



# *City of Oronoco*

## CONDITIONAL USE PROCEDURE CHECKLIST

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.

The following procedure shall be followed in requesting a conditional use permit:

1. The applicant for a conditional use permit shall file his application with the City of Oronoco.
  - A fee shall be paid with each application, the amount determined by the Schedule of Fees Code.
2. The applicant shall submit, at the time of application, a map showing the names and addresses of all property owners and occupants within three hundred fifty (350) feet of the property in question.
3. Before setting the date for public hearing before Planning & Zoning, the City may require preliminary architectural drawings or sketches on all buildings or groups of buildings showing:
  - a. front, side, and rear elevation of the proposed building;
  - b. location on the lot; and
  - c. and as the same will appear after the work has been completed.
4. Planning & Zoning will set the date of public hearing for its next regular meeting (after compliance with the above specified provisions) and makes its recommendations to the City Council within thirty (30) days from the date of public hearing.
5. Planning & Zoning (or City Hall at their directive) shall notify by mail all property owners within three hundred fifty (350) feet of the property in question at least ten (10) days prior to the date of the public hearing. (Failure of any property owner or occupant to receive notice does not invalidate the proceeding.)
6. The applicant and/or his representative shall appear before Planning & Zoning and answer any questions concerning the proposed conditional use.
7. Planning & Zoning considers all possible adverse affects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse affects.
8. The report of Planning & Zoning is referred to City Council and placed on the next regular City Council Meeting agenda.

9. The City Council shall take action on the application within thirty (30) days after receiving the report from P & Z (except that additional time may be taken in specific cases as permitted in conformance with Minn. Stat. 15.99).

After reviewing the submitted information and the recommendations of P & Z, the City Council, after holding a public meeting:

- a. may approve the permit;
- b. may approve the permit with conditions;
- c. may deny the permit, having found it not consistent with the City's comprehensive plan, or not compatible with the general character of the neighborhood.

If the council grants the conditional use permit, it may impose any additional special conditions it considers necessary to protect the public health, safety, and welfare. These conditions may include, but are not limited to the following:

- (a) Increasing the required lot size or yard dimension.
- (b) Limiting the height, size, or location of buildings.
- (c) Controlling the location and number of vehicle access points.
- (d) Increasing the street width.
- (e) Increasing the number of required off-street parking spaces.
- (f) Limiting the number, size, location or lighting of signs.
- (g) Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- (h) Designation sites for open spaces.
- (i) Other conditions as judged necessary.

10. The City Council will forward its decisions/findings to all applicants.
  - The City Clerk shall maintain a record of all use permits 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.
  - The conditional use permit, if granted, shall be recorded with the Office of Olmsted County Property Records and Licensing and become a part of the title to the property.
  - Applicants will be financially responsible for the published notices as well as filing fees with the County Recorder's Office or Registrar of Titles' Office.

The Planning Commission, in considering an application for a conditional use permit, shall prepare its report and make findings on the following criteria:

1. That the establishment, maintenance, or operation will not be detrimental or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or Codes of other governmental agencies;
2. That each structure or improvement is so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the city and the use district wherein proposed;

3. That the use will not be substantially injurious to the permitted uses or unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the area;
4. That the establishment of the use will not impede the orderly and normal development and improvement of the surrounding property for uses permitted in the zoning district;
5. That adequate water supply and sewage disposal facilities are provided and in accordance with applicable standards;
6. That adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided;
7. That adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion on public roads;
8. That the use will conform to all applicable regulations of the district wherein proposed and with the City's comprehensive plan.

#### Appeals Related To Conditional Use Permits

1. Appeal from Denial. The applicant for any permit denied under Section 151.370 may appeal, within ten days after the denial, to the Board of Adjustment for relief, which may be granted after holding a public hearing, with a 2/3 vote of the Board of Adjustment; and
2. Appeal from Approval. An aggrieved party of the approval of any permit under Section 151.370 may appeal, within ten days after approval or imposition of additional conditions, which may be done after holding a public hearing and notifying the applicant prior to said hearing to review permit approval. Reversal of permit approval shall require a 2/3 vote of the Board of Adjustment.