

CITY OF AFTON

**APPLICATION FOR A
CONDITIONAL USE PERMIT OR
AMENDED CONDITIONAL USE PERMIT**

**Conditional Use Permit
\$450 FEE + \$1,000 ESCROW**

**Amended Conditional Use Permit
\$450 FEE + \$1,000 ESCROW**

**Work authorized must begin within 12 months of the
date of issuance of this permit. If not, this permit will
EXPIRE and become INVALID.**

CITY OF AFTON
CONDITIONAL USE PERMIT APPLICATION
(Reference Code Section 153.027; also see Section 153.053 Use Table)

Owner	Address	City	State	Zip	Phone
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
Description of Request					
<p>By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.</p>					
Signature of Owner/Applicant					Date
Email Address					
Make checks payable to City of Afton:					
<u>FEES:</u>		<u>ESCROW DEPOSIT:</u>			
CUP	\$450	CUP Escrow	\$1,000	TOTAL:	_____
Amended CUP	\$450	Amend CUP Escrow	\$1,000	DATE PAID:	_____
City Engineer	_____	Engineer Escrow	_____	CHECK #:	_____
Other	_____	Other	_____	RECVD. BY:	_____
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

**CITY OF AFTON
CONDITIONAL USE PERMIT CHECKLIST**

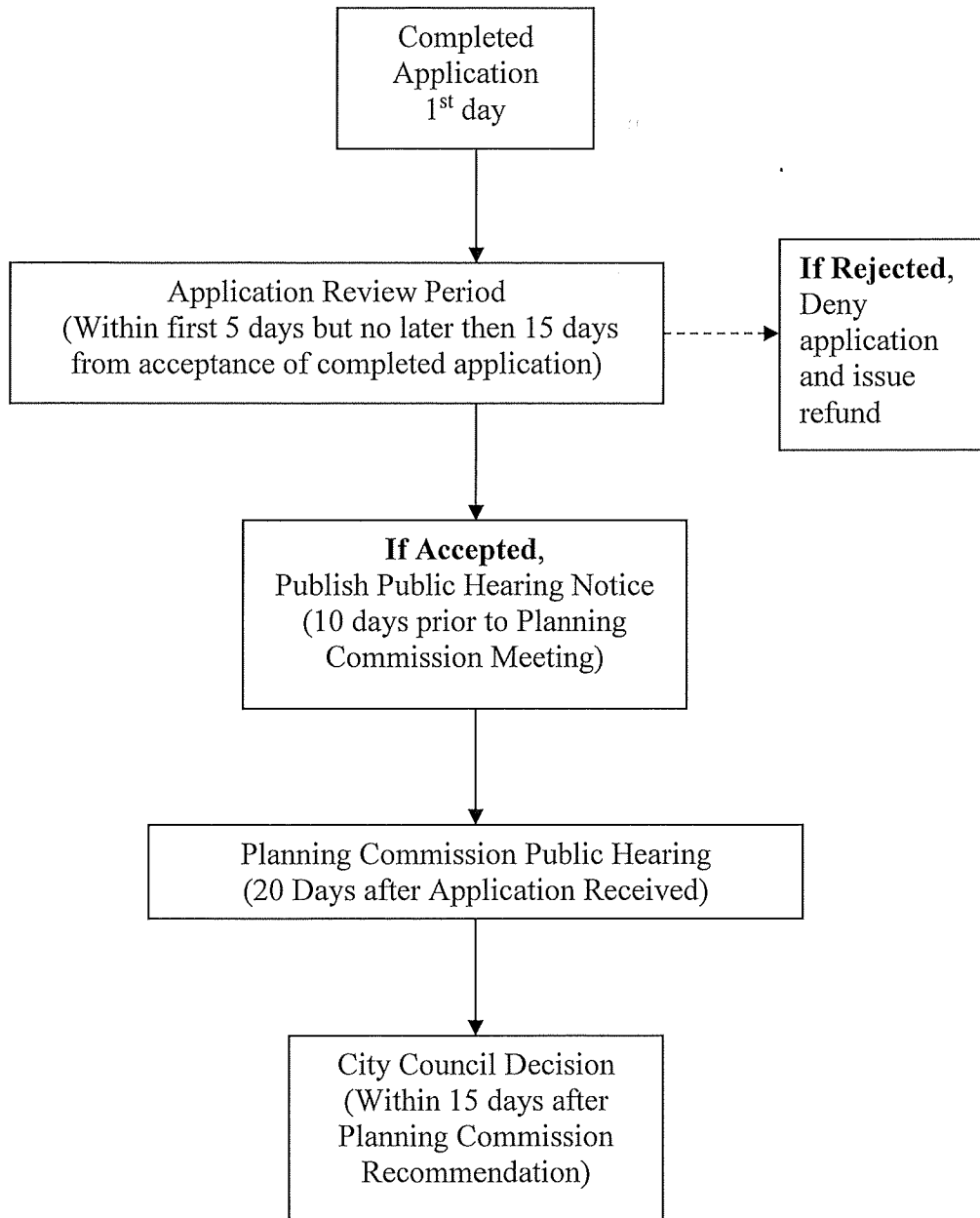
APPLICANT	CITY
<input type="checkbox"/> Design Review/Historic Pres. Commission notification (VHS-R or VHS-C)	<input type="checkbox"/>
<input type="checkbox"/> Completed application form, including full legal name (first, middle, and last) and address of the applicant, fee owner, and any other persons having a legal interest in the property.	<input type="checkbox"/>
<input type="checkbox"/> Fee as set forth in the current Fee schedule as adopted by the City.	<input type="checkbox"/>
<input type="checkbox"/> Location map showing the general location of the proposed use within the City	<input type="checkbox"/>
<input type="checkbox"/> Legal description of the property, including street address, if any, property identification number, and proof of legal ownership.	<input type="checkbox"/>
<input type="checkbox"/> Written statement explaining requested use of the property.	<input type="checkbox"/>
