

**CITY OF ORONO
HENNEPIN COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 78 OF THE ORONO CITY CODE
CONCERNING SITE PLAN REVIEWS**

THE CITY COUNCIL OF THE CITY OF ORONO, MINNESOTA ORDAINS:

SECTION 1. The following language has been added to Section 78-42(a) (Fees for zoning applications) of the Orono City Code:

- (a) The fees to be paid for each application for rezoning, simple subdivision or variance, new, special or conditional use, accessory and principal uses, site plan review, or other approvals required in this Code shall be in the amount prescribed by the current city fee schedule provisions. Fees shall be payable at the time applications are filed with the zoning administrator. There shall be no fee in the case of applications filed in the public interest by the council or by the planning commission.

SECTION 2. The following language has been deleted and added to Section 78-45 (Administration and Enforcement) of the Orono City Code:

Sec. 78-45. Building ~~Permit~~Compliance.

~~It is unlawful for any person to erect or structurally alter a structure until a building permit shall have been issued indicating that the existing or proposed structure and the use of the land comply with this chapter and all building codes. All applications for building permits pertaining to erection or major alterations which will affect the outside dimensions of a structure shall be accompanied by three copies of a site plan. If the site consists of land not a part of a subdivision or land composed of partial lots, the site plan shall be attached to a survey by a registered land surveyor showing the actual dimensions of the lot, lots or parcel to be built upon. The site plan shall also show dimensions of existing and/or proposed structures to be erected or structurally altered, their location on the site in relation to the outside boundary, the required off-street parking plan, and such other information as may be necessary to provide for the enforcement of these regulations. Site plans submitted for all uses except one and two family dwellings shall contain lighting and landscape plans, and all site improvements are to be bonded at the rate of 1½ times their estimated cost.~~

No building, structure or premises shall hereafter be used or occupied and no building permit shall be granted and no site plan review shall be approved that does not conform to the requirements of this chapter.

SECTION 3. The following definition has been added to Section 78-1 (Definitions) of the Orono City Code:

Site plan means a map depicting the development of tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, easements, utilities, landscaping and walkways, as related to a proposed development.

SECTION 4. The following language has been deleted and added to Section 78-642 (B-1 District) of the Orono City Code:

Sec. 78-642. ~~Permit Application~~Site Plan Review.

~~All applications for a building permit~~All site plan reviews in any B-1 retail sales business district shall be reviewed ~~by the council and may be referred to the planning commission for review.~~ as set forth in Article II, Division 4 of this chapter.

SECTION 5. The following language has been deleted and added to Section 78-664 (B-2 District) of the Orono City Code:

Sec. 78-664. ~~Building Permit Application~~Site Plan Review.

~~All applications for a building permit within~~All site plan reviews in the B-2 lakeshore business district shall be reviewed by the council and may be referred to the planning commission and/or a specially appointed lake use committee for review. as set forth in Article II, Division 4 of this chapter.

SECTION 6. The following language has been deleted and added to Section 78-702 (B-3 District) of the Orono City Code:

Sec. 78-702. ~~Application~~Site Plan Review.

~~The owner of any tract of land~~All site reviews in the B-3 shopping center business district may submit to the council a plan for the use and development of all of such tract for the purposes of and meeting the requirements set forth in this division. ~~The proposed plan shall be referred to the planning commission for study and report. The planning commission shall transmit to the council their findings and recommendation for consideration and actions~~shall be reviewed as set forth in Article II, Division 4 of this chapter, except that for those site plans subject to council review.

SECTION 7. The following language has been deleted and added to Section 78-732 (B-4 District) of the Orono City Code:

Sec. 78-732. ~~Building Permit Application~~Site Plan Review.

~~All applications for a building permit~~All site plan reviews in any B-4 office and professional district shall be reviewed ~~by the council and may be referred to the planning commission for review.~~ as set forth in Article II, Division 4 of this chapter.

SECTION 8. The following language has been deleted and added to Section 78-762 (B-5 District) of the Orono City Code:

Sec. 78-762. Site Plan Review of Application for Building Permit.

~~All applications for a building permit~~All site reviews in any B-5 limited neighborhood business district shall be reviewed ~~by the council and referred to the planning commission for review~~as set forth in Article II, Division 4 of this chapter.

SECTION 9. The following language has been deleted and added to Section 78-792 (B-6 District) of the Orono City Code:

Sec. 78-792. Site Plan Review of Building Permit Application.

~~All applicants for a building permit~~All site reviews in any B-6 highway business district shall be reviewed ~~by the council and referred to the planning commission for review~~as set forth in Article II, Division 4 of this chapter.

SECTION 10. The following language has been deleted and added to Section 78-821(b) (I District) of the Orono City Code:

- (b) ~~Building permits and council~~Site plan review. All ~~applications for a building permits~~site reviews in any I-Industrial district shall be reviewed ~~by the council and may be referred to the planning commission for review~~as set forth in Article II, Division 4 of this chapter.

SECTION 11. Chapter 78, Article II, Division 4. Site Plan Review is added to the Orono City Code:

DIVISION 4. SITE PLAN REVIEW

78-141. Purpose.

The purpose of this division is to establish a formal site plan review procedure for commercial and industrial uses and provide regulations pertaining to the enforcement of site design consistent with the requirements of this Ordinance in advance of building permit issuance.

