

<p><b>Chairperson</b> Nick Schwalbach</p> <p><b>Planning Commissioners</b> Bill Buesing Taelor Johnson Dawn Kulousek Chris Kwapick Valerie Quarles Eric Thorson</p>	 <p><i>City of</i> <b>Little Canada</b></p>	<p>515 Little Canada Road Little Canada, MN 55117 www.littlecanadamn.org</p> <p><b>Staff Liaison</b> Corrin Wendell</p>
	<p><b>Regular Meeting of the Little Canada Planning Commission</b></p> <p><i>Thursday, June 10, 2021</i></p> <p><i>5:00 p.m.</i></p> <p>Virtual</p> <p><b><u>AGENDA</u></b></p>	

1. Call To Order 5:00 PM
2. Roll Call
3. Adopt Agenda
4. Approval Of Minutes
  - A. Meeting Minutes 5-13-21

Documents:

[05-13-2021 PC MINUTES.PDF](#)

5. Meeting Open To The Public
 

*Note: This is a courtesy extended to persons wishing to address the Commission concerning issues that are not on the agenda. This discussion will be limited to 15 minutes.*
6. Public Hearings
7. Commission Business Action Items & Recommendations
8. Presentations
  - A. Zoning Code Review Items

Documents:

[917 - APPLICATION REVIEWS - JUNE 4.PDF](#)

9. Reports From Staff
  - A. Return To In Person Meetings - July 8th 6:30 PM

10. Reports From Commissioners

11. Adjournment

*This agenda is subject to change by additions and deletions.*

**MINUTES OF THE REGULAR MEETING  
PLANNING COMMISSION  
LITTLE CANADA, MINNESOTA**

**May 13, 2021**

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 13<sup>th</sup> day of May, 2021 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Chair Nick Schwalbach called the meeting to order at 5:00 p.m. and the following members of the Planning Commission were present at roll call:

**PLANNING COMMISSION:** Johnson, Kulousek, Kwapick, Schwalbach, Buesing, and Thorson. Absent: Valerie Quarles.

**ALSO PRESENT:** Community Development Director/ Planner Corrin Wendell. Planning Consultant, Bill Weber

*In accordance with the requirements of Minn. Stat. Section 13D.021, the City Administrator has determined that an in-person meeting is not practical or prudent because of a health pandemic or an emergency declared under Chapter 12 of the Minnesota Statutes.*

*Because of the health pandemic and emergency declaration, it has been determined that attendance at the regular meeting location by elected officials and members of the public is not feasible. Therefore, some or all of the City Council members may be participating by telephone or other electronic means. This meeting will be recorded in its entirety.*

*Members of the public may monitor the meeting on the CTV North Suburbs website (live stream) or use the meeting link provided on the city website prior to the meeting.*

**ADOPT AGENDA**

The agenda was unanimously approved.

**MINUTES**

Commissioner Kwapick made a motion to approve the April 29, 2021 Planning Commission minutes as submitted. Commissioner Kulousek seconded the motion. The motion was unanimously approved.

**OPEN TO THE PUBLIC**

No comments.

**MINUTES  
PLANNING COMMISSION  
May 13, 2021**

**PUBLIC HEARINGS**

None

**COMMISSION BUSINESS: MINOR SUBDIVISION – 817 KELLER PARKWAY**

The Community Development Director presented a request for a minor subdivision/lot split for 817 Keller Parkway. She reviewed the zoning and size of the parcel. She stated that Keller Parkway splits the subject property and identified the proposed split line, which would provide additional lake access to the neighboring property. She reported that the City Council will hold a public hearing on May 26<sup>th</sup>. She stated that she received a letter of support from a neighboring property owner.

Commissioner Buesing commented that he lives on the lake and has since 1985. He asked for clarification on the lot split.

The Community Development Director explained that 817 Keller Parkway would retain A1 and A2, even though they are split by the road. She stated that parcel B would go to the neighboring lot and recorded with their property. She stated that the neighbor that would obtain parcel B would continue to have two PIDs for their property because the city line (Maplewood and Little Canada) runs between the existing property and parcel B.

Commissioner Kwapick commented that he was glad to hear that the land would remain within Little Canada and would not be annexed.

Chair Schwalbach invited the applicant to speak.

Justin Nicol, applicant, and owner of 2828 Keller Parkway stated that they have lived on Keller Parkway for seven years and love the neighborhood. He stated that they appreciate the community and love the lake and are thankful to the neighbors for this opportunity.

Mickeli Bedore, 817 Keller Parkway, commented that they love having their neighbors and their children enjoy playing together. He stated that the neighbors do not have lake access and they would like to complete this split to provide the neighbors with access.

Johnson introduced the following motion:

***RECOMMENDING THE APPROVAL OF A MINOR SUBDIVISION, LOT SPLIT  
LOCATED AT 817 KELLER PARKWAY, PID 05-29-22-41-0004.***

The foregoing motion was duly seconded by Buesing.  
Ayes (6). Nays (0). Motion passed.

**MINUTES  
PLANNING COMMISSION  
May 13, 2021**

**COMMISSION BUSINESS: CONDITIONAL USE PERMIT – 528 LABORE**

The Community Development Director presented a request for a Conditional Use Permit for 528 Labore Road to allow a detached garage of 784 square feet to be located in the side yard setback. She reviewed the zoning and parcel size of the property. She stated that the home does not currently have a garage. She stated that due to the length of the lot, it made more sense to have the garage in the side yard rather than the back in order to reduce the amount of asphalt needed to reach the garage. She displayed the submitted site plan for the 28 by 28 garage with a single door on the front. She stated that the garage would be setback a little from the primary structure and would meet all other required setbacks. She stated that a garage is allowed in the side yard as a conditional use and reviewed some of the review criteria that are considered for this type of request. She reported that the City Council will be holding a public hearing on May 26<sup>th</sup>. She stated that staff recommends approval subject to the condition that no business activities shall occur within the garage structure.

Commissioner Thorson stated that if the property owner wanted to build a second accessory structure, would another CUP be required.

The Community Development Director replied that if a shed or garden accessory structure were desired that met setbacks and did not exceed the total 1,000 square feet threshold, additional approval would not be needed. She stated that if the total of 1,000 square feet were exceeded between the garage and another accessory structure, another CUP would be required.

Thorson introduced the following motion:

***RECOMMENDING THE APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A DETACHED GARAGE OF 784 SQ FT LOCATED IN THE SIDE YARD OF THE PROPERTY, LOCATED AT 528 LABORE ROAD, PARCEL ID 05-29-22-31-0022, SUBJECT TO THE FOLLOWING CONDITION:***

- 1. NO BUSINESS ACTIVITIES SHALL OCCUR WITHIN THE GARAGE STRUCTURE.***

The foregoing motion was duly seconded by Kwapick.  
Ayes (6). Nays (0). Motion passed.

**COMMISSION BUSINESS: ZONG CODE DRAFT ITEMS**

Bill Weber reviewed proposed changes to the general development standards. He provided additional details on why the threshold of 1,000 square feet is in place related to accessory structures.

**MINUTES  
PLANNING COMMISSION  
May 13, 2021**

The Development Director noted that there could be consideration to raising that threshold to 1,500 square feet if there is desire for that change. She noted that perhaps additional details could then be added related to screening.

Chair Schwalbach replied that most of those requests come from larger lots and have been approved with little discussion.

Mr. Weber continued to review the proposed changes to the general development standards.

Chair Schwalbach referenced the language related to tree removal and replacement and asked if that is a common ratio for redevelopment and whether there would be room to plant that many successful trees.

Mr. Weber confirmed that this is a common ratio for tree replacement. He noted that there is language that the requirement would be required to the extent practical and feasible. He provided additional input on the proposed changes related to the parking requirements. He noted that the existing parking requirements tend to lead to excess parking. He provided additional background information on why the proposed changes were recommended and the information that is based upon. He also provided alternative options.

The Community Development Director stated that she is not aware of any parking issues that existing within Little Canada at this time. She noted that this additional flexibility would allow for different redevelopment activities.

Commissioner Johnson agreed that the parking required for a use is not always linked to the size of the building but more the intensity of the use. She commented that she would support having increased flexibility in the parking requirements.

Chair Schwalbach agreed and provided two examples of building that have large amounts of excess parking that are highly visible. He noted that the only potential issue he could see is if a large building with a low intensity use changed ownership and use, there could be increased parking demands.

Mr. Weber continued to review the proposed changes to the general development standards. He also provided input as to some of the review comments received by the City Council related to accessory dwelling units, duplexes, and garage door setback requirements.

The Community Development Director commented that she and Mr. Weber will meet again with the City Council to continue the conversation early in the process and continue to gain input.

Mr. Weber stated that next month staff will bring back the proposed changes to the final chapter related to administration and application review.

**MINUTES  
PLANNING COMMISSION  
May 13, 2021**

**REPORTS FROM STAFF**

The Community Development Director noted that a new Code Enforcement Officer began with the City and will be spending 20 hours per week on code enforcement and rental housing inspections.

**REPORTS FROM COMMISSIONERS**

No Comments.

**There being no further business, the meeting was adjourned at 6:11 p.m.**

Respectfully submitted,

Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*

## 917. APPLICATION REVIEW PROCEDURES

917.010	Purpose .....	917-1
917.020	Summary of Review and Decision-Making Bodies .....	917-1
917.030	Common Review Procedures and Requirements .....	917-5
917.040	<i>Comprehensive Plan</i> Amendment.....	917-10
917.050	Zoning Map or Text Amendment.....	917-11
917.060	Site Plan Review and Approval.....	917-13
917.070	Conditional Use Permit .....	917-17
917.080	Variance .....	917-19
917.090	Planned Unit Development .....	917-21
917.100	Temporary or Interim Use Permit .....	917-21
917.110	Administrative Adjustment .....	917-24
917.120	Building Permit .....	917-26
917.130	Certificate of Occupancy.....	917-26
917.140	Home Occupation Permit .....	917-27
917.150	Grading, Drainage and Erosion Control Permit .....	917-29
917.160	Driveway Permit .....	917-29
917.170	Plats .....	917-30
917.180	Sign Permits .....	917-31
917.190	Other Licenses and Permits.....	917-31

### 917.010 Purpose

The purpose of this chapter is to identify all decision-making bodies responsible for the review of applications, the common review requirements for all applications, and the specific requirements and review procedures for various types of applications.

### 917.020 Summary of Review and Decision-Making Bodies

#### (A) Summary Table of Review and Decision-Making Bodies

- (1) Table 917-1 summarizes the general review and decision-making responsibilities of the City bodies that have roles in the procedures set forth in this chapter. Other duties and responsibilities of the bodies are presented in subsequent sub-sections or elsewhere within the Little Canada City Code. The City may require review bodies to examine specific applications if requested by the Community Development Director, Planning Commission or City Council.
- (2) The City may request other boards, commissions or government agencies to review some applications as judged appropriate prior to any final decision.

**Table 917-1: Summary of the Roles of the Review and Decision-Making Bodies**

R: Recommendation (responsible for review and a recommendation)

PH: Hearing (public hearing required)

D: Decision (responsible for the final decision)

A: Appeal

<b>Procedure</b>	<b>Development Review Committee</b>	<b>Community Development Department</b>	<b>Engineering Department</b>	<b>Building Official</b>	<b>City Clerk</b>	<b>Planning Commission</b>	<b>City Council</b>
Site Plan Review *	R	D	D				A
Conditional Use Permit	R	R	R			R	PH - D
Variance	R	R	R			R	PH - D
Planned-Unit Development	R	R	R			R	PH - D
Comp Plan Amendment	R	R	R			R	PH - D
Map or Text Amendment	R	R				R	PH - D
Temporary or Seasonal Use		D					A
Administrative Adjustments	R	D	D				A
Building Permit			R	D			A
Certificate of Occupancy			R	D			A
Home Occupation		D	R				A
Grading Permit		R	D	D			A
Driveway Permit			D	D			A
Sign Permit		R-D		R			
Other Licenses or Permits					D		

\* If no variance, conditional use permit, land subdivision or rezoning is involved.

See Chapter 916 for sign regulations and Chapter 1000 for land subdivision regulations.

(B) City Council

In addition to any other authority granted to the City Council by the City Code or state law, the City Council shall have the following powers and duties related to this ordinance:

- (1) To enact amendments to the *Comprehensive Plan*, the text of this ordinance, or the Zoning Map;
- (2) To hear and decide applications on planned-unit developments, conditional uses and variances.
- (3) To hear and decide appeals of decisions by the City staff.

(C) Planning Commission

(1) Establishment, Membership, Rules and Procedures

The establishment, membership, rules and procedures for the Planning Commission are established in Chapter 202 of the City Code.

(2) Powers and Duties

In addition to any other authority granted to the Planning Commission by the City Code, the Planning Commission shall have the following additional powers and duties related to this ordinance:

- (a) Provide recommendations to the City Council regarding applications for conditional use permits, variances, planned-unit developments, Comprehensive Plan amendments, or amendments to the zoning text or map.
- (b) To exercise such other powers, and perform such other duties, as are reasonable or necessary as provided by law.

(D) Community Development Department

(1) General Authorization

The Community Development Department, under the leadership of the Community Development Director, shall administer the provisions of this ordinance as provided in this Section.

(2) Powers and Duties

In addition to the jurisdiction, authority, and duties that may be conferred upon the Community Development Department by other provisions of the City Code, the Community Development Department shall have the following jurisdiction, powers, and duties under this ordinance:

- (a) Chair the Development Review Committee.
- (b) Issue decisions on site plan applications, temporary or seasonal uses, administrative adjustments and home occupations, and maintain records thereof;
- (c) Conduct inspections of property to determine compliance with the terms of this chapter;
- (d) Maintain permanent and current records of this chapter, including, but not limited to all maps and amendments, conditional uses, variances, appeals and applications therefore; and
- (e) Receive, file and forward all applications for amendments, site plans, variances, conditional uses, rezonings or other matters to the designated official bodies.

(E) Development Review Committee

(1) Membership

The Development Review Committee shall consist of the Community Development Director, the City Engineer, the Building Official and the Fire Marshall.

(2) Powers and Duties

The Development Review Committee shall review applications as requested by the Community Development Director and provide recommendations and advice to the Director on the review of those applications. The Committee may meet with applicants during those reviews.

**917.030 Common Review Procedures and Requirements**

(A) Applicability

The requirements of this Chapter apply to all applications subject to review under this ordinance except for a compliant one- or two-family dwelling. Those require only City staff review and the issuance of a Zoning Certificate.

(B) Authority to File Applications

(1) Unless otherwise specified, applications may be initiated by:

- (a) The owner of the property;
- (b) The owner's authorized agent;
- (c) A person with a signed purchase agreement for the property;
- (d) A prospective owner with written permission from the owner;
- (e) The City.

(2) When an authorized agent files an application under this ordinance on behalf of a property owner, the agent shall provide a signed authorization from the fee title property owner stating that the property owner agrees to be bound by all decisions, agreements and related conditions agreed to by such agent.

(3) For all applications involving multiple owners, contract purchasers, etc., all such persons shall sign the application.

(C) Pre-Application Meeting with City Staff

(1) All prospective applicants shall be required to speak with a member of the Community Development Department and, at the discretion of the Community Development Director, other City Staff or the Development Review Committee prior to submitting an application. The purpose of this meeting is to review the proposal, the relevant Code provisions, the required submittals, and potential opportunities or challenges.

(2) Discussions that occur during a pre-application conference are not binding on the City and do not constitute official assurances, representations or approvals by the City or its officials on any aspects of the plan or application discussed.

(D) Application Submission Schedule

(1) Generally, complete applications for a Conditional Use Permit, Variance, Rezoning, Zoning, Text Amendment or Plat must be submitted to the Community Development

Department five weeks prior to the next meeting of the City Planning Commission. This allows time for application review and refinement and newspaper publication of the notice of the required public hearing. The Department publishes an annual schedule of submittal dates, Planning Commission hearing/meeting dates, and City Council meeting dates.

- (2) A complete application for Site Plan Review may be submitted at any time, as these applications are not subject to review by the Planning Commission or City Council unless they involve a variance, conditional use, plat, *Comprehensive Plan* amendment or rezoning.
  - (3) A specific schedule for the submission of applications in relation to scheduled meetings of the Planning Commission and City Council is maintained by the Community Development Department and made available to applicants at the pre-application meeting.
- (E) Application Contents
- (1) All applications shall include:
    - (a) A completed City of Little Canada application form;
    - (b) Verification of authority to file applications;
    - (c) Supporting title information establishing ownership interests in the property;
    - (d) All submittal requirements outlined in this ordinance for the specific application type; one paper set and one PDF set are normally required;
    - (e) The City may require applicants to submit such technical studies as may be necessary to enable the City to evaluate the application. Such studies may include, but are not limited to, traffic studies, engineering studies, environmental impact assessments, and economic impact reports. The costs of such studies shall be borne by the applicant with the persons or firms preparing the study approved by the City.
- (F) Certain fees are required with applications related to Comprehensive Plan amendments, conditional use permits, planned unit developments, plats, rezonings, and variances.
- (1) Determination of Fees

Fees required to accompany applications submitted under this ordinance shall be in accordance with the approved fee schedule adopted by the City Council.
  - (2) Fees to be Paid

No application shall be considered complete until all relevant fees have been paid.
  - (3) Refund of Application Fee

Application fees are not refundable except when the Community Development Director determines that an application was withdrawn prior to notice of public hearing being issued, and any consideration or review of the application.
  - (4) Cost of Special Studies

If the City contracts for a special service, such as a traffic study, to help review an application, the applicant will be required to provide money in escrow from which the fee will be paid. If the City agrees, the applicant may contract directly with a consultant for such services.

(G) Application Acceptance

(1) Complete Application Required

The review and consideration of an application submitted under this Section shall only occur if such application includes all items that are required in support of the application and is deemed complete by the Community Development Director.

If an incomplete application is submitted, the Community Development Director shall notify the applicant within 5 business days and may provide an opportunity to quickly fulfill the submittal requirements as if the application had been submitted at least 5 weeks prior to the next Planning Commission meeting, as described in subsection (D), above.

(2) Waiver of Application Requirements

Except for the required application form and the associated fee, the Community Development Director may waive individual submittal requirements and judge an application complete for review if it is determined that such information will serve no purpose during the review process. However, it is the responsibility of the applicant to supply all information required by this ordinance, and a waiver issued by the Community Development Director shall not eliminate the need to provide such information at a later time if it is ultimately determined necessary to review the application. During the review process, failure of an applicant to supply information in a timely manner may result in denial of the application because of the City's inability to comply with State-mandated decision deadlines.

(H) Deadlines for Municipal Action

Maximum time periods within which the City must render a decision on an application related to zoning are established in Minnesota Statute. Deadlines related to a land subdivision application are also established in Minnesota Statute. If an application is incomplete, City staff will notify the applicant within 5 business days regarding which materials are missing, and the calendar for rendering a municipal decision under state law will start again when all requested materials have been received.

(I) Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this ordinance (e.g., a proposed rezoning and subdivision application), the applications for those approvals may, at the discretion of the Community Development Director, be processed simultaneously, so long as all applicable requirements are satisfied for all applications.

(J) Formal Review by City Staff

(1) Upon receipt of a complete application, the Community Development Director will prepare either a written decision (in the case of a Site Plan Review) or a written recommendation to the Planning Commission and the City Council. A copy of the review will be transmitted to the applicant. The Director may involve other staff and/or the Development Review Committee in the review. The applicant may be asked to meet with the Director and/or other staff or the Committee.

(2) Before completing the written review, the Community Development Director may speak with the applicant to negotiate revisions and conditions of approval. The applicant may be asked to submit a revised partial plan set that reflects the agreed-upon changes. There may be additional meetings between the applicant and the City staff during this time.

- (3) If during the review process it is discovered that an additional City action or review by another agency is required, the application may be delayed until additional information is submitted to address the problem or additional agency review is completed.
- (4) If a project involves only Site Plan Review, once updated plans are submitted to the Community Development Department, the applicant may apply for a Building Permit. If an application involves additional applications such as a Variance, Conditional Use Permit, Plat or Rezoning, the application will proceed to the Planning Commission and the City Council.

(K) Public Notice

- (1) Incomplete applications may not be scheduled and noticed for a review and recommendation by the Planning Commission unless missing items are submitted in time to allow the City staff to adequately review them prior to the public hearing. Additional materials may be requested by the Community Development Director after the notice has been mailed or published.
- (2) The Community Development Department will be responsible for mailing and publishing the notice of a public hearing.
- (3) Content
  - (a) A bold title referring to the content of the notice;
  - (b) Identification of the address or location of the property or properties subject to the application;
  - (c) Date, time, and place of the Public Hearing;
  - (d) Nature and scope of the application;
  - (e) Where to view the application;
  - (f) Where the public may be heard;
  - (g) Provision for written comments. The notice will describe where written comments will be received prior to the public hearing.

(4) Timing of the Notice

Unless otherwise expressly provided in City Code or required by law, all notices required by statute or Code shall be postmarked and/or published at least 10 days prior to the hearing at which the application will be considered.

(5) Type of Notice Required

**Table 917-2: Notification Requirements**

	<b>Posted</b>	<b>Published</b>	<b>Mailed</b>
Site Plan Review	No	No	No
Variance	Yes	Yes	Yes
Conditional Use Permit	Yes	Yes	Yes
Planned Unit Development	Yes	Yes	Yes
Revocation of Conditional Use Permit	Yes	No	Permittee or Owner
Comprehensive Plan Amendment	Yes	Yes	No
Zoning Map Amendment (rezoning)	Yes	Yes	Yes

	<b>Posted</b>	<b>Published</b>	<b>Mailed</b>
Zoning Text Amendment	Yes	Yes	No

## (L) Letter of Approval

Following a decision on an application, the applicant will be notified in writing. Following approval, a Building Permit or Occupancy Permit may be granted.

## (M) Environmental Review

- (1) No development project shall be approved prior to review by the Community Development Department to determine the need to complete a Minnesota Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS). Procedures for EAWs and EISs are set forth in the Minnesota Environmental Quality Review Board regulations for the Environmental Review Program authorized by Minnesota Statutes.
- (2) Environmental reviews (EAWs and EISs) shall be conducted as early as practical in the processing of a development project. No decision on granting of a permit or other approval required may be issued until the EAW / EIS process is completed.
- (3) At the City's discretion, an Alternative Urban Areawide Review (AUAR) may be used to meet environmental review requirements.

## (N) Withdrawal of an Application

A request for withdrawal of an application shall be submitted in writing to the Community Development Department.

## (O) Reconsideration of Land Use Approval Applications

No application for land use approval which has been denied by the City Council, in whole or in part, shall be reconsidered for a period of 6 months from the date of the decision on the application, except where there is substantial new evidence or proof of a change in conditions with respect to such application. Before any such reconsideration, the City may require the submission of the appropriate application fee and the application may be considered as a new application.

