

CITY OF []
ORDINANCE 130, 2ND SERIES

**AN ORDINANCE ADDING SECTION 4.07, ADMINISTRATIVE PERMITS, TO THE
CODE OF ORDINANCES**

The City Council so ordains:

Section 4.07. Administrative Permits, of the Code of Ordinances shall be added to read as follows:

SECTION 4.07 – ADMINISTRATIVE PERMITS

Subd. 1 Purpose. 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 approval of the Zoning Administrator or designee with the intent of protecting public health, safety and welfare of the City.

Subd. 2 Applications Qualifying for Administrative Review. The applications which shall be approved by administrative permit include: fences 6 feet high and under, accessory structures under 120 square feet in floor area and driven point wells (sand point wells).

Subd. 3 Procedure. The procedure for filing administrative permits is outlined below.

1. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator or designee on forms provided by the City.
2. The application shall be accompanied by a non-refundable filing fee as set forth by City Council resolution for administrative permit applications. Applications for amending permits shall be accompanied by a non-refundable fee as set forth by City Council resolution for administrative permits.
3. The Zoning Administrator or designee shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances and applicable specific regulations as set forth in this section. The Zoning Administrator or designee shall notify the applicant in writing of an incomplete application within fifteen (15) business days of the date of submittal. The request shall be considered as being officially submitted when all of the information requirements are deemed to be complete by the Zoning Administrator. The formal review will not commence until such time as the application is complete. Payment for the administrative permit is due at the time the permit is issued.
4. The Zoning Administrator or designee shall consider possible adverse effects of the proposed structure or activity, and judgment shall be based upon (but not limited to) the following factors:
 - A. Compliance with the Comprehensive plan and City Codes
 - B. If the use, structure or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
 - C. If the use, structure or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - D. The establishment of the use, structure or activity will not impede the normal and orderly development and improvement of surrounding property.
 - E. The use, structure or activity shall, in all other respects, conform to the applicable regulations in which it is located.

- F. The use, structure or activity shall conform to the Specific Regulations for Driven (sand point) Wells, Fences under six (6) feet in height and Accessory Structures of less than one hundred and twenty (120) square feet of floor area and all other applicable provisions of this ordinance as follows:

1. Driven Point (Sand point) Wells.

- a. All wells must comply with Minnesota Rules Chapter 4725.
- b. A well must be located so that it meets the minimum separation distances or setbacks as indicated in Minnesota Rules Chapter 4725 ("the well code"). These distances include, but are not limited to areas between the well and utilities (5 feet), buildings and easements (3 feet) and potential sources of contamination on your property or neighboring properties (20 feet).
- c. A well may not be located within a building unless the building is constructed exclusively to protect the well or pump. A well in a separate building must:
 1. Have casing or well pipe extending at least 12 inches above the floor.
 2. Be protected by a concrete slab, or floor, extending horizontally at least one foot in every direction from the casing, and be sloped to divert water away from the casing.
 3. Have a watertight gasket or caulk between the casing and the slab or floor.
 4. Not be used for storage of potentially hazardous materials (fertilizers, paints, pesticides, chemicals, etc).
- d. A site plan must be submitted showing the location of the well on the property, and the relationship to the property lines, buildings, and utilities.
- e. All wells must have, in addition to a check valve, an approved back flow prevention device (atmospheric vent) to eliminate the potential for contaminants to enter into the water table.
- f. The cross connection from a private well to a potable water supply is prohibited.
- g. Depth of well must be provided once the well is installed.

2. Fences Six (6) Feet in Height or Less.

- a. A site plan must be submitted showing the location of the fence on the property. If the property corners can not be located, a survey may be required.
- b. A signed neighbor waiver agreement must be submitted if the fence is to be placed on the boundary line. If the fence is placed on the boundary line, the side with the posts must be on the inside with the finished side to the outside. If the waiver is not obtained, the fence must be located two (2) feet inside the boundary line. In this case the posts can be located on either side of the fence.
- c. No fences will be allowed in the public right of way or within the site distance triangle as described in the Zoning Ordinance.
- d. Fences placed in utility and drainage easements are subject to removal in the event they become an obstruction to drainage or if they block the installation of any public utility. The city is not responsible for any costs associated with fence removals for these purposes.

3. Accessory structures of less than one hundred twenty (120) square feet in floor area.

- a. Setbacks for detached accessory structures are ten (10) feet from the side property line and ten (10) feet from the rear property line.
 - b. Accessory structures must not be more than seventeen (17) feet in height in the single family residential zoning district.
 - c. Structures meeting the setback regulations may be placed on either a permanent concrete slab or on skids made from treated wood.
 - d. Any accessory structure placed in a drainage and utility easement is subject to removal at the property's owners expense, if it is determined that drainage is affected or if the structure blocks the installation of public utilities.
5. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinance, and standards of this ordinance shall be attached to the permit.
 6. 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.
 7. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal with final resolution being made by the City Council.

Subd. 4 Application requirement. The information required for all administrative permits shall include:

1. A complete application form and legal description of the subject site.
2. Payment of a non refundable filing fee as set forth by City Council resolution.
3. A concise statement describing the proposed use, structure or activity, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
4. A copy of the approved site plan for the property or an as-built survey which accurately represents existing conditions on the site.
5. In cases where structures are proposed, the lot corners and proposed structure locations shall be staked in the field.
6. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the structure and the effectiveness of available entrances and exits.

Subd. 5 Administration and Enforcement.

1. The Zoning Administrator shall keep a record of applications and administrative permits.
2. A copy of all administrative permits shall be forwarded to appropriate staff as determined by the Zoning Administrator.
3. Enforcement of the provisions of this paragraph shall be in accordance with this Ordinance. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications, and the City will take all actions necessary to enforce all applicable regulations

Subd. 6 Inspection. The City hereby reserves the right upon issuing any administrative permit to inspect the premises to ensure compliance with the provisions of this Ordinance or any conditions additionally imposed.

Subd. 7 This ordinance becomes effective upon its passage and publication.

Adopted this 5th day of August, 2008.

Attest:
