

ADMINISTRATION

§ 1007.015 AMENDMENTS: TEXT AND MAP.

(1) *Purpose.* The purpose of this section is to prescribe the procedure and requirements for any change to the zoning classification, text or zoning boundaries of a property or any amendment to any provision of this chapter.

(2) *Initiation.* Amendments may be initiated by action of the City Council, recommendation of the Planning and Zoning Board, or by petition of a property owner.

(3) *Submittal Requirements.*

(a) Petitions for text amendments shall include detailed written and graphic materials fully explaining the proposed change.

(b) Petitions for map amendments shall include, as determined by the Community Development Director, either site and building plans consistent with the requirements established in City Code Section 1007.020 (Site and Building Plan Review) or information required by City Code Chapter 1000 for a plat submittal.

(4) *Procedure.* An application for zoning (text or map) amendment shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

(a) The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8). The request for the amendment shall be placed on the agenda of the Planning and Zoning Board according to the City's deadline and meeting schedule.

(b) The City shall set the date for a public hearing and have notice of such hearing published in the legal newspaper at least 10 days prior to said hearing in accordance with M. S. §462.357, Subd. 3.

(c) The City shall mail notice of the public hearing to all property owners within 600 feet of any property proposed for zoning text or map amendments. Said notice shall be mailed at least 10 days prior to the day of the public hearing in accordance with M. S. §462.357, Subd. 3. Failure of any property owner to receive the mailed notification shall not invalidate the proceedings.

(d) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation of the action to the City Council.

(e) The Planning and Zoning Board shall hold the public hearing and consider possible adverse effects of the proposed amendment. Its judgement shall be based upon, but not limited to, the following factors:

1. The proposed action is consistent with the official City Comprehensive Plan.
2. The proposed action is or will be compatible with present and future land uses of the area.
3. The proposed action conforms with all performance standards contained herein.
4. The proposed action can be accommodated with existing public services and will not overburden the City's service capacity.
5. Traffic generation by the proposed action is within capabilities of streets serving the property as described in City Code Section 1007.020(4)(d).

(f) The Planning and Zoning Board shall make findings of fact and recommend approval or denial of the request. Such recommendation shall be accompanied by the report and recommendation of the City staff.

(g) Approval of a proposed amendment shall require passage by a majority vote of all members of the City Council except that the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a four-fifths (4/5) majority vote of all members of the City Council. If the City Council denies a request, it shall state in writing the reasons for the denial at the time it denies the request.

(h) An amendment to this chapter, adopted by the City Council, shall take effect 30 days after its publication or at such later date as it specifies.

(i) No application for a zoning text or map amendment which has been denied shall be resubmitted for a period of 12 months from the date of said order of denial.

§ 1007.016 CONDITIONAL USE PERMITS.

(1) *Purpose.* The purpose of this section is to allow the City to review uses, which because of their unique characteristics, cannot be permitted as of right in a particular zoning district, but which may be allowed upon showing that such use in a specified location will comply with all of the conditions and standards of this zoning ordinance. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and an annual review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm. Conditional use permits may be granted in accordance with this subdivision for any use or purpose for which such permits are required or permitted by this ordinance or as listed as a conditional use for the zoning districts provided in City Code Section 1007.080 through Section 1007.131.

(2) *Submittal Requirements.* An application for a conditional use permit shall be filed with the Zoning Administrator and shall be accompanied with the submittal information as identified in City Code Section 1007.020 (Site and Building Plan Review).

(3) *Procedure.* An application for a conditional use permit shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

(a) The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8). The request for conditional use permit shall be placed on the agenda of the Planning & Zoning Board according to the City's deadline and meeting schedule.

(b) The City shall set the date for a public hearing and have notice of such hearing published in the legal newspaper at least 10 days prior to said hearing in accordance with M. S. §462.357, Subd. 3.

(c) The City shall mail notice of the public hearing to all property owners within 350 feet of the property in question. Said notice shall be mailed at least 10 days prior to the day of the public hearing in accordance with M. S. §462.357, Subd. 3. Failure of any property owner to receive the mailed notification shall not invalidate the proceedings.

(d) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation of the action to the City Council.

(e) The Planning and Zoning Board shall hold the public hearing and consider possible adverse effects of the proposed conditional use. Its judgement shall be based upon, but not limited to, the following factors:

1. The proposed development application has been found to be consistent with the design standards listed in City Code Section 1007.020(4).

2. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.

3. Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.

(f) The Planning and Zoning Board shall make findings of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter. Such recommendation shall be made in writing and accompanied by the report and recommendation of City staff.

(g) Upon receiving the report and recommendation of the Planning and Zoning Board and the City staff, the City Council shall make a recorded finding of fact and may impose any condition they consider necessary to protect the public health, safety and welfare.

(h) Following approval of the conditional use permit, the City shall file a certified copy thereof including a legal description of the property with the County Recorder and/or Registrar of Title.

(4) *Expiration.* The applicant shall commence the use or construction within one (1) year of the date of approval unless a different time is specified in the conditional use permit. Otherwise, the approval shall be null and void, unless an extension is requested in writing, and for good cause, is granted by the City Council. A conditional use specified in the permit expires if, for any reason, the authorized use ceases for more than one (1) year.

(5) Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. An amended conditional use permit application and requests for changes in conditions shall be administered in a manner similar to that required for a conditional use permit.

(6) All uses existing as of July 14, 1997 that are included in the list of conditional uses for the zoning district in which they are located shall be considered as having a conditional use permit which contains conditions that permit the land use and structures as they existed on said date. Any enlargement, structural alteration, or intensification of such use shall require an amended conditional use permit as provided for above.

(7) No application for a conditional use permit shall be resubmitted for a period of 12 months from the date of said order of denial.

