

SECTION 9B. SITE PLAN

Subdivision 1: FINDINGS/PURPOSE/INTENT

1. For purposes of enforcing this ordinance, a site plan shall be required of all persons prior to:
 - i. The erection or construction of any principal structure or building and/or any accessory structure exceeding 120 s.f. in area within any zoning classification require submittal of a site plan to the City; except that single/two family residential units on lots within approved subdivisions shall be exempt providing they adhere to elevations and building types as approved with the grading/drainage plan.
 - ii. Shoreland Alterations exceeding 50 cubic feet within the Shoreland structure setback, including removal of trees and Shoreland vegetation, as per Stearns County Zoning Ordinance Section 10.2 as may be amended.
 - iii. Land disturbing activities including any extraction, mining, landfills, excavating, grading, clearing, filling, or other earth change which may result in:
 - a. The movement of more than ten thousand (10,000) cubic yards of soil;
 - b. Any alteration of land by more than one foot from the existing contour of the ground on any contiguous four hundred fifty (450) square feet of ground;
 - c. Any cutting, removal, destroying or loss of ten (10) percent or more of the significant trees of any land; or
 - d. Any other activity that changes the existing or natural contour of the land which changes drainage.
 - e. For purposes of this Chapter, excavation or grading for agricultural purposes on agriculturally zoned property shall not constitute land disturbing activity.
 - iv. Erection, alteration or relocation of feedlots, holding ponds, and slurry systems.
 - v. Fences, retaining walls and berms higher than two (2) feet.

- vi. The construction or modification of a dam or dike.
- vii. Within the flood plain (as per Section 10.1 of the Stearns County Zoning Ordinance, as may be amended), the erection, addition, or alteration of any building, structure, or portion thereof; the use or change of use of a building, structure, or land; the change or extension of a nonconforming use; and the placement of fill, excavation of materials, or the storage of materials or equipment.
- viii. The addition of a bedroom to a residence when requiring a structural change.

Subdivision 2: SITE PLAN PROCEDURES

1. **Application.** Persons requesting Site Plan approval must fill out an application available from the Zoning Administrator. Application requirements will be established by the Zoning Administrator and may include, but are not limited to, the following information: aerial photos, a site plan showing the nature, location, and dimensions of the lot, existing and proposed structures, locations to be filled or where materials will be stored, itemization of vegetation to be removed/retained, location of significant trees (coniferous greater than six inches; deciduous greater than ten inches at a point one foot above the average grade) with identification of which trees are to be removed and which are to be retained and the location of the foregoing in relation to the shoreline and floodplain, if applicable.
2. **Submittal Requirements.**
 - A. R-1 Single Family and R-2 Two Family Residential Districts.
 - a. Building permit applications for the construction of principal structures and/or accessory structures in excess of 120 s.f. in area in the R-1 single family and R-2 two family district shall illustrate the location of the proposed building(s) relative to property lines, easements (public and private), elevations and the uses of all remaining land.
 - b. The site plan shall be reviewed by the Building Official prior to the issuance of a building permit.
 - c. The building official may refer the site plan to other City representatives (i.e. City Engineer, City Administrator) if concerns are identified with said site plan. The building official shall compare the proposed site plan with development plans approved for the subject parcel.

- d. The building official may require the applicant to either submit a certificate of survey or execute a waiver prior to the issuance of a certificate of occupancy which certifies the finished landscaped grade complies with the approved grading plan for the subject parcel as represented in as-built drawings of said parcel. If the finished landscaped grade is not known at the time of the request for a certificate of occupancy, the building official shall require the applicant (as a condition of issuance of the certificate of occupancy) to furnish a certificate of survey upon completion of the finished landscape grade.

B. A-40 Agricultural District.

- a. Building permit applications for the construction of principal and accessory structures in excess of 120 s.f. in the A-40 Agricultural District shall illustrate the location of the proposed building(s) relative to property lines, easements (public and private), elevations and the uses of all remaining land.
- b. The site plan shall be reviewed by the Building Official prior to the issuance of a building permit.
- c. The building official may refer the site plan to other City representatives (i.e. City Engineer, City Administrator, Planning Commission) if concerns are identified with said site plan. The building official shall compare the proposed site plan with development plans approved for the subject parcel.

C. R-3 Multiple Family District.

- a. No building permit for any structure shall be issued until the Zoning Administrator reviews a site plan to determine that the use and development is compatible with adjacent land uses, compatible the requirements of this Ordinance and consistent with the stated intent of this zone. Upon the request of the Zoning Administrator and/or the Applicant, the Planning Commission and/or the City Council may review the development plan.
- b. The developer shall provide the following items to the Planning Commission for any development located in the R-3 Multiple Family Residential District:

1. Aerial photo of site/building locations.
2. Building location on the lot, drawn to scale.
3. Building elevations; front, rear and side.
4. Building exterior materials and color.
5. Locations of ingress and egress points.
6. Dumpster and solid waste pick-up areas and proposed screening material.
7. Sign location and dimensions.
8. Lighting standard and hood detail.
9. Parking and loading areas identified.
10. Drainage by the use of contours.
11. Screening of heating, ventilation, air-conditioning and similar facilities.
12. Landscaping material including the location, type of plant and size; itemization of vegetation to be removed/retained; location of significant trees (coniferous greater than six inches, deciduous greater than ten inches at a point one foot above the average grade) with identification of which trees are to be removed and which are to be retained.
13. Fire hydrant and fire lane locations.
14. Utility locations.
15. A description of provisions which shall be made on the site for adequate open space, recreational areas, transit options, etc. to properly serve residents of the facility including a discussion of the perceived needs of the residents (i.e. senior citizens, students, families with children).
16. A copy of proposed covenants and/or homeowner's association_agreement(s).

