

CHAPTER 10 LAND USE REGULATIONS

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ORDINANCE 1015 CONDITIONAL USE PERMITS

Section 1015.01: CRITERIA FOR GRANTING CONDITIONAL USE PERMITS. In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the Comprehensive Plan and upon the health, safety, morals and general welfare of occupants of surrounding land. Among other things, the City Council shall make the following findings where applicable:

- (1) The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- (2) The use will be sufficiently compatible with, or sufficiently separated by distance or screening from, adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- (3) The structure and site will have an appearance that will not have an adverse effect upon adjacent residential properties.
- (4) The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.
- (5) The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- (6) The use is not in conflict with the Comprehensive Plan of the City, nor with any other law or ordinance.
- (7) The use will not cause traffic hazards or congestion.
- (8) Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

Section 1015.02: ADDITIONAL CONDITIONS. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the City Council considers necessary to protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing street width.

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- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring fencing, screening, landscaping, dikes, or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.

The Zoning Administrator shall maintain a record of all conditional use permits including information on the use, location, and conditions imposed by the City Council, review dates, and such other information as may be appropriate.

Section 1015.03: REQUIRED EXHIBITS FOR CONDITIONAL USE PERMITS. The following exhibits shall be required unless waived by the Planning Commission:

- (1) A certificate prepared by the Stearns County Auditor or by a registered Abstractor showing all property owners' names and addresses within three hundred fifty feet (350) of the outer boundaries of the property in question, and
- (2) A boundary survey and preliminary building and site development plan prepared by a Registered Land Surveyor.

Section 1015.04: PROCEDURE. The procedure for obtaining a Conditional Use Permit is as follows:

- (1) The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures, and obtain the appropriate form.
- (2) The applicant shall file the completed application form accompanied by the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council.
- (3) The Zoning Administrator shall transmit the application to the Planning Commission and shall notify all property owners within five hundred feet (500) of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
- (4) The Zoning Administrator shall set the date for a public hearing and shall have notice of the time, place and purpose of the hearing published at least once in the legal newspaper, not less than ten days and not more than thirty days prior to said hearing.
- (5) The Planning Commission shall hold the public hearing, shall study the application to determine possible adverse effects of the proposed conditional use and to determine what additional requirements may be necessary to reduce such adverse effects, and recommend one of three actions - approval, denial, or conditional approval.
- (6) The Planning Commission shall, within sixty days following the public hearing, transmit its recommendation to the City Council for official action.

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- (7) The City Council shall take appropriate action on the request for a Conditional Use Permit within sixty days of receiving the recommendations of the Planning Commission. If it grants the Conditional Use Permit, the City Council may impose conditions it considers necessary or desirable to protect the public health, safety and welfare.
- (8) Where a Conditional Use Permit has been issued pursuant to the provisions of this Ordinance, such permit shall become null and void without further action by the Planning Commission or the City Council unless work thereon commences six months of the date of granting such conditional use.
- (9) In the event that the applicant violated any of the conditions set forth in this permit, the City Council shall have the authority to revoke the Conditional Use Permit.

Section 1015.05: DENIAL. If the Planning Commission recommends denial of a Conditional Use Permit or the Council orders such denial, it shall include in its recommendations or determination findings as to the ways in which the proposed use does not comply with the standards required by this Ordinance.

Section 1015.06: SUCCESSIVE APPLICATIONS. Whenever an application for an Interim Use Permit has been considered and denied by the City Council, a similar application for an Interim Use Permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by not less than four-fifths (4/5) vote of the full City Council.

Section 1015.07: FEE. The City Council shall establish a fee for Conditional Use Permits, which shall be in an amount sufficient to reimburse the City for costs of mailing, publication, and staff time. The fee shall be as set forth in Section 215 of this Code.