

ORDINANCE NO. 277

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY ADDING SECTION 14.5 RELATING TO ADMINISTRATIVE PERMITS

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 169, THE ZONING ORDINANCE, SHALL BE AMENDED BY ADDING SECTION 14.5 AS FOLLOWS:

SECTION 14.5: ADMINISTRATIVE PERMITS

SUBDIVISION 1. PURPOSE.

The purpose of this Section of the Zoning Ordinance is to provide procedures for the issuance of Administrative Permits.

SUBDIVISION 2. SCOPE.

An Administrative Permit is required as specified or within a zoning district, zoning standard, and/or for certain activities.

SUBDIVISION 3. PROCEDURE.

- A. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City. Applications shall be accompanied by the information required in Sect. 14.5, Subd. 4 as may be amended unless specifically waived by the Zoning Administrator. This subsection does not apply to requests requiring Planning Commission review and/or City Council approval which shall be processed under Sections 15.0 and/or 15.5 of the Zoning Ordinance and may be amended.
- B. The application shall be accompanied by a fee as established by Resolution. Applications for amending permits shall be accompanied by a fee as established by Resolution.
- C. The Zoning Administrator 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 performance standards set forth in this Chapter. The Zoning Administrator shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.
- D. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
 1. Compliance with and effect upon the Comprehensive Plan and any existing public facilities plans as may be amended.

2. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
3. The use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
4. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
5. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
6. 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.
7. 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, ordinances and the standards of this Chapter shall be attached to the permit.
8. 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.
9. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 16 of the Zoning Ordinance as may be amended.

SUBDIVISION 4. INFORMATION REQUIREMENT.

Information required for all administrative permit applications shall include:

- A. 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.
- B. A copy of the approved site plan for the property or a sketch using an approved "as built" survey as the basis which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands and signs.

- C. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
- D. Information identified in Section 14.5, Subd. 3, as may be amended, of this Ordinance as required by the Zoning Administrator.

SUBDIVISION 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 and any/all standards applicable to the proposed request.

SUBDIVISION 6. ADMINISTRATION AND ENFORCEMENT.

- A. The Zoning Administrator shall keep a record of applications and administrative permits.
- 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 17 of the Zoning Ordinance as may be amended.
- D. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

SUBDIVISION 7. NON-PERMIT APPROVALS.

In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Section 14.5, Subd. 3(D) this Ordinance as may be amended.

II. EFFECTIVE DATE.

This Ordinance is effective upon its adoption and publication as prescribed by law.

For City of Arlington:

By James R. Kreft
It's Mayor

First Reading: October 15, 2012
Second Reading: November 5, 2012
Adopted: November 5, 2012
Published: November 8, 2012

By Matthew Jaunich
It's Administrator