SECTION 1003 – ADMINISTRATIVE PERMITS

SECTION

1003.01:   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 or designee with the goal of protecting the health, safety, and welfare of the citizens of the City.

1003.02:   APPLICATIONS QUALIFYING FOR ADMINISTRATIVE REVIEW: The applications which may be approved by administrative permit include: antennas and telecommunication facilities in the right-of-way; fence permits; building permits; accessory structures, temporary uses; site plans; zoning certificates; lot line adjustments for twin homes and townhomes; provided they comply with all Sections of this Ordinance.

   Subd. 1.   Procedure. The procedure for filing administrative permits is outlined below:

   1.   Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator or designee on forms to be provided by the City.

   2.   The application shall be accompanied by a non-refundable filing fee and escrow, as set forth by City Council resolution for administrative permit applications. Applications for amending permits shall be accompanied by a non-refundable fee as set forth by City Council resolution for administrative permits.

   3.   The Zoning Administrator or designee shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Section. The Zoning Administrator or designee shall notify the applicant, in writing, of an incomplete application within fifteen (15) business days of the date of submittal. The request shall be considered as being officially submitted when all of the information requirements are deemed to be complete by the Zoning Administrator and the applicable fees and escrows have been paid. The formal review will not commence until such a time, as the application is complete.

4.   The Zoning Administrator or designee 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 will not be detrimental to or endanger the public health, safety, morals or comfort.

      c.   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 which is proposed.

      f.   The use, event or activity shall, in all other respects, conform to the applicable regulations in which it is located.

      g.   The use, event or activity and site conform to the performance standards outline in Section 1032, (Performance Standards) and all other applicable provision of this Ordinance.

5.   The Zoning Administrator or designee shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submittal 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 paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied.

8.   Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 1005, (Appeals) of this Ordinance.

Subd. 2.   Information Requirement. The information required for all administrative permit applications shall include:

1.   A complete application form and legal description of the subject site.

2.   Payment of a non-refundable filing fee and escrow as set forth by City Council resolution.

3.   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.

4.   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.

5.   In cases where structures are proposed, the lot corners and proposed structure location(s) shall be staked in the field.

6.   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.

7.   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 administrative permit application relates.

8.   Information identified in Section 1013, (Site Plans) of this Ordinance, as may be applicable.

Subd. 3.   Performance Standards. All structures, uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such structure, use, event or activity is proposed, as well as the applicable standards in Section 1032, (Performance Standards) of this Ordinance.

Subd. 4.   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 appropriate staff as determined by the Zoning Administrator.

3.   Enforcement of the provisions of this paragraph shall be in accordance with Section 1002, (Administration) 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.

1003.03:   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 1032, (Performance Standards) of this Ordinance.

1003.04:   INSPECTION: The City hereby reserves the right upon issuing any administrative permit to inspect the premises to ensure compliance with the provisions of this Ordinance or any conditions additionally imposed.

1003.05:   SITE IMPROVEMENT PERFORMANCE AGREEMENT: Upon approval of an administrative permit the City may require the applicant to enter into a performance agreement prior to issuing of building permits or initiation of work on the proposed improvement or development.   Said agreement shall guarantee conformance and compliance with the conditions of the administrative permit and the codes of the City. The performance agreement shall be prepared and approved by the City Attorney and shall provide for all of the items specified by Section 1031, (Performance Agreements) of this Ordinance.