



DEVELOPER'S HANDBOOK



DEVELOPMENT APPLICATION PROCESS & SUBMISSION REQUIREMENTS

January 2013

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I. PURPOSE

The purpose of this document is to outline the City of Elko New Market's development process for land use applications, making it as economical and efficient as possible for all concerned.

II. GENERAL APPLICANT/STAFF RESPONSIBILITIES

To ensure that the development process is effective and timely, it is important to understand that both the City and applicants have certain responsibilities that affect the process. In this regard, the following responsibilities should be followed to ensure a positive application process.

Applicant Responsibilities:

- a. Information required by the City should be submitted in an acceptable format for review.
- b. Information required by the City should be submitted in a timely manner to allow adequate time for staff to review the information.
- c. The applicant should recognize that his/her proposal is one among many and will be reviewed in the order received.
- d. Questions and/or issues which emerge during the review process should be responded to by the applicant in a timely and appropriate manner.
- e. The applicant should be responsible for preparing required submission materials in accordance with explained City Code provisions and in an acceptable manner.
- f. The applicant should conduct himself/herself in a courteous and professional manner.
- g. The applicant should be accountable for the information requested and should recognize that failure to provide such information will likely result in delays in the project review and approval process.

Staff Responsibilities:

- a. Applications will be reviewed in a timely process, which includes eliminating unnecessary delays.
- b. Information related to the application process and submittal requirements will be provided to the applicant in a timely manner.
- c. Reasonable time schedules will be provided to the applicant.
- d. City staff will strive to minimize unnecessary costs associated with the respective development proposal.

The City of Elko New Market will assist the applicant throughout the development process in order to achieve a coordinated and well managed project. Questions related to the process should be directed to the Zoning Administrator at 952-461-2777.

