



Planning Commissioner Handbook

2019

Table of Contents

Chapter I Introduction	3
Section 1. Purpose.....	3
Section 2. What is Planning?.....	3
Chapter II Planning Commission	3
Chapter III Planning Requests	4
Chapter IV Items to Consider About a Planning Request	5
Section 1. Conditional Use Permit.....	5
Section 2. Platting	5
Section 3. Rezoning.....	5
Section 4. Vacation	5
Section 5. Variance	6
Chapter V Planning Process	6
Section 1. Conditional Use Permit.....	6
Section 2. Platting	7
Section 3. Rezoning.....	8
Section 4. Vacation	8
Section 5. Variance	8
Appendix A Site Plan Requirements	9
Appendix B Preliminary Plat Requirements	9
Appendix C Zoning District Requirements	12
Appendix D Procedural Chart for Zoning Amendments, Variances, and Conditional Use Permits	14
Appendix E Procedural Chart for Subdivision Approval	15

Chapter I Introduction

Section 1. Purpose

The purpose of this handbook is to give members of the Planning Commission a general overview of planning in a municipality and the role they play in the planning process. The handbook includes a discussion of general concepts, the planning requests and their issues, the planning process, and a summary of the zoning district regulations for the City of Detroit Lakes.

Section 2. What is Planning?

“Planning is a means of guiding future development of land to ensure a safe, pleasant and economic environment for residential, commercial, industrial and public activities, to preserve agricultural and other open lands, and to promote the public health, safety, and general welfare. Municipal planning will assist in developing lands more wisely to serve citizens more effectively, will make the provision of public services less costly, and will achieve a more secure tax base.”

MN §§ 462.351 Municipal Planning and Development, Statement of Policy

Chapter II Planning Commission

The City of Detroit Lakes Planning Commission cannot make binding decisions for the City; the Planning Commission is advisory and only makes recommendations to the City Council. Other functions of the planning commission include:

1. Assist the City Council in enforcement of the Zoning Ordinance;
2. Develop, review, and analyze programs, plans, studies, and ordinances;
3. Educate local officials on planning and development matters;
4. Interview and review work of planning consultants;
5. Collect background data regarding population, employment, housing, land use, and natural features of the community;
6. Assist in the preparation, amendment, and implementation of a comprehensive plan;
7. Assist in preparation of development controls, such as zoning ordinances, subdivision regulations, well and septic tank ordinances, and sanitary codes;
8. Review proposed changes to ordinances;

9. Make recommendations on proposed boundary changes and annexations.

Chapter III Planning Requests

The following is a list of commonly requested actions of the Planning Commission and a definition of their action:

- A. **Conditional Use Permit:** Uses which, because of their size, special requirements, or possible safety hazards, may have a detrimental effect on surrounding properties, but may be compatible with other uses if they are properly designed, can receive a conditional use permit. Conditional Uses are listed for each of the cities' zoning districts. To ensure the proper design the City may place conditions upon these requests.
- B. **Platting:** A plat is a map representing a subdivision of a parcel of land into lots, blocks, and streets or other divisions and dedications. The platting process is broken down into two steps; preliminary and final plat. The preliminary plat is an approximate drawing of a proposed subdivision. A final plat is the final drawing of the subdivision prepared for filing of record with the county auditor and containing all requirements set forth in applicable state and local regulations.
- C. **Rezoning (Zoning Amendment):** Rezoning is a change in the designation or boundaries of the zoning ordinance. Rezoning may take two forms: (1) a comprehensive revision or modification of the zoning text and map; or (2) a change in the map, such as the zoning designation of a particular parcel or parcels.
- D. **Vacation:** A resident or governing body of a municipality may request the vacation of a publicly owned utility easement or road right of way or any portion thereof, which are not being used for water, sewer, utility, or road right of way purposes nor have potential for such use in the future.
- E. **Variance:** A variance is the relaxation of the terms of a zoning ordinance or another regulatory document in order to avoid unnecessary hardships to an owner. A variance usually deals with some measurable physical requirement such as height, bulk, or setbacks. A variance must be granted on the grounds that a practical difficulty exists to the owner due to physical surroundings, shape of the property, or topographic conditions; the owner did not create the practical difficulty (which may not only be economic); and the variance will not be detrimental to the surrounding property. A variance cannot be granted for a use not allowed in a zoning district.
- F. **Non-Conforming Use Expansion Permit:** This is similar to a variance but applies only to enlarging an existing non-conforming use. However, the applicant is not required to show a practical difficulty.

