

# CHAPTER 8. COMMERCIAL - INDUSTRIAL DEVELOPMENT PERMITS

## Contents

📖 Section 800 – Purpose .....	1
📖 Section 805 – Application .....	2
📖 Section 810 – Planning and Zoning Commission Consideration .....	2
📖 Section 815 – Notice of Public Hearing .....	2
📖 Section 820 – Governing Criteria .....	3
📖 Section 825 – Decision by Planning and Zoning Commission.....	4
📖 Section 830 – Appeal to the City Council.....	4
📖 Section 835 – Review by City Council .....	5
📖 Section 840 – Finality of Decision.....	5
📖 Section 845 – Zoning Officer to Require Commercial-Industrial Development Permit in Certain Cases.	5

## 📖 Section 800 – Purpose

**800.01 Compliance with Comprehensive Plan.** The City of Hermantown has adopted a Comprehensive Plan guiding the future development of the City. This chapter is adopted in order to ensure that this Plan is not frustrated by disorganized, unplanned and uncoordinated development in C, C-1, C-1A, M-1 and M-2 Zone Districts which would place unnecessary burden and hardship on the ability of the City to translate the goals, policies and concepts of the Plan into reality.

**800.02 Generally.** This chapter is also intended to ensure that the authorized statutory purpose of promoting the public health, safety morals and general welfare is accomplished in accordance with the following objectives:

**800.02.1.** To economize costs of public facilities and services;

**800.02.2.** To ensure that development within C, C-1, C-1A, M-1 and M-2 Zone Districts is undertaken with a view towards the development's relationship to sound long-term municipal and regional growth;

**800.02.3.** To establish and maintain municipal control over the current and eventual character and quality of development;

**800.02.4.** To provide for a sound property tax base within the City; and

**800.02.5.** To provide for commercial nodes or centers consisting of integrated types of commercial and industrial uses rather than the creation of an imbalance caused by over-concentration of one type of use. Such over-concentration would result in a detriment to the public good by virtue of its fostering a deterioration of the nodal or center development concept.

## **Section 805 – Application**

**805.01 Application and Fee.** A commercial-industrial development permit (CID permit) may be initiated by the owner, user or potential user of the subject property by making application in writing to the City Clerk on such forms as the Clerk may provide for such purpose. The application shall contain such information as may be required by the Planning and Zoning Commission to properly consider the application. The application shall be accompanied by the fee specified from time to time by resolution of the City Council.

## **Section 810 – Planning and Zoning Commission Consideration**

**810.01 Planning and Zoning Commission Consideration.** The Planning and Zoning Commission shall hold a public hearing on the application of a CID permit within 30 days after the application is received by the City Clerk.

## **Section 815 – Notice of Public Hearing**

**815.01 Hearing Notice.** Notice of the time, place and purpose of the public hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. Notice shall also be mailed at least ten days before the date of the hearing to each owner of affected property and to the owners of property situated wholly or partly within 350 feet of the property affected by the CID permit. For purpose of giving mailed notice, owners shall be those as shown to be such on the records of the St. Louis County Auditor. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this notice provision has been made.

## **Section 820 – Governing Criteria**

**820.01 Governing Criteria.** No CID permit may be approved by the Planning and Zoning Commission unless it makes positive findings with respect to each and every one of the following conditions:

**820.01.1.** That the proposed use or development is permitted under the general provisions of this chapter;

**820.01.2.** That the proposed use is consistent with the spirit and intent of the Comprehensive Plan and provisions of this chapter;

**820.01.3.** That the establishment, maintenance or operation of the use will not be detrimental to or endanger the public health, safety, morals or general welfare. In making its findings, the Planning and Zoning Commission shall be guided by the following policies:

**820.01.3.1.** The proposed use shall have a favorable property tax impact;

**820.01.3.2.** Adequate utilities, access roads, drainage and other facilities must be provided either by the City or by the developer;

**820.01.3.3.** The development will be adequately served by police and fire protection; and

**820.01.3.4.** The development will be adequately served by water and sewer facilities.

**820.01.4.** That the use will not be injurious to the present use and enjoyment of other property in the vicinity for the purposes already permitted, nor will it substantially diminish or impair the existing property values within the vicinity. In making its finding the Planning and Zoning Commission shall be guided by the following policies:

**820.01.4.1.** The proposed use will not have an adverse economic impact upon neighboring non-competitive commercial uses;

