

CONDITIONAL USE PERMIT
ZONING CODE: 153.034 AS ADOPTED ON MARCH 24, 2014

Application Checklist

The following documents are required to initiate the Conditional Use Permit (CUP) review process:

- Completed CUP Zoning Application form
- Submitted Application Fee and Escrow Deposit per the current City Fee Schedule.
- Written and graphic materials fully explaining the proposed use, development, or change
- Legal description of the property
- General site map, including neighboring properties/parcels;
- Principle land uses within 350 feet of the property
- Certificate of survey (to scale) which includes applicable existing and proposed conditions, including property lines and dimensions, building location(s) and setbacks, etc.
- Landscape plan drawn to scale
- Grading and drainage plans
- Soil conditions (if applicable)
- Building floor plans, elevations, and sections
- Description of business or activity; proposed number of employees;
- Certification/verification that there are no delinquent property taxes, special assessments, interest, or City utility fees due
- A signed financial bill-back agreement that consents to the Applicant being billed by the for all legal, engineering and administration costs pertaining to the City review of the application; and
- Electronic copies of all submittal documents.
- Other information as required by the City.

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Conditional Use Permit Process

Zoning district land use standards include a list of allowed conditional uses. The application for an Conditional Use Permit (CUP) is usually initiated by the submittal of materials and an informal staff review. The informal review is followed by the formal Planning Commission review and decision on the application.

Purpose:

The purpose of a CUP is to authorize and regulate uses that are permitted by Chapter 153 of the Zoning Code if certain conditions, designated by the Zoning Ordinance or by the City Council, are met. Conditional uses shall comply with all standards of Chapter 153 and any additional conditions, including conditions of operation, location, arrangement, and construction, as may be necessary to protect public health, safety, or welfare.

Information Required for a CUP

An application for a CUP shall be made to the City on the zoning application form. All applications shall be accompanied by the CUP Application Fee and Escrow Deposit as set by City Council. The application shall include the following information or attachments:

1. Written and graphic materials fully explaining the proposed use, development, or change;
2. Legal description of the property;
3. General site map, including neighboring properties/parcels;
4. Principle land uses within 350 feet of the property;
5. Certificate of survey (to scale) which includes applicable existing and proposed conditions, including property lines and dimensions, building location(s) and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well;
6. Landscape plan drawn to scale including applicable existing and proposed vegetation and plantings, plant schedule (plant size, quantity, type and root condition, groundcover);
7. Grading and drainage plans;
8. Soil conditions;
9. Building floor plans, elevations, and sections;
10. Description of business or activity; proposed number of employees;

11. Certification/verification that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the CUP application applies.
12. A signed financial bill-back agreement that consents to the Applicant being billed by the for all legal, engineering and administration costs pertaining to the City review of the application;
13. Electronic copies of all submittal documents;
14. Proof of ownership and title work (necessary for preparing site improvement agreement); and
15. Other information as required by the City.

Procedure Requirements

1. Pursuant to Minnesota Statute §15.99, an application for a CUP shall be approved or denied within 60 days from the date of its official and complete application submission. The 60 day review period can be extended an additional 60 days pursuant to Minn. Stat. §15.99, as amended from time to time. If the initial 60 day review period is extended, the City must provide written notice of the extension to the Applicant before the initial review period ends.
2. Upon receipt of a complete application, as determined by the city and following preliminary staff analysis of the application, the city shall refer the matter to the Planning Commission and establish a time for hearing on the application. Notice of the hearing shall be published in the official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall be mailed at least 10 days prior to the hearing to all owners of land within 350 feet of the boundary of the subject property.
3. Failure of a property owner to receive the notice shall not invalidate any such proceedings set forth within the Zoning Ordinance, provided a bona fide attempt to comply with the provisions of the Zoning Ordinance was attempted. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be made part of the record.

