

CITY OF NORTH BRANCH

STATE OF MINNESOTA

COUNTY OF CHISAGO

ORDINANCE NO. 255-17

AN ORDINANCE AMENDING THE NORTH BRANCH CITY CODE TO ESTABLISH A PLANNING AGENCY AND DEFINE ITS ROLES AND RESPONSIBILITIES AND TO REESTABLISH A PLANNING COMMISSION AND TO DEFINE ITS ROLES AND RESPONSIBILITIES

THE CITY COUNCIL OF THE CITY OF NORTH BRANCH, MINNESOTA ORDAINS:

SECTION 1 AMENDMENTS

Affected sections of the North Branch City Code be amended as set forth on Exhibit A (additions and deletions are as noted in red.)

SECTION 2 EFFECTIVE DATE

This Ordinance shall take full effect and be in full force after its passage and publication according to law.

Passed and adopted this 13th day of June, 2017.



CITY OF NORTH BRANCH

BY: 
Kirsten Hagen-Kennedy, Mayor


ATTEST: 
Renae Fry, City Administrator

EXHIBIT A

Sec. 2-183. - Duties.

The parks, trails and open space commission shall serve in an advisory capacity to the city council with responsibility to:

- (10) Communicate and cooperate with any other concerned agency or group, such as the ~~planning commission~~planning agency, who have interests in parks and recreation in general, or who may have an interest in any particular park or recreational proposal, program, project, function or activity;

Sec. 2-184. - Powers.

The parks, trails and open space commission shall have the power to:

- (1) Confer with and advise the city council and ~~planning commission~~planning agency on all matters concerning the park and recreational development in the city;

DIVISION 4. - PLANNING AGENCY AND PLANNING COMMISSION^[6]

Sec. 2 – 201 – Planning Agency Preamble

The North Branch City Council adopted its 2009 Comprehensive Plan to serve as its statements of policies, goals, standards, land use plan, community facilities plan, transportation plan, and recommendations for plan execution. The Comprehensive Plan, as amended from time to time, is a statement of what the community of North Branch wants to become. It is a set of goals and policies designed to achieve a community wide “vision” that is based upon a series of community defined “guiding principles.” The plan is based on a composition of concepts, patterns and relationships that deal with integrating the social aspects of a community with its physical development. Unlike the zoning ordinance, the comprehensive plan is futuristic in that it guides decisions that have yet to be made. The word “comprehensive” in itself provides meaning to the plan; it deals with the whole community and not just the parts.

The 2009 Comprehensive Plan is a broad based-planning tool. The process of developing the Comprehensive Plan engaged elected officials, citizens, and city staff in a dialogue about the future of their community. The result of the dialogue was consensus on how North Branch should look in the future. The 2009 Comprehensive Plan documents this consensus and provides guidelines for achieving the goals of the community. Most importantly, it is the official guide for development over the next two decades in North Branch and serves to inform planning, zoning and economic development and growth.

Sec. 2 – 202 – Planning Agency Purpose

The North Branch Community Development Department is hereby designated as the Planning Agency for the City pursuant to Minnesota Statutes section 462.354, subdivision 1 (as may be amended) and shall serve to advise and recommend actions for official approval by the City Council. The Community Development Department shall thus have the authority to take all actions of a Planning Agency, including: reviewing amendments to the comprehensive plan (Minn. Stat. § 462.355, subd. 3), reviewing the purchase and sale of public property and capital improvement projects (Minn. Stat. § 462.356, subd. 2), reviewing zoning ordinance amendments (Minn. Stat. § 462.357, subd. 4), maintaining official maps (Minn. Stat. § 462.359), reviewing use permits, plats, lot splits, subdivisions (Minn. Stat. § 462.358), and any and all other duties of a Planning Agency. Responsibility for managing and directing the duties

and responsibilities of the Planning Agency shall be vested in the City's Planning Director. The Community Development Director is designated as the city's Planning Director and is therefore responsible for the duties and functions set forth in City Code Section 66-42. Further, the duties and responsibilities of the Planning Director and Planning Agency shall be supported by a Planning Commission. The Planning Commission shall assist the Planning Agency and shall perform such functions as are deemed necessary or advisable by the Planning Director or City Council, and may include, by way of example, conducting public hearings (including the review of applications, analysis of testimony and review and recommendations for proposed findings of fact and conditions for approval), hosting public input sessions, and reviewing and recommending to the Planning Agency changes and amendments to the city's then existing comprehensive plan, ordinances and zoning code.

Notwithstanding the foregoing, the City Council shall act as the board of appeals and adjustment (Minn. Stat. § 462.354, subd. 2) to and shall have the power to: review all appeals from the ruling of an administrative officer where an error in any regulation, decision or determination made by such officer in enforcing the zoning ordinance, or subdivision regulations, is alleged.

2 – 203 – Planning Agency duties and powers

- (a) Preparation of comprehensive plan. It shall be the purpose of the Planning Agency to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. Such plan may be prepared in sections, each of which shall relate to the comprehensive plan program.
- (b) Means of executing plan. Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Agency to recommend to the City Council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review and recommendations of matters referred to the Planning Agency by the City Council.
- (c) Zoning ordinance. The Planning Agency shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the City Council, as may be prescribed by the zoning ordinance.
- (d) Variance. The Planning Agency shall have power to review all requests for variances to the zoning ordinance as it applies to a particular parcel of land or use of such a parcel as prescribed in the zoning ordinance (chapter 66). The Planning Agency shall report its recommendation to the City Council for action.
- (e) Special permits. The Planning Agency may make recommendations on all requests for a special permit under the terms of the zoning ordinance (chapter 66). The Planning Agency shall report its recommendations to the City Council for action.
- (f) Subdivisions. The Planning Agency may make recommendations in relation to the subdividing of land as prescribed by the subdivision ordinance (chapter 54). The Planning Agency shall report its recommendation to the City Council for action.