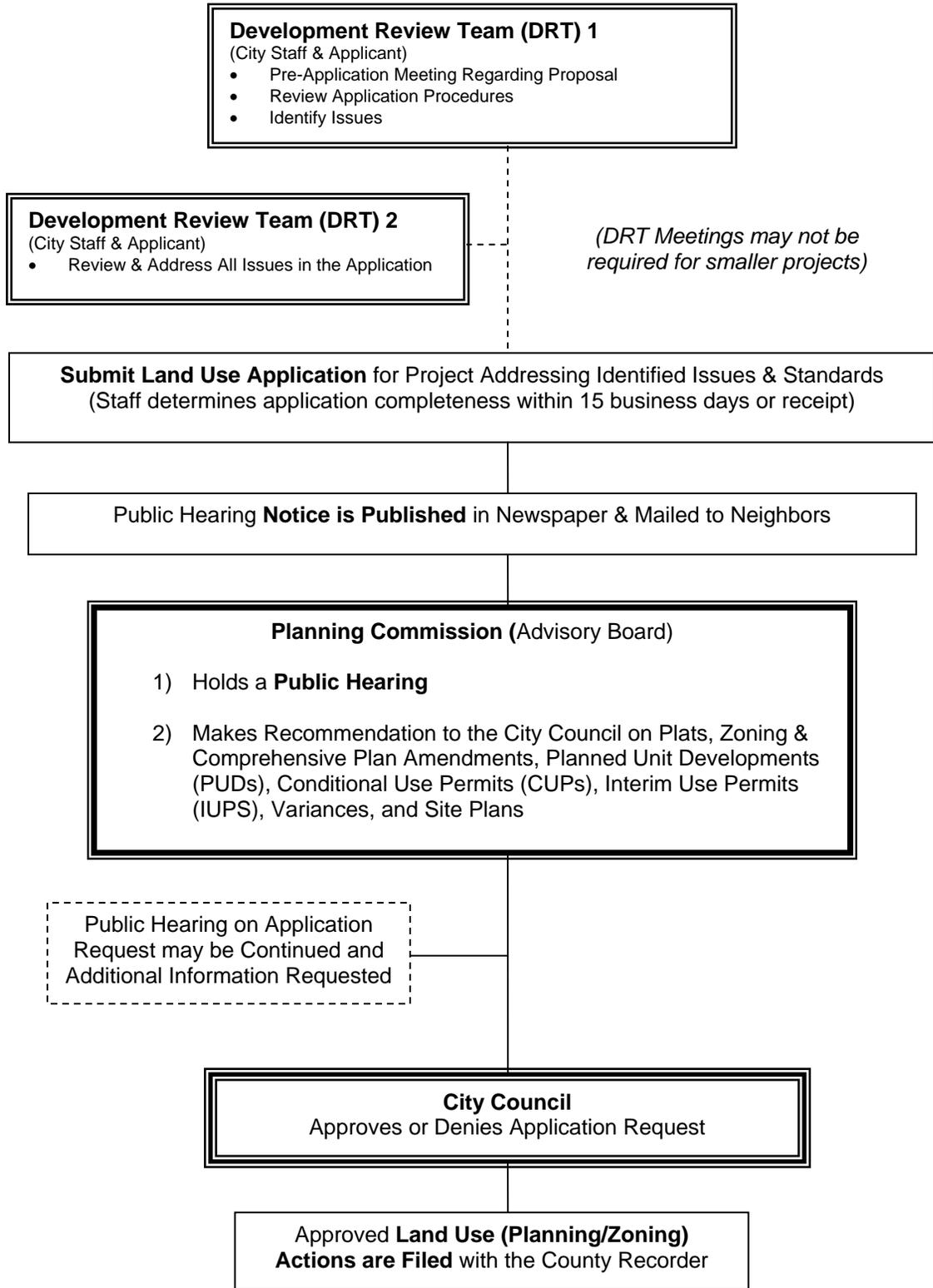
III. DEVELOPMENT PROCESS

The development process in Elko New Market varies depending upon the type of application. Regardless of the application type, the entire process will be closely monitored to identify issues and solve any problems as they are realized. Applications will not be formally accepted or considered until all submission requirements have been met.

The following flow chart diagram [shown on the next page] depicts the City's development review process.

Land Use Application Review Process

For Plats, Comprehensive Plan & Zoning Amendments, PUDs, CUPs, IUPs, Variances, and Site Plans



IV. PRE-APPLICATION MEETINGS

A pre-application meeting with City Staff is strongly recommended for all types of proposals prior to the formal submission of the application (and payment of fees). The purpose of the meeting is to provide an opportunity to explain ordinance requirements, identify details of the request, review concept plans, provide advice, and potentially avoid any unnecessary plan modifications or site design related conflicts. Pre-application meetings are held every other Wednesday morning at the Elko New Market City Hall. To attend a pre-application meeting, potential applicants should contact the Zoning Administrator and be placed on an agenda. There is no direct charge for the initial pre-application meeting. Charges will, however, be imposed for subsequent pre-application meetings.

V. APPLICATION REVIEW SCHEDULE (PROCESSING TIMELINE)

Zoning and subdivision applications are subject to a specific application review schedule (processing timeline). Once an application is received, the City has 15 days to determine whether or not the application is complete. If an application is determined to be incomplete, prospective applicants will be advised by the City in writing (within the 15 day period) of such determination and provide a listing materials that are required prior to initiating the formal review process.

Generally speaking, “complete applications” (which include required submission information and the application fee) are due 30 days in advance of Planning Commission meetings. Planning Commission meetings are held the first Tuesday of every month except in cases of when such date conflicts with elections or certain holidays. Following Planning Commission consideration, applications are forwarded to the City Council for formal action. Applications are normally considered by the City Council on the fourth Thursday of the month in which the application was considered by the Planning Commission.

All application materials must be made to the Zoning Administrator unless otherwise directed.

For a complete listing of specific deadlines and meeting dates, [CLICK HERE](#)

VI. REQUIRED FEES/COST RECOVERY

All fees must be paid at the time of application and any additional amounts required through City staff review of the request, lack of information, site or design problems, or questions of Planning Commission or City Council, may be required prior to completion of the development process and subsequent City decisions on the matter. Applicants can minimize planning, engineering, and legal fees by submitting complete, accurate plans and related documents.

The costs of the City in processing permits and requests under the Elko New Market Zoning and Subdivision Ordinances, such as, but not limited to, requests for rezoning (map or text), conditional use permits, interim use permits, variances, and subdivisions are considered to be unique to the applicant requesting such consideration. All costs of the City occasioned by such requests are borne by the applicant. The reimbursement to the City shall be limited to actual costs of the City.

Each applicant must pay a non-refundable application fee at the time an application is presented to the City for a land use (zoning or subdivision) application including, but not limited to zoning and Comprehensive Plan changes of any nature, site and building plan review, conditional use, interim use, administrative and other permits, variance and vacations, and subdivisions. This fee is intended to reimburse the City for its normal indirect costs in similar, uncomplicated matters. If this fee proves to be insufficient to cover such costs, such additional costs will be charged as a part of the escrow deposit.