(8) *Revocation.* If an approved conditional use permit is in violation of this ordinance or the conditions of permit approval, the City may initiate a process to revoke the conditional use permit. The City shall then conduct a public hearing to consider the revocation of a conditional use permit. Notifications shall be distributed and published according to paragraph (3)(b) and (c) The public hearing shall be conducted by the Planning & Zoning Board, which shall make a recommendation to the City Council. In considering revocation, the Board and the City Council shall consider compliance with the approved conditions of the conditional use permit and the standards listed in

paragraph (3)(e). The City may also conduct a public hearing and consider revocation if the time requirements of paragraph (4) have not been met.

(9) Following a vote by the City Council to revoke the conditional use permit, the City shall file a certified copy thereof including a legal description of the property with Anoka County.

§ 1007.017 INTERIM USE PERMITS.

(1) *Purpose.* The purpose of this section regarding interim uses is:

(a) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

(b) To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

(c) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(2) *Procedure.*

(a) Interim uses shall be processed according to the standards and procedures for a conditional use permit as established by City Code Section 1007.016.

(b) *General Standards.* An interim use shall comply with the following:

1. Meets the standards of a conditional use permit set forth in City Code Section 1007.016.

2. Conforms to the applicable performance standards of this ordinance.

3. The use is allowed as an interim use in the respective zoning district.

4. The date or event that will terminate the use can be identified with certainty.

5. The use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

6. The user agrees to any conditions that the City Council deem appropriate for permission of the use.

(3) *Termination.* An interim use shall terminate on the happening of any of the following events, whichever first occurs:

(a) The date stated in the permit.

(b) Upon violation of conditions under which the permit was issued.

(c) Upon change in the City's zoning regulations which renders the use non-conforming.

(d) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

(4) *Revocation.* If an approved interim use permit is in violation of this ordinance or the conditions of permit approval, the City may initiate a process to revoke the interim use permit. The City shall then conduct a public hearing to consider the revocation of an interim use permit. Notifications shall be distributed and published according to paragraph (2). The public hearing shall be conducted by the Planning & Zoning Board, which shall make a recommendation to the City Council. In considering revocation, the Board and the City Council shall consider compliance with the approved conditions of the interim use permit and the standards listed in paragraph (2)(b).

§ 1007.018 VARIANCES AND APPEALS.

(1) *Purpose.* The purpose of this section is to provide for deviations from the requirements of this Chapter, and to provide for the appeal of an interpretation of legislative intent of the provisions of this chapter.

(2) *Board Designation.* The City Council shall serve as the Board of Adjustment and Appeals.

(3) *Variances.* Variances from the requirements of this ordinance, including restrictions placed on nonconformities, may be granted if the following conditions are met:

(a) *Criteria and Findings of Fact.* No variance shall be granted unless it meets all the criteria in paragraphs 1. through 6. or unless paragraph 7. applies. The City shall make findings regarding compliance with these criteria.

1. The variance shall be in harmony with the general purposes and intent of the ordinance.

2. The variance shall be consistent with the official City Comprehensive Plan.

3. There shall be practical difficulties in complying with the ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

4. The plight of the landowner shall be due to circumstances unique to the property not created by the landowner.

5. The variance shall not alter the essential character of the locality.

6. A variance shall not be granted for any use that is not allowed under the ordinance for property in the zoning district where the subject site is located.

7. In accordance with M. S. §462.357, Subd. 6, variances shall be granted for earth sheltered construction as defined in M. S. §216C.06, Subd. 14, when in harmony with the zoning ordinance.

(b) *Submittal Requirements.* An application for a variance shall be filed with the Zoning Administrator and shall be accompanied with the following submittal information:

1. Proof of title and contract/purchase agreement and/or property owner signature on the application form when applicable.

2. Certificate of survey prepared by a licensed land surveyor in compliance with the requirements in City Code Section 1007.020(2)(b). The Community Development Department

may waive the certificate of survey when the survey will not provide information relevant to the variance necessary to review the application.

3. Graphic information, plans, specifications, or other materials that illustrate the requested variance.

4. Narrative description of how the application complies with the variance criteria listed above.

(c) *Procedures.* An application for a variance shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements for variances are as follows:

1. The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8).

2. The request for variance shall be placed on the agenda of the Planning and Zoning Board according to the City's deadline and meeting schedule.

3. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of the action to the City Council.

4. The petitioner or representative should appear before the Planning and Zoning Board in order to present information or to answer questions. The Board shall make a recommendation to the City Council including findings on compliance with required criteria and conditions to be imposed.

5. The City Council may grant the variance if it has been established that the application complies with all the required criteria. The City shall decide upon requests for variance by approving or denying the same in part or in whole.

6. The City may impose conditions in the granting of variances. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

7. The City Council shall, on all variance applications whether granted or denied, record findings of fact. Such findings shall be recorded in writing and shall state the City Council's reasons for such action. If the City Council denies an application, it shall state in writing the reasons for the denial at the time it denies the application. However, when a vote on a resolution or properly made motion to approve an application fails for any reason, the failure shall constitute a denial of the application provided that those voting against the motion state on the record the reasons why they oppose the application.

8. Following approval of the variance, the City shall file a certified copy thereof including a legal description of the property with the County Recorder or Registrar of Titles.

(4) *Appeal.* An appeal shall only be applicable to an administrative permit, order, requirement or interpretation of intent of provisions of this ordinance. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

(a) *Procedure.* An appeal from an administrative action shall be filed by the property owner or their agent with the Zoning Administrator within 10 days after the making of the order, requirement, or interpretation being appealed.

1. The property owner or their agent shall file with the Zoning Administrator an application for appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council ordinance. In cases where the application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within 10 days of the date of submission.

2. An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Board of Adjustment Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.

3. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Board of Adjustments and Appeals.

4. The Board of Adjustment and Appeals shall consider the application for appeal at a public meeting and consider testimony of the property owner and City staff.

