

Chapter 9
SITE AND BUILDING PLAN REVIEW

SECTION:

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XX-9-1: PURPOSE: The purpose of this chapter is to establish a formal plan review procedure and provide regulations pertaining to the enforcement of site design and construction standards as agreed to by the contractor through officially submitted plan documents. (Ord. 900, 18 Apr 22)

XX-9-2: APPLICATION AND REVIEW CRITERIA:

- A. Application. All site and building plans for commercial, industrial, or institutional construction shall be subject to review by the planning commission and approval of the town board; except, that those plan modifications meeting the following criteria, as determined by the zoning administrator, may be approved administratively in accordance with chapter 8 of this title:
1. Only applications for preexisting uses or uses explicitly classified as allowed uses, including accessory uses, by previously approved site and building plans governing the use of the property are eligible for administrative approval.
 2. Modification to approved site and building plans shall not result in an increase in hours of operation, traffic, employees, or number of dwelling units, expand any principal building, or otherwise increase the intensity of the use of the site.
 3. The permit modification shall comply with all requirements of the applicable zoning district and all other performance standards of this ordinance or other town ordinances.
 4. All applications for site and building plan modification shall be complete and in full accordance with the requirements of section XX-9-4 of this chapter.
- B. Review Criteria. The planning commission and town board shall review the proposed site plan based upon compliance with the Comprehensive Plan, provisions of this ordinance, and other applicable town ordinances. (Ord. 900, 18 Apr 22)

XX-9-3: PROCEDURE:

- A. Request for site and building plan approval shall be filed with the town on an official application form and processed in accordance with this chapter and Minnesota statutes section 15.99.
 - 1. An application shall be accompanied by a fee as provided by the town fee schedule ordinance.
 - 2. Such application shall also be accompanied by detailed written and graphic materials fully explaining the proposed change, development, or use including the information required by section XX-9-4 of this chapter.
 - 3. The request shall be considered as being officially submitted when the zoning administrator determines that there is compliance with all the information requirements.
 - 4. The town board, the planning commission, and the town staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance.
 - 5. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- B. The applicant shall supply proof of title and the legal description of the property for which the site and building plan approval is requested, consisting of an abstract of title or registered property abstract currently certified, together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and, as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested site and building plans.
- C. The zoning administrator shall instruct the appropriate staff persons to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the planning commission and town board.
- D. The applicant or a designated representative thereof shall appear before the Planning Commission and town board in order to answer questions concerning the proposed request.
- E. The planning commission shall make a finding 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 ordinance.

- F. The town board shall not consider or act upon an application until they have received a report and recommendation from the planning commission or until 60 days after the first regular planning commission meeting at which the request was considered.
- G. Upon completion of the report and recommendation of the planning commission, the request shall be scheduled for consideration on the agenda of the town board. Such reports and recommendations shall be entered in and made part of the permanent written record of the town board meeting.
- H. If, upon receiving said reports and recommendations of the planning commission and town staff, the town board finds that specific inconsistencies exist in the review process and thus the final decision of the town board will differ from that of the planning commission, the town board may, before taking final action, refer the matter back to the planning commission for further consideration.
- I. Approval of site and building plans shall require passage by a majority vote of the town board.
- J. The zoning administrator shall provide the applicant and property owner with written notice of the town board's findings of fact and decision regarding the application.
- K. If a request for site and building plan approval receives approval of the town board, the town clerks, at the applicant's expense, shall record such with the appropriate Sherburne county office. No building permits for the property in question will be granted until recording of the action has been completed. (Ord. 900, 18 Apr 22)

XX-9-4: INFORMATION REQUIRED: The information required for all applications shall consist of the following items and shall be submitted unless waived by the zoning administrator:

- A. Site boundaries, buildings, structures and other improvements on the site shall be identified with a current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:
 - 1. Scale of plan (engineering scale only), at one-inch equals fifty feet (1" = 50') or less.
 - 2. North point indication.
 - 3. Existing boundaries with lot dimensions and area.
 - 4. Existing site improvements.
 - 5. All encroachments.
 - 6. Easements of record.
 - 7. Legal description of the property.
 - 8. Ponds, lakes, springs, rivers or other waterways bordering on or running through the subject property.

