



PLANNING COMMISSION  
DATE: 3/24/14  
AGENDA ITEM: 5B – BUSINESS ITEM  
CASE # 2014 - 19

ITEM: Zoning Text Amendment – Site and Building Plan Review Ordinance

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to review the Site and Building Plan Review Ordinance. Staff is recommending to strike the ordinance with the intent of improving operational efficiency by administratively processing construction projects for permitted uses on existing platted lots. This recommendation is based upon the fact that the City has a full-time administrative, planning, engineering and building staff who are able to process these requests administratively. In addition, the newly adopted design review process should aid staff in the review of building permits for permitted uses on existing platted lots. The requested action does not require a public hearing, as the ordinance is not located in the Zoning Code. Staff is recommending that the ordinance be struck.

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### **REQUEST DETAILS**

City staff has been working on an updating the Zoning Code and other Code sections to prepare for what is anticipated to be a busy growth phase for the community. In order to improve operational efficiency in advance of this growth period, staff is proposing to strike the Site and Building Plan Review Ordinance. The main reason to strike the ordinance relates to Section B, which reads the following:

“(B) *Review of Zoning Administrator.* The Zoning Administrator shall review the site and building plans for the purpose of determining their compliance with this section and other applicable city ordinances. The Zoning Administrator shall have 60 days in which to complete the review of the site and building plans. During the same 60-day period, the Council and Planning Commission shall also review the site and building plan and refer the plan to other city staff for review for the same purpose.”

Per the required procedure established under this ordinance, permitted uses on pre-existing platted lots also have to be reviewed by the Planning Commission and City Council. When reviewing this procedure compared to other communities, this requirement can only be described as atypical. In staff’s judgment, this ordinance language is likely remnant when the City did not have a full-time planning, building and engineering staff to review the construction projects in the community. In addition, now that the City has developed and adopted a design review process, staff is more prepared to assume the responsibility of processing these types of requests administratively. To be clear, staff would only process construction projects administratively in cases where the proposed use was a permitted use under the City’s Zoning Code, and the property is a pre-existing platted lot. In a significant proportion or majority of development projects, some platting or land subdivision will be required. In addition, applicants proposing a use that under the City’s Code is a conditional use will always be required to apply for a conditional use permit, which addresses many of the uses that have

potential impacts or nuisances associated with them. Both of these processes require a public hearing. It is only in cases where the proposed use is permitted and the lot is already platted where the staff administrative review would occur.

In addition to the improving operation efficiency component, there are other provisions within this ordinance that are no longer applicable. For example, the City has adopted new landscaping provisions and requirements. Therefore, the landscaping provisions within the Site Plan Review Ordinance are no longer necessary. Other requirements included in the ordinance, such as lighting, surveys, building plans, storm water management plans and other requirements are already addressed by other ordinances and by the City’s building permit process. In other words, the Site Plan Review Ordinance is currently outdated and only adds additional unnecessary review. Staff would recommend striking this ordinance to improve efficiency and reduce confusion.

As stated in the summary, the proposed action does not require a public hearing because the ordinance is not in the City’s zoning code. Staff is bringing the proposed action before the Planning Commission because it does relate to land use and development. Now that the City’s design review process is in place, staff recommends proceeding with removing this ordinance to improve operational efficiency.

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**RECOMMENDATION:**

*Staff is recommending that the Planning Commission recommend striking the Site and Building Plan Review Ordinance (§151.070) through the following motion:*

***“Move to recommend striking the Site and Building Plan Review Ordinance.”***

**ATTACHMENTS:**

- 1. Site and Building Plan Review Ordinance (§151.070)

**ORDER OF BUSINESS:**

- Introduction .....Planning Staff
- Report by Staff .....Planning Staff
- Questions from the Commission ..... Chair & Commission Members
- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission ..... Chair & Commission Members

Print

Lake Elmo, MN Code of Ordinances

**§ 151.070 SITE AND BUILDING PLAN REVIEW.**

(A) *Information required.* Except as hereinafter provided, every person, before commencing construction or alteration of a structure, shall submit to the Zoning Administrator the following documents and information:

(1) A survey drawing by a registered engineer or land surveyor showing pertinent existing conditions, accurately dimensioned;

(2) A complete set of preliminary drawings prepared by an architect, landscape architect, engineer, or planner showing:

(a) An accurately scaled and dimensioned site plan indicating parking layout including access provisions, designation of locations of principal and accessory buildings, landscaping, in conformance with the zoning code and division (A)(3) below;

(b) Fences or walls or other screening, including height and type of material in conformance with Chapter 1500 and the zoning district regulations;

(c) Lighting provisions, type, and location;

(d) Curbs;

(e) Building elevations, sections, and outline specifications, including material proposed;

(f) Existing and proposed land elevations in 2 foot contours, drainage provisions, and utility provisions as may be required, including water, sewer, drainfield, lake shore, flood plain, airport or environmental overlay districts; and

(g) Existing limitations imposed by zoning.

(3) Landscaping and screening plan.

(a) Complete landscaping, screening, and erosion control plans shall be prepared and signed by a professional landscape architect or professional site planner with educational training or work experience in land analysis and site plan preparation. These plans shall include:

1. Detailed natural land analysis, including vegetation, soil types, and slopes;

2. Man-made features (berms, fences, and the like);

3. Details of all proposed vegetative landscaping materials including: placement, Latin name/common name, caliper/height, and quantity;

4. Details of proposed non-vegetative landscaping materials; and

5. Planning and construction schedule for completion of landscaping and screening plans.

(b) The final landscaping and screening plan must be approved by the Council/engineer at the time of the site plan review.

(c) The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks, or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:

<b><i>Project Value (Including building construction, site preparation, and site improvements)</i></b>	<b><i>Percentage of Total Project Value to Be Allocated to Landscaping</i></b>
Below \$1,000,000	2%
\$1,000,001 to \$2,000,000	1 and 3/4%
\$2,000,001 to \$3,000,000	1 and 1/2%
\$3,000,001 to \$4,000,000	1 and 1/4%
Over \$4,000,000	1%

(d) All landscaping must be guaranteed for 2 growing seasons, with a bond or security .

(4) A Storm Water Management Plan and/or and Erosion and Sediment Control Plan as required in § 150.273.

(B) *Review of Zoning Administrator.* The Zoning Administrator shall review the site and building plans for the purpose of determining their compliance with this section and other applicable city ordinances. The Zoning Administrator shall have 60 days in which to complete the review of the site and building plans. During the same 60-day period, the Council and Planning Commission shall also review the site and building plan and refer the plan to other city staff for review for the same purpose.

(Am. Ord. 9764, passed - -)

(C) *Exceptions.* The following types of construction or alteration are exempt from the site and building plan review provisions of this section:

(1) The construction or alteration of a single or double family detached dwelling and buildings accessory thereto; and

(2) The construction or alteration of any building where the Building Inspector estimates that the total cost of the construction or alteration will not exceed \$2,500, provided that in no event shall buildings be constructed or altered in violation of the Uniform Building Code or city ordinances.

(1997 Code, § 520.01) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99