5. The Board of Adjustment and Appeals shall make its decision within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant.

6. The Zoning Administrator shall serve a copy of the final order of the Board upon the applicant by mail.

7. No application for a variance shall be resubmitted for a period of 12 months from the date of said order of denial.

(5) *Expiration.* The applicant shall comply with the conditions of approval or complete construction within one (1) year of the date of approval unless a different time is specified in the variance approval. Otherwise, the approval shall be null and void, unless an extension is requested in writing, and for good cause, is granted by the City Council.

§ 1007.019 ADMINISTRATION: ADMINISTRATIVE PERMITS AND APPROVALS.

(1) *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 approvals of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.

(2) *Submittal Requirements.* An application for an administrative permit or approval shall be filed with the Zoning Administrator and shall be accompanied with the following information:

(a) The applicant shall include as part of the application, the applicable submission information as identified in City Code Section 1007.020 Site and Building Plan Review. The Zoning Administrator may waive submission information not deemed necessary for the administrative review.

(b) 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.

(3) *Procedure.* An application for administrative permit shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

(a) The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8).

(b) The Zoning Administrator shall review the applications 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 ordinance.

(c) A written report or letter of approval 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 or letter.

(d) 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; unless, within 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.

(e) Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as outlined in City Code Section 1007.018.

(4) *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.

(5) *Administration and Enforcement.*

(a) The Zoning Administrator shall keep a record of applications and administrative permits or approvals.

(b) A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.

(c) Enforcement of the provisions of this paragraph shall be in accordance with City Code Section 1007.023. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

§ 1007.020 SITE AND BUILDING PLAN REVIEW.

(1) *Purpose.* The purpose of this section is to establish Site Plan Review procedures and provides regulations pertaining to the enforcement of site design standards consistent with the requirements of this chapter. All site and building plans for multiple family, commercial, industrial or public/semi-public uses shall require review and approval by the Community Development Department. Relocated structures shall also require a site and building plan review as required by City Code Section 1007.047

(2) *Submittal Requirements.* An application for a site and building plan review shall be filed with the Zoning Administrator and shall be accompanied with the following information:

(a) Proof of title and contract/purchase agreement and property owner signature on the application form when applicable.

(b) Certificate of Survey prepared by a licensed land surveyor identifying the following:

1. Scale (engineering only) of at least one (1) inch equals 100 feet.
2. North point indication.
3. Existing boundaries with lot dimension and lot area.
4. Existing buildings, structures and improvements within 100 feet of the exterior boundaries of the subject property.
5. Easements of record.
6. Delineated wetland boundary.
7. OHWL of any lakes or DNR waters within 100 feet of property.
8. FEMA floodplain boundary and Flood Insurance Study (FIS) base flood elevation (BFE) determination.
9. All encroachments.
10. Legal description.

(c) Site Plan prepared by a licensed professional using the current Certificate of Survey as a base depicting the following:

1. Name of project or development.
2. Name and address of developer and/or owner.
3. Name and address of engineer/architect/designer.

4. Date of plan preparation and dates of any subsequent revisions.
5. All proposed improvements, including:
 - a. Required and proposed setbacks.
 - b. Location, setback and dimensions of all proposed buildings and structures.
 - c. Location of all adjacent buildings and structures within 100 feet of the exterior boundaries of the subject property.
 - d. Location, number, dimensions of all proposed parking spaces, loading areas and drive aisles, with curbing shown.
 - e. Location, width and setbacks of all proposed street accesses and driveways.
 - f. Location, width and setbacks of all proposed sidewalks, walkways and trails.
 - g. Location and type of all proposed lighting, including fixture details.
 - h. Provisions for storage and disposal of waste, garbage and recyclables, including details for enclosing and screening exterior containers.

6. Calculations for impervious/pervious surfaces.

(d) Grading Plan prepared by a licensed engineer using the current Certificate of Survey as a base depicting the following:

1. Existing contours at two- (2) foot intervals.
2. Proposed grade elevations at two- (2) foot maximum intervals.
3. Drainage plan, including the configuration of drainage areas and calculations.
4. Spot elevations and drainage arrows.
5. Surface water ponding and treatment areas.
6. Erosion control measures.
7. Wetland replacement plan (when applicable).
8. Soil borings.
9. Drainage calculations for two- (2), 10-, & 100-year storm events.
10. Delineated wetland boundary, to include OHWL of any lakes or DNR waters.

11. Date of plan preparation and dates of any subsequent revisions.
- (e) Tree Survey in accordance with City Code Section 1007.043(17)(l).
- (f) Tree Preservation Plan in accordance with City Code Section 1007.043(17)(m).
- (g) Landscaping Plan prepared by a licensed landscape architect or licensed engineer using the current Certificate of Survey as a base depicting the following:
 1. Planting schedule including:
 - a. Symbols.
 - b. Quantities.
 - c. Common and botanical names.
 - d. Sizes of plant materials.
 - e. Root specification (bare root, balled/burlapped, potted, etc.).
 - f. Special installation instructions.
 2. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
 3. Typical sections with details of fences, tie walls, planter boxes, tot lots, picnic areas and the like.
 4. Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials to be used.
 5. Delineation of both sodded and seeded areas with respective areas measured in square feet.
 6. Coverage plan for underground irrigation systems, if any.
 7. Other existing or proposed conditions that could be anticipated to affect landscaping.
 8. Date of plan preparation and dates of any subsequent revisions.
 9. Calculations table showing how required landscaping standards have been met as follows:
 - a. Canopy Coverage.
 - i. Total area of vehicular hardscape.