In addition to the non-refundable basic zoning fee, each applicant must pay an escrow deposit in an amount prescribed by City Council ordinance. All actual costs including, but not limited to, planning, engineering, public notification and legal costs, incurred by the City in the processing of the application must be paid from or reimbursed to the City from the escrow deposit. Actual costs not fully paid or reimbursed from the basic zoning fee must be paid or reimbursed from this escrow deposit. At any time while the application is pending and before its final conclusion, if the City Administrator determines that the amount of the escrow is or is estimated to be insufficient to pay for present or anticipated actual costs of the application, an additional escrow must be paid by the applicant. The one or more escrow deposits must be in an amount sufficient to pay all actual costs of the City.

In the event the escrow deposit is exceeded, a statement will be mailed on a monthly basis to the applicant and if payment is not made within thirty (30) days of mailing, all processing of the request will be halted until said payment is received.

Where applicable, outstanding balances on escrow deposits are calculated with issuance of a building permit.

Applicants are hereby notified by signing the application forms and payment of non-refundable application fee, escrow amount, and out of pocket expenses do not infer payment in full.

To request the return of any unused portion of the escrow deposit, the applicant should make such request to the City in writing.

For a complete listing of current application fees, [CLICK HERE](#)

VII. PROPERTY OWNER NOTIFICATION

All preliminary plats, site/building plans, conditional use permits, interim use permits, variances, rezoning or amendment requests in the City require that property owners within 350 feet of the subject property or who may otherwise be affected by the request be notified. The City will obtain a listing of names and addresses of such property owners and subsequently notify the property owners via mail (postmarked) and/or publishing public hearing notices of the proposed project at least 10 days prior to the Planning Commission meeting. Persons notified of the request may include those fee owners/parcels adjacent to or separated from the subject property which may be impacted by physical, visual, noise or other factors. This will be done at cost to the applicant, and should an application be withdrawn, property owners will be re-notified.

VIII. PUBLIC MEETINGS

The Park and Recreation Commission, Planning Commission, and City Council meet as follows, unless special additional meetings are called:

- The Park and Recreation Commission meets at 5:00 pm on the second Wednesday of each month. The Park and Recreation Commission provides formal recommendation to the City Council regarding park and trail planning issues (as may be applicable).
- The Planning Commission meets the first Tuesday of each month at 7:00 PM. The Planning Commission conducts public hearings (as may be required for a development proposal) and provides formal recommendation to the City Council.
- The City Council meets the second and fourth Thursday of each month at 7:30 PM. The City Council will approve or deny the application.

IX. CONTACTS

City Administrator:

Tom Terry
Elko New Market City Hall
601 Main Street
Elko New Market, MN 55054
Phone: 952-461-2777
Email: tterry@ci.enm.mn.us

City Engineer:

Rich Revering
Bolton and Menk Inc.
12224 Nicollet Avenue
Burnsville, MN 55337
Phone: 952-890-0509 ext. 2795
Email: richre@bolton-menk.com

City Attorney:

Andrea McDowell Poehler
Campbell Knutson, P.A.
Suite 317, Eagandale Office Center
1380 Corporate Center Curve
Eagan, MN 55121
Phone: 651 234-6224
Email: apoehler@ck-law.com

City Planner:

Bob Kirmis
Northwest Associated Consultants, Inc.
4800 Olson Memorial Highway
Suite 202
Golden Valley, MN 55422
Phone: 763-231-2555
Email: bkirmis@nacplanning.com

City Building Official:

Gary Staber
Municipal Inspections, Inc.
25275 Vergus Avenue
New Prague, MN 56071-8856
Phone: 952-461-2777
Phone: 612-298-3025 (Cell)
Email: minspections@integraonline.com

Zoning Administrator:

Ben Baker
Elko New Market City Hall
601 Main Street
Elko New Market, MN 55054
Phone: 952-461-2777 (ENM Office)
Phone: 507-744-2327 (Lonsdale Office)
Email: bbaker@means.net

X. SUPPLEMENTAL INFORMATION

Applications

The following is a listing of common development applications and a link to each. It is recommended that potential applicants contact or meet with the Zoning Administrator before an application is submitted.

General (Non-Admin) Land Use Application Form - [CLICK HERE](#)

- Comprehensive Plan Amendment
- Zoning Amendments (Text and Map)
- Conditional Use Permit
- Interim Use Permit
- Interim Use Permit – Home Occupation
- Variance
- Planned Unit Development
- Site and Building Plan Review
- Subdivision (Preliminary and Final Plats)

Administrative Land Use Permit Application Form - [CLICK HERE](#)

- Administrative Use Permit – General
- Administrative Subdivision (Lot Split)
- PUD – Minor Amendment/Modification
- CUP – Minor Amendment/Modification
- Detached Accessory Buildings & Sheds (120 sq. ft. or Less)
- Sign – Permanent/Temporary
- Temporary Commercial Seasonal / Outdoor Sales Permit
- Model Home / Temporary Real Estate Office
- Legal Non-Conforming Location Permit

Checklists

Checklist which identify background information and submittal requirements for various land use applications are provided in the links below. Please read all applicable ordinances and the checklist (as applicable) thoroughly.

