

# Article 2. Code Administration

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## 2.1 PURPOSE

The purpose of this Article is to outline the specific powers of the different commissions, boards and officials as they relate to this Code.

## 2.2 CITY COUNCIL

The City Council has the following powers, pursuant to this Code:

- A. To review, hear, and approve a text amendment or rezoning.
- B. To review and approve preliminary and final plats.
- C. To review and approve a temporary excavation permit.
- D. To review and hear zoning appeals of decisions of the Zoning Board of Appeals.

## 2.3 ZONING BOARD OF APPEALS

### A. Powers

The Zoning Board of Appeals has the following powers, pursuant to this Code:

- 1. To review, hear, and approve a major variance.
- 2. To review, hear, and approve a conditional use permit.
- 3. To review and hear zoning appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator.

### B. Membership

- 1. The Zoning Board of Appeals consists of seven (7) citizens of the City.
- 2. The seven (7) citizens will be appointed by the Mayor, with approval of the City Council, in April of each year, to serve for three (3) years beginning on the first day of May in the same year, provided that appointments for the first year will be for a period of one (1), two (2) and three (3) years,

respectively, so as to provide for the appointment of an equal number of members each year thereafter. Vacancies will be filled as they occur in the same manner as regular appointments.

3. All members will serve without compensation but are entitled to reimbursements for expenses incurred while performing their duties. The Zoning Board of Appeals will elect from its membership a Chairperson, Vice-Chairperson and Secretary. All members are restricted to serving no more than two (2) consecutive terms.

## **2.4 PLANNING COMMISSION**

In accordance with Article 6 of the Home Rule Charter of the City of St. Cloud, the Planning Commission has the following powers, pursuant to this Code:

- A. A review and make recommendations on a text amendment or rezoning.
- B. To review and approve sketch plats, and to review and make recommendations on preliminary and final plats.
- C. To review and make recommendations on temporary excavation permits.

## **2.5 HERITAGE PRESERVATION COMMISSION**

### **A. Powers**

The Heritage Preservation Commission has the following powers, pursuant to this Code:

1. With the assistance of the Planning and Zoning Department and in cooperation with other City departments and appropriate historical societies, prepare studies that catalogue buildings, land, areas, properties or other objects to be considered for designation as Historic Districts. Such catalogues, and any additions or deletions thereto, will be adopted by resolution by the Heritage Preservation Commission.
2. Determine if any area, place, building, structure, land, property or other object should be recommended for designation as a Historic District in accordance with designation criteria provided for in this ordinance.
3. Develop design review guidelines for properties located in Historic Districts. The guidelines are the basis for review of alteration permit requests for properties within Historic Districts.
  - a. The Design Review Guidelines for the St. Cloud Commercial Historic District are published in the City of St. Cloud Downtown Preservation Design Manual.
  - b. The Design Review Guidelines for St. Cloud's Residential Historic Districts are published in the City of St. Cloud Residential Historic District Preservation Design Manual.
4. Issue a Heritage Preservation Property Certificate of Appropriateness.
5. Conduct continuing surveys of all areas, places, buildings, structures or objects in the City of St. Cloud which the Heritage Preservation Commission, on the basis of information available or presented to it, has reason to believe are significant to the cultural, social, economic, political or architectural history of the City.