## (P) Agreements

The Community Development Director may require:

- (1) That the applicant (and property owner if different) indicate agreement with the City's conditions of approval by signing the letter of approval issued by the Department, or
- (2) That the applicant (and property owner if different) signs an agreement that describes the terms of the approval, which shall be linked to the property and recorded by the County.

The Community Development Director may waive either of these requirements.

**917.040 Comprehensive Plan Amendments****(A) Initiation of Proceedings**

Proceedings for the amendment of the *Comprehensive Plan* shall be initiated by one of the following:

- (1) An owner of property or an authorized representative of an owner;
- (2) Recommendation of the Planning Commission; or
- (3) Action of the City Council

**(B) Application**

(1) All applications to amend the Comprehensive Plan shall be in accordance with the Common Review Procedures and Requirements plus:

- (a) The names of the applicants;
- (b) A narrative explaining the requested change and the reasons why the Comprehensive Plan should be amended;
- (c) The existing and proposed land use and zoning designation for all properties proposed to change (if applicable);
- (d) A map of the properties modified to a different land use category, showing the addresses and land uses of adjacent properties (if applicable); and
- (e) The proposed text and/or maps to be added, amended, or deleted from the Comprehensive Plan along with documentation as to the location of the text changes in the Comprehensive Plan, if applicable.

**(C) Review****(1) Planning Commission**

The Planning Commission shall adopt findings and recommendations on the proposed amendment.

**(2) City Council**

The City Council shall hold a public hearing on the amendment. After considering the Planning Commission recommendation, the City Council may adopt the amendment or any part thereof in form as it deems appropriate. Approval of an amendment shall require a two-thirds vote of all members of the City Council.

**(D) Approval Criteria**

Recommendations and decisions on Comprehensive Plan amendments shall be based on consideration of the following criteria:

- (1) Whether the proposed amendment corrects an error or addresses the need resulting from some changing condition, trend, or fact arising since the adoption of the Comprehensive Plan;
- (2) Whether the proposed amendment is consistent with the guiding principles of the Comprehensive Plan;
- (3) The extent to which the proposed amendment addresses a demonstrated community need;
- (4) Whether the proposed amendment will protect the health, safety, morals, and general

- welfare of the public;
- (5) The impacts on the natural and built environments, including air, water, noise, stormwater management, wildlife habitat, water quality, vegetation, drainage, streets, and other engineering design or environmental factors;
  - (6) Whether the proposed amendment is compatible with existing and proposed uses surrounding the subject property; whether the proposed design and land uses are appropriate for the land; and whether the proposed amendment will maintain or improve compatibility among uses and ensure efficient development within the City;
  - (7) Whether the proposed amendment will result in a logical, orderly and predictable development pattern; and
  - (8) Whether the proposed amendment is consistent with the purpose of this ordinance.

### **917.050 Zoning Ordinance Text and Zoning Map Amendments**

#### **(A) Purpose and Scope**

This Section sets out the procedures to be followed in reviewing and considering a text change to this ordinance or an amendment to the zoning map with the exception of a map amendment to a planned unit development, which shall be subject to the procedures in Chapter 917, Application Reviews and Procedures.

#### **(B) Initiation of Proceedings**

Proceedings for the amendment of the text of this ordinance or the zoning map shall be initiated by one of the following:

- (1) An owner of property or an authorized representative of an owner;
- (2) Recommendation of the Planning Commission;
- (3) Action of the City Council

#### **(C) Application**

In addition to the Common Review Procedures and Requirements, applications for changes to the text of this ordinance or the Zoning Map shall also include the following:

- (1) The name of the applicant;
- (2) A narrative explaining the requested modification and the reasons why the changes are supported by the Comprehensive Plan;
- (3) The legal description of all real property proposed for change, if applicable;
- (4) The existing and proposed land use and zoning designations for all properties proposed for change, if applicable;
- (5) A map of the properties to be modified to a different zoning designation, showing the addresses and zoning designations for the subject properties and the adjacent properties, if applicable; and
- (6) The location of the proposed text to be added, amended, or deleted in this ordinance, if applicable.
- (7) The proposed text to be added, amended or deleted.

(D) Review

- (1) The Planning Commission shall adopt findings and recommendations on the proposed amendment.
- (2) The City Council shall hold a public hearing on the amendment. After consideration of the Planning Commission recommendation, the City Council may adopt the amendment or any part thereof in such form as it deems appropriate. The amendment requires the approval of two-thirds of the members of the City Council.

(E) Approval Criteria

Recommendations and decisions on zoning amendments shall be based on consideration of the following criteria:

- (1) Whether the proposed amendment corrects an error in the original text or map; or
- (2) Whether the proposed amendment addresses needs arising from a changing condition, trend, or fact affecting the subject property and surrounding area; or
- (3) Whether the proposed amendment is consistent with achieving the goals and objectives outlined in the Comprehensive Plan.

**917.060 Site Plan Review**

(A) Purpose and Scope

The City Council declares it necessary and appropriate to require the review of site plans for certain types of development to preserve and promote attractive, well-planned, stable urban conditions.

The Site Plan Review procedure may be used if no variance, conditional use permit, land subdivision, *Comprehensive Plan* amendment or rezoning is involved.

Site Plan Approval may be granted by the City staff without review by the Planning Commission or the City Council.

Site Plan Approval must be obtained before a Building Permit is issued in order to ensure the following:

- (1) The plan conforms to the requirements of this Ordinance in terms of land use, setbacks, number of housing units, land coverage, parking and other relevant regulations.
- (2) A proposed project's compatibility with the area environment and with other existing land uses and buildings in the surrounding area;
- (3) The quantity, quality, utility, size, and type of a proposed project's required open space and proposed landscaping improvements;
- (4) The ability of a proposed project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;
- (5) The quantity, quality, utility, size, and type of a proposed project's required community facilities;
- (6) The location and adequacy of a proposed project's provision for drainage and utilities; and
- (7) Security, fire protection, and life or safety issues.

(B) Applicability

The Site Plan Review requirements of this chapter shall apply to all new construction or expansion of commercial, industrial, multiple-family residential (3 or more units in a building), public, semi-public or institutional land uses, with these exceptions:

- (1) The use exists in a building, and the development of the use does not alter the building footprint, parking, traffic flow on or off-site, grading, drainage or landscaping;
- (2) Proposed modifications are strictly related to the interior of the building;
- (3) Modifications, additions, or enlargements to a building which do not increase the gross floor area by more than 500 square feet or 10 percent, whichever is less, and which do not require a variance from the provisions of this ordinance; and
- (4) Grading or site preparation that results in minor modifications to the existing site, as approved by the City Engineer.

(C) Review Authority

- (1) The Community Development Director is authorized to review and approve, approve with conditions, or deny Site Plan Reviews in accordance with the procedures and standards of this section. At the discretion of the Community Development Director, the Development Review Committee may provide advice on Site Plan Reviews.

Also at the discretion of the Community Development Director, an application for site plan review may be submitted to the Planning Commission for their advice while the decision authority remains with the Community Development Director.

All findings and decisions shall be final, subject to appeal to the City Council.

- (2) If a Site Plan Review application involves a Variance, the application must also be reviewed by the Planning Commission and approved by the City Council.

(D) Submittal Requirements

The following items are required unless exempted by the Community Development Director. All documents shall be drawn to scale by a registered landscape architect, engineer, architect or other qualified professional. One paper set and one digital PDF set are required.

