



## Ordinance 22-05

### **An Ordinance Amending Chapter, 30, Article VI, Division 2, and adding Subdivision V, Site Plan Review and Approval to the City of Elk River, Minnesota, City Code**

The City Council of the City of Elk River does hereby ordain as follows:

**SECTION 1.** That Chapter, 30, Article VI, Division 2 shall be amended to add Subdivision V, Site Plan Review and Approval, to the City of Elk River Code of Ordinances shall be amended to read as follows:

#### **Subdivision V - Site Plan Review and Approval**

##### **Sec. 30-681. Purpose.**

This subdivision is established to provide comprehensive site plan review procedures and standards for city review of developments (other than single-family detached dwellings and two-family dwellings) seeking to locate or expand within the city. This procedure will provide the city with the opportunity to ensure a development's conformance with the city development regulations and to provide the city with a reasonable degree of discretion in determining the suitability of a development proposal. In making a determination whether or not a site plan is to be approved, the city will consider all applicable ordinance development standards, the nature of the land and/or buildings proposed to be developed or redeveloped, the impacts of the proposed development on adjoining properties and roads, and all other or further factors as the city shall deem appropriate for consideration in determining the effect of the proposed development on the general welfare, public health, and safety. The site plan review procedure is also intended to ensure the development of capable and quality site systems in the areas of:

- (1) Utilities.
- (2) Transportation.
- (3) Site drainage.
- (4) Open spaces.
- (5) Site environment and landscaping.
- (6) Structure/lot area relationships.

##### **Sec. 30-682. General requirements.**

- (a) Application for approval. An application for site plan approval must be filed with the city for all developments (except for single-family detached and two-family dwellings) within the city. Such application shall be filed with the director of community development, or their designee,

on an official application form and shall be accompanied by a fee and any surety, escrow, or deposit as provided for by the city council as set forth in the adopted fee schedule. Formal review and approval of the plans must be granted as provided in this subdivision before any related site development can be pursued.

- (1) An exception from the site plan approval requirement may be granted when a new permitted use is proposed on the site of an existing approved use, and there will be no exterior additions, expansions, increase in height, or modifications to the existing approved site plan on file with the city. In granting an exception, city staff will review parking and circulation standards to ensure compliance with city requirements.
- (b) Ownership of property. An application for site plan approval must be filed by the landowner or jointly by all landowners of the property proposed to be developed. The application and all submissions must address development of the property as a whole. In the case of multiple ownership, the approved final site plan shall be binding on all owners.
- (c) Consistency with comprehensive plan and zoning regulations. The proposed site plan shall be consistent with the city's comprehensive plan and this chapter.
- (d) Plan submission. Digital site plans shall be submitted to the community development department with all required information. The application shall be considered as officially submitted only when all the information and fee requirements are met.
- (e) Contents. All site plan submissions shall be drawn to a scale of one inch equals 50 feet or less (engineering scale only) and be produced in a fashion which ensures legibility and clarity. The site plan shall contain at least the following information, and all additional information as required by city staff:
  - (1) General information.
    - a. The landowner's name, address and phone number.
    - b. The applicant's name, address and phone number, if different from the landowner, and his interest in the subject property.
    - c. The names, addresses, and phone numbers of all professional consultants who have contributed to the development of the plan being submitted, including the architect, land planner, engineer, surveyor, and attorney.
    - d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed site plan.
    - e. Date of plan preparation.
    - f. Dates and descriptions of all revisions.
    - g. North point indication.
  - (2) Present surrounding area status.
    - a. The address and legal description of the subject property.
    - b. The existing zoning classification and present use of the subject property and all lands within 200 feet of the subject property.

- c. A plan showing the precise location of existing streets, property lines, easements, water mains, and storm and sanitary sewers with invert elevations on and within 100 feet of the subject property.
- (3) Present on-site status. All of the graphics should be the same scale to allow easy cross-reference.
  - a. Contours at minimum two-foot intervals on and within 20 feet of the subject property.
  - b. Location, type, and extent of tree cover.
  - c. Sufficient spot elevations and/or contours to indicate changes in slope on and within 20 feet of the subject property. Elevations of the centerline and gutter line of existing streets at each proposed access must be shown.
  - d. Location and extent of water bodies, wetlands and streams, and floodplains within 300 feet of the subject property.
  - e. Significant rock outcroppings.
  - f. Existing drainage patterns.
  - g. Vistas and significant views.
  - h. Soil conditions as they affect development.
- (4) Utility plan. Plans indicating the location of water and sanitary sewer lateral and service locations. Also indicated shall be the size and type of pipe and all other information, such as hydrants and cleanouts, as may be required by the city engineer.
- (5) Property dimension plan. Plans showing property lines, dimensions, lot area, required yard setbacks, easements and rights-of-way of the property and any significant topographical or physical features of the property based upon a certified survey.
- (6) Structure information plan. Plans showing the location, size, use and arrangement, including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings. Also provided shall be architectural plans showing building elevations and exterior wall finishes of proposed buildings.
- (7) Internal circulation plan. Plans showing the location, dimensions and number of driveways, entrances, fire lanes, concrete entrance aprons, curb cuts, concrete curbing and gutter, parking stalls, parking lot islands, loading spaces, access aisles, concrete sidewalks, and all other circulation elements of the site.
  - a. All site elements as listed in this subsection shall have noted on the plan a related cross section of element composition and construction design.
  - b. All material compositions, i.e., bituminous, gravel, concrete, sod, etc., shall be noted on the plan.
  - c. Spot elevations, including high points, corners of parking lots, and existing street elevations, shall also be shown on the plan.
- (8) Landscaping, screening and berming plan. Plans showing detailed locations, sketches, and provisions of existing and required landscaping, berming, and screening elements of the site.

