Council. If all conditions for approval have been met, the Zoning Administrator shall grant final site plan approval. Failure to meet the specific conditions shall result in denial of final site plan approval.
  4. Any modifications of the proposal, not specified as a condition for approval by the City Council, shall result in review of the proposal by the Planning Commission and City Council pursuant to the procedures outlined in Section 10.03.B.2 of this Ordinance.
- D. If, after one (1) year from being granted site plan approval, the plan as permitted by the approval shall not have been initiated, then such approval shall become null and void unless a request by petition for an extension of time has been made to and granted by the City Council. Such extension shall be requested in writing thirty (30) days before the expiration of the original site plan approval. There shall be no charge for the filing of such petition.
- E. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the site plan approval. Such petition shall be presented to the City Council for a decision.

**10.04 CERTIFICATION OF TAXES PAID:** Prior to approving an application for a final site plan, 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 site plan application relates.

**10.05 EVALUATION CRITERIA:** The Planning Commission and City Council shall evaluate the effects of the proposed site plans. This review shall be based upon, but not be limited to, compliance with the City Comprehensive Plan and provisions of the Zoning Ordinance.

**10.06 INFORMATION REQUIREMENT:** The information required for all site plan applications generally consists of the following items, and shall be submitted when requested and specified by the Zoning Administrator.

A. Site Plan:

1. Name and address of developer/owner.
2. Name and address of architect/designer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. Scale of plan (engineering scale only, at one (1) inch equals fifty (50) feet or less).
7. North point indication.
8. Lot dimension and area.
10. Required and proposed setbacks.
11. Location, setback and dimension of all buildings on the lot including both existing and proposed structures.
12. Location of all adjacent buildings, wells and septic systems located within one hundred (100) feet of the exterior boundaries of the property in question.
13. Location, number, and dimensions of existing and proposed parking spaces.
14. Location, number, and dimensions of existing and proposed loading spaces
15. Curb cuts, driveways.
16. Vehicular circulation.
17. Sidewalks, walkways.
18. Location and type of all proposed lighting.
19. Location of recreational and service areas.

20. Location of rooftop equipment and proposed screening.
21. Provisions for storage and disposal of waste, garbage, and recyclables.
22. Location of proposed well and sewage treatment systems.

B. Grading/Storm Water Drainage Plan:

1. Existing contours at two (2) foot intervals.
2. Proposed grade elevations, two (2) foot maximum intervals.
3. Drainage plan including configuration of drainage areas and calculations.
4. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
5. Spot elevations.
6. Proposed driveway grades.
7. Surface water ponding and treatment areas.
8. Erosion control measures.
9. Wetland boundaries.

C. Landscape Plan:

1. Planting Schedule (table) containing:
  - a. Symbols.
  - b. Quantities.
  - c. Common names.
  - d. Botanical names.
  - e. Sizes of plant material.
  - f. Root specification (bare root, balled and burlapped, potted, etc.)
  - g. Special planting instructions.

2. Location, type and size of all existing significant trees to be removed or preserved.
  3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
  4. Typical sections in details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.
  5. Other existing or proposed conditions which could be expected to affect landscaping.
- D. Other Plans and Information: (May be submitted in combination pursuant to approval by the Zoning Administrator)
1. Legal description of property under consideration.
  2. Proof of ownership of the land for which a site plan approval has been requested.
  3. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
  4. "Typical" floor plan and "typical" room plan.
  5. Extent of and any proposed modifications to land within the Shoreland, Wetland, or Floodplain Overlay Districts as described and regulated in Sections 64, 65 and 66 of this Ordinance.
  6. Type, location and size (area and height) of all signs to be erected upon the property in question.
  7. Restrictive covenants.

**10.07 PLAN MODIFICATIONS:**

- A. Minor Changes: Proposed minor structural additions involving ten (10) percent or less of the total existing floor area and proposed minor site expansions or modifications involving ten (10) percent or less of the total existing site area which meet all ordinance requirements may be approved by the Zoning Administrator prior to a building permit being issued and shall not require Planning Commission or City Council review, subject to the following:
1. This Section shall apply in the cases of new developments which have received City Council plan approval, but for which building permits have yet to be taken; and this Section shall apply to existing developments on file

which have City Council approved site plans.

