

## **APPLICATION FOR CONDITIONAL USE PERMIT (CUP), INTERIM USE PERMIT (IUP) AND VARIANCE**

### **Requirements, Process and Application Packet**

In order to mitigate potential impacts on surrounding areas or neighborhoods, certain land uses require the approval of a conditional use permit, interim use permit or variance.

#### **Conditional Use Permit (CUP) – City Code 10-33-00**

The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. A conditional use is a use which because of certain characteristics cannot be properly classified as a permitted use in the zoning district within which it is proposed. Conditional use permits are designed to meet the problem which arises where certain, although generally compatible with the basic use classification of a particular zone, should not be permitted to be located as a matter of right in every area included within the zone because of hazards inherent in the use itself or special problems which its proposed location may present. In making this determination whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining streets, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

#### **Interim Use Permit (IUP) – City Code 10-34-00**

The purpose and intent of allowing interim uses is: to allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction; to allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district to allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintain harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

#### **Variance– City Code 10-35-00**

The purpose of a variance is to provide for deviations from the literal provision of this Ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions would be in keeping the spirit and intent of this Ordinance.

## General Information & Process Regarding Permits

- The application process must be completed.
- Completing the application process does not guarantee approval.
- Land Use permits are recorded against the property.
- Permits will be considered abandoned in the event the condition or use is discontinued by non-use for six (6) months after notice from the City.
- The permit application will be reviewed by the Community Development Department and presented to the Planning Commission at a public hearing. The Planning Commission will make a recommendation of approval or denial to the City Council along with conditions.

The Application Schedule is available online and at City Hall upon request. The Application schedule identifies the meeting schedule for Planning Commission and Council.

*State statutes provides up to 120 days for the review of complete application, but the City will strive to finalize your request as quickly as possible. Please note that missing application due date and meeting dates or submitting an incomplete application WILL result in the review of the request being delayed. All City Council meeting dates are estimated as it is City policy that issues be resolved and plans be revised as may be needed prior to Council consideration.*

### Right of Entry:

By signing this application, applicant is agreeing to right-of-entry stating that the City and its offers have permission to enter the land for purpose of determining compliance with all applicable condition imposed in the permit.

Application Date:	
Fee:	Escrow:

## PERMIT APPLICATION

**PERMIT YOU ARE REQUESTING:**      **CONDITIONAL USE**                      **INTERIM USE**                      **VARIANCE**

PROPERTY INFORMATION: <small>If multiple properties, attach separate sheet</small>	PROJECT ADDRESS:		
	LEGAL DESCRIPTION: (Attach if necessary)	ZONING DISTRICT:	
		LOT SIZE:	
	PROPERTY ADDRESS:		
OWNER INFORMATION:	NAME:		
	ADDRESS:		
	CITY:	STATE:	ZIP:
	PHONE:	EMAIL:	
APPLICANT:	NAME:	PHONE:	
REASON FOR REQUEST:	<p>Existing use of the property?</p>  <p>Description of the proposed use of the property the requires the application of a CUP, IUP or variance?</p>  <p>Hours of operation, including dates, times (if applicable)?</p>  <p>Duration of the proposed use?</p>  <p>Date or event that will terminate the use?</p>		

*Questions continued on next page...*

## PERMIT APPLICATION QUESTIONS (CONTINUED)

Describe any physical or hydraulic impacts this project will have on water resources. Will the project involve the alteration of any surface?

Provide an estimate of the acreage to be graded or excavated and the amount of soil to be moved. Describe any steep slopes, or highly erodible soils and what measures will be used to minimize erosion.

Is this project in proximity to designated parks, trails, recreation areas, wildlife preserves or other unique resources?

Provide any additional information that would be helpful for the Planning Commission when reviewing this application.

Does the request meet the criteria identified in City Code?

**APPLICATION SUBMISSION MATERIALS**

Survey, site plan, and development plans. One electronic and (1) set of large scaled drawings. Additional sizes and copies may be requested and required by the City for application completion. The following information must be included:

- Map or plat showing the lands proposed for the conditional use permit and all land within 350 feet of the boundaries of the property.
- Certified survey of the property showing all property lines, topography, existing and proposed structures (including dimensions and distances to property lines and other buildings), existing streets, alley, private roads, and fire lanes and easements.
- Access points, driveways, and parking areas including striping and number of spaces.
- Landscaping and ground cover including existing to be retained, existing to be removed, and proposed – all identified by size, type species, and quantity.
- Grading, drainage, and stormwater plans with existing and proposed topography prepared by a professional civil engineer registered in the state and adopted.
- Utility plans prescribing locations for city water, sewer, fire hydrants, manholes, power, telephone, and cable lines, natural gas mains, and other service facilities prepared by a professional civil engineer registered in the state and adopted.
- General floor plans and elevations for all existing and proposed structures.
- Proposed signage.
- Site lighting.
- A legend identifying the legal description, size of parcel, use(s) and square footage, number of units and density of residential, building height, floor area ratio, ground floor area ratio, impervious surface ratio, setbacks on all sides, graphic scale, north point, and usable open space.

**Application fees and expenses:** by signing this application form, the applicant agrees that all fees and expenses incurred by the City for the processing of this application, including costs for professional services, are the responsibility of the property owner to be paid immediately upon receipt or the City may approve a special assessment for which the property owner specifically agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes 429.081 as amended. All fees and expenses are due whether the application is approved or denied or withdrawn. Escrow fees collected at the time of application may not cover actual expenses, any additional fees will be billed.

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge. I further understand that the IUP application will be processed in accordance with the established City review procedures and Minnesota Statutes 15.99 as amended, at such times as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as required by the City may be cause for denying this application.

This application must be signed by all owners of the subject property or an explanation given why this is not the case. *We, the undersigned, have read and understand the above.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner ( if different than Applicant)

\_\_\_\_\_  
Date