- B. A site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:
1. Name and address of developer and owner.
 2. Name and address of architect, engineer and/or designer.
 3. Date of plan preparation.
 4. Dates and description of all revisions.
 5. Name of project or development.
 6. All proposed improvements, including:
 - a. Required and proposed setbacks.
 - b. Location, setbacks and dimensions of all proposed buildings and structures.
 - c. Location of all adjacent buildings located within 100 feet of the exterior boundaries of the property in question.
 - d. Location, number, dimensions, and setbacks of proposed parking spaces, and drive aisles.
 - e. Location, number, and dimensions of proposed loading spaces.
 - f. Location, width, and setbacks of all curb cuts and driveways.
 - g. Vehicular circulation.
 - h. Sidewalks and trails.
 - i. Location and type of all proposed lighting, including details of all proposed fixtures, and photometric illumination.
 - j. Location of recreation and service areas.
 - k. Location of rooftop equipment and proposed screening.
 - l. Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.
 - m. Location, sizing, and type of water and sewer systems.
- C. Grading, drainage, and erosion control plan, utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following:
1. Existing contours at two foot intervals (may be prepared by a Minnesota licensed surveyor).
 2. Proposed grade elevations at two foot maximum intervals.
 3. Drainage plan, including the configuration of drainage areas and calculations.
 4. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
 5. Spot elevations (may be prepared by a Minnesota licensed surveyor).
 6. Proposed driveway grades.
 7. Surface water ponding and treatment areas.
 8. Erosion control measures.

D. Landscaping plan, utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:

1. Planting schedule (table) containing:
 - a. Symbols.
 - b. Quantities.
 - c. Common names.
 - d. Botanical names.
 - e. Sizes of plant material.
 - f. Root specification (bare root, balled and burlapped, potted, etc.).
 - g. Special planting instructions.
2. Location, type, and size of all existing significant trees to be removed or preserved.
3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
4. Typical sections with details of fences, tie walls, planter boxes, tot lots, picnic areas, berms, and the like.
5. Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials used.
6. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
7. Delineation of both sodded and seeded areas with respective areas in square feet.
8. Coverage plan for underground irrigation system, if any.
9. Where landscape or manmade materials are used to provide screening from adjacent and neighboring properties, a cross through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.
10. Other existing or proposed conditions that could be expected to affect landscaping.

E. Other plans and information as required by the zoning administrator including, but not limited to:

1. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all exterior surfaces).
2. Typical floor plan and typical room plan drawn to scale with a summary of square footage for each use or activity.
3. Fire protection plan.
4. Extent of and any proposed modifications to land within the environmental protection districts, as established by chapter 45 of this ordinance.
5. Type, location and size (area and height) of all signs to be erected upon the property in question.
6. Vicinity map showing the subject property in reference to nearby highways or major street intersections.
7. Sound source control plan.

8. Wetland delineation report.
9. Sherburne county land use permit for wetlands as required by section XX-16-4 of this ordinance.
10. Certification by Sherburne county that there are no known existing unabated violations of county ordinances upon the property. (Ord. 900, 18 Apr 22)

XX-9-5: AGREEMENT: The site and building plan approval and the stipulations, limitations and conditions therein shall be applied to the property in question. All written and graphic materials officially submitted to the town shall be treated as a formal agreement between the applicant and the town. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the zoning administrator for review and approval. (Ord. 900, 18 Apr 22)

XX-9-6: PERFORMANCE SECURITY: Except in the case of non-income producing residential property, but excluding relocated structures, upon approval of a conditional use permit the town shall be provided with a performance security in accordance with section XX-10-2 of this ordinance. (Ord. 900, 18 Apr 22)

XX-9-7: EXPIRATION OF PLAN APPROVAL: Unless otherwise specified by the town board at the time it is authorized, approval of site and building plans shall be null and void and expire if the applicant fails to utilize such approvals and fulfill each and every condition attached thereto within one year from the date of its authorization unless a petition for an extension of time in which to complete or utilize the site and building plan approval has been granted by the zoning administrator; provided, that:

- A. The extension is requested in writing and filed with the town at least 30 days prior to the expiration of the initial site and building plan approval request.
- B. The request for extension states facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the site and building plans.
- C. A maximum of one administrative extension shall be granted.
- D. The extension shall not exceed 90 days from the initial administrative plan expiration date.
- E. There shall be no charge for the filing of a petition for an administrative extension. (Ord. 900, 18 Apr 22)

XX-9-8: CERTIFICATION OF TAXES AND FEES PAID: Prior to approving an application for a site and building plan review, the applicant shall provide certification to the town that there are no delinquent property taxes, special assessments, interest, or town utility fees due upon the parcel of land to which the site plan and building review application relates. (Ord. 900, 18 Apr 22)