- (1) General Site Description
  - (a) The boundaries and dimensions shown graphically, along with a legal description of the property;
  - (f) A vicinity map which shall include the names and locations of any public streets, railroads, and major streams in the vicinity of the site.
  - (g) The present and proposed topography of the site and adjacent areas within 50 feet by contour lines at an interval of not more than 2 feet, and by use of directional arrows, the proposed flow of storm water runoff from the site.
  - (h) Existing natural features of the site such as wetlands, streams, major trees and wooded areas;
  - (i) Existing public streets or rights-of-way, road or utility easements, or other reservations of land on the site;
  - (j) Other information necessary for the review of the application as may be

requested by the Community Development Director such as a traffic impact study.

- (2) Site Plan, Landscaping Plan and Lighting Plan
  - (a) The location of existing and proposed structures, with the number of dwelling units and/or non-residential floor area.
  - (b) All setback lines. When lots are located on a curve, the width of the lot at the building setback line shall be shown.
  - (c) Proposed street rights-of-way road or utility easements, or other reservations of land on the site;
  - (d) Street layout and grades with centerline elevations
  - (e) Sidewalk or path location, width and material.
  - (f) Proposed curb cuts, aisles, off-street parking and loading spaces and dimensions.
  - (g) The location, species and size of plantings. The location, height and material for berms, walls and fences.
  - (h) A tree preservation plan;
  - (i) The location and method of screening of outdoor trash storage and recycling areas.
  - (j) The location and size of all proposed signs.
  - (k) The location and height of exterior lights, including a photometric diagram;
  - (l) Elevation views of all proposed buildings or structures, with building materials and proposed colors noted;
  - (m) A site development staging plan, if applicable.
  - (n) If proposing a building addition, a floor plan with the interior dimensions for each floor.
- (3) Grading and Drainage
  - (a) Proposed grades showing topographic alterations, proposed methods for managing surface water, drainage calculations and a surface water pollution prevention plan.
  - (b) Top of curb in front of each lot at corners and the high side of driveways;
  - (c) Major (lowest floor) building corners;
  - (d) Lot corner elevations, building setback lines, and a building pad layout showing hold-down elevations and finished garage elevations, lot drainage patterns and driveway slopes.
  - (e) Storm sewer alignment and features;
  - (f) Elevations and boundaries related to lakes, wetlands and ponds including the ordinary high-water level;
  - (g) Wetland delineation boundaries;
  - (h) Other related information as may be required by the City Engineer;

- (4) Public and Private Utilities
  - (a) The location and size of existing and proposed sanitary sewers, water mains, culverts or other underground facilities within and adjacent to the property including data such as grades, invert elevations and locations of catch basins, manholes and hydrants.
  - (b) The location, size and purpose of all easements;
- (E) Public Notice

Publication and public notice in the official newspaper is not required.
- (F) Conditions of Approval

These conditions must exist for the approval of a Site Plan Review:

  - (1) The site plan conforms to applicable standards within this chapter.
  - (2) The site plan conforms to applicable regulations of this ordinance and is consistent with the applicable policies of the Land Use Plan.
  - (3) The site plan is consistent with any applicable functional or special area plans or development objectives adopted by the City Council.
  - (4) The site plan minimizes any adverse affects of property in the immediate vicinity and minimizes congestion of the public streets.

The Community Development Director may impose conditions on any proposed site plan and require such guarantees as it deems necessary for the protection of the public interest and to ensure compliance with the standards and purposes of this ordinance, the applicable policies of the Land Use Plan, and any special land use plans adopted by the City Council.
- (G) Modifications to an Approved Site Plan
  - (1) Requested amendments to a Site Plan may be approved or denied by the Community Development Director if they do not involve one of the following; otherwise, they shall be reviewed as a new Site Plan. At the discretion of the Community Development Director, the Development Review Committee may be involved in this review.
    - (a) The density of the development is to be increased by more than 5 percent;
    - (b) The gross square footage of non-residential buildings is to be increased by more than 5 percent or the number of building stories is to be increased;
    - (c) Approved landscaping or open space is to be substantially modified in the opinion of the Community Development Director;
    - (d) Drainage, streets, or other engineering design changes will materially alter items approved in the Development Plan; and/or
    - (e) Major changes are proposed that could potentially create an adverse impact on stormwater quality, stormwater quantity management, or other stormwater management ordinance requirements
  - (2) If, in the opinion of the Community Development Director, a proposed change will substantially affect the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the City at large, then a re-submittal of a new Development Plan may be required pursuant to the provisions of this Section.

(H) Time Limit

Unless a written extension request is submitted approved by the Community Development Director, an approved site plan shall expire upon either:

- (1) A new site plan for the property is submitted to and approved by the Community Development Director.
- (2) A Building Permit has not been issued within one year from the date of site plan approval.

(I) Inspection and Enforcement

Prior to issuance of a certificate of occupancy for any use not exempted above, a member of the Community Development Department shall conduct an inspection to determine compliance with the conditions set forth on the approved site plan for the project. A temporary certificate of occupancy may be issued without completion of all elements on the site plan, provided written assurance is given that all improvements will be completed when feasible.

(J) Relationship to other Applications

Except in those instances specified in Sub-Section (F)(2), above, Site Plan Approval is required prior to issuance of a Building Permit for any proposed construction or issuance of an Occupancy Permit for any proposed use. When a site plan is required in support of a request for Conditional Use Permit or Variance approval, such plan shall also be subject to the requirements established within this chapter.

(K) Appeal

The applicant for a Site Plan Review may appeal the decision of the Community Development Director to the City Council.

**917.070 Conditional Use Permits**

(A) Purpose and Scope

- (1) The Conditional Use Permit process allows the City to impose reasonable conditions on uses that are not normally Permitted in a given zoning district but may be if the City Council judges that the established conditions would be met. Such conditions are considered necessary to ensure compatibility between the proposed land use and nearby properties or for the general health, safety and welfare of the community.
- (2) Approval of a Conditional Use at a certain location does not mean the same Conditional Use can be conducted on any other parcel in that zoning district.
- (3) Every application for a Conditional Use Permit will be individually reviewed on its own merits, and the facts surrounding the subject property will determine the appropriateness of the proposed use.

(B) Application

An application for a Conditional Use Permit shall conform to the Common Review Procedures and Requirements and:

- (1) The submittal materials listed for a Site Plan Review except those that may be exempted by the Community Development Director;
- (2) Any other information that may be reasonably required by the City to evaluate the

application.

(C) Thresholds for Application Review

If a listed Conditional Use falls below the following threshold, review and approval by the Community Development Director is all that is required before applying for a Building Permit:

- (1) 500 square feet of floor area for a non-residential building;
- (2) 120 square feet of floor area for a detached building related to a residence.

Review and approval by the City Council shall be required for applications above that threshold or applications involving properties that have not previously received a Conditional Use Permit.

(D) Conditions for Approval

These conditions must be met:

- (1) The use is allowed as a Conditional Use in the zoning district and conforms to standard zoning regulations;
- (2) The Conditional Use will conform to the conditions listed in Chapter 914 for the proposed use;
- (3) The Conditional Use will not impede the normal and orderly use or development of nearby property, substantially diminish nearby property values or place an undue burden on public facilities or services;
- (4) The Conditional Use will not be detrimental to the health, safety, or welfare of the public;
- (5) The Conditional Use will not result in a nuisance by emissions;
- (6) The Conditional Use will not unduly affect natural features.

(E) Additional Conditions

In permitting a new Conditional Use or the alteration of an existing Conditional Use, the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions that the Commission considers necessary to protect the best interest of the surrounding area or community as a whole. These conditions may include but are not limited to:

- (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 additional fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.

(F) City Staff Review and Recommendation

The Community Development Director is authorized to review and provide recommendations to the Planning Commission and City Council in accordance with the procedures and standards of this Chapter. At the discretion of the Community Development Director, the Development Review Committee may provide advice on Conditional Use Permits.

