

SECTION 16 CONDITIONAL USE PERMITS (amended 12-2012)

SUBDIVISION 1. CONDITIONAL USES

The board may by ordinance designate certain types of developments, including planned unit developments and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved upon a showing by an applicant that standards and criteria stated in the ordinance will be satisfied. Such standards and criteria shall include both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use.

SUBDIVISION 2. APPLICATION

An application for Conditional Use Permits shall be filed with the Zoning Administrator on forms provided by the county. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Applicant Name, Address, Contact Information
2. Legal Description obtained from the Faribault County Recorder
3. Dimensions of the property with property corners identified
4. Location and use of all existing buildings including building dimensions
5. Proposed building uses, dimensions, and square footages
6. Existing Driveway and public roads (labeled)
7. Setback distances from:
8. All property lines
9. Center and/or right of way of nearest public road
10. Lake, river, stream, DNR protected area
11. Septic System (if not in compliance, will need a plan from licensed contractor)
12. Well
13. Public and Private Drainage
14. Any new driveways (does a 911 address need to be applied for?)
15. Identify any areas on the property where there will be materials, such as fill, stored on site.
 These activities are not allowed in the Floodplain (DNR)
16. Additional data requested by the FCZA

SUBDIVISION 3. NOTIFICATIONS AND PUBLIC HEARING

1. Upon receipt in proper form of the application and other required material, the Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing may be continued from time to time and additional hearings may be held.
2. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the county.
3. All property owners of record within five hundred (500) feet of the incorporated areas and /or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional use shall be given proper notice.

SUBDIVISION 4. APPROVAL, DISAPPROVAL OR MODIFICATION

The Planning Commission shall make its decision upon the application and forward its recommendations to the County Board. In reporting its recommendations to the County Board, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and may designate conditions and require guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the County Board shall make a decision upon the application for a Conditional Use Permit

SUBDIVISION 5. FINDINGS

No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

1. That the proposed use will not have an adverse impact on health, safety and the general welfare or be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood.
2. That the proposed use will not have an adverse impact on traffic conditions including parking, traffic congestion or traffic hazard?
3. That there are adequate public utilities, public services, roads, drainage, off-street loading space and other facilities to support the proposed use of the property.
4. That the proposed use will not have an adverse effect or diminish the property values or future development of land in the surrounding neighborhood.
5. That the proposed use meets the standards of the Zoning Ordinance including that the use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.
6. That the proposed use will not have an adverse effect on the environment including impacts on groundwater, surface water, soils and air quality.
7. That the proposed use will not have an adverse effect on normal and orderly development and improvement of surrounding properties in the surrounding neighborhood for uses predominant to the area.
8. That the proposed use will have adequate measures in place to prevent or control offensive odors, fumes, dust, noise and vibration so that none of these will be a disturbance to neighboring properties.

SUBDIVISION 6. CONDITIONAL USE PERMITS WITHIN FLOODPLAIN AND SHORELAND AREAS

1. A copy of a request for a Conditional Use Permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator at least ten (10) days prior to a public hearing.
2. A copy of all decisions granting any Conditional Use Permit within any designated floodplain or shoreland areas shall be forwarded to the Department of Natural Resources with ten (10) days after such decision.

3. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established countywide. The following additional evaluation criteria and conditions apply within shoreland areas:
 - A. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site must be made to ensure:
 - 1.) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - 2.) The visibility of structures and other facilities as viewed from public waters is limited;
 - 3.) The site is adequate for water supply and on-site sewage treatment; and
 - 4.) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
 - B. Conditions attached to conditional use permits. The Planning Commission, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may be include, but are not limited to, the following:
 - 1.) Increased setbacks from the normal high water level;
 - 2.) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 - 3.) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

SUBDIVISION 7. DURATION

A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the board from enacting or amending official controls to change the status of conditional uses.

SUBDIVISION 8. REVIEW

A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use on specific parcel and not for a particular person or firm.

SUBDIVISION 9. REVOCATION

A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance and can be cause for the County Board to terminate the permit

SUBDIVISION 10. RECORDING and COPY FILED

1. A certified copy of any Conditional Use Permit, or resolution of the County Board shall be filed with the County Recorder for record. The Conditional Use Permit shall include the legal description of the property involved.
2. The Zoning Administrator shall be responsible for recording with the County Recorder, any Conditional Use Permit issued by the County Board.