**820.01.4.2.** Adequate measures shall be taken to provide ingress and egress minimizing traffic congestion in the vicinity. The Planning and Zoning Commission may consider not only the traffic impact of the individual use, but also the role that the use will play in the cumulative traffic pattern within the vicinity;

**820.01.4.3.** The proposed use shall provide for aesthetic appeal equal to or greater than existing uses in the area. Aesthetic factors shall be considered with a view towards the highest possible use of the area. In making its determination, the Planning and Zoning Commission shall consider the size, shape, general appearance, structural materials and landscaping of the proposed use;

**820.01.4.4.** The proposed use shall be compatible with existing development and foster the goals and objectives of the Comprehensive Plan;

**820.01.4.5.** The use shall not cause or tend to promote commercial or industrial imbalances which would adversely affect property values, or adversely affect the nodal or center concept of commercial development; and

**820.01.4.6.** The proposed use shall eliminate conflicts with adjacent land uses by providing, where necessary, buffer zones, dividing and screening, fencing, parking areas and limitations on the number of entrances and exits.

**820.01.5.** That the establishment of the proposed use will not impede normal and orderly development and improvement of the surrounding property for uses permitted within the district. In making its finding, the Planning and Zoning Commission shall be guided by the following policies:

**820.01.5.1.** The use shall be consistent with the plans of other units of government having jurisdiction over the area of the proposed use. Such plans include but are not limited to airport zoning ordinances, plans of the Minnesota Highway Department and plans of sanitary districts.

**820.01.5.2.** The proposed use shall be consistent with future public development programs, including but not limited to community facilities, plans and capital improvement programs.

## **Section 825 – Decision by Planning and Zoning Commission**

**825.01 Decision and Action.** The Planning and Zoning Commission shall make its decision on an application for a CID permit as soon as possible following the public hearing held by it. Action on any application shall be by majority vote of the members of the Planning and Zoning Commission present and voting.

**825.02 Decision to be in Writing.** The decision of the Planning and Zoning Commission shall be in writing, with the factual basis and reasons supporting such decision set forth.

**825.03 Safeguards and Restrictions.** The Planning and Zoning Commission may impose appropriate safeguards, conditions and restrictions, including time limitations and performance bonds on any permit issued, to ensure that the spirit and intent of the Comprehensive Plan is met and to conserve and protect property and property values in the neighborhood.

**825.04 Violations.** Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this code.

## **Section 830 – Appeal to the City Council**

**830.01 Appeal to Council.** The decision of the Planning and Zoning Commission shall be subject to appeal to the City Council by any person or persons, jointly or severally aggrieved by any decision of the Planning and Zoning Commission, or any taxpayer, officer, department, board or bureau of the City under the procedures as set forth for appeals from decisions of the Board of Appeals and Adjustments under Section [355](#) of this code.

## **Section 835 – Review by City Council**

**835.01 Review by Council.** The City Council, upon its own motion, may review any action of the Planning and Zoning Commission under this [Chapter 8](#). Such review shall be initiated within ten days of the date of the decision by the Planning and Zoning Commission by the majority vote of those Council members present and voting on the matter.

**835.02 Procedures.** Upon a review of any such action of the Planning and Zoning Commission, the City Council shall proceed in accordance with the procedures set forth in [Section 355](#) of this code.

## **Section 840 – Finality of Decision**

**840.01 When Final.** A decision by the Planning and Zoning Commission under this chapter shall not be final until any appeal period specified herein shall have expired. No action shall be taken by any party in reliance on any such decision of the Planning and Zoning Commission until it shall be final.

**840.02 Filing of Copy.** After such decision becomes final, a certified copy of it should be filed with the County Recorder or Registrar of Titles of St. Louis County.

## **Section 845 – Zoning Officer to Require Commercial-Industrial Development Permit in Certain Cases**

**845.01 Zoning Officer to Require Commercial-Industrial Development Permit in Certain Cases.** The Zoning Officer in considering an application for a zoning certificate for the expansion of any use, change of any use, occupation or use of any vacant land, occupation of any structure, change of a non-conforming use in a C, C-1, C-1A, M-1 or M-2 Zone District may in the exercise of his or her discretion require that a CID permit be obtained as provided in this chapter prior to the issuance of a zoning certificate. In the exercise of his or her discretion, the Zoning Officer shall be guided by the policies set forth in this chapter in determining whether to require a CID permit or not. If the Zoning Officer determines that a CID permit is required, the developer shall thereafter follow the procedures set forth in this chapter in order to obtain such permit.