

**CITY OF DELANO
WRIGHT COUNTY, MINNESOTA**

ORDINANCE 0-13-08

**AN ORDINANCE AMENDING THE DELANO ZONING ORDINANCE TO ESTABLISH PERFORMANCE STANDARDS
FOR THE REVIEW AND REGULATIONS OF HISTORIC BUILDINGS IN THE B-4, CENTRAL BUSINESS DISTRICT IN THE
CITY OF DELANO**

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

Section 1. Section 51.01, Subd. B.2 (Definitions) of the Delano Zoning Ordinance is hereby amended to add the following language:

Historic Building. A building located within the B-4, Central Business District that was constructed prior to 1930.

Section 2. Section 51.02, Subd. F (Site and Building Plan Review) of the Delano Zoning Ordinance is hereby amended to read as follows:

Subd. F. Site and Building Plan Review. The purpose of this section is to establish a formal plan review procedure and provide regulations pertaining to the enforcement of site design and construction standards as agreed to by the applicant/ property owner through their plan documents submitted with their complete development application.

1. **Major Site and Building Plan Review.** None of the following actions shall occur and no building permit, demolition permit, or certificate of occupancy shall be issued unless such action shall be in complete accord with site and building plans that have been reviewed by the Planning Commission and approved by the City Council. Actions which shall require approval of building and site plans shall be:
 - a. Erection of a building for multiple family, commercial, industrial, or institutional use.
 - b. Demolition of a historic building within the B-4 Zoning District.
 - c. Moving of a building or buildings to a location or locations within the City.
 - d. Changing the use of a building or parcel from one type of land use to another that requires a building permit due to the change of building occupancy. Changes in occupancy envisioned by this section shall include office to retail, warehouse to assembly, retail to restaurant single occupancy to multi-tenant use, and/or similar actions that result in a different intensity of uses, traffic generation, or increased parking demand.
 - e. Modification of or additions or enlargements to a building, or buildings, accessory site improvements, and/or land features of a parcel of land that result in the need for additional parking or increase the gross floor area of the building by twenty-five (25) percent or more.
 - f. Modifications to the façade of a building that change the building's appearance from a public right-of-way.

g. Any variation from the Central Business District Design Guidelines adopted as part of the City's Comprehensive Plan.

2. **Minor Site and Building Plan Review.** The following shall be excepted from major site and building plan review:

- a. New on-site construction of detached single or two-family residential structures, or uses or structures accessory thereto.
- b. The following actions require an administrative permit and approval per Section 51.02, Subd. E of this Ordinance. The City may require such improvements as deemed necessary to meet the intent and standards of this Ordinance and to maintain the quality of the existing site or building plan:
 - 1) Modifications, additions, or enlargements which do not increase the gross floor area of the building by more than twenty-five (25) percent and which do not involve a variance from the provisions of this Ordinance may, at the discretion of the Zoning Administrator be exempted from some, or all, of the procedures for major site and building plan approval.
 - 2) Modifications or alteration to a building façade that does not change more than twenty-five (25) percent of the building façade facing a public right-of-way.
 - 3) Changes in the use of leasable space in single or multi-tenant buildings that require a building permit due to the change of building occupancy where the change of tenant does not intensify the use of such space nor require additional parking or result in an inability to maintain the required performance standards.
 - 4) Expansion or modification of parking not related to modification, addition, or enlargements to the gross floor area of an existing building.
 - 5) Construction of structures or buildings accessory to a permitted or conditionally permitted use within the respective zoning district when such accessory use is also permitted in said district.
 - 6) Modification to an approved landscaping plan.
 - 7) If a historic building or structure in the B-4 District poses an immediate threat to health or safety due to deteriorated condition, the owner of the building or structure may request issuance of an emergency demolition permit. If the Building Official finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to immediate demolition, the Building Official may issue an emergency demolition permit.