Sec. 2-207. - Established.

A planning commission for the city is established.

Sec. 2-208. - Appointment of members of commission; removal.

- (a) The Planning Commission shall consist of five members appointed from the residents of the city who are over the age of 18, excluding persons elected to public office of the city. They shall be appointed by a three-fifths vote of the City Council. Appointments by the City Council shall be made at its first meeting in January. The appointees shall serve four-year, staggered terms. One or more members' terms will expire annually. After the expiration of the terms of each, they shall be reappointed or replaced to serve four year terms, commencing as of the first City Council meeting of January of the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. There shall be no limit to the number of terms completed by a commissioner. In the event of any vacancy, the mayor, with the approval of the City Council, shall appoint a person to complete the unexpired term.
- (b) For the first cycle following adoption of this ordinance, Planning Commission members will serve modified terms so as to establish the four year rotation. One member will serve a "1 year term" that will begin when the oath of office is administered and that will continue through calendar year 2018. One member will serve a "2 year term" that will begin when the oath of office is administered and that will continue through calendar year 2019. One member will serve a "3 year term" that will begin when the oath of office is administered and that will continue through calendar year 2020. Two members will serve a "4 year term" that will begin when the oath of office is administered and that will continue through calendar year 2021. Thereafter, all terms will be for four years. The City Council will determine the initial term of each applicant to establish the staggering described above based in part on the expressed preference of the applicants and the relevant experience of the applicant.
- (c) Residents interested in serving on the Planning Commission shall submit an application, in the form approved by the City Council, for consideration to fill any open or vacant seats. Applicants may submit a letter of interest and/or resume in support of their application, but they are not required to do so.
- (d) The City Council, by a three-fifths vote of the council shall have the authority to remove any member of the Planning Commission whenever, in its discretion, the best interests of the city shall be served.
- ~~(a) The planning commission shall consist of five resident members appointed from the residents of the city who are over the age of 18, excluding persons elected to public office of the city. They shall be appointed by the mayor and approved by the city council. The appointees shall serve three year, staggered terms. One or more members' terms will expire annually. After the expiration of the terms of each, they shall be reappointed or replaced to serve three full year terms, commencing on the first day of January of the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. In the event of any vacancy, the mayor, with the approval of the city council, shall appoint a person to complete the unexpired term.~~
- ~~(b) A nonvoting city council member will be appointed by resolution of the city council annually to serve as a liaison between the planning commission and the city council~~

Sec. 2-209. - Meetings; procedures; Council liaison.

- (a) At the first regular meeting following the City Council appointment or re-appointment of Planning Commission members in January each year, the Planning Commission shall elect a chair and a vice-chair from among its appointed members, each for a term of one year. The Planning Commission shall hold such meetings each month at such time and place as determined by resolution of the City Council. Special meetings may be called at any time by the Planning Director. A majority of the commission shall constitute a quorum. The Planning Commission, subject to the approval of the Planning Director, may adopt by-laws and other practices and procedures as may be appropriate for the conduct of Planning Commission meetings and other activities. Notwithstanding the foregoing, the Planning Commission and its members are subject to the City of North Branch Policies and Procedures Manual, as may be adopted or amended by the City Council from time to time. All Planning Commission members must attend annual training.

~~At the first regular meeting in January, the planning commission shall elect a chair, a vice-chair and secretary from among its appointed members, each for a term of one year. The planning commission may create and fill such other offices as it may determine. The commission shall hold such meeting each month at such time and place as they may fix by resolution of the city council. Special meetings may be called at any time by the chair, or in~~

~~ease of his absence, by the vice-chair. A majority of the commission shall constitute a quorum. It shall adopt rules and procedures for the transaction of its business. On or before January 1 of each year the commission may submit to the city council a report of its work during the preceding year.~~

(b) A simple majority (three members) of the Planning Commission shall constitute a quorum for the valid transaction of any scheduled business to come before the Planning Commission.

(cb) No expenditures by the commission shall be made unless and until authorized for any purpose by the city council.

(e) City Council Liaison. A nonvoting City Council member will be appointed by resolution of the City Council annually to serve as a liaison between the Planning Commission and the City Council. The City Council liaison will observe Planning Commission meetings, and keep Planning Commission members generally informed of City Council goals and priorities for planning and zoning. The liaison will keep the City Council generally informed of Planning Commission activities. The liaison is not a member of the Planning Commission and cannot be counted for purposes of establishing a quorum at Planning Commission meetings. The liaison and/or City Administrator may assist in Planning Commission meeting facilitation as may be deemed necessary or advisable by Planning Director. The liaison shall remain neutral if asked for an opinion and serves as a representative of the City Council not in their individual capacity as an elected official.

Sec. 2-210. - Duties and powers of the commission.

The Planning Commission shall assist the Planning Agency and shall perform such functions as are deemed necessary or advisable by the Planning Director or City Council, and may include, by way of example, conducting public hearings (including the review of applications, analysis of testimony and review and recommendations for proposed findings of fact and conditions for approval), hosting public input sessions, and reviewing and recommending to the Planning Agency changes and amendments to the city's then existing comprehensive plan, ordinances and zoning code. The Planning Director and City Council may refer any matter to the Planning Commission for study, fact finding, hearing, investigation, inspection, and advice, including but not limited to matters which involve zoning, subdivision regulation, land use planning, and/or licensing.

Sec. 10-26. - Landing area.

No person shall create, use, or make available any landing area without first obtaining a conditional use permit pursuant to this section.

(2) Specific conditions imposed by the city council in the granting and conditional use shall be reviewed by the ~~planning commission~~ planning agency on a yearly basis or as specified. Copies of the approved site plan shall be sent to the local fire department, rescue squad, police department and other officials as may be specified by the city council.