- a. All those related elements which will be removed shall be properly noted on the plan.
- b. All plant screening and landscaping elements shall be broken out into types, sizes, and total numbers proposed in the plan.
- c. All fences shall be shown and related elevations and cross sections provided.
- (9) Grading and drainage plans. Plans showing all existing and proposed site contours in no more than two-foot contours.
  - a. Also provided shall be detailed site drainage plans, including the detailing of the site's storm sewer system with catch basins and invert elevations.
  - b. Casting types must be shown for all catch basins.
- (10) Erosion control plan. Plans for site erosion control as required by the city engineer.
- (11) Lighting plan. Plans showing location, height, and candlepower of all luminaries on the site. All parking lot lighting standards located within the parking lot area must be located within parking lot islands.
- (12) Staging plan. If the project is to be constructed in several stages, all stages shall be clearly detailed out on the plan. This shall also include future expansion elements of a proposal.
- (13) Sign plan. Plans showing all proposed signage for the site in accordance with the city's sign ordinance, beginning with Sec 30-851.

**Sec. 30-683. Procedure for review and approval.**

(a) Review and Approval.

- (1) Upon submission of a complete site plan as specified in section 30-682, city staff shall circulate the site plan to all appropriate city departments and county, state, and federal agencies for their review and comment.
- (2) Upon receipt of all department and agency reviews, the planning department will provide the applicant with a comment letter summarizing the findings. The applicant may request a meeting to review the letter with pertinent city staff.
- (3) For developments which require additional Planning Commission, Board of Adjustments, and/or City Council approvals, the planning department comment letter will include a recommendation of whether to approve or deny the site plan, and the final decision on approval of the site plan will be made by the body acting on the other required approval(s).
- (4) For developments which do not require additional approvals, the planning departments comment letter shall approve, approve with conditions, or deny site plan approval. Denial of site plan approval by the planning department may be appealed to the Board of Adjustments as provided in Sections 30-633 through 30-638 of this Chapter.

(b) Final site plan.

- (1) Purpose. The final approved site plan serves as a complete, thorough, and permanent public record of the manner in which the subject site is to be developed. It shall incorporate all revisions and conditions resulting from the site plan review process.

- (2) Submission. A digital plan set shall be submitted to the director of community development, or their designee. Subsequent to receiving approval of the final site plan, the applicant may apply for a building permit.
- (3) Preconstruction meeting. After a building permit has been applied for, and before issuance thereof, a preconstruction meeting may be requested. At this meeting, the building construction plans will be reviewed and compared with the approved final site plan. If the building construction plans are not in substantial conformance with the final site plan, the building construction plans shall be revised to achieve such conformance.
- (4) Limitation on final site plan approval. Within one year after the approval of a final site plan, or such time as may be established by an approved development schedule, construction shall commence pursuant to the approved site plan.
  - a. If, after one year from being granted site plan approval, the plan as permitted by the approval shall not have been initiated, then such approval shall be null and void.
  - b. A request for extension may be made within 30 days before such deadline and shall state facts showing a good faith attempt to complete or utilize the use permitted in the site plan approval.
  - c. The director of community development, or their designee, shall place the request on the agenda of a regularly scheduled council meeting to be held within 30 days of such filing.
  - d. The council at its discretion may grant the extension, for not more than one year, when good cause is shown that such extension is necessary.
  - e. Only one such extension may be made.

**Sec. 30-684. Public Site improvement performance agreement and surety.**

- (a) Upon approval of a final site plan and prior to the issuance of building permits or initiation of work on the proposed improvement or development, the developer shall execute a performance agreement setting out public site improvement items and terms of completion of such items. The performance agreement and any surety required therein must be approved by the city attorney.
- (b) Any surety required by the performance agreement shall be noncancellable and shall guarantee conformance and compliance with the conditions of the site plan approval, the performance agreement and the ordinances of the city.
- (c) The city shall hold the surety for such period of time as set forth in the performance agreement.
  - (1) Periodically, the amount of the surety may be reduced, in writing, by the director of community development, or their designee.
  - (2) Reduction and release actions will only be initiated after proper request has been made by the developer.
- (d) Failure to comply with the conditions of the site plan approval, the performance agreement or the ordinances of the city shall result in forfeiture of the surety to the extent necessary to achieve the project's total compliance with the approved site plan.

**Sec. 30-685. Issuance of building permits and other permits.**

Except as otherwise expressly provided in this subdivision, upon receiving notice from the director of community development, or their designee, that the final site plan has been approved and a properly executed performance agreement has been received, and upon application of the applicant pursuant to the applicable ordinances of the city, all appropriate officials of the city may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the final site plan; provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and ordinances which are applicable to the permit sought have been satisfied.

**SECTION 2.** That this ordinance shall take effect upon adoption and be published as provided by law.

Passed and adopted by the City Council of the City of Elk River this 22nd day of February, 2022.

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John J. Dietz, Mayor

ATTEST:

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Tina Allard, City Clerk