

SECTION 28: CONDITIONAL USE PERMITS.

Subd. 1. Application.

- A. A conditional use permit may be issued in accordance with this Ordinance for only those uses or purposes for which such permits are required or authorized by this Ordinance.
- B. A request for a conditional use permit shall be filed with the Zoning Administrator and Building Official on a form prescribed by the City. Along with the conditional use permit application, without limitation, the following minimum requirements shall be satisfied:
 - 1. A pre-application meeting with City staff during which the appropriate application procedures, requirements and applicable Code provisions and reviewed and explained.
 - 2. Payment of the application fee.
 - 3. A site plan drawn at scale showing all abutting lots, existing buildings, existing uses, utilities, curb cuts, locations of trees having a diameter of six (6) inches or more.
 - 4. A proposed development plan showing proposed ingress and egress to the property and proposed structures, yards, off-street parking and loading areas, and where appropriate, plans for utilities, screening, buffering, landscape, lighting, signs and open space, and a development schedule.
 - 5. A written statement describing the intended use of the property, how the use would meet the city's standards for this use and why the City should approve the request.

Subd. 2. Findings. The Planning Commission shall recommend a conditional use permit and the council shall order the issuance of such a permit only if by four-fifths (4/5) vote of the entire council it finds that such use at the proposed location:

- 1. Will not endanger, injure or detrimentally affect the use and enjoyment of other property in the immediate vicinity or the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.
- 2. Will be consistent with the comprehensive plan.
- 3. Will not impede the normal and orderly development and improvement of surrounding vacant property.

4. Will be served adequately by and will not adversely affect essential public facilities and services including streets, police and fire protection, drainage, refuse disposal, water and sewer systems, parks and schools; and will not, in particular, create traffic congestion or interference with traffic on adjacent and neighboring public thoroughfares.
5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons or property because of excessive traffic, noise, smoke, fumes, glare, odors, dust or vibrations.
6. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
7. Will fully comply with all other requirements of the City's Code of Ordinances, including any applicable requirements and standards for the issuance of a license or permit to establish and operate the proposed use in the City Of Long Lake.

B. Denial for Noncompliance. If the Planning Commission recommends denial of a conditional use permit or the city council orders such denial, it shall accompany its recommendation or determinations by findings or a report stating how the proposed use does not comply with the above standards.

Subd. 3. Conditions.

- A. In approving a conditional use permit, the Council may impose such specific conditions with regard to the development or operation of the proposed use as it considers necessary to satisfy the standards set forth above and requirements contained in this Ordinance and to promote compatibility with and minimize any potential adverse effects upon adjacent properties, the neighborhood or the City. Such conditions may include, without limitation, requirements relating to the following:
 1. Ingress and egress to the property and proposed structures with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control and access in case of fire or other catastrophe.
 2. Off-street parking and loading areas where required and the economic, noise, glare or odor effects of the proposed use on nearby property.

3. Refuse and service areas.
4. Utilities with reference to location, availability and compatibility.
5. Diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
7. Required yards and other open space.
8. Design and location compatibility with adjacent properties and other properties in the district.

Subd. 4. Procedure.

- A. Hearing. On receipt of the complete request for a Conditional Use Permit the Planning Commission shall set a date for a hearing thereon which shall occur not later than sixty (60) days following the City's receipt of the completed application for a conditional use permit. Not less than ten (10) days before the date of the hearing, notice of the hearing shall be mailed to the petitioner, be published in the official newspaper, and be mailed to each owner of property situated wholly or partly within three hundred fifty (350) feet of the property to which the Conditional Use Permit relates. Failure of a property owner to receive notice shall not invalidate the hearing or proceeding.
- B. Planning Commission Recommendation. The city council shall make no decision on an application for conditional use permit until the Planning Commission has had a reasonable opportunity, not to exceed sixty (60) days, to review and make recommendations to the city council upon the conditional use permit. Within a reasonable time after the hearing, the Planning Commission shall make its recommendation on the matter which shall be transmitted to the city council for decision. The recommendation of the Planning Commission shall be in accordance with the provisions of the zoning ordinance.
- C. Council Action. On receipt of the report of the Planning Commission, the council shall review the recommendations of the Planning Commission on the request for conditional use permit. The decision of the city council shall be in accordance with the provisions of the zoning ordinance, and shall be transmitted to the petitioner by mail. The council shall act to approve the application for conditional use permit by four-fifths (4/5) vote of the entire council, and may grant any reasonable conditions as it deems appropriate in accordance with the zoning ordinance.

- D. Recording. A certified copy of the conditional use permit shall be filed by the applicant with the Hennepin county recorder or registrar of titles. The permit shall contain a legal description of the property.
- Subd. 5. Expiration.
- A. If the proposed work described in a conditional use permit has not been substantially completed within one year after its date of issuance, the permit shall expire and become void except that the Council may, following recommendation of the Planning Commission, extend the permit for an additional period determined by the Council on the receipt of a request for a permit extension prior to its expiration. A conditional use permit authorizes only the use specified in the permit and shall expire if, for any reason, the authorized use ceases for more than one (1) year.
 - B. Any use permitted under the terms of a conditional use permit shall be established and conducted in conformity with the terms of such permit and of any conditions established in connection therewith; violation of any such condition shall constitute a violation of this Ordinance.
- Subd. 6. Renewal. All Conditional Use Permits shall expire one year from the date of approval, unless all conditions are satisfied.
- Subd. 7. Revocation. Failure to comply with any condition set forth in a conditional use permit, the laws of the State of Minnesota, or the City Code shall also constitute good and sufficient cause for the revocation of the conditional use permit following notice and a public hearing held by the Planning Commission. The notice shall give at least ten (10) days' notice of the time and place of the hearing and shall state the nature of the revocation. The notice shall be mailed to the permittee at the most recent address listed on the application.