Other necessary definitions of the planning process are located in the City of Detroit Lakes Zoning Ordinance and the thorough knowledge of the terms above and those that are listed in the Zoning Ordinance are essential to the effective implementation and control of development in the City of Detroit Lakes.

Chapter IV Items to Consider About a Planning Request

The following questions, including but not limited to, should be considered when reviewing planning requests. These questions are merely guidelines to begin the request. All cases are site specific and the Staff, Commission, and Council should consider the site specific aspects of each request.

Section 1. Conditional Use Permit

1. Is the use defined in the zoning district as a conditional use?
2. Does the use meet the regulations of the zoning district and other applicable ordinances?
3. Does the use meet the integrity of the zoning district?
4. Is the proposed use injurious to abutting property owners?
5. What site and use specific conditions could be placed upon this request?
6. Have adequate measures been taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?
7. Are adequate utilities, access roads, drainage and other necessary facilities provided?
8. Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?
9. Have adequate measures been taken to eliminate traffic congestion or traffic hazards which may result from the proposed use?

Section 2. Platting

1. Do the lots of the plat meet the requirements of the Zoning Ordinance, Subdivision Ordinance, Shoreland Management Ordinance, and State Statute 505?
2. How will the lots be serviced for water and sewer?
3. Do any physical limitations, such as wetlands, bluffs, lakes, etc., exist in the area to be platted?
4. Does each of the lots have access on to a public right-of-way?
5. What is this land classified as in the Comprehensive Land Use Plan?
6. Does the plat have all of requirements stated in the Zoning and Subdivision Ordinances?

Section 3. Rezoning

1. What are the current conditions and zoning of the land?
2. Does the rezoning conform to the goals stated in the Comprehensive Land Use Plan?
3. Why is the property being rezoned?
4. What are the abutting properties zoned?
5. Does the property meet the requirements of the proposed zoning district?
6. How will the change impact the surrounding areas in the years to come?

Section 4. Vacation

1. What is being vacated (street, utility easement, etc.)?

2. Are there existing utilities or improved rights-of-way on the requested area of vacation?
3. How will the vacation affect the future development of this land?
4. Why is the vacation being requested?
5. Is there no longer a public use for the area being vacated?

Section 5. Variance

1. Is the variance being requested for a use that is permitted in the zoning district?
2. Are there exceptional or extraordinary circumstances applying to the property in question that do not apply generally to other properties in the same zoning district and in the vicinity?
3. Will granting the variance alter the essential character of the locality?
4. Is the variance necessary for the owner to obtain a reasonable return on his/her property?
5. Does the landowner experience a practical difficulty because the land cannot be put to a reasonable use without the variance?
6. Is the practical difficulty self-created or only for economic reasons?
7. Is the variance necessary for the most minimum reasonable use of the land?
8. What relation does the variance have on the City's Comprehensive Plan?

Chapter V Planning Process

The process required to complete a zoning request varies for each type of action. The process each request must go through is outlined on the following pages.

Section 1. Conditional Use Permit

- Step 1: If it is determined by City Staff that a Conditional Use Permit is required, the applicant must complete a conditional use permit application. The fee for a conditional use permit is set by the Detroit Lakes City Council.
- Step 2: The City Staff will notify property owners within 700 feet of the request and publish the request in the official newspaper at least 10 days before the date of the hearing.
- Step 3: City Staff will prepare a staff report for the request. Staff reports will be provided to the Planning Commission and the applicant(s) prior to the Planning Commission meeting.
- Step 4: A public hearing will be held by the Planning Commission. The Staff will first present their report to the Commission and the applicant will then be available for any questions the Commission may have. Upon the completion of the applicant's testimony, the Commission will then call for a public hearing. The Planning Commission will vote to recommend approval, denial, adding of conditions, removing of conditions, altering of conditions, or tabling of the request for the conditional use permit.
- Step 5: The City Council reviews and considers the Conditional Use Permit request, and may add, alter, or delete conditions of the permit as

recommended by the Planning Commission. The Council's decision is then recorded by the City Administrator. Granting of the Conditional Use Permit will also be recorded on the deed of the property.