<input type="checkbox"/> Site Plan (and/or Certificate of Survey) drawn to scale showing:	<input type="checkbox"/>
<input type="checkbox"/> Property dimensions	
<input type="checkbox"/> Adjacent roads and location of existing and proposed curb cuts, driveways, and parking spaces	
<input type="checkbox"/> Location of existing and proposed buildings, including setbacks, dimensions and square footage	
<input type="checkbox"/> Building setbacks from the crest of slopes greater than 18 percent	
<input type="checkbox"/> Existing topographic information and finished grading and drainage plan	
<input type="checkbox"/> Existing and proposed wells and septic systems	
<input type="checkbox"/> Sewer and water plan with estimated use per day (if applicable)	
<input type="checkbox"/> Existing vegetation and proposed landscaping and screening plans, including species and sizes of trees and shrubs	
<input type="checkbox"/> Location of wetlands	
<input type="checkbox"/> 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 to be used to overcome said limitation shall be made part of the permit application	
<input type="checkbox"/> Type of business or activity and proposed number of employees (if applicable)	
<input type="checkbox"/> Proposed floor plan, with uses indicated, and elevations of buildings (if applicable)	
<input type="checkbox"/> Photometric lighting plan	
<input type="checkbox"/> Map showing principal land uses within five hundred (500) feet of the subject parcel	<input type="checkbox"/>
<input type="checkbox"/> An accurate list of the names and mailing addresses of the recorded owners of all property within a minimum of 500 feet of the boundaries of the property for which the application is submitted, and mailing labels for listed owners	<input type="checkbox"/>

<i>!ALL ITEMS REQUIRED UNLESS SPECIFICALLY WAIVED BY ADMINISTRATOR!</i>
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Note: The City may waive or modify some of these submittal requirements if appropriate to the specific situation. Call the Zoning Administrator at (651) 436-8957 with questions about specific submittal requirements.