78-142. Approval Required.

It shall be unlawful to construct a building, enlarge the footprint of a building, or change or intensify the use of an existing building or site in any business or industrial district without approval of a site plan in accordance with this division.

78-143. Review Process. Site plan reviews shall be reviewed in accordance with the following:

(1) City council. The city council shall make a decision on site plans reviews to construct a building or enlarge the footprint a building. Prior to council consideration the planning commission shall hold a public hearing and make a recommendation regarding the site plan review. Notice of the public hearing shall be governed by City Code Section 78-915.

(2) Planning and Zoning Coordinator. The planning and zoning coordinator shall make a decision on site plans reviews to change the use of a building or parcel of land; to modify the interior or exterior of a building or site or land feature in any manner that results in a different site design or intensity of use, including the requirement for additional parking or to enlarge a building by less than ten percent (10%) of its gross floor area. The planning and zoning coordinator shall have the authority to refer an administrative site plan review to the city council for decision. The owner may appeal the decision of the planning and zoning coordinator to the city council.

78-144. Application for Site Plan Review.

An application for a site plan review shall be made to the planning and zoning coordinator on a form provided by the City and shall include the name, address, and telephone number of the applicant, the name, address, and telephone number of the property owner, and the district in which the property is located. The application shall be also be accompanied by three copies of the following information, unless waived by the planning and zoning coordinator:

- (1) A current certificate of survey of the property. This survey shall be used as the base for all required plans.
- (2) A detailed site plan depicting the following:
 - a. Site dimensions.
 - b. Site conditions and existing development on the subject property and immediately adjacent properties.
 - c. Proposed use of all areas of the site.
 - d. Required and proposed setbacks.
 - e. Location, setback, and dimensions of all proposed buildings and structures.
 - f. Location of all adjacent buildings located within one hundred feet (100') of the exterior boundaries of the property in question.
 - g. Location, number, dimensions and setbacks of proposed parking spaces, drive aisles, and loading areas.
 - h. All public streets, entrance and exit drives, and walkway locations.
 - i. Location, access, and screening detail of proposed trash enclosures.
 - j. Location of outdoor mechanical equipment and proposed screening.
- (3) Landscaping plan.
- (4) Tree preservation plan, including the location, type, and size of all existing trees six inches (6") or more in diameter to be removed or preserved.
- (5) Grading and erosion control plan prepared and signed by a Minnesota licensed engineer.
- (6) Utility plans.
- (7) Application fee and escrow.

- (8) Any other information as may be required by the City, including but not limited to:
 - a. Architectural elevations of all principal and accessory buildings (including type, color, and materials used on all exterior surfaces).
 - b. “Typical” floor plan and “typical” room plan drawn to scale with a summary of square footage for each use or activity.
 - c. Fire protection plan.
 - d. Type, location and size (area and height) of all signs to be erected upon the property in question.
 - e. Lighting plan.

Sec. 78-145. Evaluation criteria.

Before granting approval of the site plan review, the city council or the planning and zoning coordinator shall determine that the proposal:

- (1) Is compatible with surrounding land uses;
- (2) Preserves existing unique and natural features of the site and minimizes impacts to wetlands, floodplains, and shoreland areas;
- (3) Creates harmonious relationship of buildings and open space with natural site features and with existing and future buildings having a visual relationship of the development;
- (4) Achieves a safe and efficient vehicular and pedestrian circulation system;
- (5) Places no excessive demands on services and infrastructure, including local streets;
- (6) Conforms to the City’s plans for parks, streets, and walkways;
- (7) Conforms to the Orono Community Management Plan;
- (8) Achieves a maximum of safety and convenience of vehicular and pedestrian movement;
- (9) Incorporates sufficient landscaping to reasonably screen undesirable features and to enhance the image of the development;
- (10) Protects abutting properties and does not create detrimental disturbances to surrounding properties;
- (11) Conforms to all requirements of this chapter unless a variance has been granted.
- (12) Incorporates efforts to conserve energy whenever practical.

Sec. 78-146. Conditions.

The city council or the planning and zoning coordinator may impose conditions in granting approval of a site plan review to promote the intent of this division and to protect adjacent properties.

Sec. 78-147. Security Agreement.

Before issuance of any permit, a letter of credit or cash deposit shall be supplied by the owner guaranteeing completion of required site improvements. The amount of the security shall

be one hundred twenty-five percent (125%) of the estimated cost of the improvements other than the building.

Sec. 78-148. Specific Project.

A site plan review approval shall be valid only for the project for which approval is granted. Construction of all site elements shall be in compliance with the plans and specifications approved by the city council or the planning and zoning coordinator.

Sec. 78-149. Lapse of Approval.

Unless otherwise specified by the city council or the planning and zoning coordinator, a site plan review approval shall become null and void one (1) year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan.

Sec. 78-150. Building Code.

The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this division. Site plan review approval does not imply compliance with the requirements of the building and fire codes.

Secs. 78-151 -- 78-160. Reserved.

SECTION 12. Effective date. This ordinance shall be effective upon its passage and publication according to law.

ADOPTED this 8th day of February, 2010 by the Orono City Council.

CITY OF ORONO

James M. White, Mayor

ATTEST:

Linda S. Vee, City Clerk

Summary Ordinance published in the Sun Sailor newspaper the week of February 18, 2010.