Sec. 54-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Preliminary plat means the preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the ~~planning commission~~ planning agency and the city council for their consideration as to its compliance with the growth management goals, policies and these regulations, along with required supporting data.

Sec. 54-6. - Authority and scope.

The ~~planning commission~~ planning agency is vested with the authority to review and recommend approval, conditional approval or disapproval of applications for the subdivision of land, including sketch, preliminary and final plats. The city council is vested with the authority to review, approve, conditionally approve or disapprove

applications for the subdivision of land, including sketch, preliminary and final plats. The provisions of this chapter relate to any division of a tract of land into one or more parcels by platting, replatting, conveyance, registered land survey, or other means. The city council may also grant variances from these regulations pursuant to the provisions in this chapter.

Sec. 54-7. - Jurisdiction.

- (a) ~~(b)~~ No land may be subdivided through the use of any legal description other than with reference to a plat approved by the ~~planning commission~~planning agency and city council or by other means allowed by this chapter.
- ~~(d)~~ No land described in this chapter shall be subdivided or developed until each of the following conditions has occurred in accordance with these regulations:
 - (1) The subdivider or his agent has submitted a conforming preliminary plat of the subdivision to the ~~city planner~~planning director for the ~~planning commission~~planning agency and city council;

Sec. 54-9. - Required approvals of subdivision plats.

Before any plat shall have validity, it shall have been approved by the ~~planning commission~~planning agency and the city council and recorded in the county recorder's office.

Sec. 54-11. - Exceptions.

- (a) When requesting a subdivision, if either of the two following conditions exist, the ~~city planner~~planning director shall bring the request to the attention of the ~~planning commission~~planning agency, whereupon, they shall receive the request and may recommend exemption of the subdivision from complying with any procedural requirements of this chapter deemed inappropriate for adequate review of subdivision requests:
- ~~(b)~~ Upon receiving the recommendation of the ~~planning commission~~planning agency, the city council by resolution may exempt the conveyance and the conveyance may then be filed or recorded.

Sec. 54-12. - Enactment.

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of March 29, 2000. All applications for subdivision approval including final plats, pending the effective date of these regulations, shall be reviewed under these regulations; that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations, unless the ~~planning commission~~planning agency determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

Sec. 54-14. - Public purpose.

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the ~~planning commission~~planning agency for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

Sec. 54-71. - Sketch plan.

- (a) At the subdivider's option the developer may submit a sketch plan for development that the planning commission,planning agency, city council, and city staff review.
- (b) Before preparing the sketch plan for a subdivision, the applicant shall schedule an appointment and meet with the ~~city planner~~planning director to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection and similar matters, as well as the availability of existing services, including schools. The ~~city planner~~planning director shall also advise the applicant, when appropriate, to discuss the proposed

subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

Sec. 54-102. - Application.

- (a) Preliminary plat application procedure. A request for subdivision, as provided within this chapter, shall be filed with the ~~city planner~~planning director on an official application form. Such application shall be accompanied by a fee as outlined in division six of this chapter. This fee shall not be refundable. Such application shall also be accompanied by 18 full-sized copies of the preliminary plat and two reduced-sized copies of the preliminary plat. The preliminary plat must substantially comply in all respects with the sketch plan, if one was submitted, unless otherwise directed by the ~~planning commission~~planning agency, city council or city staff. The applicant shall also supply a listing of the property owner and all property of record within 350 feet of the perimeter of the property in question and a graphic of the 100 feet surrounding the property and the owners for each lot. The preliminary plat, application, and appropriate fees as well as any other information required shall be submitted at least 15 days before the next regular meeting and in accordance with the deadline set by the ~~city planner~~planning director. Applications are not considered complete and cannot be processed until all data required by the city has been submitted. The ~~city planner~~planning director shall refer the application and preliminary plat to the ~~planning commission~~planning agency for consideration.
- (b) Minor subdivision application procedure. A request for subdivision, as provided within this chapter, shall be filed with the ~~city planner~~planning director on an official application form. Such application shall be accompanied by a fee as outlined in division six of this chapter. This fee shall not be refundable. Such application shall also be accompanied by 20 reduced-sized (11" x 17") copies of the plat. The minor subdivision plat must substantially comply in all respects with the sketch plan, if one was submitted, unless otherwise directed by the ~~planning commission~~planning agency, city council or city staff. The applicant shall also supply a listing of the property owners and all property of record within 350 feet of the perimeter of the property in question and a graphic of the 100 feet surrounding the property and the owners for each lot. The minor subdivision plat, application, and appropriate fees as well as any other information required shall be submitted at least 15 days before the next regular ~~planning commission~~planning agency meeting and in accordance with the deadline set by the ~~city planner~~planning director. Applications are not considered complete and cannot be processed until all data required by the city has been submitted. The ~~city planner~~planning director shall refer the application and minor subdivision plat to the ~~planning commission~~planning agency for consideration.

Sec. 54-103. - Public hearing date.

- (a) The ~~city planner~~planning director, ~~on behalf~~at the direction of the ~~planning commission~~planning agency, shall set a date for a public hearing to be conducted by the planning commission. Notice of such hearing shall be published in the official newspaper of the municipality at least ten days prior to the date of the hearing. Such notice shall also be mailed not less than ten days to:
- (b) A copy of the notice and a list of the individuals and/or property owners and addresses to which the notices were sent shall be attested to by the ~~city planner~~planning director and made part of official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subsection has been made.

Sec. 54-104. - Considering a public hearing on preliminary plat or subdivision.

