

ORDINANCE NO. 441

AN ORDINANCE AMENDING CHAPTER 153 OF THE SPRING LAKE PARK CODE OF ORDINANCE RELATING TO CONDITIONAL USE PERMITS

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. Chapter 153.202 shall hereby be amended as follows:

§ 153.202 APPLICATION PROCEDURE.

(A) *Initiation.* An application for a conditional use shall be in triplicate and may be made by any governmental unit, department, board, or commission or by any person or persons having a freehold interest, or a contractual interest which may become a freehold interest, applicable to the parcel described in the application.

(B) *Application content.* An application shall be by written petition in the form prescribed by the ~~Planning Commission~~ Zoning Administrator, signed by the applicant, and shall be filed with the Zoning Administrator. A fee as established by ~~resolution~~ an ordinance of the City Council shall be required for the filing of the petition.

(1) In addition to the written petition, the following shall be required with an application for a conditional use:

(a) Complete details of the proposed site development, including location of buildings, driveways, parking spaces, garages, refuse disposal areas, loading areas, dimensions of the lot, lot area, and yard dimensions. The plans shall identify all adjoining properties; and

(b) An elevation of at least one building in detail and any sides facing onto all classes of residence districts, if different from the single elevation required.

(2) The following additional information may be required by the Zoning Administrator, Planning Commission, or City Council:

(a) Complete landscaping plans, including species and size of trees and shrubs, proposed and required screening;

(b) A site plan indicating final contours at two-foot vertical intervals;

(c) Proposed sewer and water connections;

(d) Complete plans for storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area;

(e) Complete plans for proposed sidewalks to service parking, recreation, and service areas within the proposed development;

(f) Complete structural, electrical, and mechanical plans for the proposed buildings; and

(g) Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.

(3) Twelve copies of all required plans shall be submitted at the time of application. Applicant shall also provide all application materials in an electronic format as prescribed by the Zoning Administrator.

(C) *Hearing notice.* Notice of the time and place of the public hearing shall be given not more than 30 nor less than ten days in advance by publishing a notice in the official newspaper of the city and by like notification, at least ten days prior to the date of public hearing, to the owner or owners of property within 350 feet of the subject property. This notice shall describe the particular conditional use and shall contain a brief description thereof. City assessor tax records shall be deemed sufficient for the location or certification of ownership of the adjacent properties.

(D) *Public hearing.* The public hearing shall be held.

(E) *Findings and recommendations.* The Planning Commission shall then make its findings and recommendations to the City Council within 30 days following the end of the public hearing.

(1) The City Council may then authorize the conditional use permit, provided the applicant has provided evidence establishing the following:

(a) The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

(b) The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;

(c) The proposed use will comply with the regulations specified in this chapter for the district in which the proposed use is to be located;

(d) The use is one of the conditional uses specifically listed for the district in which it is to be located;

(e) The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;

(f) The use will not lower property values or impact scenic views in the surrounding area;

(g) Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;

(h) Sufficient off-street parking and loading space will be provided to serve the proposed use;

(i) The use includes adequate protection for the natural drainage system and natural topography;

(j) The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and

(k) The proposed use will not stimulate growth incompatible with prevailing density standards.

(2) If no recommendation is transmitted by the Planning Commission within 60 days after the date of the hearing, the City Council may take action without awaiting the recommendations.

(F) *Conditions.* The City Council may impose conditions and safeguards upon the premises benefitted by a conditional use as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood. ~~Violation of the conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this chapter and punishable under § 153.227.~~

(G) *Term.* No conditional use permitting the erection or alteration of a building shall be valid for a period longer than one year unless the building is erected or altered within that period, unless a longer time is specified when permit is issued. An extension may be applied for, in writing, before the City Council.

(H) *Violations and suspension and revocation.*

(1) Violation of the conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this chapter. If within 10 days of written notice from the Zoning Administrator the violation has not been corrected, the City Council may pursue the following procedure to suspend or revoke the permit:

(a) Written notice of suspension or revocation shall be provided to the permittee as provided in paragraph (b) at least ten business days prior to the permit being suspended or revoked.

(b) Notice to the permittee and owner of record shall be served personally or sent by first class mail. Such written notice of suspension or revocation shall contain the effective date of the suspension or revocation, the nature of the violation constituting the basis of the suspension or revocation, the facts which support the conclusions that a violation has occurred and a statement that if the Owner desires to appeal, the Owner must, within ten business days, exclusive of the day of service, file a request for a hearing.

(c) The hearing request shall be in writing, stating the grounds for appeal and served personally or received by first-class mail by the Administrator, Clerk/Treasurer at City Hall not later than 4:30 p.m. on the tenth business day following notice of suspension or revocation.

(d) Following the receipt of a request for hearing, the City Council shall set a time and place for the hearing. The Administrator, Clerk/Treasurer shall notify the permittee of the time and place of the hearing in the same manner as prescribed in paragraph (b).

(e) The hearing shall be conducted pursuant to the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time. The City Council may act as the hearing body under that act, or it may contract with the Office of Administrative Hearings for a hearing officer.

(2) In addition to the potential suspension or revocation of the conditional use permit, violations are punishable under § 153.227. The City's enforcement rights are cumulative and no action taken by the City shall prohibit the City from seeking any other remedy under this section or at law.

Section 2. This Ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this 6th day of November 2017.

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator/Clerk