17. Any other fencing, screening, or building accessories to be located in the development area.
 18. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program and/or the City of Rockville Storm Water Pollution Prevention Program (SWPPP).
 19. If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.
- c. Required Fee/Agreement.
- a. Development Agreement. In the event additional review by the City or its assigns is anticipated and/or needed during implementation of the Development Plan, or other similar circumstance, the City shall require the property owner(s) and/or developer(s) enter into a development agreement with the City. The development agreement shall stipulate the conditions for approval and the City's authority to inspect the development. The agreement shall further require the owner or developer, as the case may require, furnish a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to 100% of all costs associated with City's review of the development, including but not limited to, engineering, legal, fiscal and administrative, as estimated by the City. Such escrow or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the development plan.
 - b. Payment Required. Any person filing a petition requesting development plan review shall pay a fee according to the schedule established by the City Council.
 - c. Amount. Fees payable under this section for development plan review shall be in an amount as established by resolution of the City Council.

Preparation and review of all elements of the required development plan, as listed and described above, is to be at the sole expense of the developer and at no expense to the public. The fee is payable at the time of filing a petition and is not refundable. In addition to the above fees and in the event the City incurs professional fees, either legal, engineering or professional planners, or any other cost, including but not limited to, postage and publication expenses, the applicants shall reimburse the City for those fees, and the City officials may require an escrow deposit, cashier's check or letter of credit for these fees prior to the final action on the application for development plan review. Such escrow or letter of credit shall be in the form approved by the City Attorney.

D. Commercial/Industrial Districts.

- a. No building permit for any structure shall be issued until the Zoning Administrator (in consultation with the Planning Commission Chair) reviews a development plan drafted by a professional in a corresponding discipline to determine that the use and development is compatible with adjacent land uses, consistent with the stated intent of this zone and consistent with existing ordinances/laws. Upon the request of the Zoning Administrator or the Developer, the development plan may be referred to the Planning Commission and the City Council who will make the final determination on site plan approval.
- b. The developer shall provide the following items to the Zoning Administrator for any development located in a commercial or industrial district:
 1. Building location on the lot, drawn to scale.
 1. Aerial photo with building locations depicted.
 2. Building elevations; front, rear and side.
 3. Building exterior materials and color.
 4. Locations of ingress and egress points.
 5. Dumpster and solid waste pick-up areas and proposed screening material.

6. Sign location and dimensions.
7. Lighting standard and hood detail.
8. Parking and loading areas identified.
9. Drainage by the use of contours.
10. Screening of heating, ventilation, air-conditioning and similar facilities.
11. Landscaping material including the location, type of plant and size; itemization of vegetation to be removed/retained, location of significant trees (coniferous greater than six inches; deciduous greater than ten inches at a point one foot above the average grade) with identification of which trees are to be removed and which are to be retained.
12. Fire hydrant and fire lane locations.
13. Utility locations.
14. A description of provisions which shall be made on the site for adequate open space, recreational areas, transit options, etc. to properly serve patrons of the facility(ies) including a discussion of the perceived needs of the patrons (i.e. senior citizens, students, families with children).
15. If applicable, a copy of proposed covenants and/or association agreement(s).
16. Any other fencing, screening, or building accessories to be located in the development area.
17. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program and/or the City of Rockville Storm Water Pollution Prevention Program (SWPPP).
18. If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for

compliance with appropriate standards shall lie with the applicant.

c. Required Fee/Agreement.

- a. Development Agreement. In the event additional review by the City or its assigns is anticipated and/or needed during implementation of Development Plan, or other similar circumstance, the City shall require the property owner(s) and/or developer(s) enter into a development agreement with the City. The development agreement shall stipulate the conditions for approval and the City's authority to inspect the development. The agreement shall further require the owner or developer, as the case may require, furnish a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to 100% of all costs associated with City's review of the development, including but not limited to, engineering, legal, fiscal and administrative, as estimated by the City. Such escrow or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the development plan.
- b. Payment Required. Any person filing a petition requesting development plan review shall pay a fee according to the schedule established by the City Council.
- c. Amount. Fees payable under this section for development plan review shall be in an amount as established by resolution of the City Council. Preparation and review of all elements of the required development plan, as listed and described above, is to be at the sole expense of the developer and at no expense to the public. The fee is payable at the time of filing a petition and is not refundable. In addition to the above fees and in the event the City incurs professional fees, either legal, engineering or professional planners, or any other cost, including but not limited to, postage and publication expenses, the applicants shall reimburse the City for those fees, and the City officials may require an escrow deposit, cashier's check or letter of credit for these fees prior to the final action on the application for development

plan review. Such escrow or letter of credit shall be in the form approved by the City Attorney.

3. **Site Plan Approval** will be issued only if the proposal is in compliance with applicable portions of this ordinance including, but not limited to:
 - a. Zoning district land uses.
 - b. Zoning district dimensional standards and setbacks.
 - c. Performance standards provided for certain activities of this Ordinance.
 - d. Other requirements established by the Zoning Administrator, the Planning Commission and the City Council.

Subdivision 3: OTHER REGULATIONS

Site Plan Approval does not imply compliance with other applicable City regulations or regulations of other agencies unless otherwise stated.