

CHAPTER 74. ZONING

ARTICLE IV. Conditional Uses

DIVISION 2. Permit.

Section 74-111. Situations for issuing.

Conditional use permits may be issued for any of the following:

- (a) Any of the uses or purposes for which such permits are required or permitted by the provisions of this chapter.
- (b) Public utility or public service uses or public building in any district when found to be necessary for the public health, safety, convenience or welfare.
- (c) Commercial excavating of natural materials used for building or construction purposes, in any district, as regulated in Division 3 of this Article.
- (d) To classify as a conforming use any nonconforming institutional use existing in any district at the time of the establishment of such district.
- (e) To allow more than one (1) principle building on a lot.

Section 74-112. Application.

- (a) Application for the issuance of a conditional use permit shall be made in writing to the City Planning Department; however, any proceedings to classify certain uses as conforming uses may be initiated either by such application or by the City Council or by the City Planning Commission. An application for a conditional use permit shall be accompanied by payment of a fee as determined by the Council in addition to the regular building permit fee, if any.
- (b) Site plan and supplementary graphic or written material shall be provided with the application, containing the following information:
 - (1) Name and address of project/development.
 - (2) Location map, including area within one-half mile of the site.
 - (3) Name and mailing address of developer/owner and engineer/architect.
 - (4) Date of plan preparation.
 - (5) Scale and a north point indicator.
 - (6) Boundary line of property with their dimensions.
 - (7) Location, identification and dimensions of existing and proposed:
 - a. Topographic contours of minimum intervals of two feet.
 - b. Adjacent streets and on-street right-of-way.

- c. On-site streets and street right-of-way.
 - d. All utility and utility right-of-way easements.
 - e. Lighting plan, showing the lighting of parking areas, walks, security lights and driveway entrance lights.
 - f. Building and structures, including:
 - 1. Elevation drawings of all proposed buildings and structures with dimensions.
 - 2. Elevation, height above mean sea level of all floors and roofs, when structure is sited in an area prone to flooding as determined by the city engineer.
 - 3. Gross square footage of existing and proposed buildings and structures.
 - 4. Exterior finish materials.
 - 5. Type of business, proposed number of employees, and times of operations.
 - g. All parking facilities.
 - h. Water bodies and drainage ditches.
 - i. Fences and retaining walls.
 - j. Landscape plan, showing size and species of each planting.
 - k. On and off site traffic flow.
 - l. Parking plan.
- (8) Site statistics including square footage, percentage of coverage, dwelling unit density, and percentage of park or open space.
- (9) Additional or lessor information may be required by the zoning administrator in particular cases.

Section 74-113. Planning Commission hearing.

The City Planning Commission shall hold a public hearing after giving notice of such hearing in the manner provided by law.

Section 74-114. General and special requirements.

- (a) The Planning Commission shall consider to what extent the applicant's plan minimizes possible adverse effects of the proposed conditional use, what modifications to the plan and what conditions of approval could further minimize the adverse effects of the proposed use. The following development standards shall be considered general requirements for all conditional use permits except as hereinafter provided:

- (1) The land area and setback requirements of the property containing such a use or activity meet the minimums established for the district.
 - (2) When abutting a residential use, the property shall be screened and landscaped.
 - (3) Where applicable, all city, county, state and federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
 - (4) Signs shall not adversely impact adjoining or surrounding residential uses.
 - (5) Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.
 - (6) The road serving the use or activity must be of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such additional extra traffic as to create a nuisance or hazard to existing traffic or to surrounding land use.
 - (7) All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced or grassed to control dust and drainage.
 - (8) All open and outdoor storage, sales and service areas shall be screened from view from public streets and from abutting residential uses or districts.
 - (9) All lighting shall be designed to prevent any direct source of light being visible from adjacent residential areas or from the public streets.
 - (10) The use or activity shall be properly drained to control surface water runoff.
 - (11) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
 - (12) The proposed water, sewer and other utilities shall be capable of accommodating the proposed use.
- (b) These standards shall be strictly applied unless the City Council finds in the particular case that the community safety, health and welfare can as well or better be served by modifying them. Any special requirements applicable to the particular case which are imposed elsewhere in this chapter shall be met in each case.

Section 74-115.

Planning commission recommendation.

Following the hearing, the City Planning Commission shall recommend to the City Council whatever action it deems advisable, including all recommended conditions on the granting of the conditional use permit.

Section 74-116. Action by the City Council.

In considering applications for conditional use permits, the City Council shall consider the advice and recommendations of the City Planning Commission and the effect of the proposed use upon the health, safety, morals, comfort, convenience and welfare of the occupants of the surrounding lands, existing and anticipated traffic conditions, including parking facilities on adjacent sites. The City Council may hold whatever public hearings it deems advisable or may return the application to the Planning Commission for further consideration.

- (a) *Approval.* If it is determined that the general and special requirements of this chapter will be satisfied by applicant's plan, the Council, by resolution, may grant such permit and may impose conditions relating to the general and special requirements in each case.
- (b) *Denial.* Conditional use permits may be denied by resolution of the City Council. Such resolution shall state the reasons for denial, but may incorporate by reference the minutes and recommendations of the Planning Commission, staff reports, hearing testimony and any other material relevant to the Council's decision.

State law reference--Time limits to approve or deny written requests relating to zoning, Minn. Stats. § 15.99.

Section 74-117. Termination.

A conditional use permit may be revoked by resolution of the City Council if:

- (a) Initiation of construction or use has not commenced upon the subject property within one (1) year or alternative date set by the City Council. Time shall be calculated as beginning on the day the conditional use permit was approved by the City Council;
- (b) An existing conditional use ceases operation for a period of one (1) year. Time shall be calculated as beginning on the day following the last day in which the use was in normal operation;
- (c) The conditional use is being operated and maintained in a manner that violates any City, State or Federal ordinances, statutes, rules or laws, and/or does not comply with any conditions of approval of the conditional use permit; or
- (d) The use of the property changes to a permitted or different conditional use in that district.

The City Planning Commission shall hold a public hearing prior to the City Council action, after giving notice of such hearing in the manner provided by law and sending the property owner notification of the public hearing via registered mail.

Section 74-118. Performance bond.

The City Council may require a performance bond or other security, in form approved by the City attorney, to guarantee performance of the conditions in any case where such performance is not otherwise guaranteed. Such security shall be provided prior to the issuance of building permits or initiation of work on the proposed improvements or

development and shall be in an amount 1.25 times the approved estimated costs of labor and materials for the proposed improvements or development.

Secs. 74-119--74-135. Reserved.