Planning Commission Review Process

1. The Planning Commission shall consider if the proposed use pursuant to the application is consistent with the general purpose and intent of the Zoning Ordinance and the Comprehensive Plan. Its judgment shall be based upon but not limited to, the following:
 - a. The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands;
 - b. Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands;
 - c. The effect of the proposed use on public utilities;
 - d. The effect of the proposed use on property values and scenic views in the surrounding area;
 - e. The effect of the proposed use on the Comprehensive Plan;
 - f. The ability of the proposed use to meet the standards of the Zoning Ordinance;
 - g. The results of a market feasibility study, if requested by the City, when the purpose for the conditional use requested relied on a business market for its success;
 - h. The effects on the proposed groundwater, surface water, and air quality; and,
 - i. The proposed use is allowed with a CUP in the applicable zoning district.

2. The Planning Commission and City staff shall have the authority to request additional information from the Applicant concerning operational factors or to retain expert testimony with the consent or at the request of the Applicant.
3. The Applicant or Applicant's representative may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
4. After receiving a report and recommendation from the Zoning Division and holding a public hearing on the application, the Planning Commission shall issue its written final decision granting or denying the application supported by findings of fact. The Planning Commission may approve conditions relating to the request as it deems necessary to carry out the intent and purpose of the Zoning Ordinance.
5. In connection with the issuance of CUP's in non-conforming situations, the City Council may require non-conformities to conform to the regulations contained in the zoning regulations and may impose additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be imposed regarding such matters.
6. The City Council may impose and the Applicant shall pay costs incurred by the City for monitoring compliance with the conditions of the CUP.

Records of Conditional Uses

A certified copy of any CUP shall be filed with the Washington County Recorder or Registrar of Titles. The City shall maintain a record of all CUP's issued, including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate. A copy of the filed permit, bearing notation of the filing date, shall be mailed to the Applicant.

Amendment

Holders of a CUP may propose amendments to the permit at any time, following the procedures set forth for a new permit. No significant changes in the circumstance or scope of the permitted uses shall be undertaken without approval of those amendments by the City Council. The City shall determine what constitutes significant change. Significant change includes, but is not limited to: hours of operation, number of employees, expansion of structures and/or premises, and operational modifications resulting in increased external activities and traffic. The Planning Commission may recommend, and the City Council may approve, significant changes and modifications to CUP's including the application of additional or revised conditions.

Length of Conditional Use Permit

Any use permit under the terms of any CUP shall be established and conducted in conformity with the terms of the permit and of any conditions imposed in connection therewith. CUP's shall remain in effect for so long as the conditions agreed upon and approved are observed, provided that nothing in Chapter 153 shall prevent the City Council from acting or amending official controls to change the status of conditional uses.

Revocation

A violation of any conditions set forth in a CUP shall be a violation of the Zoning Ordinance; failure to correct the violation within 30 days of written notice from the City shall terminate the permit.

Revocation shall not occur earlier than 10 City/business working days from the time of written notice of revocation is served upon the permit holder; or if a hearing is requested, until written notice of the City Council action has been served on the permit holder.

Notice to permittee shall be served personally or by registered or certified mail at the address designated in the permit application. The written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the bases of the revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that if the permit holder desires to appeal, he must, within 10 days, exclusive of the day of service, file a request for a hearing.

The hearing request shall be in writing, stating the grounds for appeal and served on the City of Forest Lake personally or by registered/certified mail by midnight of the tenth City working date following service of the revocation notice.

Following receipt of a request for a hearing, the City shall set a time and place for the hearing; notice of the hearing shall be in accordance with the procedures to appeal decisions as set forth in the City code.

Expiration

Unless the City Council specifically approves a different time when action is officially taken on a request, permits which have been issued under the provisions of Chapter 153.034 shall expire without further action by the Planning Commission or City Council unless the Applicant commences the authorized use within one year of the date the CUP is issued; or, unless before the expiration of the one (1) year period the Applicant applies for an extension. An application for an extension shall state the facts showing a good faith attempt to complete or utilize the use permitted in the CUP. A request for an extension not exceeding one year shall be subject to the review and approval of the City. Should the Applicant request a second extension or any extension time exceeding one year, it shall be presented to the Planning Commission for recommendation to the City Council for a full decision.

Reapplication

No application for a CUP for a specific use on a specific parcel shall be resubmitted for a period of one year from the date of denial of an application unless a decision to reconsider the matter is made by a majority vote of the City Council.