Section 2. Platting

Land must be platted before any development action can begin.

- Step 1: The applicant/developer develops a concept plan to be reviewed by City Staff.
- Step 2: A preliminary plat must be made and submitted to City Staff. Appendix B of this handbook lists the items required on a preliminary plat. An application fee, which will be set by the City Council, must be submitted to City Staff with the completed application form.
- Step 3: The City Staff will publish the request in the official newspaper as required by law.
- Step 4: The preliminary plat will be reviewed by City Staff, upon which it will prepare a staff report to be distributed to the Planning Commission and the applicant.
- Step 5: The Planning Commission will hold a public hearing and make a recommendation regarding the preliminary plat. The Commission may place conditions on the preliminary plat recommendation.
- Step 6: The City Council members will review and make a decision regarding the request. In addition, the Council may add, delete, or alter conditions placed on the preliminary plat by the Planning Commission. If the preliminary plat is approved the applicant must prepare a final plat which takes into consideration the conditions of the preliminary plat approval.
- Step 7: Following the submission of the final plat proposal, City Staff will present a report to the Planning Commission.
- Step 8: The Planning Commission will make a recommendation on the final plat approving or denying the request.
- Step 9: The final plat will then be presented to the City Council, at which time they will approve or deny the plat.
- Step 10: If the final plat is approved the applicant will have hardshells prepared and submitted to City Staff, with the signatures of the property owners, the applicant's land surveyor, and the applicant's attorney.
- Step 11: City Staff will obtain the necessary City signatures following the signing of the subdivision agreement and payment-in-lieu of park dedication fee, or actual parkland dedication, to the City for park purposes (if such ordinances require).

- Step 12: The signed hardshells are either returned to the applicant or submitted to the County for county recording.

Section 3. Rezoning

- Step 1: If a request is made to amend the City Zoning Ordinance, the applicant must submit an application form accompanied by the rezoning fee which will be set by the City Council.
- Step 2: The City Staff will notify property owners within 700 feet of the request and publish the request in the official newspaper at least 10 days before the date of the hearing.
- Step 3: City Staff will prepare and present a report to the Planning Commission. The Commission and applicant will receive copies of the report prior to the public hearing. Staff will first present their report, followed by the applicant.
- Step 4: A public hearing will be held by the Planning Commission. The Staff will first present their report to the Commission and the applicant will then be available for any questions the Commission may have. Upon the completion of the applicant's testimony, the Commission will then call for a public hearing. The Planning Commission will vote to recommend approval or denial.
- Step 5: At the scheduled City Council meeting, the Council will review and consider the proposed zoning ordinance amendment. The Council will approve or deny the request. The Council's decision is then recorded by the City Administrator. If approved by the Council, the ordinance amendment will become effective after its passage and publication.

Section 4. Vacation

- Step 1: The applicant must submit a completed application form and application fee, which will be set by the City Council.
- Step 2: The City Staff will notify affected property owners of the request and publish the request in the official newspaper as required by law.
- Step 3: City Staff will prepare a staff report for the request.
- Step 4: City Staff will present the staff report on the proposed vacation at a City Council meeting.
- Step 5: At the scheduled City Council meeting, the Council will hold a public hearing and review and consider the proposed vacation. The Council will approve or deny the request. The Council's decision is then recorded by the City Administrator.

Section 5. Variance

- Step 1: If determined by the City Staff that a variance will be necessary to proceed with a development and application must be filed with City Staff. A variance application fee, which will be set by the City Council,

must accompany the completed application form.

- Step 2: The City Staff will notify adjacent property owners of the request and publish the request in the official newspaper at least 10 days before the date of the hearing.
- Step 3: The Planning Commission will hold a public hearing at which the variance request will be reviewed. Persons attending the public hearing may speak regarding the variance. From this hearing a report will be prepared by City Staff for review by the Board of Adjustments.
- Step 4: The City Council sits as the Board of Adjustments when hearing any variance request. At this meeting the variance will be approved or denied by the Board of Adjustments. Approval of the variance will be recorded on the property deed and will remain with the property indefinitely.
- Step 5: The Board's decision is final except that any aggrieved person or person, or any department, board or commission within the county or state shall have the right to appeal, within thirty (30) days, after receipt of notice of the Board's decision, the District Court on questions of law and fact.