The planning commission shall consider the preliminary plat or minor subdivision and hold a public hearing at the next regular meeting unless the filing date falls within 15 days of the meeting, in which case the preliminary plat/minor subdivision would be placed on the agenda and considered at the regular meeting following the next regular meeting. The ~~city planner~~planning director shall refer the application, along with all related information, to the ~~planning commission~~planning agency for consideration. The applicant or a representative thereof shall appear before the planning commission in order to answer questions concerning the preliminary plat/minor subdivision.

Sec. 54-105. - Considering factors for the preliminary plat or subdivision.

In considering the preliminary plat or minor subdivision, the planning commission and the planning agency shall consider the following factors:

Sec. 54-106. - Authority for additional information.

- (a) The ~~planning commission~~planning agency and city staff shall have the authority to request additional information from the applicant concerning the preliminary plat/minor subdivision or to retain expert testimony with the consent and at the expense of the applicant concerning said information to be declared necessary to establish compliance with all pertinent sections of this chapter.
- (b) The ~~planning commission~~planning agency shall make a finding of fact and recommend such actions or conditions relating to the preliminary plat/minor subdivision to the city council.

Sec. 54-107. - Reports and recommendations.

Upon receiving the report and recommendation of the ~~planning commission~~planning agency, the city council shall place the report and recommendation on the agenda for the next regular meeting or a regular meeting held before the end of 60 days from when the complete application was submitted to the ~~city planner~~planning director. Such reports and recommendations shall be entered in and made part of the permanent written record of the city council meeting.

Sec. 54-108. - Approval of report and recommendations.

- (a) After the ~~planning commission~~planning agency and city council have reviewed the preliminary plat/minor subdivision, the report of the ~~city planner~~planning director, any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions.
- (b) Upon receiving the report and recommendation of the ~~planning commission~~planning agency, the city council shall either:
 - (1) Approve, conditionally approve or disapprove the request as recommended by the ~~planning commission~~planning agency;
 - (2) Approve, conditionally approve or disapprove the request after review of the recommendation of the ~~planning commission~~planning agency with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the city council's records; or
 - (3) Refer the recommendation back to the ~~planning commission~~planning agency for future consideration. This procedure shall be followed only one time on a singular action.

- (d) The ~~city planner~~planning director shall notify the applicant of the city council's action and reasons thereof.

Sec. 54-109. - Approval of preliminary plat/minor subdivision.

- (a) Preliminary plat approval. Upon approval of the preliminary plat by the city council, the subdivider shall submit the final plat to the ~~planning commission~~planning agency within one year after the approval, or approval of the preliminary plat shall be considered void. Prior to the expiration of the preliminary plat approval, the ~~planning commission~~planning agency may extend the approval for an additional year. The extension shall be in writing specifically designating the expiration date. The extension shall not be subject to an additional fee, and only one extension may be granted per preliminary plat.

Sec. 54-110. - Standards for approval of preliminary plats/minor subdivisions.

No preliminary plat/minor subdivision of a proposed subdivision shall be approved by the ~~planning commission~~planning agency or city council unless the applicant proves by clear and convincing evidence that:

Sec. 54-111. - Authorized for disapproval.

The ~~planning commission~~ planning agency and city council are authorized to disapprove the preliminary plat/minor subdivision even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the comprehensive plan if in their review the proposed subdivision does not meet the standards set forth in this chapter or is otherwise deemed inappropriate at the present time or location.

Sec. 54-112. - Unsuitable site for development.

No land shall be subdivided and no manufactured home park/development shall be developed or expanded where the site is determined to be unsuitable by the ~~planning commission~~ planning agency for reasons of flooding or inadequate drainage, water supply, or sewage treatment facilities. The ~~planning commission~~ planning agency shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewerage systems and related activities.

Sec. 54-113. - Public improvements.

The ~~planning commission~~ planning agency and city council may require that all public improvements be installed and dedicated prior to building permits or construction except as permitted in the development agreement. The city shall not permit any public improvements to be installed unless the final plat is approved and recorded. The ~~planning commission~~ planning agency and city council shall require the applicant to indicate on the preliminary plat all roads and public improvements to be dedicated and any other special requirements deemed necessary by the ~~planning commission~~ planning agency or city council in order to conform the subdivision plat to the zoning map and the comprehensive plan of the city.

Sec. 54-114. - Zoning and subdivision regulations.

Every preliminary plat/minor subdivision shall conform to existing zoning regulations and subdivision regulations applicable at the time that the proposed preliminary plat/minor subdivision is submitted for the approval of the ~~planning commission~~ planning agency and city council unless the ~~planning commission~~ planning agency or city council has taken official action toward amending the applicable zoning and subdivision regulations.

Sec. 54-115. - Amendments to preliminary plat.

At any time after preliminary plat approval and before submission of a final plat, the applicant may request of the ~~city planner~~ planning director that an amendment be made in the approval or conditional approval of the preliminary plat. Under regulations established by the ~~planning commission~~ planning agency and city council, the ~~city planner~~ planning director may agree to proposed amendments that are deemed to be minor. If the proposed amendment is major, the ~~planning commission~~ planning agency shall hold a public hearing on the proposed major amendment in accordance with the same requirements for preliminary plat approval found in sections 54-103, 54-104 of this article. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The city council shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the ~~planning commission~~ planning agency or city council, the applicant may withdraw the proposed major amendment. An applicant may not propose more than two amendments, whether major or minor, to any preliminary plat. The city council shall render a decision on the proposed major amendment within 30 days after the close of the meeting at which the public hearing was held.

Sec. 54-144. - Application procedure and requirements.

Following the approval of the preliminary plat, the applicant, if he or she wishes to proceed with the subdivision, shall file with the ~~city planner~~ planning director an application for approval of a final plat.

- (1) The application shall be made on forms available at the city offices together with a fee set by the city council.