3. **Review Criteria.** In making recommendations and decisions upon site and building plan review applications, the staff, Planning Commission, and City Council shall consider the compliance of such plans with the following standards:

- a. Consistency with the various elements and objectives of the City's long range plans including, but not limited to, the Comprehensive Plan.
- b. The proposed use conforms with all performance standards contained herein.
- c. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity when:
 - 1) The proposed development shall be served with adequate and safe water supply.
 - 2) The proposed development shall be served with an adequate and safe sanitary sewer system.
 - 3) The proposed development shall not result in the premature expenditures of City funds on capital improvements necessary to accommodate the proposed development.
- d. Traffic generation by the proposed use is within capabilities of the streets serving the property when:
 - 1) If the existing level of service (LOS) outside of the proposed site is A or B, traffic generated by a proposed site will not degrade the level of service more than one grade.
 - 2) If the existing LOS outside of the proposed site is C, traffic generated by a proposed site will not degrade the level of service below C.
 - 3) The existing LOS shall be D or better for all streets and intersections providing access to the site. If the existing level of service is E or F, the site developer must provide, as part of the proposed project, improvements needed to ensure a level of service D or better.
 - 4) Existing roads and intersections providing access to the site shall have the structural capacity to accommodate projected traffic from the proposed site or the developer will pay to correct any structural deficiencies.
 - 5) The traffic generated from a proposed site shall not require City street improvements that are inconsistent with the Delano Capital Improvement Plan. However, the City may, at its discretion, consider developer-financed improvements to correct any street deficiencies.
- e. Adherence to Central Business Design Guidelines for building renovation, face lifts, demolition, and redevelopment.
 - 1) Prior to any building demolition of a historic building in the B-4 Zoning District, the property owner has a building replacement plan.
 - 2) Building plans shall be designed in compliance with the Delano Central Business District Design Guidelines.
 - 3) New construction or building renovation shall preserve or replicate the historic architectural façade of the building.

- 4) The construction or building renovation shall create a harmonious relationship with adjoining buildings related to setbacks, height, scale, and replication of the historical façade.

4. **Application.** Requests for site and building plan review, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided for by Section 51.01, Subd. A.12 of this Ordinance. Such application shall also be accompanied by detailed written and graphic materials fully explaining the proposed change, development, or use including but not limited to the following:

- a. Proof of title and contract/purchase agreement and property owner signature on the application form when applicable.
- b. Eight (8) large scale copies and reduced (11" x 17") copies of detailed written materials, plans and specifications. One electronic copy in a format compatible with the City's computer system.

Note: One or two *additional* large scale copies shall be provided for each of the following, if applicable:

- Project adjacent to a County Road or County State Aid Highway – (2 sets)
- Project adjacent to a State Highway – (2 sets)
- Project lies within a Shoreland District – (1 set)
- Project lies within a Floodplain District – (1 set)

- c. Certificate of Survey prepared by a licensed land surveyor identifying the following:
 - 1) Scale (engineering only) at one (1) inch equals one hundred (100) feet or less.
 - 2) North point indication.
 - 3) Existing boundaries with lot dimension and lot area.
 - 4) Existing buildings, structures and improvements.
 - 5) Easements of record.
 - 6) Delineated wetland boundary, to include the OHWL of any lakes or DNR waters.
 - 7) All encroachments.
 - 8) Legal description.
- d. Site Plan using the current Certificate of Survey as a base depicting the following:
 - 1) Scale (engineering only) at one (1) inch equals one hundred (100) feet or less.
 - 2) Name of project or development.
 - 3) Name and address of developer and/or owner.
 - 4) Name and address of engineer/architect/designer.