6. Act in a resource and advisory capacity to owners of historically significant properties regarding the properties preservation, restoration, and rehabilitation.
7. Work for the continuing education of the citizens of the City of St. Cloud with respect to the civic and architectural heritage of the City.
8. Assist City staff in preparation of applications for grant funds to be made through the City for the purpose of heritage preservation. Any contribution or gifts will be expended for historic preservation in the manner provided through the fiscal policy of the City.
9. Collect and review certain City planning and development records, documents, studies, models, maps, plans, and drawings for possible submission to a local county historical society as a permanent record of City history and development, subject to Minnesota Statute 138.17.
10. Recommend to the Planning Commission and City Council that certain property eligible for designation as a Heritage Preservation Property be acquired by gift, negotiation or other legal means as provided in Minnesota Statutes, Chapter 117.
11. Hear and decide on appeals alleging an error in any order, requirement, decision or determination made by an administrative officer of the City in the enforcement of this ordinance or ordinances designating a Historic District.
12. No City capital improvement activity, including but not limited to new roadway construction, roadway widening, new sidewalks, and street lighting, which may adversely impact the exterior appearance of a designated Heritage Preservation Property will be approved or performed without first being presented to the Heritage Preservation Commission for review and recommendations. Within thirty-five (35) days of receiving notice of the proposed improvement, the Heritage Preservation Commission may provide any comments or recommendations to the Planning Commission and City Council. If the Heritage Preservation Commission does not provide a recommendation within the thirty-five (35) day time period, the proposed capital improvement activity may be approved.
13. Work to identify economic resources that may be available to assist property owners with historic preservation improvements. The Heritage Preservation Commission will support community organization's fundraising efforts for historic preservation improvements.

#### **B. Membership**

1. The Heritage Preservation Commission consists of seven (7) voting members, two (2) ex-officio, non-voting members who are appointed by the Mayor and approved by the City Council, and a City Council representative to the Heritage Preservation Commission. The Mayor may remove any member of the Heritage Preservation Commission whenever, at the Mayor's discretion, the best interests of the City will be served.
2. The term of each member will be for three (3) years and until a successor is appointed and approved. No person may be appointed to more than two (2) successive terms as a Heritage Preservation Commission member. Upon serving two (2) successive terms, a Heritage Preservation Commission member may be appointed and approved to a new term after a period of one (1) year between the completion of the past term and beginning of the new term.
3. If the office of any Heritage Preservation Commission member becomes vacant, the vacancy will be filled in the same manner in which the last regular appointment was made for the unexpired portion of the term.

4. All Heritage Preservation Commission members will serve without compensation. All voting members, with the exception of the Historical Society nominee, will be residents of the City of St. Cloud. All members must have a demonstrated interest, competence and knowledge in history, historic preservation, architecture or urban design. Appointments to the Heritage Preservation Commission will represent the following interests:
  - a. Historical Society Nominee. At least one (1) member will be an individual nominated by a local county historical society.
  - b. Preservation-Related Professional. At least one (1) member will be an individual of one (1) of the following preservation-related professions: history, architectural history, archaeology or a registered architect.
  - c. Real Estate Professional. At least one (1) member will be an individual from the real estate profession.
  - d. City Planning Commission. One (1) ex-officio member, selected by the St. Cloud Planning Commission, will be a voting member of the Heritage Preservation Commission.
  - e. Housing and Redevelopment Authority. One (1) non-voting, ex-officio member, selected by the St. Cloud Housing and Redevelopment Authority Board, will be requested from the St. Cloud Housing and Redevelopment Authority.
  - f. St. Cloud State University. One (1) non-voting, ex-officio member, selected by the St. Cloud State University President, will be requested from St. Cloud State University.

**C. Meetings and Procedures**

1. The Heritage Preservation Commission will meet monthly upon a regular schedule adopted by it and may meet additionally at the call of the Chairperson or by consent of a majority of the members. Such meetings and notice thereof will comply with applicable laws.
2. The Heritage Preservation Commission will, at its first meeting in January of each year, elect a Chairperson and Vice-Chairperson. No person will serve more than two (2) consecutive terms as Chairperson or Vice-Chairperson. The Mayor will provide a recording secretary for the Commission.
  - a. The Chairperson will preside and maintain order at all Commission meetings.
  - b. The Vice-Chairperson will fulfill the duties of the Chairperson in the absence of the Chair.
  - c. The Secretary will be responsible for the minutes of all official meetings of the Commission.
3. The Heritage Preservation Commission may establish and appoint from its members, on a majority vote of its members, standing committees. Generally, Heritage Preservation Commission business will be conducted in accordance with Roberts Rules of Parliamentary Procedure, except as Roberts Rules may be in conflict with this Code in which case this Code will govern. The Heritage Preservation Commission may adopt additional rules of procedure, subject to City Council review and approval, as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this Code, which are not inconsistent with the laws of the City and the State of Minnesota.