- (2) The final plat consisting of, 18 full-sized copies and two reduced sized 11" x 17" copies shall be filed with the ~~city-planner~~planning director and submitted to the ~~planning-commission~~planning agency, ~~within 15 days of the planning-commission meeting~~. The ~~planning-commission~~planning agency shall review the final plat to assure consistency with the approved preliminary plat. The ~~planning-commission~~planning agency shall make a recommendation for approval or disapproval with conditions and reasons thereof to the city council. In case the plat is disapproved, the subdivider shall be notified in writing of the reasons for such disapproval and what requirements are necessary to meet the approval of the ~~planning-commission~~planning agency. The city must receive updated copies of each of the required documents should changes be required for resubmittal. After the city council approval, the applicant shall submit one full-size, signed, Mylar, one 8½" x 11" Mylar copy, and one electronic copy of the final plat on computer disk in AutoCAD format or another electronic format requested by city staff.

Sec. 54-145. - Recommendations of final plat to be accepted.

The final plat, together with the recommendations of the ~~planning-commission~~planning agency shall be submitted to the city council at its next regularly scheduled meeting. If accepted, the final plat shall be approved by resolution, including acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the city council. If denied, the reasons for such refusal shall be set forth in the proceedings of the city council and report to the subdivider.

Sec. 54-178. - Amendments.

For the purpose of protecting the public health, safety, and general welfare, the ~~planning-commission~~planning agency may, from time to time, propose amendments to these regulations which shall then be approved or disapproved by the city council after a public hearing following public notice.

Sec. 54-179. - Public purpose.

Regulations of the subdivision of land and the attachment of reasonable police power are delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the ~~planning-commission~~planning agency for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large. The procedures for an amendment follow the procedures set forth in section 54-180 for variances.

Sec. 54-180. - Procedure for variances.

- (a) When the ~~planning-commission~~planning agency finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend the city council approve variances, exceptions and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver of conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the ~~planning-commission~~planning agency shall not recommend the city council approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:
- (b) In approving variances, exceptions, or waivers of conditions, the city council may require such conditions as will, in its judgment, secure substantially the purposes described in section 54-5. In recommending any variance, the ~~planning-commission~~planning agency shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its recommendations, the ~~planning-commission~~planning agency shall take into account the nature of the proposed land use and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.
- (c) A petition for variance, exception or waiver of conditions shall be filed with the zoning administrator or ~~city-planner~~planning director on an official application form by the subdivider at the time when the preliminary plat

is filed for the consideration of the ~~planning commission~~planning agency. The petition shall state fully the grounds for the application and the facts relied upon by the petitioner. Such application shall be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The zoning administrator or ~~city planner~~planning director shall refer the application, along with all related information, to the ~~planning commission~~planning agency for consideration and a report at least 15 days before the next regular meeting.

- (d) The zoning administrator or ~~city planner~~planning director, on behalf of the ~~planning commission~~planning agency, shall set a date for a public hearing before the planning commission. Notice of such hearing shall be published in the official newspaper of the municipality at least ten days prior to the date of the hearing. In the requests for variances, such notice shall also be mailed in not less than ten days to all property owners of records within 350 feet of the property to which the request relates; and if the variance relates to land located in the S shoreland district or the FP floodplain district, the notice shall also be mailed to the commissioner of the department of natural resources at least ten days prior to such hearings. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the zoning administrator or ~~city planner~~planning director and made a part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
- (e) The planning commission shall consider the request and hold a public hearing at its next regular meeting unless the filing date falls within 15 days of the meeting, in which case the request would be placed on the agenda and considered at the following next regular meeting. The ~~city planner~~planning director shall refer the application, along with all related information, to the planning commission for consideration. The applicant or a representative thereof shall appear before the planning commission in order to answer questions concerning the proposed amendment or variance.
- (f) In requests for variances, the ~~planning commission~~planning agency may recommend a variance from the provisions of this chapter when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the ~~planning commission~~planning agency shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its recommendations, the ~~planning commission~~planning agency shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be recommended when the ~~planning commission~~planning agency finds:
 - (g) Within 60 days from the date of the public hearing, the ~~planning commission~~planning agency shall make a recommendation, and in requests for variances shall also make a finding of fact to the city council.
 - (h) Upon receiving the recommendation of the ~~planning commission~~planning agency, or until 60 days after the public hearing at which the request was considered, the city council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the city council meeting.
 - (i) Upon receiving the recommendation of the ~~planning commission~~planning agency, the city council shall either:
 - (1) Approve or disapprove the request as recommended by the ~~planning commission~~planning agency;
 - (2) Approve or disapprove the recommendation of the ~~planning commission~~planning agency with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the city council's records; or
 - (3) Refer the recommendation back to the ~~planning commission~~planning agency with future consideration.

This procedure shall be followed only one time on a singular action. Approval of a request shall require passage by two-thirds vote of the full city council. The ~~city planner~~planning director shall notify the applicant of the city council's action. The variance decisions of the city council shall be final, subject to the judicial review.

Sec. 54-181. - Lapse of variance.

Whenever within one year after granting a variance the work as permitted by the variance shall not have been completed, then such variance shall become null and void unless a petition for extension of time in which to complete the work has been granted by the city council. Such extension shall be requested in writing and filed with the zoning administrator or ~~city planner~~planning director at least 30 days before the expiration of the original variance. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted by the variance. Such petition shall be presented to the ~~planning commission~~planning agency for a recommendation and to the city council for a decision, and shall be made only one time for a singular action.

(Code 1996, § 16.32.040)

Sec. 54-203. - Fees payable at time applications are filed.

Fees shall be payable at the time applications are filed with the ~~city planner~~planning director and are not refundable unless application is withdrawn prior to public notice. A deposit to cover consulting time, special materials and related direct expenses, will be established and required by the ~~city planner~~planning director at the time the base fee is paid.

Sec. 54-257. - Supplementary information.