**CITY OF AFTON
CONDITIONAL USE PERMIT
FLOW CHART**

APPLICATIONS MUST BE RECEIVED NO LATER THEN **21** DAYS PRIOR TO
THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING



CITY OF AFTON

ZONING CONDITIONS CHECKLIST FOR APPROVAL

FOR A CONDITIONAL USE PERMIT

OWNER: _____

STREET ADDRESS: _____

CITY: **AFTON** STATE: **MN** ZIP CODE: **55001**

LEGAL DESCRIPTION OF PROPERTY: (Attach separate page if needed.)

MUNICIPALITY: **AFTON** ZONING DISTRICT: _____

APPLICANT (IF OTHER THAN OWNER): _____

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

ZONING PERMIT NO.: _____

APPROVED RESOLUTION NO.: _____ DATE OF APPROVAL: _____

PERMITTED USE(S) ARE SUBJECT TO THE FOLLOWING CONDITIONS OR RESTRICTIONS, INCLUDING THE CONDITIONS PLACED ON THE APPROVAL OF THE CONDITIONAL USE PERMIT:

WE ACCEPT THE CONDITIONS OF THIS PERMIT. IT IS UNDERSTOOD THAT ANY CHANGES FROM THESE PLANS MUST BE RESUBMITTED FOR APPROVAL.

APPLICANT/OWNER

CITY ADMINISTRATOR

DATE

DATE

§ 153.027 CONDITIONAL USE PERMITS.

(A) *Purpose.* 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. 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 roads, and all other factors the city shall deem a prerequisite of consideration in determining the effect of the general welfare, public health and safety. Conditional use permits may be granted in accordance with this subdivision for any use or purpose listed as a conditional use for the zoning districts per § 153.053 of this code.

(B) *Application.* Requests for conditional use permits, as provided within this chapter, shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by a deposit and fee per the city's current fee schedule. The application shall also include development plans for the proposed use showing information as may be reasonably required by the Administrator, including but not limited to the following:

- (1) Name and mailing address of the applicant;
- (2) The legal property description of the land involved in the request, including the street address, if any, of the property;
- (3) The names and mailing addresses of the owners of the property and any other persons having a legal interest therein;
- (4) Site plan drawn to scale, dimensions indicated, including: proposed structure, house, existing accessory buildings, well, septic system (tank and drainfield), adjacent public streets, driveway, lot size and lot dimensions:
 - (a) Distance between existing structures, proposed structures, well and septic system;
 - (b) Setbacks of existing and proposed structures from: Lot lines, non-buildable easements, public street right-of-way line or centerline, shoreland, bluffline or crest of slope 18% or steeper; and
 - (c) Possible location of any and all detached accessory buildings permitted by this chapter for the property for which the application is being made.
- (5) Landscaping and screening plans including species and size of trees and shrubs proposed;
- (6) Finished grading and drainage plans sufficient to drain the developed portion of the site and to retain as much run-off on the site as possible;
- (7) Type of business or activity and proposed number of employees or occupants;
- (8) Proposed floor plan and elevations of all buildings with use indicated;
- (9) Photometric lighting plan;
- (10) Soil type and soil limitations for the intended use: A plan or statement indicating the soil conservation practice or practices to be used to overcome any soil limitation shall be made part of the application;
- (11) A location map showing the parcels general location within the city;
- (12) Proof of ownership of the property for which the application is submitted, consisting of an abstract of title or registered property certificate certified by a licensed abstractor, or a title opinion prepared by an attorney licensed to practice in the state, together with any unrecorded documents whereby the petitioners acquired legal or equitable ownership; and
- (13) An accurate list showing the names and mailing addresses of the recorded owner of all property within a minimum of 500 feet of the boundaries of the property for which the application is submitted, the accuracy of which is verified by the applicant.

(C) *Staff review/technical procedure reports.* Upon receipt of an application for a conditional use permit, the Zoning Administrator shall refer the request to appropriate staff to ensure that informational requirements are complied with. When all informational requirements have been complied with, the request shall be considered officially submitted. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the Planning Commission and City Council.