2. Compliance with all Ordinance requirements shall be construed to include all adopted policies and codes.
3. Any major variances from Ordinance and policy requirements shall be subject to the established review and hearing procedures for site plan and variance approval.
4. Plans submitted for minor structural additions or minor site alterations under the terms of this Section shall be the same as those required for site plan approval.
5. A copy of the plans approved under this Section shall be appropriately certified by the Zoning Administrator and placed on file with the City Council approved plans.

**B. Major Changes:**

1. Plans not qualifying as minor shall be classified as major.
2. An amended site plan involving major changes shall be applied for and administered in a manner similar to that required for a new site plan.

**10.08 LAPSE OF APPROVAL:**

- A. Unless otherwise specified by the Zoning Administrator or City Council as may be applicable, the site plan approval shall become null and void one (1) year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.
- B. An application to extend the approval of a site plan for up to an additional one (1) year shall be submitted to the Zoning Administrator not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the site plan approval, and it shall state the additional time being requested to begin the proposed construction. The request shall be heard and decided by the Zoning Administrator prior to the lapse of approval of the original request. A request pertaining to a major project involving a longer period of time than one (1) year or a second request for a time extension shall be presented to the Planning Commission for recommendation and to the City Council for a decision.



- C. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the Zoning Administrator or the City Council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

**10.09 SITE IMPROVEMENT PERFORMANCE AGREEMENT AND SECURITY:**

- A. Upon City Council approval of a site plan and prior to the issuance of building permits or initiation of work on the proposed improvement or development, the developer shall execute a performance agreement setting out site improvement items and terms of completion of said items. The performance agreement shall be approved by the City Attorney.
- B. Except in the case of non-income producing residential property (excluding relocated structures), upon approval of the site plan, the City shall be provided, where deemed necessary, with an irrevocable letter of credit, cash escrow, certificate of deposit payable to the City, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the site plan approval and the ordinances of the City.
- C. The security shall be in the amount equal to one hundred fifty (150) percent of the City Engineer's or City Building Official's estimated cost of labor and materials for the proposed improvements or development. Said project may be handled in stages upon the discretion of the City Engineer or Building Official.
- D. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and regulations of the City have been issued by the City Building Official.
- E. Failure to comply with the conditions of the site plan approval or the regulations of the City shall result in forfeiture of the security.

**10.10 BUILDING AND OTHER PERMITS:** Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the final site plan has been approved and a properly executed performance agreement has been received, and upon application of the applicant pursuant to the applicable ordinances of the City, all appropriate officials for the City may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the final site plan provided, however, that no such permit shall be issued unless the appropriate official is first

satisfied that the requirements of all codes and ordinances which are applicable to the permit sought, have been satisfied.

#### **10.11 INSPECTIONS DURING DEVELOPMENT:**

A. Site Improvements:

1. Following preliminary site plan approval by the City Council and final site plan approval by the Zoning Administrator, the City Engineer shall specify those site improvement items requiring inspections and approval by the City.
2. Within thirty (30) days of such notice, the Board shall revoke the site plan approval or shall take such steps as it shall deem necessary to compel compliance with the final site plan as approved or shall require the landowner or applicant to seek an amendment of the final site plan.

B. Compliance with Overall Plan: Following final plan approval of a site plan, or a stage thereof, the Building Official shall, periodically until the completion of the development, review all permits issued, and construction undertaken and compare actual development with the approved site plan.

1. If the Building Official finds that development is not proceeding in accordance with the approved plan, he or she shall immediately notify the City Council.
2. Within thirty (30) days of such notice, the City Council shall either by the provisions of the Ordinance revoke the site plan approval or shall take such steps as it shall deem necessary to compel compliance with the final site plan as approved; or shall require the landowner or applicant to seek an amendment of the final site plan.