The following information may be required if it is deemed necessary and appropriate by the ~~city planner~~planning director or zoning administrator:

- (7) Other information deemed necessary by the ~~city planner~~planning director, ~~planning commission~~planning agency or subdivider;
- (8) The subdivider shall provide evidence of title to the property to be subdivided, and if the subdivider is represented by another agent, evidence of his agency's relationship.

Sec. 54-391. - Requirements.

(a)

(d) Pedestrian walkway easements with right-of-way of not less than ten feet in width shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities as shall be determined by the ~~planning commission~~planning agency and city council. Pedestrian walkways can be platted as an outlot or an extended right-of way, or be described as easements and required to be installed in the developers agreement.

Sec. 54-439. - Wetland, shoreland and floodplain areas.

(a)

(b) The ~~planning commission~~planning agency and city council shall review the option selected and approve or disapprove the dedication, private easement or development plan. In no case shall land be subdivided which is held unsuitable by the city or the commissioner of the state department of natural resources for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the city.

Sec. 54-493. - Required.

(a) All improvements identified below and as included within the development agreement shall be installed at the expense of the subdivider according to standards and specifications approved by the city council:

_(6) Sidewalks and paths.

- b. Staff shall make a recommendation based on the application of section 54-493(a)(6)c. to the transportation committee, the ~~planning commission~~planning agency and the city council regarding the need for sidewalks for residential and commercial project. The city council shall make the final decision regarding sidewalks/paths upon reviewing the recommendations of the transportation committee, the ~~planning commission~~planning agency, and city staff.

Sec. 54-494. - Subdivision agreement.

Concurrently with the approval of the final plat by the city council, the owner or subdivider of the land covered by the plat shall execute and submit to the city council an agreement, binding on his or their heirs, personal representatives and assigns, including:

- _(2) A listing or schedule of when and what improvements shall be required as recommended by the ~~planning commission~~planning agency and approved by the city council unless otherwise provided for in the development agreement;

Sec. 66-8. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Limited recreational facilities means gymnastic, dance studio, paintball facilities, or similar uses as determined by the ~~planning commission~~planning agency and approved by the city council.

Planning agency means the Planning Agency of North Branch

Sec. 66-10. - Fees.

(a)

- (c) Applications will not be ~~placed on the~~referred to the planning commission ~~for a hearing's agenda~~ unless the appropriate fee has been paid.

Sec. 66-42. - Duties of planning director.

The planning director shall enforce the provisions of this article and shall perform the following duties:

(1) Manage the Planning Agency (as defined by Sec. 2 – 202)

~~(2)~~ Maintain permanent and current records of this article, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefor;

~~(3)~~ Receive, file and forward all applications for appeals, variances, conditional uses and other matters to the designated official bodies;

(4) Prepare staff reports, and compile and communicate the Planning Commission's findings and recommendations for consideration and possible action by the City Council;

~~(5)~~ Institute in the name of the city any appropriate actions or proceedings against a violator as provided by law.

Sec. 66-62.5. - Interim use permits.

- _(3) Application. An application for an interim use permit must meet the provisions for a conditional use permit application listed in section 66-63 and in addition, must contain the following:

- (j) Any special studies requested by the ~~city planner~~planning director or other city staff when there is evidence that the proposed use may negatively impact public infrastructure, the environment or adjacent land uses. These studies may examine the impacts on such things as traffic, environment, wetlands, and utilities.

Sec. 66-63. - Procedure.

- (a) Request for variances, appeals, amendments or conditional use permits, as provided within this division, shall be filed with the planning director on an official application form. Such application shall be accompanied by a fee as outlined in section 66-44 et seq. This fee shall not be refunded. Such application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed request. The planning director shall refer the application, along with all related information, to the ~~city~~planning commission~~planning agency~~ for consideration, ~~and a report at least five days before the next regular meeting.~~
- (b) The planning director, on behalf of the ~~planning commission~~planning agency, shall set a date for a public hearing ~~to be held by the planning commission~~. Notice of such hearing shall be published in the official newspaper of the municipality at least ten days prior to the date of the hearing. Such notice shall also be mailed not less than ten days prior to all property owners of record according to the county assessment records within 350 feet of the property to which the request related. If the request relates to property located within the SL shoreland management overlay district or FP floodplain management overlay district, the notice shall be mailed to the commissioner of the state department of natural resources or his authorized agent at least ten days prior to such hearings. A copy of the notice and a list of the property owners and addresses to which the notices was sent shall be attested to by the planning director or city administrator and made part of official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
- (c) ~~(d)~~The ~~planning commission~~planning agency and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter.
- (e) Following the public hearing, the planning commission shall make a finding of fact and recommend such actions or conditions relating to the request to the planning agency, which will further recommend such actions or conditions relating to the request as it deems appropriate to the ~~city council~~. Such planning commission recommendations and findings shall be entered in and made a part of the written record of the commission's meeting.
- (f) Upon receiving the report and recommendation of the ~~planning commission~~planning agency, the city council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the city council meeting.
- (g) Upon receiving the report and recommendation of the ~~planning commission~~planning agency, the city council shall either:
 - (1) Approve or disapprove the request as recommended by the ~~planning commission~~planning agency;
 - (2) Approve or disapprove the recommendation of the ~~planning commission~~planning agency with modifications, alterations or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the city council's records; or
 - (3) Refer the recommendation back to the ~~planning commission~~planning agency for further consideration. This procedure shall be followed only one time on a singular action.
- ~~(h)~~ The decisions of the ~~planning commission~~planning agency shall be advisory to the city council. The decisions of the city council shall be final subject to judicial review.

Sec. 66-64. - Findings of fact.

In considering all requests for variances, appeals, amendments or conditional use permits, the ~~planning commission~~planning agency acting as itself or acting as the board of adjustment and appeals, and the city council shall make a finding of fact. Its judgment shall be based upon, but not limited to, the following factors:

Sec. 66-65. - Conditions for granting variances.

