

and Adjustments with powers listed in Minnesota Statutes 462.357, subdivision 6.

a. Appeal Procedures.

- 1) The property owner or their agent shall file with the Zoning Administrator an application for appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council ordinance. In cases where the application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within fifteen (15) days of the date of submission.
- 2) An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Board of Adjustment Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.
- 3) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Board of Adjustments and Appeals.
- 4) The Board of Appeals and Adjustment shall consider the application for appeal at a public meeting and consider testimony of the property owner and City staff.
- 5) Pursuant to Minnesota Statutes 15.99, the Board of Adjustment and Appeals 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.
- 6) The Zoning Administrator shall serve a copy of the final order of the Board upon the applicant by mail.

**Subd. E. Administration: Administrative Permits.**

The purpose of this section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, and of matters requiring the approvals of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.

1. **Application.** Requests for administrative permits, 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 eight (8) large scale copies of detailed written and graphic materials fully explaining the proposed change, development, or use, and an eleven (11) inch by seventeen (17) inch reduced paper copy of all graphic materials, one (1) digital electronic copy in a format compatible with the City's computer system.

2. **Staff Review/Technical Assistance Reports.** Upon receipt of an application for an administrative permit, 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.
3. **Administrative Action.**
  - a. Zoning Administrator Action. The Zoning Administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application unless the review is extended as allowed by Minnesota Statutes 15.99.
  - b. Review Criteria. The Zoning Administrator shall consider possible adverse effects of the proposed administrative permit. Its decision shall be based upon (but not limited to) the following factors:
    - 1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
    - 2) The proposed use is or will be compatible with present and future land uses of the area.
    - 3) The proposed use conforms with all performance standards contained herein.
    - 4) The proposed use can be accommodated with existing public services and will not overburden the City's service capacity when:
      - a) The proposed development shall be served with adequate and safe water supply.

- b) The proposed development shall be served with an adequate and safe sanitary sewer system.
  - c) The proposed development shall not result in the premature expenditures of City funds on capital improvements necessary to accommodate the proposed development.
- 5) Traffic generation by the proposed use is within capabilities of the streets serving the property when:
  - a) 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.
  - b) 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.
  - c) The existing LOS must be C or better for all streets and intersections providing access to the site. If the existing level of service is D, E or F, the site developer must provide, as part of the proposed project, improvements needed to ensure a level of service C or better, or the City may deem the development premature.
  - d) Existing roads and intersections providing access to the site must have the structural capacity to accommodate projected traffic from the proposed subdivision or the developer will pay to correct any structural deficiencies.
  - e) The traffic generated from a proposed subdivision 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.
- c. 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.
- d. 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.

- e. **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.
4. **Information Requirement.** The information required for all administrative permit or approval applications shall include:
  - a. The applicant shall include as part of the application, the applicable submission information as identified in Section 51.02, Subd. F, Site and Building Plan Review. The Zoning Administrator may waive submission information not deemed necessary for the administrative review.
  - b. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
5. **Performance Standards.** All uses, events, or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed.
6. **Administration and Enforcement.**
  - a. The Zoning Administrator shall keep a record of applications and administrative permits or approvals.
  - b. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
  - c. Enforcement of the provisions of this paragraph shall be in accordance with Section 51.02, Subd. I of this Ordinance. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.