- 5) Date of plan preparation and dates of any subsequent revisions.
- 6) All proposed improvements, including:
 - a) Required and proposed setbacks.
 - b) Location, setback and dimensions of all proposed buildings and structures.
 - c) Location of all adjacent buildings and structures within one hundred (100) feet of the exterior boundaries of the subject property.
 - d) Location, number, dimensions of all proposed parking stalls, loading areas and drive aisles, with curbing shown.
 - e) Location and width of all proposed street accesses and driveways.
 - f) Location and type of all proposed lighting, including fixture details.
 - g) Provisions for storage and disposal of waste, garbage and recyclables, including details for enclosing and screening exterior containers.
 - h) Location of freestanding signs.
 - i) Location of HVAC equipment whether ground mounted or roof mounted.
- 7) Calculations for impervious/pervious surfaces.

e. Grading Plan (using the current Certificate of Survey as a base) depicting the following:

- 1) Existing contours at two- (2) foot intervals.
- 2) Proposed grade elevations at two- (2) foot maximum intervals.
- 3) Drainage plan, including the configuration of drainage areas and calculations.
- 4) Spot elevations.
- 5) Surface water ponding and treatment areas.
- 6) Erosion control measures.
- 7) Wetland replacement plan (when applicable).
- 8) Drainage calculations for 2-, 10-, & 100-year storm events.
- 9) Delineated wetland boundary, to include OHWL of any lakes or DNR waters.
- 10) Date of plan preparation and dates of any subsequent revisions.

f. Landscaping Plan using the current Certificate of Survey as a base depicting the following:

- 1) Planting schedule including:
 - a) Symbols.
 - b) Quantities.
 - c) Common and botanical names.
 - d) Sizes of plant materials.
 - e) Root specification (bare root, balled/burlapped, potted, etc.).
 - f) Special installation instructions.
- 2) Location, type and size of all significant trees to be removed or preserved.
- 3) Location and species of proposed plantings of all species.
- 4) Typical sections with details of fences, walls, and planter boxes.
- 5) Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials to be used.
- 6) Delineation of both sodded and seeded areas with respective areas measured in square feet.
- 7) Coverage plan for underground irrigation systems, if any.
- 8) Other existing or proposed conditions that could be anticipated to affect landscaping.
- 9) Date of plan preparation and dates of any subsequent revisions.

g. Photometric Lighting Plan, to include fixture details/cut sheets/drawings.

- 1) Date of plan preparation and dates of any subsequent revisions.

h. Architectural Plans.

- 1) Date of plan preparation and dates of any subsequent revisions.
- 2) Architectural elevations of all principal and accessory buildings and structures (type and materials used in all exterior surfaces).
- 3) Typical floor plans and typical room plans drawn to scale with a summary of square footage by use or activity.

i. Utility Plan.

- 1) Location, sizing, and type of water and sewer system mains and proposed service connections, hydrants, valves, and manholes; or,

- 2) Location and size of proposed primary and secondary on-site treatment systems, when allowed (if ISIS is proposed).
- 3) Storm sewer, catch basins, invert elevation, type of castings and type of materials (refer to Engineering Manual for City standards).
- 4) Date of plan preparations and dates of any subsequent revisions.
- 5) Estimates of forecasted water consumption.
- 6) Location of electrical services and any transformers and meters.

j. Other plans and information as may be required by the Zoning Administrator which may include (but not be limited to) the following:

- 1) Location, type and size (area and height) of all signs to be erected upon the subject property.
- 2) Vicinity map showing the subject property in relation to nearby highways or major street intersections.
- 3) Sound source control plan.
- 4) Fire protection plan.
- 5) Proposed protective covenants or private restrictions.
- 6) Where landscaping or man-made materials are used to provide screening from adjacent properties, a cross section shall be provided showing the perspective of the site from neighboring properties at the property line elevation.
- 7) Traffic study.

k. B-4 District Demolition Plan. No historic building may be demolished within the B-4 Zoning District without obtaining a demolition permit and site and building plan approval from the City Council. The demolition plan for historic buildings in the B-4 District shall include the following information:

- 1) A map showing the location of the building to be demolished. Survey showing property lines and adjoining buildings.
- 2) A legal description of the property and owner of record,
- 3) Historic photographs illustrating the original building façade and photos of the existing building.
- 4) Description of the building and reasons for demolition. Description of why the building restoration or reuse is not commercially feasible.