(G) Planning Commission

The Planning Commission shall adopt findings and recommendations for the City Council on the proposed conditional use permit.

(H) City Council

The City Council shall hold a public hearing on the conditional use permit. After considering the Planning Commission recommendation, the City Council may adopt the conditional use permit or any part thereof in such form as it deems appropriate. Approval of a conditional use permit shall require a majority vote of the City Council.

The Council shall consider the request(s) in light of the conditional use review criteria listed above, and render a decision. In approving a conditional use, the City Council may impose conditions on the approval as are deemed appropriate to ensure compliance with the approval and to protect adjacent properties. Denial of any request shall be accompanied by findings of fact as to how the request did not meet one or more of the review criteria.

(I) Once a Conditional Use Permit is granted, a certified copy of the CUP, including a detailed list of all approved conditions and a legal description of the land, shall be recorded with the County Recorder or the Registrar of Titles.

(J) Effect of a Conditional Use Permit Approval

(1) Issuing a Conditional Use Permit shall authorize only the improvements approved by the City Council;

(2) A Conditional Use Permit, including any conditions, shall “run with the land” and shall not be affected by a change in ownership.

(K) Subsequent Development

Development authorized by the Conditional Use Permit shall not be carried out until the applicant has secured all other approvals required by this ordinance or any other applicable ordinances or regulations. Approval of a Conditional Use Permit does not imply that any related application will be approved.

(L) Revocation of a Conditional Use Permit

In the event that any of the conditions set forth in the permit are violated, the City Council shall have the authority to revoke the conditional use permit. Before the revocation is considered, the Council shall hold a public hearing after proper written notice has been issued. Following the hearing, the Council may revoke the Conditional Use Permit by adopting findings of fact showing there has not been substantial compliance with the required conditions.

(M) Amendments to a Conditional Use Permit

A Conditional Use Permit may be amended or modified only in accordance with the procedures and standards established when originally securing the conditional use permit. A request for a change in the conditions of approval of a Conditional Use Permit shall be considered an amendment and subject to the full review procedure set forth in this subsection. An additional application fee may be required before the consideration of the amendment request.

**917.080 Variances**

(A) Purpose and Scope

The variance process is intended to provide limited relief from the strict requirements of this ordinance in those cases where the reasonable conditions of a particular requirement will create practical difficulties because of circumstances unique to the property. It is not intended that variances be granted to allow a use not permitted by the underlying zoning district, nor to merely remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general. Variances are intended to address extraordinary, exceptional or unique situations that were not caused by the applicant's act or omission. Variances may be allowed from restrictions placed on non-conformities.

(B) Initiation of Proceedings

Variances shall be initiated by an owner of property or an authorized representative of an owner pursuant to Authority to File Applications.

(C) Application

- (1) All applications for a variance shall be in accordance with the Common Review Procedures and Requirements.
- (2) In addition to the Common Review requirements, applications for a variance shall also include the following:
  - (a) A narrative demonstrating that the criteria for a variance have been met;
  - (b) A site plan of the property showing all information necessary to allow the City to determine conformance with all zoning provisions and to calculate the specific variance being requested shall include but not be limited to:
    1. Property and structure dimensions including height;
    2. Building elevations as deemed necessary by the Community Development Director;
    3. Setback dimensions/measurements including separation between structures;
    4. Parking and access locations, dimensions, and paving, striping and curbing details;
    5. If deemed necessary by the Community Development Director, a survey may be required with the application in addition to a site plan.

(D) Criteria for Approving a Variance

- (1) A variance may be approved only if these criteria are met:
  - (a) The request is in harmony with the purposes and intent of this ordinance

- (b) The variance is consistent with the Comprehensive Plan.
  - (c) The applicant can demonstrate that there are “practical difficulties” in complying with the regulation(s) in question. Determination of whether practical difficulties exist shall be based on the following:
    - 1. The property owner proposes to use the property in a reasonable manner permitted by this ordinance;
    - 2. The plight of the land owner is due to circumstances unique to the property not created by the landowner;
    - 3. The variance will maintain the essential character of the locality.
  - (2) Practical difficulties include, but are not limited to, inadequate access to direct sun light for solar energy systems.
  - (3) Economic considerations alone shall not constitute a sufficient basis for a Variance if reasonable use for the property exists under the regulation.
  - (4) Variances shall be granted for earth-sheltered construction as defined in Minnesota Statutes 216C, Subd. 14, when in harmony with this ordinance.
  - (5) The City Council may impose conditions in the granting of a variance. Such conditions must be directly related to and bear a rough proportionality to the impact created by the variance.
- (E) City Staff Review and Recommendation
- The Community Development Director is authorized to review and provide recommendations to the Planning Commission and City Council in accordance with the procedures and standards of this Chapter. At the discretion of the Community Development Director, the Development Review Committee may provide advice on Variances.
- (F) Planning Commission
- The Planning Commission shall adopt findings and recommendations for the City Council on the proposed variance.
- (G) City Council
- The City Council shall hold a public hearing on the variance. After considering the Planning Commission recommendation, the City Council may adopt the variance or any part thereof in such form as it deems appropriate. Approval of a variance shall require a majority vote of the City Council.
- (H) Effect of a Variance
- (1) The issuance of a variance shall authorize only the particular variation that is approved by City Council;
  - (2) A variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(I) Subsequent Development

Development authorized by the variance shall not be carried out until the applicant has secured all other approvals required by this ordinance or any other applicable chapters or regulations. The granting of a variance does not constitute, imply or guarantee the granting of any other such required approval, such as a Building Permit.

(J) Amendment

A variance may be amended or modified only in accordance with the procedures and standards established for originally securing the variance. A request for a change in the conditions of approval of a variance shall be considered an amendment and subject to the full review procedure set forth in this subsection. An additional application fee shall be required before consideration of the amendment request.

**917.090 Planned-Unit Developments**

(A) Application

An application for rezoning to Planned-Unit Development Overlay District shall be made on the form provided by the City, shall include the materials required for a Zoning Map Amendment (a rezoning), a Site Plan Review and, possibly, a Plat and shall include an application review fee as adopted by the City Council.

Additional drawings and narratives may also be required if the PUD involves the Shoreland Overlay District, an Environmental Assessment Worksheet or Environmental Impact Statement. An application for a Variance shall not be required.

(B) Review and Approval Process

Reviewing an application for rezoning to PUD Overlay District shall follow the same process as a Map or Text Amendment, which means that the Planning Commission may provide a recommendation but the decision authority rests with the City Council.

When the City Council adopts an ordinance changing property to Planned-Unit Development Overlay District, it is approving the Zoning Map Amendment, the Site Plan, and the Preliminary Plat (if applicable) and instructing City staff to draft a Development Agreement, proceed with the final plat (if applicable) and subsequently issue a Zoning Certificate.

(C) Expiration of the Approved Zoning Certificate

The Zoning Certificate associated with the rezoning to PUD Overlay District may expire as described under the sub-section titled Conditional Use Permit, Time Limit.

If the approved development is not begun either in whole or in part by the dates specified in the development agreement, that portion of the land not substantially improved shall revert to the base zoning district and any benefits, uses or approvals conferred by the PUD Overlay District shall become void unless a time extension is granted by the City Council or the PUD Overlay is amended.

(D) Amendments to a Planned-Unit Development Overlay District

A Planned-Unit Development Overlay District may be amended as described in the Section titled, Modification of an Approved Site Plan.

(E) Approved Plans Continue

All preliminary and final development plans approved as part of a Planned-Unit Development prior to the effective date of this Ordinance shall remain in full force and effect as part of this overlay district. If new development in the prior Planned-Unit Overlay District follows the approved plans, the development shall be considered in conformance with this Ordinance.