- ii. Required area of coverage.
 - iii. Quantity and value of all trees proposed.
 - b. Foundation Landscape.
 - i. Linear footage of building.
 - ii. Total number of trees and shrubs required.
 - iii. Quantity of trees and shrubs proposed.
 - c. Open Area Landscape.
 - i. Total square footage of open area.
 - ii. Total numbers of trees and shrubs required.
 - iii. Quantity of trees and shrubs proposed.
 - d. Boulevard Trees.
 - i. Linear feet of street frontage or number of lot frontages as applicable.
 - ii. Number of trees required.
- (h) Photometric Lighting Plan, to include fixture details/cut sheets/drawings.
 - 1. Date of plan preparation and dates of any subsequent revisions.
- (i) Architectural Plans prepared by a licensed architect.
 - 1. Date of plan preparation and dates of any subsequent revisions.
 - 2. Architectural elevations, in color, of all principal and accessory buildings and structures (type, color, and materials used in all exterior surfaces).
 - 3. Typical floor plan and typical room plan drawn to scale with a summary of square footage by use or activity.
- (j) Utility Plan prepared by a licensed engineer.
 - 1. Location of hydrants, valves, and manholes, if any.
 - 2. Location, sizing, and type of water and sewer system mains, and proposed service connections, hydrants, valves, and manholes; or,

3. Location and size of proposed primary and secondary on-site treatment systems, when allowed.

4. Storm sewer, catch basins, invert elevation, type of castings, and type of materials (refer to Engineering Manual for City standards).

5. Date of plan preparations and dates of any subsequent revisions.

(k) Other plans and information as may be required by the Zoning Administrator which may include (but not be limited to) the following:

1. Location, type and size (area and height) of all signs to be erected upon the subject property.

2. Vicinity map showing the subject property in relation to nearby highways or major street intersections.

3. Sound source control plan.

4. Fire protection plan.

5. Proposed protective covenants or private restrictions.

6. Where landscaping or man-made materials are used to provide screening from adjacent properties, a cross section shall be provided showing the perspective of the site from neighboring properties at the lot line elevation.

7. Written narrative describing proposed development.

8. Cost estimates for all on-site improvements.

9. Copies of RCWD, VLAWMO, FEMA or other applications made to other government agencies as applicable.

(l) For applications for new communication towers, the application must include information to demonstrate compliance with the provisions of City Code Section 1007.054, including but not limited to:

1. Demonstration that a significant gap in coverage exists that would be resolved by the proposed location and that adequate service cannot be provided utilizing existing structures within a two-(2) mile search radius of the proposed site.

2. Structural design information to ensure compliance with manufacturer specifications and to ensure the tower can accommodate additional antennas (co-location).

3. Authorization from the property owner if different from applicant.

4. Lease or agreement requiring removal of the tower and facilities after cessation of use.

5. Copies of applicable federal, state, and local licenses, permits, and approvals.

(3) *Procedure.* An application for site and building plan review shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements for site and building plan review are as follows:

(a) The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8).

(b) The Zoning Administrator shall forward copies of the application and site and building plans to the appropriate staff, consultants and governmental agencies for review and recommendation. The Community Development Department shall perform a review and approve or deny the application. The Community Development Department may also suggest such conditions as they deem necessary to the approval of the site and building plans.

(c) The applicant may appeal any denial or decision by the Department according to City Code Section 1007.018.

(d) No application for a site and building plan review shall be resubmitted for a period of 12 months from the date of said order of denial.

(e) The Community Development Department shall provide to the City Council reports summarizing submitted site and building plan applications and outcomes regarding approval or denial as they occur.

(4) *Performance Standards.* Plans which fail to meet the following criteria shall not be approved.

(a) The proposed development application must be consistent with the policies and recommendations of the Lino Lakes Comprehensive Plan.

(b) The proposed development application is compatible with present and future land uses of the area.

(c) The proposed development application conforms to performance standards herein and other applicable City Codes.

(d) Traffic generated by a proposed development application is within the capabilities of the City when:

1. If the existing level of service (LOS) outside of the proposed development is A or B, traffic generated by a proposed development will not degrade the level of service more than one grade.

2. If the existing LOS outside of the proposed development is C, traffic generated by a proposed development will not degrade the level of service below C.

3. If the existing LOS outside of the proposed development is D, traffic generated by a proposed development will not degrade the level of service below D.

4. The existing LOS must be D or better for all streets and intersections providing access to the proposed development. If the existing level of service is E or F, the developer must provide, as part of the proposed project, improvements needed to ensure a level of service D or better.

5. Existing roads and intersections providing access to the proposed development must have the structural capacity to accommodate projected traffic from the proposed development or the developer will pay to correct any structural deficiencies.

6. The traffic generated from a proposed development shall not require City street improvements that are inconsistent with the Lino Lakes Capital Improvement Plan. However, the City may, at its discretion, consider developer-financed improvements to correct any street deficiencies.

7. The LOS requirements in paragraphs 1. to 4. above do not apply to the I-35W/Lake Drive or I-35E/Main St. interchanges. At City discretion, interchange impacts must be evaluated in conjunction with Anoka County and the Minnesota Dept. of Transportation, and a plan must be prepared to determine improvements needed to resolve deficiencies. This plan must determine traffic generated by the proposed development project, how this traffic contributes to the total traffic, and the time frame of the improvements. The plan also must examine financing options, including project contribution and cost sharing among other jurisdictions and other properties that contribute to traffic at the interchange.

(e) The proposed development shall be served with adequate and safe water supply.

(f) The proposed development shall be served with an adequate or safe sanitary sewer system.

(g) The proposed development shall not result in the premature expenditures of City funds on capital improvements necessary to accommodate the proposed development.

(h) Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters and City Council shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

(5) *Expiration.* Activities authorized by site and building plan approval shall be initiated within six (6) months. The time limits established in this paragraph may be extended by the Zoning Administrator.