Appendix A Site Plan Requirements

The items required on site plans submitted for zoning action include, but are not limited to:

1. Legal description of the site.
2. Site plan, drawn to scale by a licensed surveyor, showing parcel and building dimensions, as requested by staff.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, loading areas and sidewalks.
5. Landscaping and screening plans.
6. Drainage plan.
7. Any additional data reasonably required by the Zoning Administrator and/or the Planning Commission.

Appendix B Preliminary Plat Requirements

The items required on preliminary plats submitted for zoning action include, but are not limited to:

1. Identification and Description:
 - a. Proposed name of the subdivision.
 - b. Location by section, township and range, or by other legal description.
 - c. Names and addresses of owner and subdivider having control over the land, the designer and the surveyor.
 - d. Graphic scale of not less one inch to one-hundred feet (1:100).
 - e. North point designated as true north.
 - f. Date of preparation.
2. Existing Conditions:
 - a. Boundary line survey, unless waived by the City, including measured distance and angles, which shall not close by latitude and departure with an error of closure not exceeding one foot in ten thousand (1:10,000).
 - b. Total acreage in the preliminary plat and individual lots computed to one hundredth of an acre.
 - c. Location and names of existing or platted streets or other public rights-of-way, parks or other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred feet beyond the tract.
 - d. If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the original plat, along with its original name, shall be indicated by dotted or dashed lines. Any revised or vacated roadways of the original plat should also be indicated.
 - e. Location and size of existing paved streets, width of rights-of-way, railroads, sewers, water mains, quarries, gravel pits, culverts, or other underground facilities within the tract. Also such data as grades, invert elevations and location of catch basins, maintenance holes, and fire hydrants.
 - f. Boundary lines of adjoining platted or unplatted land and owners of all tracts of land within one hundred feet.
 - g. Complete topographic map with contour intervals not greater than ten feet, watercourses, marshes, rock outcrops, wetlands, environmentally sensitive areas and other significant features; all superimposed on at least two prints of the preliminary plat. United States geodetic Survey Datum shall be used for all topographic mapping. High water elevation and date thereof if part or all of plat joins watercourse.
 - h. A separate copy of restrictive covenants, if any, of all adjoining subdivisions.

3. Design Features:

- a. Layout of streets showing right-of-ways widths and names.
- b. Locations and widths of alleys, pedestrian ways, and utility easements.
- c. Location, size and approximate gradient of sewer lines.
- d. Location, size and valving of water lines.
- e. Location and size of drainage facilities and general grading.
- f. Layout, lot and block numbers, and typical lot dimensions scaled to the nearest foot.
- g. Areas other than those mentioned above intended to be dedicated for public use, including size.

Drafts of proposed restrictive covenants, if any are contemplated.

Appendix C Zoning District Requirements

Zone	Height	Front Yard	Side Yard	Rear Yard	Area of Lot	Coverage	Width	Roof Pitch
R-1 Single Family	Two and One-half Stories	30 feet	10 feet except corner lots shall be 20 feet	50 feet	7,500 square feet	50%	60 feet	4:12
R-2 One & Two Family	30 feet	30 feet	10 feet except corner lots shall be 20 feet	30 feet	Single family 7,500 square feet Two family 12,000 square feet	50%	60 feet	4:12
R-4 Limited Multi-Family	30 feet	30 feet	20 feet	30 feet	Single family 7,500 square feet 2,500 square feet for each additional unit	70%	60 feet	4:12
R-M Multi-Family	Four stories not to exceed 60 feet	30 feet	20 feet	30 feet	First Unit 7,500 square feet 2,500 square feet for each additional unit	85%	60 feet	4:12
L-B Lakefront Business	4 stories not to exceed 60 feet	30 feet	20 feet	30 feet	15,000 square feet	Res. 25% Comm. 35% Can exceed limits with mitigation	100 feet	Res. 4:12
B-1 Central Business District	4 stories not to exceed 60 feet	None 6 feet when within 25 feet of intersection of Washington Avenue	None	None	Res. 7,500 square feet Comm. None	85%	Res. 60 feet Comm. None	Res. 4:12