**917.100 Temporary or Seasonal Use Permits**

(A) Purpose and Scope

Temporary or Seasonal Use Permits are meant for activities that have an agreed-upon ending date.

(B) Initiation of Proceedings

A request for a Temporary or Seasonal Use Permit shall be initiated by application of the property owner or other person having authority to file an application.

(C) Application

(1) All applications for a Temporary or Seasonal Use Permit shall be in accordance with the Section titled Common Review Requirements.

(2) In addition to general review requirements, applications for a Temporary or Seasonal Use Permit shall also include the following except as exempted by the Community Development Director:

(a) A narrative which includes:

1. A description of the proposed temporary use, how it will function on the property, hours and dates of operation, and any other information necessary to fully describe the request; and
2. An explanation of how the proposed temporary use will meet each of the criteria set forth below.

(b) A sketch plan of the property showing all information necessary to accurately depict how the proposed use will function on the site Information required on the site plan shall include but not be limited to:

1. The location of all existing and proposed structures;
2. Driveways and parking areas;
3. Proposed storage and/or display spaces;
4. Natural features such as woodlands, wetlands, shorelines, etc;
5. Proposed number of parking spaces provided or affected.

(c) Any other information that may be reasonably required by the City to evaluate the application.

(D) Review Criteria

A Temporary or Seasonal Use Permit shall be issued only if the use will:

- (1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

- (2) Be compatible with the principal uses taking place on the site;
  - (3) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  - (4) Not include permanent alterations to the site;
  - (5) Not violate the applicable conditions of approval that apply to a site or use on the site;
  - (6) Not harm environmentally sensitive lands.
- (E) Temporary or Seasonal Use Permit Review Process
- (1) The Community Development Director will review all Temporary or Seasonal Use Permit applications.
  - (2) Applications determined to conform to the review criteria shall be approved with any conditions deemed necessary. A copy of the approved permit shall be provided to the applicant that includes all conditions and comments.
  - (3) Applications not conforming to the approval criteria shall be denied by the Community Development Director. A notice of denial including the reasons shall be provided to the applicant.
- (F) Reasonable Conditions
- In approving a Temporary or Seasonal Use Permit, the Community Development Director may impose such reasonable conditions and requirements as deemed necessary and appropriate to ensure continued compliance with ordinance requirements.
- (G) Effect of a Temporary or Seasonal Use Permit Approval
- (1) The issuance of a Temporary or Seasonal Use Permit shall authorize only the specific temporary use approved by the Community Development Director over the specified timeframe;
  - (2) A minimum of 90 days shall be required between the expiration of a Temporary or Seasonal Use Permit and the issuance of another Permit on the same site for an identical or similar use as determined by the Community Development Director.
- (H) Revocation of a Temporary or Seasonal Use Permit
- In the event that any of the conditions set forth in the permit are violated, the City Council shall have the authority to revoke the permit. Before the revocation is considered, the City Council shall hold a public hearing after proper written notice has been issued. Following the hearing, the City Council may revoke the Permit by adopting findings of fact showing there has not been substantial compliance with the required conditions.
- (I) Appeals
- The applicant for a Temporary or Seasonal Use Permit may appeal the decision of the Community Development Director to the City Council.

**917.110 Administrative Adjustments****(A) Purpose and Intent**

This purpose of this Section is to provide a way to allow minor adjustments to previously approved building setbacks or landscape buffer widths where application of a prior dimension would create a development that is less consistent with the *Comprehensive Plan* or the public interest.

**(B) Authority**

The Community Development Director is authorized to review and approve, approve with conditions or deny Administrative Adjustments to building setback or landscape buffer standards of this ordinance in accordance with the procedures and standards of this section. At the discretion of the Community Development Director, the Development Review Committee may provide advice on Administrative Adjustments.

**(C) Maximum Adjustment**

No adjustment may reduce a setback or a landscape buffer to less than the minimum.

**(D) Initiation**

An application for an Administrative Adjustment may be initiated by the property owner or other person with authority to file an application pursuant to the Section, Authority to File Applications.

**(E) Application**

- (1) All applications for an Administrative Adjustment shall be in accordance with the Section, Common Review Requirements;
- (2) In addition to the Common Review Procedures and Requirements, applications for an Administrative Adjustment shall also include a narrative demonstrating that the criteria for an Administrative Adjustment have been met.

**(F) Criteria for Approval of Administrative Adjustments**

Decisions on an Administrative Adjustment shall be based on consideration of these criteria:

- (1) The requested Administrative Adjustment shall not exceed the maximum adjustment permitted by this ordinance;
- (2) The requested Administrative Adjustment is consistent with the character of development in the surrounding area, and will not result in incompatible uses;
- (3) Any adverse impacts from the requested Administrative Adjustment will be mitigated to the maximum extent practicable;
- (4) The requested Administrative Adjustment is either:
  - (a) Required to compensate for some unforeseen aspect of the site or the development that is not commonly shared by landowners in general; or
  - (b) Supportive of the purpose and intent statement of the zoning district; or
  - (c) Proposed to save healthy existing trees.
- (5) The requested Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

(G) Administrative Adjustment Review Process

- (1) Upon receiving a complete application for an Administrative Adjustment, the Community Development Director shall review the plans to determine their conformance to all ordinance requirements;
- (2) Applications determined to conform with the approval criteria shall be approved by the Community Development Director with any conditions deemed necessary. A notice of an Administrative Adjustment approval shall be provided to the applicant which includes all conditions, comments, and recommendations.
- (3) Applications not conforming to the approval criteria shall be denied by the Community Development Director. A notice of Administrative Adjustment denial including reasons for denial shall be provided to the applicant.

(H) Reasonable Conditions

In approving an Administrative Adjustment, the Community Development Director may impose such reasonable conditions and requirements as deemed necessary and appropriate to ensure continued compliance with ordinance requirements.

(I) Effect of an Administrative Adjustment Approval

- (1) The approval of an Administrative Adjustment by the Community Development Director does not guarantee approval of other applications that may be required by the regulations of the City;
- (2) An Administrative Adjustment approved by the Community Development Director, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(J) Amendment

An Administrative Adjustment may be amended, extended, or modified only in accordance with the procedures and standards established for originally securing the Administrative Adjustment.

(K) Appeal

The applicant for an Administrative Adjustment may appeal the decision of the Community Development Director to the City Council.

(L) Conditions

The Community Development Director may impose conditions upon the Administrative Adjustment to ensure that the purposes of this ordinance are achieved.

**917.120 Building Permits**

- (A) Once the appropriate municipal approval has been obtained for a zoning application, a Building Permit may be issued.
- (B) An application for a Building Permit may be submitted before the zoning application process has been completed.

**917.130 Certificates of Occupancy****(A) Purpose**

This Section establishes the requirement for City approval prior to the use or occupation of new buildings or structures, or prior to a change in use in an existing structure. Issuance of a Certificate of Occupancy signifies that the building or structure complies with all Code requirements.

**(B) Required**

- (1) No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved, shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Occupancy shall have been issued by the Community Development Director stating that the building or structure complies with all provisions of this ordinance.
- (2) No change in use of an existing building or structure shall occur until a Certificate of Occupancy shall have been issued by the Community Development Director stating that the building or structure complies with all provisions of this ordinance.

**(C) Application**

A Certificate of Occupancy shall be applied for coincident with an application for a Building Permit or prior to a proposed change in use.

**(D) Issuance**

A Certificate of Occupancy will be issued within one business day after a City representative has completed a final inspection and found the building or structure conforming to applicable City Code requirements.

**917.140 Home Occupation Permits****(A) Initiation of Proceedings**

A request for a Home Occupation Permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to Authority to File Applications.

