

## Section 8 CONDITIONAL USE PERMITS

### Subdivision 1: PURPOSE

The purpose of this section of the zoning Ordinance is to provide the City Council with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

### Subdivision 2: APPLICATION

Applications for Conditional Use Permits shall be made on the form prescribed by the City and shall include a list of the names and addresses of all property owners within three hundred fifty (350) feet of the parcel included in the request plus the required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

- A. Description of site (full legal description).
- B. Site plan drawn to scale showing parcel and building dimensions.
- C. Location of all easements.
- D. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
- E. Landscaping and screening plans.
- F. Drainage Plan.
- G. Sanitary sewer and water plan with estimated use per day.
- H. Soil type.
- I. Any additional written or graphic data reasonably required by the Zoning Administrator or the Planning Commission.

### Subdivision 3: PROCEDURE

The Clerk shall forward said application to the Planning Commission for consideration at their next regular meeting.

- A. The Planning Commission shall set a date for the official public hearing. Notice of such hearing shall be published in accordance with State Law and notice shall be published at

least once in the official paper of the City and mailed to individual properties within three hundred fifty (350) feet of the parcel included in the request not less than ten (10) days nor more than thirty (30) days prior to the date of said hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings.

B. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and make its recommendation to the City Council .

C. The City Council may conduct a joint public hearing with the Planning Commission or the City Council may, at its option, hold a separate public hearing following receipt of the Planning Commissioner's recommendation. Approval of the conditional use shall require a majority vote of the City Council.

D. Action on a request for a conditional use permit shall be completed within a one (1) year period following the applicant's receipt of the conditional use permit, unless an extension is made in the manner prescribed by Minnesota Statutes.

E. The person requesting the application shall be notified of the City's decision in writing.

#### Subdivision 4: STANDARDS

No Conditional Use shall be recommended by the Planning Commission unless said Commission shall find:

A. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

B. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

E. That adequate measures have been or will be taken to

prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

F. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.

G. The demonstrated need for the proposed use.

H. The proposed use is in compliance with any Land Use Plan adopted by the City.

#### Subdivision 5: RECORDING

A certified copy of any Conditional Use Permit shall be filed with the County Recorder by the owner. The Conditional Use Permit shall include the legal description of the property involved.

#### Subdivision 6: FEES

To defray administrative costs of processing requests for conditional use permits, a fee in an amount to be set by resolution of the City Council, shall be paid by the applicant at the time the application is requested. The City shall also be reimbursed for any additional costs associated with review of a proposal as set by the City Council.

#### Subdivision 7: COMPLIANCE

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith.

#### Subdivision 3: LAPSE OF CONDITIONAL USE PERMIT BY NON-USE.

Whenever one (1) year after granting a conditional use permit the work permitted by the permit shall not have been completed, then such permit shall become null and void unless a petition for an extension of time for a period not to exceed and additional one (1) year term, in which to complete the work has been granted by the City Council. Such extension must be requested in writing and filed with the City Clerk at least thirty (30) days before the extension of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good-faith attempt to complete the work

permitted in the conditional use permit. Such petition shall be presented to the Planning Commission for recommendation and to the City Council for a decision. Further, whenever a conditional use has not been in operation for a period of 12 months, the conditional use shall be considered to be null and void.