Zoning Application Checklists:

- Amendments, conditional use permits, interim use permits, variances, planned unit developments and/or site and building plan review - [CLICK HERE](#)
- Administrative permits - [CLICK HERE](#)
- Home occupations - [CLICK HERE](#)

Subdivision Application Checklists:

- Administrative subdivisions – [CLICK HERE](#)
- Concept plans – [CLICK HERE](#)
- Preliminary plats – [CLICK HERE](#)
- Final plats – [CLICK HERE](#)

Letter of Credit

To guarantee the completion of improvements as required as part of certain project approvals, the City may require an applicant to provide an “irrevocable” letter of credit as a security.

To review an example letter of credit - [CLICK HERE](#)

Subdivision Standards

All requests for subdivision are subject to the applicable provisions of the City's Subdivision Ordinance (Title 12 of the City Code). Title 12 can be viewed at the following link - [CLICK HERE](#)

Zoning Standards

All zoning-related requests are subject to the applicable provisions of the City's Zoning Ordinance (Title 11 of the City Code). Title 11 can be viewed at the following link - [CLICK HERE](#)

Provided for reference, the following table [shown on the next page] is a listing of City zoning requirements by zoning district.

**CITY OF ELKO NEW MARKET
ZONING DISTRICT REQUIREMENT SUMMARY**

Zoning District	District Classification	Minimum Lot Size	Minimum Lot Width	Setbacks				Principal Building Height
				F	S-I	S-C	R	
R-1	Suburban Single Family Residential	Interior: 12,000 SF	Interior: 85 feet	30 feet	10 feet	25 feet	30 feet	35 feet
		Corner: 12,500 SF	Corner: 100 feet					
R-2	Urban Single Family Residential	10,000 SF	50 feet	30 feet	5 feet	25 feet	30 feet	35 feet
R-3	Medium Density Residential	Varies depending on unit type (see Ordinance)						
R-4	High Density Residential	15,000 SF	85 feet	Varies (see Ordinance)				35 feet
R-5	Downtown Residential	None	None	None except 10 feet along collector and arterial streets				3 stories or 45 feet
B-1	Neighborhood Business	20,000 SF	100 feet	35 feet*	20 feet	35 feet*	30 feet*	35 feet
B-2	Downtown Business	None	None	None except 10 feet along collector and arterial streets				20 feet min. 45 feet max.
B-3	Original Townsite	5,000 SF	25 feet	10 feet	10 feet	10 feet	10 feet	3 stories or 35 feet
B-4	Highway Business	40,000 SF	125 feet	35 feet*	10 feet*	35 feet*	35 feet*	35 feet
B-5	General Business	20,000 SF	100 feet	35 feet*	20 feet	20 feet*	30 feet*	35 feet
B-6	Business Warehousing	80,000 SF	200 feet	35 feet*	20 feet*	20 feet*	20 feet*	35 feet
B-7	Business Campus	80,000 SF	200 feet	35 feet*	20 feet*	20 feet*	20 feet*	35 feet
I-1	Limited Industrial	1 acre (43,560 SF)	200 feet	35 feet*	10 feet	35 feet*	20 feet*	35 feet
I-2	General Industrial	80,000 SF	200 feet	35 feet*	20 feet	20 feet*	25 feet*	35 feet
UR	Urban Reserve	40 acres	300 feet	Dependent upon lot size (see Ordinance)				35 feet
INS	Institutional	20,000 SF	None	40 feet	20 feet	20 feet	50 feet	35 feet
PUD	Planned Unit Development	Generally consistent with most closely related conventional zoning but determined on a project-by-project basis						

- F = Front yard setback as measured from the property line
- S-I = Side yard setback on interior lots
- S-C = Side yard setback on corner lots
- R = Rear yard setback

* Setback increased if abutting arterial or collector streets and/or a residential district (see Ordinance)

Engineering Standards

Public improvements within the City of Elko New Market are subject to the rules and requirements set forth in the City's Engineering Manual and Standard Construction Specifications. Such improvements include, but are not limited to, sanitary sewer, storm sewer, water main, trails, and street construction.

- The Elko New Market Engineering Manual can be viewed at the following link - [CLICK HERE](#)
- Standard Construction Specifications can be viewed at the following link – [CLICK HERE](#)