(6) *Site Improvement Performance Agreement and Financial Guarantee.* Following the approval of the site plan required by this section where no public improvements are proposed and

before issuance of a building permit, the applicant, as determined to be necessary by the Zoning Administrator, shall guarantee to the City the completion of all improvements as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as provided below:

(a) The applicant shall execute the site improvement performance agreement on forms provided by the City. The agreement shall be approved as to form and content by the City Attorney and shall define the required work and reflect the terms of this chapter as to the required guarantee for the performance of the work by the applicant.

(b) The required work includes, but is not limited to private exterior amenities such as landscaping, private streets, parking areas, recreation fields, drainage systems, stormwater basins, sanitary sewer systems, water mains, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities. The required work shall also include all aspects of a tree preservation plan, if applicable.

(c) A financial guarantee shall be submitted with the executed site performance agreement as provided herein:

1. Financial guarantees acceptable to the City include cash escrow; an irrevocable letter of credit; or other financial instruments which provide equivalent assurance to the City and which are approved by the Zoning Administrator.

2. The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the responsibility of the applicant to ensure that a submitted financial guarantee shall continue in full force and effect until the Zoning Administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this chapter.

3. When any instrument submitted as a financial guarantee contains a provision for an automatic expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the site performance agreement or of the required work, the expiration date shall be October 31; further, it shall be the responsibility of the applicant to notify the City in writing, by certified mail, at least 60 days in advance of the expiration date of the intention to renew the instrument or to not renew the instrument. If the instrument is to be renewed, a written notice of extension shall be provided 30 days prior to the expiration date; if the instrument is not to be renewed, and has not been released by the Zoning Administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least 30 days prior to the expiration. The term of any extension shall be approved by the Zoning Administrator. Upon receipt of an acceptable substitute financial guarantee, the Zoning Administrator may release the original guarantee.

4. The amount of the financial guarantee shall be established by the Zoning Administrator based upon an itemized estimate of the cost of all required work as provided by the applicant. A cash escrow or irrevocable letter of credit shall be in the amount of 35 percent for private improvements and 125 percent for public improvements of the approved estimated cost. The amount of any other approved financial instrument shall be determined by the Zoning Administrator.

5. At the option of the City, the applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work. All trees shall be warranted to be alive, of good quality, and disease free for 12 months from the time of planting. Any subsequent replacement shall be warranted for 12 months from the time of planting.

(d) The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide for forfeiture to the City to cure a default or reimburse the City the cost of enforcement measures. As various portions of such required work are completed by the applicant, are in compliance with City requirements, and are approved by the City, the Zoning Administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the City has verified survivability of all required plantings through one "winter season" which is defined for the purpose of this section as the period October 31 through April 30.

(e) The applicant shall notify the Zoning Administrator in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the Zoning Administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant and appropriate action, to release or to reduce the amount of the financial guarantee shall be taken by the Zoning Administrator.

§ 1007.021 DUTIES OF CITY STAFF.

The offices of the Zoning Administrator and Building Official are hereby established; official(s) shall be appointed by the government body.

(1) *Duties of the Zoning Administrator.* The Community Development Director or designee shall be the Zoning Administrator. The Zoning Administrator shall enforce the provisions of this ordinance as provided herein; in addition to the duties and powers of the Zoning Administrator under this ordinance, express or implied, the Zoning Administrator shall have the duty and power to:

- (a) Issue permits required by this ordinance.
- (b) Maintain all records necessary for the enforcement of this ordinance; including, but not limited to, all data, maps, amendments, rezonings, and conditional use permits, variances, appeal notices, certificates of occupancy, and applications thereof, nonconforming uses.
- (c) Receive, file and forward all appeals, notices, applications for variances, conditional use permits, certificates of occupancy, or other matters to the appropriate officials or boards.
- (d) Serve as ex-officio, non-voting member of the Planning and Zoning Board.
- (e) Perform all duties set forth in job description.

(2) *Duties of the Building Official.* The Building Official shall enforce the provisions of this ordinance as provided herein; in addition to the duties and powers of the Building Official under this ordinance, express or implied, the Building Official shall have the duty and power to:

- (a) Conduct inspections of land, buildings or structures at reasonable times, to determine compliance with and enforce the provisions of this ordinance.
- (b) Perform annual and/or periodic review of all conditional use permits.
- (c) Institute in the name of the City any appropriate actions or proceedings to enforce this ordinance.
- (d) Perform all duties set forth in job description.

§ 1007.022 CERTIFICATE OF OCCUPANCY.

(1) No person may change the use of any land except for construction of essential services and transmission lines or occupy or utilize a new structurally altered building (except single-family detached dwellings or their accessory buildings in any district) or change the use of any building after the effective date of this ordinance unless he has first obtained a certificate of occupancy.

(2) Application for a certificate of occupancy for a new building or for an existing building which has been so altered or the reuse of any land may be filed with the Building Official any time after the application for a building permit. The Certificate of Occupancy shall be issued within 10 days after the construction or alteration of such building or part thereof or site has been completed in conformity with the provisions of this ordinance and building code. Pending the issuance of said certificate, a temporary certificate of occupancy may be issued, subject to the provisions of the building code and zoning ordinance for a period not to exceed 12 months during the completion of the erection or the alteration of such a building. The temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the community relating to the use or occupancy of the premises or any other matter, except under such restrictions and provisions as will adequately ensure the safety of the occupants. The use of any structure for which a building permit is required or the use of any land shall be considered a violation of this ordinance unless a certificate of occupancy has been issued.

(3) Application for a certificate of occupancy for a new use of land shall be made to the Building Official before any such land shall be so used. Such certificate of occupancy shall be issued within 10 days after this application if the use is in conformity with the provisions of this ordinance.

(4) A record of all certificates of occupancy shall be kept on file with the City.

§ 1007.023 ENFORCEMENT AND PENALTIES.

(1) *Administration and Enforcement.*

(a) This ordinance shall be administered and enforced by the Zoning Administrator who is appointed by the City Council. The Zoning Administrator may institute in the name of the City of Lino Lakes any appropriate actions or proceedings against a violator as provided by statute, ordinance, or code.