(D) *Public hearing.* Upon official submission of the request, the Zoning Administrator shall set a public hearing on the request for the next regularly scheduled Planning Commission meeting occurring at least ten working days from the date as a notice of the hearing is published in the official newspaper. The notice shall contain a legal property description and description of the request, and shall be published no more than 30 days and no less than ten days prior to the hearing. Written notification of the hearing shall also be mailed at least ten working days prior to the date of the hearing to all owners of land within 500 feet of the boundary of the property in question. Failure of the property owner to receive the notice shall not invalidate any proceedings as set forth within this chapter.

(E) *Planning Commission action.* The Planning Commission shall conduct the public hearing at which time the applicant or a representative thereof shall appear to answer questions concerning the proposed request.

- (1) The Planning Commission shall consider possible adverse effects of the proposed conditional use permit. Its

judgment shall be based upon (but not limited to) the following factors:

- (a) The proposed action has been considered in relation to the specific policies and provision of and has been found to be consistent with the official city Comprehensive Plan;
- (b) The proposed use is or will be compatible with present and future land uses of the surrounding area;
- (c) The proposed use will not seriously depreciate surrounding property values or scenic views; and
- (d) The proposed use conforms with all performance standards contained herein.

(2) The Planning Commission and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, the information to be declared necessary to establish performance conditions in relations to all pertinent sections of this code.

(3) The Planning Commission shall make a recommendation for either denial or approval with conditions as they deem necessary to carry out the intent and purpose of this chapter. The recommendation shall be in writing and accompanied by any report and recommendation of the city staff. The written recommendation of the Planning Commission shall be forwarded to the Zoning Administrator for referral to the City Council.

(F) *Referral to City Council.* Upon receipt of the Planning Commission report and recommendation, or within 60 days of receipt of a complete application, unless the review period of the application is extended pursuant to M.S. § 15.99, as it may be amended from time to time, the Zoning Administrator shall place the request and any report and recommendation on the agenda of the next regularly scheduled meeting of the City Council.

(G) *City Council action.* Upon receiving the request and any report and recommendation of the Planning Commission and the city staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact.

(1) Approval of a proposed conditional use permit shall require passage by a majority vote of all members of the City Council.

(2) In the case of a conditional use permit, the City Council may impose any condition it considers necessary to protect the public health, safety and welfare.

(3) A certified copy of any conditional use permit issued by the City Council shall be filed with the County Recorder. The filing shall be made by the Zoning Administrator or other agent designated by the City Council as soon as is reasonably possible after the filing of the conditional use permit with the Zoning Administrator. The cost of the filing with the County Recorder shall be borne by the applicant.

(4) Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for the conditional use permit affecting the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial, unless a decision to reconsider the matter is made by not less than a majority vote of the full City Council.

(H) *Performance bond.*

(1) Except in the case of a non-income producing residential property, upon approval of a conditional use permit the city shall be provided with 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. The security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the city.

(2) The security shall be in the amount of 125% of the total cost of the site improvements to be installed by the applicant pursuant to the conditional use permit.

(3) The city shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and ordinances of the city has been issued by the Building Official.

(4) Failure to comply with the conditional use permit or the ordinances of the city shall result in forfeiture of the security.

(I) *Conditional use permit amendments.* Any change involving structural alteration, enlargement, intensification of use or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and shall procedures shall apply as if a new permit where being issues. An amended conditional use permit application and requests for changes in conditions shall be administered in a manner similar to that required for a conditional use permit.

(J) *Revocation.* If an approved conditional use permit is in violation of this chapter or the conditions of permit approval, the city may initiate a process to revoke the conditional use permit. The city shall then conduct a public hearing to consider the revocation of a conditional use permit. The public hearing shall be conducted by the Planning Commission, which shall make a recommendation to the City Council. In considering revocation, the Planning Commission and the City Council shall consider compliance with the approved conditions of the conditional use permit and the standards listed in division (E) above.

(Prior Code, § 12-78) (Ord. 2004-16, passed 12-21-2004; Ord. 02-2009, passed 4-21-2009) Penalty, see § 153.999