- 5) Information that the building demolition will not damage or impair adjoining buildings.
- 6) Proposed plans and schedule for reuse of the property on which the building to be demolished is located.
- 7) Plans for any new building demonstrating that the new construction will replicate the historic façade and comply with the Delano Central Business District Design Guidelines.

5. **Process.**

- a. Staff Review/Technical Assistance Reports. Upon receipt of a complete application for site and building plan review, the Zoning Administrator shall, when deemed necessary, refer the request to appropriate staff to ensure that informational requirements are complied with. When all informational requirements have been complied with, the request shall be considered officially submitted. Also, when deemed necessary, the Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the Planning Commission and City Council.
- b. Minor Site and Building Plan Review. Minor site and building plan review, as outlined in Section 51.02, Subd. F.2 of this Ordinance shall be processed in accordance with Section 51.02, Subd. E of this Ordinance.
- c. Major Site and Building Plan Review. Major site and building plans, as outlined in Section 51.02, Subd. F.1 of this Ordinance, shall be reviewed with the following procedure:
 - 1) Receipt of a complete application.
 - 2) Staff review and technical assistance report.
 - 3) Application and staff review shall be forwarded to the Planning Commission for formal review and recommendation.
 - 4) Staff review and Planning Commission recommendation shall be forwarded to the City Council for final action. The City shall approve or deny the application for site and building plan review within sixty (60) days of receiving a complete application and shall make a recorded and written finding of fact, and provide this written finding to the applicant within sixty (60) days of receipt of a completed application, unless the review period for the application has been extended pursuant to Minnesota Statutes 15.99.
 - 5) The applicant may appeal any denial or decision by the City according to Section 51.02, Subd. D.2.
- d. No application for a site and building plan review shall be resubmitted for a period of twelve (12) months from the date of said order of denial.
- e. Approval Report. A written report or letter of approval shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Ordinance shall be attached to the permit or letter.

- f. **Non-Compliance.** Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
- g. **Disputes.** Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as outlined in Section 51.02, Subd. D.2 of this Ordinance.

6. **Plan Agreements.** All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard or specification without prior submission of a plan modification request to the Zoning Administrator for City review and approval.

7. **Performance Security.**

- a. Except in the case of non-income producing residential property, upon approval of a site and building plan, the City may require a letter of credit, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.
- b. The security shall be in the amount of one and one-half (1-1/2) times the City Engineer's or a certified appraiser's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the City Engineer and Building Official.
- c. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the approved site and building plan and ordinances of the City has been issued by the City Building Official.
- d. Failure to comply with the approved site and building plan or the ordinances of the City shall result in forfeiture of the security.

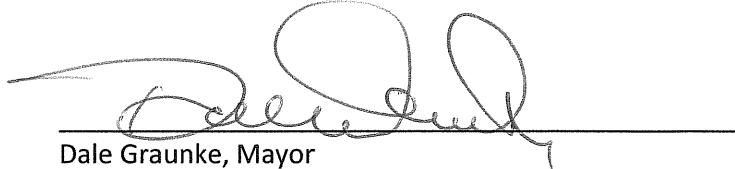
8. **Enforcement.** The Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this section has been officially documented by the Zoning Administrator.

Section 3. Section 51.23, Subd. H.2.c (B-4 District Building Requirements) of the Delano Zoning Ordinance is hereby added to read as follows:

- c. Within the B-4 Zoning District, no building permit or demolition permit shall be issued for the renovation, rehabilitation, redevelopment, or demolition of a historic building without a site and building plan approval in accordance with Section 51.02, Subd. F of this Ordinance.

Section 4. This ordinance shall be effective immediately upon its passage and publication according to law.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DELANO, MINNESOTA THIS 19 DAY OF NOVEMBER, 2013.



Dale Graunke, Mayor



Attest: Marlene E. Kittock, City Clerk

Motion By: Betsy Stolfa
Seconded By: Jack Russek

Graunke: Aye
Stolfa: Aye
Vick: Aye
Schansberg: Aye
Russek: Aye