(b) If the provisions of this ordinance are being violated, the City shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The City shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Section to ensure compliance with or to prevent violation of its provisions.

(2) *Penalties, Violations, and Enforcement.* In addition to the remedies set out in the paragraph above, the City may enforce any provisions of this ordinance by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

§ 1007.024 PLANNED UNIT DEVELOPMENT (PUD).

(1) *Purpose.* The purpose of this section is to provide a district that grants flexibility from certain zoning regulations in order to achieve public benefits that may not otherwise be obtained under standard zoning regulations. It is further intended that PUDs are to be characterized by central management, integrated planning and architecture, a higher level of urban amenities, preservation of natural open space, and more economical efficient use of land.

(2) The PUD, by allowing deviation from the strict provisions of this ordinance related to setbacks, heights, lot area, width and depths, yards, etc., may be considered by the City when it would result in one or more of the following public benefits:

(a) Implementation of a master plan consistent with the Planning District objectives of the Comprehensive Plan.

(b) Innovations in development that address growing demands for all styles of economic expansion, greater variety in lot size, configuration, home type, design, enhanced architectural standards, and siting of structures through the conservation and more efficient use of land in such developments.

(c) Preservation and enhancement of desirable site characteristics such as wildlife habitat, unique natural resources, existing vegetation, natural topography, geologic features and reduction of negative impacts on the environment.

(d) Creative use of land and related physical development which allows a phased and orderly transition of varying land uses in close proximity to each other.

(e) Efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.

(f) Mix of land use types.

(g) Provision of a housing type or target housing price that is desirable to the City.

(h) Other public benefits and values as recognized in the City's Comprehensive Plan.

(3) All permitted uses, permitted accessory uses, conditional uses, and uses allowed by administrative permit in all zoning districts shall be potentially allowable uses within a PUD district, provided they would be allowable on the site under the City's Comprehensive Plan.

(4) The standards outlined in the following City Code Sections serve as development guidelines within PUDs:

Table 1

PUD Land Use	Development Standards
Low-Density Residential	R-1, §1007.090 R-1X, §1007.091 R-2, §1007.092
Low-Density Mixed Residential	R-1, §1007.090 R-2, §1007.092
Medium-Density Residential	R-2, §1007.092 R-3, §1007.093
High-Density Residential	R-4, §1007.094 R-6, §1007.096
Planned Residential / Commercial	R-5, §1007.096
Office Residential	R-2, §1007.092 R-3, §1007.093 NB, §1007.110 LB, §1007.111 GB, §1007.112
Signature Gateway	R-3, §1007.093 R-4, §1007.094 NB, §1007.110 GB, §1007.112
Commercial	NB, §1007.110 LB, §1007.111 GB, §1007.112
Town Center	R-4, §1007.094 GB, §1007.112
Business Campus	BC, §1007.122
Industrial	LI, §1007.121 GI, §1007.122

(a) The lot and yard standards, impervious surface coverage, building requirements and height regulations of the closest conventional zoning district shall be used as the regulations, but may be departed from to accomplish the purposes described in City Code Section 1007.024(2).

(b) The standards outlined in the General Provisions section of the Zoning Ordinance serve as guidelines, but may be departed from to accomplish the purposes described in City Code Section 1007.024(2).

(c) The aforementioned are guidelines only and not development standards.

(5) *General Requirements for a Planned Unit Development (PUD).*

(a) Public or common open space at least sufficient to meet the minimum requirements established in this ordinance and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD.

(b) If a PUD includes provision of affordable housing, a specific housing type, or target housing price, details associated with the housing - including number of units, unit size, and price - shall be documented in a legally binding agreement approved by the City and recorded against the properties within the PUD.

(c) If a PUD includes preservation of natural habitat, those habitats shall be permanently protected through a conservation easement or other legally binding agreement approved by the City and recorded against the properties within the PUD.

(d) A common or homeowner's association shall be established where appropriate to ensure on-going maintenance of infrastructure and public spaces, required restoration and management of natural areas, or other actions and activities specific to the PUD.

(e) A residential PUD may include a variety of residential dwelling units, including, but not limited to single family and multifamily units as long as it complies with the density requirements. A non-residential PUD may include a variety of commercial and/or industrial uses. A PUD may also include a mix of residential and non-residential uses.

(f) Recreational open space or trail corridors intended as public parks or public trails shall be dedicated to the City or granted through an easement. Management and maintenance of the public recreational areas shall be the responsibility of the City.

(g) *Street, Private.*

1. Private streets within the project shall have an improved surface to 26 feet or more in width and shall be so designed as to permit the City emergency vehicles to provide protection to each building.

2. No portion of the required private street system shall be used in calculating required off-street parking space or be used for parking.

(h) As part of the PUD Final Plan/Final Plat approval, a Development Agreement and Planned Unit Development Agreement shall be prepared by the City. Prior to issuance of permits, the applicant, builder, or developer shall execute the Agreement. The Agreement shall detail all use restrictions and required on and off-site improvements conditional to the PUD rezoning.

(6) *Urban Residential Planned Unit Development Requirements.*

(a) Urban residential PUDs shall be applied only to residential Zoning Districts served by municipal sanitary sewer and water.

(b) The maximum allowable density within an urban residential PUD shall be consistent with the density directives of the Comprehensive Plan.

(c) *Open Space Performance Standards.*

1. A minimum of 50 percent of the gross townhome land area shall be reserved as common open space for townhomes.

2. Each open space lot or outlot shall be classified as natural habitat, neighborhood recreation, or trail corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification, as specified in City Code Section 1001.099 of the Lino Lakes Subdivision Ordinance.

3. Common open space shall provide a unified landscape for the use and enjoyment of the neighborhood community and/or the general public.