B-2 Central Business District	3 stories not to exceed 45 feet	30 feet	15 feet except corner lots shall be 20 feet	20 feet	7,500 square feet	85%	60 feet	None
B-3 Auto-Oriented Business	3 stories not to exceed 45 feet	30 feet	10 feet except corner lots shall be 20 feet	30 feet	No minimum	85%	100 feet	None
I-1 Light Industrial	4 stories	40 feet	30 feet	40 feet	20,000 square feet	85%	100 feet	None
I-2 Heavy Industrial	4 stories	40 feet	30 feet	40 feet	30,000 square feet	85%	100 feet	None

Appendix D Procedural Chart for Zoning Amendments, Variances, and Conditional Use Permits

	Proposals Which Conform to the Zoning Ordinance	Zoning Amendment	Variance	Conditional Use Permit
Zoning Administrator	<ol style="list-style-type: none"> 1. Reviews applications for conformance. 2. Recommends issue of a building permit. 	<ol style="list-style-type: none"> 1. Reviews applications. 2. Forwards applications to Planning Commission. 	<ol style="list-style-type: none"> 1. Reviews applications. 2. Forwards applications to Planning Commission. 	<ol style="list-style-type: none"> 1. Reviews applications. 2. Forwards applications to Planning Commission.
Planning Commission		<ol style="list-style-type: none"> 1. Reviews proposal. 2. Holds public hearing after notice in newspaper. 3. Makes recommendations to governing body. 	<ol style="list-style-type: none"> 1. Reviews proposal. 2. Holds public hearing after notice in newspaper. 3. Makes recommendations to Board of Adjustments. 	<ol style="list-style-type: none"> 1. Reviews proposal. 2. Holds public hearing after notice in newspaper. 3. Recommends approval or disapproval to governing body.
Board of Adjustments (City Council)	<ol style="list-style-type: none"> 1. Reviews action of Zoning Administrator if appealed. 		<ol style="list-style-type: none"> 1. Reviews recommendation of Planning Commission. 2. Approves or denies application based on standards of hardship. 	
City Council		<ol style="list-style-type: none"> 1. Reviews recommendations of Planning Commission. 2. Makes decisions by a majority vote. 		<ol style="list-style-type: none"> 1. Reviews recommendations of Planning Commission. 2. Makes decisions by a majority vote.
Judicial Courts	Final appeal	Final appeal	Final appeal	Final appeal

Appendix E Procedural Chart for Subdivision Approval

	Pre-Application Meeting	Preliminary Plat	Final Plat
Developer	<ol style="list-style-type: none"> 1. Prepare & submit sketch plan to community/staff. 2. Meet with staff to discuss sketch plan and development standards. 	<ol style="list-style-type: none"> 1. Prepare Preliminary Plat based on sketch plan and recommendations of staff. 2. Submit Preliminary Plat to Planning Commission and City Council for review. 	<ol style="list-style-type: none"> 1. Prepare Final Plat. 2. Submit Final Plat to Planning Commission and City Council. 3. Post performance bond (if necessary).
Zoning Administrator & Staff (Public Works, Engineer, Building Inspector, Attorney, other)	<ol style="list-style-type: none"> 1. Review sketch plan in relation to existing zoning and various development standards in zoning ordinance & subdivision regulations. 2. Suggest changes, if necessary, to proposed sketch plans. 	<ol style="list-style-type: none"> 1. Review Preliminary Plat in relation to subdivision regulations. 2. Submit copies of plat to other departments (engineer, building inspector). 3. If plat abuts state highway, submit to the Department of Transportation for review. 4. Prepare report for Planning Commission. 	<ol style="list-style-type: none"> 1. Review Final Plat for conformance with Preliminary Plat. 2. Prepare report for Planning Commission.
Planning Commission		<ol style="list-style-type: none"> 1. Review Plat and staff report. 2. Hold public hearing after notice in newspaper. 3. Make recommendation to City Council. 	<ol style="list-style-type: none"> 1. Review Plat and staff report. 2. Make recommendation to City Council.
City Council		<ol style="list-style-type: none"> 1. Review recommendation of Planning Commission. 2. Make decision. 	<ol style="list-style-type: none"> 1. Make decision on Final Plat. 2. Submit to county recorder.