- (a) The ~~planning commission~~planning agency and the city council may not permit as a variance any use that is not permitted under this division for property in the zone where the affected person's land is located. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property. Variances shall only be permitted:

Sec. 66-66. - Conditions on approval.

- (a) In approving requests for variances, appeals, amendments or conditional use permits, the ~~planning commission~~planning agency acting as itself or acting as the board of adjustment and appeals, and the city council may require certain conditions upon approval of the request. Such conditions for approval may include the following, when applicable:

- (b) All conditions pertaining to a specific request are subject to change when the ~~planning commission~~planning agency or city council, upon investigation, finds that the community safety, health, welfare and public betterment can be served as well or better by modifying the conditions.

Sec. 66-67. - Amendments; initiation.

The city council or ~~planning commission~~planning agency may, upon their own motion, initiate a request to amend the text or the district boundaries of this division. Any person owning real estate within the city may initiate a request to amend the district boundaries and text of this division so as to affect the said real estate. All amendment requests must first be reviewed by the ~~planning commission~~planning agency.

Sec. 66-68. - Lapse of variance, appeal, or conditional use permit.

Whenever, within one year after granting a variance, appeal or conditional use permit, the work as permitted by the variance, appeal or conditional use permit shall not have been completed, then such variance, appeal or conditional use permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the city council. Such extension shall be requested in writing and filed with the planning director at least 30 days before the expiration of the original variance, appeal or conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance, appeal or conditional use permit. Such petition shall be presented to the ~~planning commission~~planning agency for a recommendation to and a decision by the city council. Such extension shall be allowed only once on a singular action.

Sec. 66-238. - Special requirements.

The following are special requirements in the R-1A single-family residential district:

- (3) Driveways shall be constructed from a hard, impervious surface such as tar or concrete. Said surface shall be of such character as is suitable and in harmony with similar improvements in the surrounding area. Types of pavement shall be determined by the zoning administrator and/or ~~planning commission~~planning agency and shall be completed within the same time frame as that of the building permit
- (5) The developer of any dwelling unit shall plant shade trees. Such trees are to be planted no closer than ten feet of the right-of-way of the road. One tree shall be planted for every 50 feet of frontage along each road unless the ~~planning commission~~planning agency shall grant a waiver. Such waiver shall be granted only if there are trees growing along such right-of-way or on the abutting property which in the opinion of the ~~planning commission~~planning agency comply with these regulations.

Sec. 66-319. - Yard, area and building size requirements; Apartment dwellings.

The following are yard, area and building size regulations for apartment dwellings in the R-3 high-density residential district.

Outdoor recreational facilities as approved by the planning commission <u>planning agency</u> and city council	20 sq. ft.
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Sec. 66-348. - Accessory uses.

The following are accessory uses within a R-4 manufactured home district:

- (7) Rental shop, renting tools and equipment to residents of park and others. Any outside storage areas must be approved by ~~planning commission~~ planning agency.

Sec. 66-350. - District regulations.

- (b) A site plan shall be submitted to the ~~planning commission~~ planning agency and city council in accordance with procedures outlined and information required in chapter 54.

Sec. 66-510. - Required parking.

Plans for off-street parking and loading facilities within the CBD commercial business district shall be reviewed by the ~~planning commission~~ planning agency. The ~~planning commission~~ planning agency may require such off-street parking and loading spaces as deemed appropriate for the proposed use. Upon review, the ~~planning commission~~ planning agency shall make a recommendation to the city council for final review and approval. The ~~planning commission~~ planning agency may recommend and the city council may require a cash contribution in lieu of off-street parking facilities.

Sec. 66-665. - Paved surface.

All vehicular driving and parking areas shall be paved and be surrounded with poured-in-place concrete curb and gutter, except in special circumstances such as off-road heavy equipment storage areas or contractor (nonretail) material storage areas with approval by the ~~planning commission~~ planning agency.

Sec. 66-702. - General floodplain district and Zone A lakes.

- (3) The planning director shall present the technical evaluation and findings of the designated engineer or expert to the governing body. The governing body must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the department of natural resources or the ~~planning commission~~ planning agency for review and comment. once the floodway and flood fringe district boundaries have been determined, the governing body shall refer the matter back to the zoning administrator who shall process the permit application consistent with the applicable provisions of sections 66-700 and 66-701 of this chapter.

Sec. 66-706. - Administration.

- (a) Zoning administrator: A zoning administrator, planning director or other official designated by the governing body shall administer and enforce this chapter. If the zoning administrator finds a violation of the provisions of this chapter the zoning administrator shall notify the person responsible for such violation in accordance with the procedures stated in section 66-708 of the chapter.

- (d) Conditional uses. ~~The planning commission shall hear and decide applications for conditional uses permissible under this chapter.~~ Applications shall be submitted to the zoning administrator who shall forward the application to the ~~planning commission~~ planning agency for consideration.

- (1) The planning commission shall conduct public hearings for conditional uses permissible under this chapter.

(2) Notice of Commissioner Hearings. Upon filing with the ~~planning commission~~planning agency an application for a conditional use permit, the ~~planning commission~~planning agency shall submit by mail to the commissioner of natural resources a copy of the application for proposed conditional use sufficiently in advance so that the commissioner will receive at least ten days' notice of the hearing.

(32) Decisions. The ~~planning commission~~planning agency shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the ~~planning commission~~planning agency shall prescribe appropriate conditions and safeguards, in addition to those specified in subsection (6) of this section, which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this chapter punishable under section 66-708. A copy of all decisions granting conditional use permits shall be forwarded by mail to the commissioner of natural resources within ten days of such action.