4. Open space shall be exclusive of unit lots and driveways.

5. Street rights-of-way, parking lots, and driveways shall be designed to maximize tree preservation, natural habitat, and wetland protection.

6. All open space shall be platted as lots or outlots held as open space in perpetuity. Outlots designated as public trail corridors shall be conveyed by fee title or by easement.

(d) Neighborhood Performance Standards.

1. To provide an identity and create a cohesive development pattern, residential units/buildings shall be oriented toward an identifiable feature which they have in common. Such identity may be accomplished by one or more of the following features:

a. The neighborhood lots may be arranged such that a majority of the principal structures take visual advantage of a field, wetland, woods, lake, stream, or other open space which could be described as a view shed.

b. The neighborhood lots may be arranged such that a majority of the principal structure will take visual advantage of a green, playground, ball field, rock outcropping, stand of trees, church, school, or other physical feature unique to that particular neighborhood.

c. The neighborhood lots may be arranged such that the principal structures face a street space enhanced with landscaping, street trees, landscaped medians, sidewalks, trails, or other landscaping techniques appropriate to the City's street design standards.

(e) Yards.

1. The front, rear and side yard restrictions at the periphery of the PUD site shall be the same as imposed in the respective base districts.

2. Buildings shall maintain a minimum separation of 10 feet.

(7) Commercial or Industrial Planned Unit Development Requirements.

(a) Commercial or Industrial PUDs shall be applied only to commercial or industrial zoning districts served by municipal sanitary sewer and water.

(b) Open Space Performance Standards.

1. The PUD design shall result in greater landscaped pervious area than the base zoning district standard.

2. The PUD site design shall result in the protection of important natural features (e.g., wetlands, significant trees, water courses, slopes over 12 percent).

3. The PUD design shall include extensive landscaping with an emphasis on streetscape, site entrances, and the perimeter of the building.

(c) Commercial and industrial buildings shall comply with design standards of City Code Section 1007.043(2)(d). A PUD shall consist of a harmonious arrangement and selection of land uses in groupings of buildings that are planned and designed as an integrated unit. The integrated design shall include elements such as building orientation and materials, utilities, parking areas, traffic and pedestrian circulation, and open spaces.

(8) Mixed Residential, Commercial and/or Industrial Planned Unit Development Requirements.

(a) PUD's including a mix of residential, commercial, and/or industrial uses shall follow the applicable provisions of (6) and (7) above.

(9) Procedure for Processing a Planned Unit Development.

(a) Prior to submitting a PUD application, the applicant shall meet with the Community Development Department to generally describe the proposed PUD. The primary purpose of the conference is to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal and its conformity to the provisions of this ordinance before incurring substantial expense in the preparation of plans, surveys and other data.

(b) PUD Concept Plan Application.

1. The PUD Concept Plan provides an opportunity for the applicant to submit an application and plan to the City showing the basic intent and the general nature of the entire development before incurring substantial cost. The evaluation of the Concept Plan shall include but not be limited to the following criteria:

- a. Overall maximum PUD density range.
- b. General location of major streets and pedestrian ways.
- c. General location and extent of public and common open space.
- d. General location of residential and non-residential land uses with approximate type and intensities of development.
- e. A staging and time schedule of development.

- f. Other special criteria for development.

2. *PUD Concept Plan Submission Information.*

- a. Information for Concept Plan as specified in City Code Section 1001.026.
- b. An aerial photograph at a scale of at least one (1) inch equals 100 feet, depicting the proposed development of the subject property and all land within 500 feet and showing the precise location of existing streets.
- c. Schematic drawing of the proposed PUD including, but not limited to, the general location of major street and pedestrian ways, public and common open space, residential and other land uses.
- d. An estimate of the total number of dwelling and/or other units and a tabulation of the following land uses expressed in acres and as a percent of the total project area:
 - i. Area devoted to residential and non-residential uses.
 - ii. Area devoted to residential use by building or structure or use type.
 - iii. Area devoted to common open space.
 - iv. Area devoted to public open space.
 - v. Area devoted to streets.
 - vi. Area, and potential floor area, devoted to commercial uses.
 - vii. Area, and potential floor area, devoted to industrial or office uses.
- e. If the PUD will be developed in different phases, the applicant shall submit a phasing plan for construction of the various elements of the entire PUD.
- f. If the PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

3. The Community Development Department shall forward the PUD Concept Plan submission to the City's advisory boards and City Council for their informal review and comment on the project's consistency with the City's Comprehensive Plan and development regulations at regularly scheduled meetings.

- a. The Planning and Zoning Board shall recommend to the City Council whether the applicant shall hold a neighborhood meeting prior to submission of a PUD Preliminary Plan. The City Council shall make the final determination if a neighborhood meeting is required.

(c) *PUD Preliminary Plan Application*

1. The purpose of the PUD Preliminary Plan is to provide a master plan of the entire development upon which the Planning and Zoning Board will base its recommendation to the City Council. The PUD Preliminary Plan serves as a complete and permanent public record of the entire PUD and the manner in which it is to be developed.

2. Following review of the PUD Concept Plan, the applicant shall file with the Community Development Department a PUD Preliminary Plan, rezoning and preliminary plat applications. The PUD Preliminary Plan shall refine the PUD Concept Plan.

3. The Community Development Department shall forward the PUD Preliminary Plan submission to the City's advisory boards and City Council for their consideration at regularly scheduled meetings where the related rezoning and preliminary plat applications are being considered.

4. The evaluation of the proposed PUD Preliminary Plan shall include but not be limited to the following criteria:

a. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project residents and the general public.

b. A sufficient amount of useable open space is provided.

c. The architectural design of the project is compatible with the surrounding area.

d. The development is in compliance with the requirements of the Lino Lakes City Code except where modified by the PUD.

