

## Section 6 - Administration - Administrative Permits and Approvals

### **Subdivision**

6.01 Purpose

6.02 Administrative Permits

6.03 Non-Permit Approvals

### 6.01 PURPOSE

The purpose of this section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, and of matters requiring the approval of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.

### 6.02 ADMINISTRATIVE PERMITS

#### A. Procedure:

1. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City.
2. The application shall be accompanied by a non-refundable fee as set forth by a resolution of the City Council. Applications for amending permits shall be accompanied by a non-refundable fee as set forth by resolution of the City Council for administrative permits.
3. The Zoning Administrator shall review the application and related materials and shall determine that the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Ordinance.
4. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
  - a. Compliance with and effect upon the Comprehensive Plan and public facilities plans.
  - b. The establishment, maintenance, or operation of the use, event, or activity will promote and enhance the general public welfare and
  - c. will not be detrimental to or endanger the public health, safety, morals, or comfort. The use, event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
  - d. The establishment of the use, event, or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  - e. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event, or activity that is proposed.
  - f. The use, event, or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
  - g. The use, event, or activity and site conform to all applicable performance standards of this Ordinance.

5. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.
  6. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Ordinance shall be attached to the permit.
  7. Determination of non-compliance with applicable codes, ordinances, and the standards in this subdivision shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
  8. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as set forth within Section 8 of this Ordinance.
- B. Information Requirement: The information required for all administrative permit applications shall include:
1. A concise statement describing the proposed use, event, or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
  2. A copy of the approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
  3. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
  4. A copy of the current sales tax certificate issued by the State of Minnesota, if applicable.
  5. Information identified in Section 10.06 of this Ordinance, or requested by the zoning administrator as may be applicable.
- C. Performance Standards: All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed.
- D. Administration and Enforcement:
1. The Zoning Administrator shall keep a record of applications and administrative permits.
  2. A copy of all administrative permits issued shall be forwarded to the appropriate staff as determined by the Zoning Administrator.
  3. Enforcement of the provisions of this paragraph shall be in accordance with Section 12 of this Ordinance. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

- E. Certification of Taxes Paid: Prior to approving an administrative permit application, the applicant shall provide certification to the City that no delinquent property taxes, special assessments, interest, or utility fees are due on the parcel of land to which the administrative permit application relates.

### 6.03 NON-PERMIT APPROVALS

In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Section 6.02.A.4 of this Ordinance.