4. The Heritage Preservation Commission will present an annual report containing a statement of its activities to the Mayor, City Council, Planning Commission, St. Cloud Housing and Redevelopment Authority, Minnesota Historical Society, and local county historical societies.

## 2.6 ENVIRONMENT AND DEVELOPMENT TEAM

The Environment and Development Team (EDT) will work together sharing perspectives on how development might proceed on Environmentally Sensitive Area designated property to accommodate development and stewardship of the Environmentally Sensitive Areas. Staff and scientific members will work in an advisory capacity to the owner and/or developer regarding the Environmentally Sensitive Areas Site Plan Review and development of a Natural Resource Management Plan. The EDT may discuss various tools and incentives for protection.

### A. Powers

The EDT has the following powers, pursuant to this Code:

1. To review and approve an Environmentally Sensitive Areas site plan and subsequent Natural Resource Management Plan.

### B. Membership

The EDA will be comprised of the following members:

1. The owner and/or developer.
2. Another designated person of the owner's and/or developer's choice.
3. Staff representative of each: Planning and Zoning Department, Engineering Department and Park Department.
4. Two (2) volunteers with scientific expertise in natural resources. See Appendix A – ESA Information for qualification requirements of these members.
5. Scientific members, according to the following:
  - a. The Mayor will appoint a group of volunteers with training and experience in one (1) or more of the following areas: natural history, ecology, geology, hydrology, wildlife biology or botany. The City Council will be advised of these appointments.
  - b. The Zoning Administrator will select two (2) persons from the group who have expertise appropriate to the natural resources on the proposed project to serve as members of the Environment and Development Team for that specific proposal.
  - c. Residency in the City of St. Cloud is not required when residents with appropriate scientific expertise are not available within the City.

## 2.7 MINNESOTA COMMISSIONER OF NATURAL RESOURCES

The Minnesota Commissioner of Natural Resources has the following powers, pursuant to this Code:

- A. To review and approve rezonings that remove land from the Floodplain Overlay District.

- B. To review and approve a Scenic Rivers Certificate of Approval.
- C. To certify variances to the regulations of the Shoreland and Floodplain Overlay Districts.

## **2.8 ZONING ADMINISTRATOR**

For the purposes of this Code, the Planning Director, or his/her designee, will be considered the Zoning Administrator, and has the following powers, pursuant to this Code:

- A. To review and approve administrative variances.
- B. To make interpretations of the provisions of this Code.
- C. To review and approve a Heritage Preservation Property Certificate of Appropriateness for minor work.
- D. To review and approve a Floodplain Permit and Certificate of Finished Floor Elevation.
- E. To review and approve Shoreland Permit.
- F. To review and approve a Scenic Rivers Construction Site Permit.
- G. Periodically inspect structures and uses of land to determine compliance with the terms of this Code. In regard to performance standards, the Zoning Administrator may require the services of a testing laboratory to determine compliance. The cost of employing said laboratory will be paid by the owner if he/she is in violation of this Code; otherwise, such costs will be paid by the City.
- H. Notify, in writing, any person responsible for violating a provision of this Code, indicating the nature of the violation and ordering the action necessary to correct it.
- I. Order discontinuance of the illegal use of land or structures, order removal of illegal structures, additions or alterations, order discontinuance of illegal work being done, or take any other action authorized by this Code to ensure compliance with or to prevent violation of its provisions.
- J. Maintain records of all nonconformities.
- K. Maintain a current file of all permits, certificates and copies of notices of violation, discontinuance, or removal for such time as necessary to ensure a continuous compliance with the provisions of this Code and, on request, provide information to any person having a proprietary or tenancy interest in any specific property.
- L. Maintain permanent and current records of this Code, including all maps, amendments, conditional uses and variances.
- M. Provide clerical and technical assistance to the Zoning Board of Appeals.

## **2.9 CHIEF BUILDING OFFICIAL**

The Chief Building Official has the following powers, pursuant to this Code:

- A. To review and approve a building permit.

- B.** To review and approve a certificate of occupancy.
- C.** To review and approve a sign permit.