(43) Procedures to be followed by the ~~planning commission~~planning agency in passing on conditional use permit applications within all floodplain districts.

a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the ~~planning commission~~planning agency for determining the suitability of the particular site for the proposed use:

c. Based upon the technical evaluation of the designated engineer or expert, the ~~planning commission~~planning agency shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

(54) Factors upon which the decision of the ~~planning commission~~planning agency and city council shall be based. In passing upon conditional use applications, the ~~planning commission~~planning agency and city council shall consider all relevant factors specified in other sections of this chapter, and:

(65) Time for acting on application. The ~~planning commission~~planning agency shall act on an application in the manner described above within ~~60~~30 days from receiving the application, except that where additional information is required pursuant to section 66-706(d)(3) of this chapter. The ~~planning commission~~planning agency shall render a written decision within 60 days from the receipt of such additional information.

(76) Conditions attached to conditional use permits. Upon consideration of the factors listed above and the purpose of this chapter, the ~~planning commission~~planning agency shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:

Sec. 66-735. - Administration.

(c) Variances.

(1) Variances may only be granted in accordance with Minn. Stats. ch. 462, as applicable. A variance may not circumvent the general purposes and intent of this division. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the ~~planning commission~~planning agency and the city council~~and appeals~~ must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

(2) The city council shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance required in subsection (d) of this section shall also include the planning commission ~~and appeals~~ summary of the public record/testimony and the findings of facts and conclusions which supported the

issuance of the variance and shall also consider the conclusions and recommendations of the planning agency.

Sec. 66-738. - Nonconformities.

- b. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the planning-commissionplanning agency shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be

Sec. 66-793. - Pre-application meeting.

Prior to the submission of any plan to the planning-commissionplanning agency, the applicant shall meet with the planning director to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a conditional use permit and a preliminary plan. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant shall take into account that all roads should be public and not private. The applicant is urged to avail himself or herself of the advice and assistance of the city staff to facilitate the review of the outline plan and preliminary plan.

Sec. 66-794. - General development plan.

- (9) Any additional information requested by the city staff, the planning-commissionplanning agency and city council that may be required for clarification of the proposed project.

Sec. 66-795. - Final development plan.

- (a) The final development plan with recommendation modifications, if any, and if necessary, the modified preliminary plat, shall be filed with the planning director containing the information required in the general development plan plus any changes recommended by the planning-commissionplanning agency and the city council as a result of the public hearing.
- (b) (c)The final general development plan shall be submitted with the first final plat which shall conform to the approved general development plan and approved preliminary plat. This plan shall include any recommended changes by the planning-commissionplanning agency or city council to the original general development plan and original preliminary plat.

(d)

Sec. 66-798. - Review and amendments.

(a)

- (d) Approval of the planning-commissionplanning agency and city council shall be required for other changes such as rearrangements of lots, blocks and building tracts. These changes shall be consistent with the purpose and intent of the approved final development plan.

Sec. 66-851. - Site plan.

Except for single-family dwellings, all applications for a building or an occupancy permit shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of all off-street parking and loading spaces in compliance with the requirements of this section. For permitted uses, such plan shall be reviewed and approved by the planning director or building inspector. For conditional uses, such plan shall be reviewed and approved by the planning-commissionplanning agency and city council. All plans for parking spaces of five or more vehicles shall be approved by the planning director; any variance or unusual design shall be referred to the planning-commissionplanning agency and city council.

Sec. 66-862. - Stall, aisle, and driveway design.

(e) All property shall be entitled to at least one curb cut or driveway. Any plan or design requiring more than one curb cut or driveway requires the approval of the city public works director and the building inspector. Single-family land uses shall be allowed one driveway or street access per property. The city allows each property used for farm or agricultural-related land uses to have more than one driveway. The plan or design and the number of driveways for each property shall be subject to approval by the city public works director and building inspector for any property that the owner or developer wants to have more than one driveway. The city will not charge a fee for such an approval. The applicant or property owner may appeal the decision of city staff about the number or location of driveways to the ~~planning commission~~planning agency for a recommendation and to the city council for a final decision. The city will process and review such an appeal as a variance. The city requires the applicant or property owner appealing the staff decision to provide the city with information and reasons as to why the city should approve the requested driveway(s) design and locations. The city will charge a fee for such an appeal or variance.

Sec. 66-864. - Joint facility.

- (a) The city council may, after receiving a recommendation from the ~~planning commission~~planning agency, approve off-street parking facilities for one or more uses by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each use.
- (b) Such joint parking facilities shall be located within reasonable distance to the uses or buildings which are proposed to utilize the joint parking facilities. The ~~planning commission~~planning agency may recommend and the city council may require a cash contribution in lieu of off-street parking facilities.

Sec. 66-866. - Optional review.

The planning director or building inspector may, as necessary, request the ~~planning commission~~planning agency to review and approve any off-street parking or loading facilities. The ~~planning commission~~planning agency upon review may impose any conditions deemed appropriate and consistent with the purpose and requirements of this section.

Sec. 66-942. - Home occupation.

- (e) When deemed appropriate, the planning director, the city administrator or their designee may bring a proposed home occupation to the attention of the ~~planning commission~~planning agency at which time the ~~planning commission~~planning agency may direct the planning commission to hold such public hearings, request such information or require such conditions as deemed necessary to bring the home occupation in compliance with the performance criteria. The planning commission shall make a recommendation to the planning agency for its review and referral to the city council about the proposed home occupation for final consideration and action. The city council may add any additional requirements that it deems necessary to ensure that the operation of the home occupation will be compatible with nearby land uses.

Sec. 66-974. - Landscaping.

- (e) Surface water ponding. Natural impoundment areas shall be retained as much as possible, or if necessary, enlarged or modified as directed by the city engineer or as recommended by the ~~planning commission~~planning agency and approved by the city council to reduce the site runoff.