**(B) Application**

- (1) An application for a Home Occupation Permit shall follow the Common Review Requirements;
- (2) An application for a Home Occupation Permit shall include a narrative describing:
  - (a) How many employees will be working at the home occupation site;
  - (b) What activities will be occurring in conjunction with the home-based occupation (i.e. office work, customer visits, sales, stock storage, etc);
  - (c) Vehicle used (e.g. will there be a vehicle(s) used in conjunction with the business? Will the business require any non- standard deliveries to the site? Where will customers park? etc)
  - (d) A calculation of the square footage within structures to be used by the home occupation
  - (e) A sketch plan showing in general how the home occupation will operate on the site. The sketch plan should show (as applicable):
    1. All buildings to be used by the home occupation;
    2. Proposed outdoor storage areas;
    3. Proposed parking areas for vehicles and/or customers;
    4. Proposed sign location(s) in conformance with sign regulations;
    5. Any proposed alterations to buildings to accommodate the home occupation;
    6. Any proposed features necessary to hide visible evidence of the home occupation from either the public right-of-way or adjacent properties (e.g. plantings, screening fences, etc).

**(C) Review Criteria**

- (1) The home occupation shall meet all of the general requirements for home occupations;
- (2) The home occupation shall meet the entire general requirements specific to home occupations.

**(D) Home Occupation Review Process**

- (1) The Community Development Department will review all Home Occupation Permit applications;
- (2) A copy of the approved permit shall be provided to the applicant which includes all conditions and comments;
- (3) Applications not conforming to the review criteria shall be denied. A notice of denial shall be provided to the applicant that includes the reasons for denial.

(E) Reasonable Conditions

In approving a Home Occupation Permit, the Community Development Department may impose such reasonable conditions and requirements as deemed necessary and appropriate to ensure continued compliance with ordinance requirements.

(F) Effect of a Home Occupation Permit Approval

- (1) The issuance of an Home Occupation Permit shall authorize only the activities and uses approved;
- (2) The permit shall be specific to that site and shall end with a change in land ownership;
- (3) The Home Occupation Permit does not require periodic renewal.

(G) Time Limit

- (1) Failure to begin the approved home occupation within six months of the date of approval will invalidate the permit;
- (2) Upon written request, one extension of six months may be granted by the Community Development Director if the applicant can show good cause.

(H) Amendments

All requested amendments to a Home Occupation Permit shall be processed in the same manner as a new application.

(I) Appeal

The applicant for a Home Occupation Permit may appeal the decision of the Community Development Director to the City Council.

**917.150 Grading, Drainage and Erosion Control Permit**

Application submittal and review procedures for grading and related surface water management are described in City Code Chapters 927 and 928.

**917.160 Driveway Permits**

(A) Purpose

Driveway Permits allow the City to inspect work done in the public road right-of-way, protect the public by setting and enforcing construction standards, and ensure proper pavement construction.

(B) Initiation of Proceedings

A request for a driveway permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to Authority to File Applications

(C) In General

A driveway permit shall be required for the initial construction, reconstruction of reconfiguration of any driveway that will cross into a public road right-of-way and that was not approved as part of a Site Plan or a Preliminary Plat.

(D) Application

- (1) All applications for a driveway permit shall be in accordance with the Common Review Requirements and be on the form provided by the Engineering Department.

- (2) In addition to general review requirements, applications for a driveway permit shall also include the following except as exempted by the Engineering Department:
  - (a) A site plan (or certified site survey if required by the Engineering Department) at a scale and in quantities deemed necessary by the Engineering Department showing lot dimensions and the lot area in square feet;
  - (b) A site plan (or certified site survey if required by the Engineering Department) at a scale and in quantities deemed necessary by the Engineering Department showing lot dimensions and the lot area in square feet;
  - (c) Location of all existing buildings, landscaping, screening and natural features as directed by the Engineering Department (including but not limited to woodlands, wetlands, shorelines, and individual trees which may be impacted by the proposed driveway or parking lot construction);
  - (d) Location of the existing driveway (if applicable), the proposed driveway and the square footage of each;
  - (e) Location of existing public sidewalks and trails;
  - (f) Calculation of the existing and proposed impervious surface coverage on the lot;
  - (g) Identify existing and proposed curb types specifically calling out proposed changes to existing facilities
- (E) Review Criteria

Approval of a driveway permit shall be based on:

  - (1) Whether the proposed driveway permit is consistent with all the requirements of this ordinance and any other City Code requirements;
  - (2) Whether the proposed driveway permit follows all engineering standards adopted by the City;
  - (3) Whether the proposed driveway permit follows any previous approvals for the facility (e.g. adding parking as previously approved by a Conditional Use Permit)
- (F) Driveway Permit Review Process
  - (1) The Engineering Department shall review all driveway permit applications
  - (2) Applications determined to conform to the review criteria shall be approved by the Engineering Department with any conditions deemed necessary. A copy of the approved permit with all conditions and comments shall be provided to the applicant.
  - (3) Applications not conforming to the review criteria shall be denied by the Engineering Department. A notice of denial including reasons shall be provided to the applicant.
- (G) Reasonable Conditions

In approving a driveway permit, the Engineering Department may impose such reasonable conditions and requirements as it deems necessary and appropriate to ensure continued compliance with the driveway permit review criteria
- (H) Effect of Driveway Permit Approval

The issuance of a Driveway Permit shall authorize only the changes approved by the Engineering Department as depicted by the application materials
- (I) Time Limit

- (1) Failure to complete driveway or parking lot improvements within six months of the date of approval will invalidate the permit
  - (2) Upon written request, one extension of six months may be granted by the Engineering Department if the applicant can show good cause
- (J) Amendments
- All requested amendments to an existing driveway permit shall be processed in the same manner as a new application
- (K) Unauthorized Work
- Work done without the authorization of a permit and/or found to be out of conformance with approved plans shall be halted and subject to the remedies and penalties described in this ordinance. Driveways or parking lots being built out of conformance shall be brought into conformance.
- (L) Appeal
- The applicant for a Grading Permit may appeal the decision of the Engineering Department to the City Council.

#### **917.170 Plats and Land Splits**

Procedures for land divisions are presented in Chapter 1000 of the Little Canada City Code.

#### **917.180 Sign Permits**

##### **(A) Administrative Permit Required**

A permit is required before installing any new wall sign, freestanding sign, home occupation sign, business banner or sidewalk sign. Signs for which a permit is not required are listed in City Code Chapter 903.110 (B) 1. Those include public signs, identification signs not exceeding two square feet, political campaign signs, temporary displays including holiday displays, construction signs, real estate sale or rental signs, and on-premise directional or informational signs not exceeding four square feet.

Permits and fees are not required for the repair of signs or sign structures.

Sign permits are issued by the City Clerk upon the review and approval of an application provided by the Clerk and the payment of the fee, which is set by ordinance.

All regulations on the size, materials, location, duration and permitting of signs may be found in City Code Chapter 903.110.

#### **917.190 Other Licenses and Permits**

A license issued by the City Clerk is required for these activities:

- Adult uses
- Alarm systems
- Emergency vehicle sales – storage lot with ancillary outfitting services
- Fireworks
- Handicapped accessibility and mobility vehicle sales or repair
- Lawful gambling
- Licensing of tree removal contractors
- Massage therapy business and massage therapist licenses
- Mixed municipal solid waste and recyclable materials storage and collection

Motor vehicle repair  
On-sale and off-sale liquor licenses  
Outdoor storage in industrial districts  
Pawn shops and pawnbrokers  
Public assemblies  
Rental housing licenses  
Solicitors  
Tattoo parlors  
Temporary outdoor sales or display  
Tobacco store and tobacco general sales and display licenses  
Used car sales  
Wagon vendor  
Wrecking and junking cars