5. The PUD Preliminary Plan submission shall include but not be limited to:

a. Summary from the neighborhood meeting if a meeting was required by the City Council.

b. Information for Site and Building Review as specified in City Code Section 1007.020.

c. Information for Preliminary Plat as specified in City Code Section 1001.041.

d. Location, designation and total area of all common open space.

e. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.

f. A tabulation of all land uses expressed in square footage and as a percent of the total project area.

g. Identification of existing natural resource areas and the proposed method for protection and restoration of these areas.

h. A written statement generally describing the proposed PUD, the market which it is intended to serve, its relationship to the City's Comprehensive Plan and how it is to be designed, arranged and operated.

i. Where deemed necessary, a market feasibility study including an analysis of the proposals economic impact on the City.

j. A statement summarizing all changes which have been made in any document, plan data or information previously submitted, together with revised copies of any such document, plan or data.

k. Such other information, either required as part of the Concept Plan review or as the Planning and Zoning Board, Community Development Department or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

6. Zoning Enactment: A rezoning of a parcel of land to PUD shall not become effective until such time as specified in City Code Section 1007.015 (h).

7. A complete application for PUD Final Plan shall be submitted no later than one (1) year after the date of approval of the PUD Preliminary Plan, or a time as provided in the developer's agreement. Otherwise, the PUD Preliminary Plan approval shall be considered void, unless an extension, requested in writing and for good cause, is granted by the City Council. The City Council may approve such an extension after the deadline date passes.

(d) PUD Final Plan Application.

1. The PUD Final Plan is to serve as a complete, and permanent public record of a specific stage or phase of the PUD Preliminary Plan and the manner in which that stage is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other provisions of the City Code as the land use regulation applicable to the PUD.

2. Upon approval of the PUD Preliminary Plan and within the time established, the applicant shall file with the Community Development Department an application and PUD Final Plan consisting of the information and submissions required by this Code for the entire PUD or for one (1) or more stages. The PUD Final Plan shall conform to the PUD Preliminary Plan in all respects, and shall be integrated as a coherent statement of the entire Plan. Appropriate cross-referencing and incorporation of recorded documents may be utilized.

3. After review of a PUD Concept Plan and approval of a PUD Preliminary Plan, the applicant will submit the following material for review by the City staff prior to issuance of a building permit:

a. A revised PUD Preliminary Plan and Preliminary Plat of the entire PUD incorporating all changes and conditions that were required. This revised preliminary plat will provide the historical record of the subdivision approval by which subsequent final plats shall be considered.

b. Information for Final Plat as specified in City Code Section 1001.056.

c. Final architectural elevations, in color, of all principal and accessory buildings and structures (type, color, and materials used in all exterior surfaces). Typical floor plan and typical room plan drawn to scale with a summary of square footage by use or activity.

d. Final engineering plans and specifications for streets, drainage, utilities and other public improvements.

e. Any other plans, agreements, or specifications necessary for the City staff to review the proposed construction.

4. The Community Development Department shall forward the PUD Final Plan and Final Plat submission to the City Council for their consideration at a regularly scheduled meeting.

5. The terms of the PUD as approved by the City Council shall be embodied in a Development Agreement and Planned Unit Development Agreement, and such other documents as the City shall deem necessary or desirable. The Development and PUD Agreement and any appropriate resolution of the City Council shall be recorded with Anoka County at the expense of the applicant. At the election of the City, filing of the PUD Preliminary Plan may be delayed until the PUD Final Plan is filed. Where the PUD Preliminary Plan is denied, Council action shall be by written resolution setting forth its findings and conclusions in support of its action.

a. Within one (1) year after the approval of a PUD Final Plan, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall automatically render void, all approvals of the PUD plan unless an extension, requested in writing, is granted by the City Council. The City Council may approve such an extension after the deadline date passes. In such case the area encompassed within the PUD shall thereafter be subject to those provisions of the Zoning Code, and other Code provisions, applicable in the district in which it is located.

(e) Plan Modification/Amendment of a Planned Unit Development.

1. Plan modifications/amendments qualifying as minor may be approved by the Community Development Director provided the changes do not involve the following:

a. Increase in floor area of structure or number of dwelling units.

b. Change in exterior building material.

c. Alteration of any condition attached or modification to the PUD Final Plan made by the City Council.

2. Modifications not qualifying as minor shall be considered a substantial departure. Substantial departures from the approved plans will require an amendment to the PUD and shall follow the same review procedure as a PUD Preliminary Plan.

§ 1007.025 ENVIRONMENTAL REVIEW.

(1) When an environmental assessment worksheet (EAW), alternative urban areawide review (AUAR), or environmental impact statement (EIS) is required or otherwise ordered or submitted, the applicable review procedures shall be as set forth in the Minnesota Environmental Quality Board regulations for the Environmental Review Program, as authorized by Minnesota Statutes and specified in Minnesota Rules 4410.

(2) An EAW, AUAR, or EIS application, together with the completed data portions of the environmental document, shall be accompanied by a fee and cash escrow as set forth in ordinance. Costs of City time and materials expended in reviewing and processing the application shall be charged against the cash escrow account and credited to the City. If, at any time, the balance in the cash escrow account is depleted to less than 10 percent of the originally required cash escrow amount, the project proposer shall deposit additional funds in the cash escrow account as determined by the Zoning Administrator. Any balance remaining in the cash escrow account upon completion of the process shall be returned to the project proposer after all claims and charges thereto have been deducted.

(3) Upon completion of the environmental document for distribution and the start of the comment period, the Zoning Administrator shall provide mailed notice of the availability of the environmental document to all property owners within 600 feet of the boundaries of the property that is the subject of the environmental document. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth in this Chapter.

(4) Following the required comment period, the City shall prepare the final document with a response to comments. The Environmental Board shall review the final document and provide its recommendations to the City Council. The City Council shall act on the document as required by Minnesota Rules 4410.