

**CITY OF TAYLORS FALLS
APPLICATION FOR CONDITIONAL USE PERMIT**

Street location of Property _____

Legal description of property _____

Owner _____ Applicant _____

Address _____ Address _____

Telephone _____ Telephone _____

Specify the section of the ordinance which applies to this project:

Narrative description of request:

Written justification for request including discussion of how many potential conflicts with existing nearby land uses will be minimized:

Check all additional support documents and data which are being submitted to help explain this project proposal: () sketch plan, () topographic map, () detailed narrative, () operation plans, () engineering, () other (specify):

I hereby certify with my signature that all data on my application forms, plans and specifications are true and correct to the best of my knowledge. I further state that if this request is granted, I will proceed with the actual construction in accordance with the plans herewith submitted within six months from date of filing this appeal; will complete the work within _____ (specify time) from said date; and that I am able from a financial, legal and physical basis to do so:

Date

Signature

SECTION 1000.008 CONDITIONAL USES

Subd. 1 Procedure.

- A. Requests for conditional use permits, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee in accordance with the fee schedule attached to this Ordinance as Appendix A. Said application fees shall be non-refundable
- B. The application shall be accompanied by a site plan of the proposed use showing such information as may be necessary or desirable, including, but not limited to, the following:
 1. Site plan drawn to scale showing parcel and building dimensions.
 2. Location of all buildings and their square footage's.
 3. Streets, curb cuts, driveways, access roads, parking spaces and off-street loading areas, and estimated traffic generation.
 4. Existing topography.
 5. Finished grading and drainage plan.
 6. Type of business or activity and proposed number of employees.
 7. Proposed floor plan of any building and use indicated.
 8. Sanitary sewer and water plan with estimated use per day and stormwater management plan.
 9. Proposed sidewalks and landscaping and lighting plans.
 10. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices and/or engineering to be used to overcome said limitation shall be made part of the permit application.
 11. A location map showing the general location of the proposed conditional use within the City.
 12. A map showing all principal land use within 350 feet of the parcel for which application is being made.
 13. Any other information deemed necessary by the Zoning Administrator or Planning Commission.
- C. The Zoning Administrator shall determine if the application has been properly filed and is complete. If the application is incomplete, the Zoning Administrator shall send the applicant a letter within fifteen (15) business days of receiving the application stating what items are missing. Upon receiving a complete application, a Public Hearing before the Planning Commission shall then be scheduled to consider said application. Notice of

such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Written notice shall also be sent to all property. An individual notice shall be sent to all property owners of record within 350 feet of the affected property. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of official record. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this subdivision has been made.

- D. The Planning Commission shall consider the request at the public hearing at which the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
- E. The Planning Commission and City staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant if determined to be necessary in reviewing the request.
- F. The Planning Commission shall consider possible effects of the proposed conditional use. Its judgment shall be based upon (but not limited to) the following general requirements and applicable specific requirements set forth as follows:

1. General Requirements.

- a. The Comprehensive Plan and development policies of the City.
- b. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- c. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will not be deterrence to development of vacant land.
- d. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
- e. The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.
- f. 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.
- g. The use will not cause traffic hazard or congestion.

2. Specific Requirements. The conditional use application shall further comply with the minimum specific requirements "a" through "m" in which pertains to each designated conditional use as indicated below.

CONDITIONAL USE

SPECIFIC REQUIREMENTS

Commercial uses - retail,

a,b,c,d,e,f,g,h,i,k,l

wholesale, service, light manufacturing, business	
Light industrial uses	a,b,c,d,e,f,g,h,i,j,k,l
Recreational parks, campgrounds, facilities, kennels	a,b,c,d,e,f,g,h,i,j,k,l j
Churches, government buildings, licensed day- care, nursing homes, clinics, hospitals, bed & breakfast inns, boarding or lodging houses	a,b,c,d,e,f,g,i,j,k
Organized group camps, private club buildings	a,b,c,d,e,f,g,i,j,l
Residences, Apartments within commercial buildings	c,e,k,l,m
Cemeteries, parking lots,	a,b,c,d,g,i,j
Home occupations	a,b,c,d,f,g,h,i,j,k

Specific Requirements:

- a. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.
- b. When abutting a residential use in a district permitting residences, the property shall be appropriately screened and landscaped.
- c. Where applicable, all City, County, State and Federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
- d. Signs shall not adversely impact adjacent or surrounding conforming uses.
- e. Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.
- f. The road serving the use or activity is of sufficient design to accommodate the proposed use or activity; and such use or activity shall not generate such traffic to create a nuisance or hazard to existing traffic or to surrounding land uses, or result in the need for excessive road improvements or maintenance.
- g. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced to control dust.

- h. All open and outdoor storage, sales and service areas shall be screened from view from abutting residential uses or districts.
 - i. All lighting shall be designed with shrouds or lenses to direct or diffuse light as to not have a glaring, direct source of light visible from adjacent residential areas or from the public streets.
 - j. The site shall be properly drained to control surface water runoff and prevent erosion.
 - k. 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.
 - l. Where structures combine residential and nonresidential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.
 - m. Apartments located in commercial buildings in the CD District shall not be constructed or altered so as to result in a change of the exterior dimensions or character of the building.
- G. The Planning Commission may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in this section may include, but are not limited to the following:
- 1. Matters relating to the architecture or appearance.
 - 2. Establishing hours of operation.
 - 3. Increasing the required lot size or yard dimension.
 - 4. Limiting the height, size or location of buildings.
 - 5. Controlling the location and number of vehicle access points.
 - 6. Increasing the street width.
 - 7. Increasing the number of required off-street parking spaces.
 - 8. Limiting the number, size, location or lighting of signs.
 - 9. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - 10. Designating sites for open spaces.
- H. The Planning Commission shall make a finding of fact and recommend actions or conditions relating to the request to the City Council.

Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:

1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.
2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or
3. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.

Approval of a request shall require passage by a majority vote of the full City Council. The Zoning Administrator shall notify the applicant of the Council's action.

- I. A certified copy of every Conditional Use Permit shall be filed by the Zoning Administrator with the County Recorder.
- J. The decision of the City Council shall be final, subject to judicial review.
- K. In the case of denial of the application, the applicant cannot reapply for the same project within six (6) months of the Council action.

Subd. 2 **Expiration Of Conditional Use Permit By Non-Use.** Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, such permit shall expire unless an extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such a petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. The extension may be granted for up to one (1) year. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action. Upon expiration of a conditional use permit, the County Recorder shall be notified of the termination of the permit.

Subd. 3 **Amended Conditional Use Permit.** Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

Subd. 4 **Performance Bond.** The City Council shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a conditional use permit the Council may require a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the Ordinances of the City.

- B. The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the Council.
- C. The Council may hold the security until completion of the proposed improvements or development and a certificate indicating compliance with the conditions and Ordinances of the City has been issued by the Zoning Administrator.
- D. Failure to comply with the conditions of the conditional use permit and/or Ordinances of the Council may result in forfeiture of the security.