

**CITY OF PERHAM
APPLICATION FOR CONDITIONAL
USE**

APPLICATION FEE (NON REFUNDABLE - \$200.00

PAID RECEIPT

**This request must be heard by the Planning Commission prior to referral to the City Council.
(please print)**

Date of application: _____ Next Planning Commission Meeting: _____

Name of Applicant: _____ Phone: _____

Name of property owner if different from applicant: _____

Address of property owner: _____

Contact Name (if business is petitioner): _____

Applicant Address: _____

Legal Description and Address of Property to be considered for conditional use:
(this information is available on the property tax statement)

lot # block # addition _____

parcel number _____

current street address _____ current zoning _____

Property Size: Width _____ Length _____ Area _____ square feet

Present Use of Property: _____

Reason for requesting conditional use: _____

Does Applicant require a variance in connection with the proposed conditional use?

Yes _____ No _____

The applicant and owner hereby agree that, in case such conditional use permit is granted, that all the work which shall be done and all materials which shall be used shall comply with the plans and specifications therefore herewith submitted and with all ordinances of said City of Perham applicable thereto.

I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application, that the foregoing statements and answers herein contained and the information on the attached maps or plot plans and any other papers submitted herewith are in all respects true and accurate to the best of my knowledge and behalf.

Signature: _____
Applicant

Date: _____

Signature: _____
Property Owner

Date: _____

ATTACHMENTS REQUIRED:

ACCURATE site plan if property is vacant or intended to be redeveloped. The site plan shall be presented on 11" x 17" paper and to scale. It shall contain the following information:

- a. The proposed title of the project along with contact information for the architect, landscaper, planner, or engineer on the project.
- b. Location, dimensions, and total area of the site.
- c. Location, dimensions, floor area, type of construction, and use of each proposed building or structure.
- d. The proposed treatment of open space and exterior surfaces.
- e. Other site plan requirements as listed in Section 34 of the Perham City Code.

Requests for Conditional Uses are heard by the Planning Commission. The Planning Commission meets the third Tuesday of each month. **All applications for Conditional Uses must be submitted 3 weeks prior to the next scheduled meeting.**

The Planning Commission or City Council may place special conditions on the Conditional Use Permit that must be adhered to.

ACCEPTANCE OF CONDITIONS OF CONDITIONAL USE

I understand and agree to abide by the conditions as set forth by the granting of this conditional use and also understand that failure to comply with the conditions of the conditional use constitutes failure to comply with the Zoning Ordinance which will result in the following:

- a. halting of construction
- b. order to take corrective action
- c. being charged with a misdemeanor offense
- d. subject to fines and reimbursement of prosecution costs.

I have read and understand the conditions that apply to this conditional use.

Signature of applicant

Date

STAFF CHECKLIST:

Date of Application Submission: _____ 60 day rule: _____

Is the Application Complete?

Fee Paid? receipt # _____ Date: _____

Site Plan provided and is complete

Notes: _____

Date Notice was Mailed Property Owners within 350 feet: _____

(mail the day before the notice will appear in paper)

Date Notice was Published in the East Otter Tail Focus: _____

Date of Planning Commission meeting: _____ (also public hearing date)

Commissioner's packets contain

petition

map

public hearing notice

affidavit of mailing

Date of Council Meeting: _____ (Council packet includes all of above plus draft resolution & excerpts from Planning Commission meeting minutes)

Record Resolution with Otter Tail County sent _____

Findings of Fact for Approval or Denial

Criteria for granting Conditional Use Permits:

The Planning Commission shall only recommend the granting of the Conditional Use Permit, granting the Conditional Use Permit subject to conditions, or denying the conditional use based on written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for specific uses set forth in the provisions of a specific zoning district.

- A. It is one (1) of the conditional uses listed in the particular district.
- B. It is in keeping with the comprehensive planning policies of the City and the City's Zoning Ordinance.
- C. It does not interfere with or diminish the use of property in the immediate vicinity.
- D. It can be adequately served by public facilities and services.
- E. It does not cause undue traffic congestion.
- F. It preserves significant historical and architectural resources.
- G. It preserves significant natural and environmental features.
- H. It will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood, and the effect of the proposed type of conditional use upon the City as a whole.
- I. It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the granting of a variance.
- J. It will not jeopardize the public's health, safety, or general welfare.

Special Conditions on Granting Conditional Use Permit

- 1) _____
- 2) _____
- 3) _____

General Provisions

- A) This permit is not valid until it has been recorded at the Office of the County Recorder. A true and correct copy of the full legal description of the affected property must be attached to this document.
- B) This permit does not constitute a building permit, sewage system permit, grading permit, land alteration permit, well permit or the like. Separate permits may have to be applied for and obtained in order to accomplish all the goals of the project authorized herein.
- C) The issuance of this permit does not negate the need to secure other permits from other local units of government, state agencies, or federal agencies who may also have jurisdiction over portions of your project.
- D) Unless otherwise specified by the City at the time it is authorized, a conditional use permit shall expire if the applicant fails to utilize such conditional use permit within one (1) year from the date of authorization.

Signature of Zoning Administrator: _____ Date: _____

SECTION 34. SITE PLAN REVIEW.

1. Authority. Site plan review shall be required before Building Permits or Certificates of Occupancy may be issued. The Zoning Administrator shall have the authority to approve site plans upon consideration of all comments received from City departments, and may waive the requirements for site plan review by the Planning Commission, if, in the Zoning Administrator's opinion, such addition or new construction does not substantially affect the proposed development of adjacent properties and conforms with all requirements of this Chapter and that of other city ordinances.

2. Purpose. The intent of these regulations is to promote the safe and efficient use of land, to contribute to an orderly and harmonious appearance in the City and to ensure compliance with the City Code. The site plan review process is intended to help ensure that newly developed properties and redeveloped properties are compatible with adjacent development and that traffic, public safety, overcrowding, and environmental problems are minimized to the greatest extent possible.

Site plan review shall include, but shall not be limited to, the following aspects of development:

- (A) A project's compatibility with its environment and with other existing land uses and buildings in the surrounding area.
- (B) The quantity, quality, utility, size, and type of a project's required open space and proposed landscaping improvements.
- (C) The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians.
- (D) The quantity, quality, utility, size, and type of a project's required community facilities.
- (E) The location and adequacy of a project's provision for drainage and utilities.
- (F) Security, fire protection, and life/safety issues.

3. Scope of Application.

- (A) **Principal Uses.** Site plan review approval shall be required as a condition to receiving a Building Permit for all permitted uses and conditional uses.
- (B) **Accessory Uses.** Site plan review shall be required for accessory uses and structures, but such uses may be reviewed in conjunction with the review of principal structures which such accessory structures are shown on the site plan.
- (C) **Additional Parking.** Where a change of use or an increase in density of an existing structure requires additional parking, a site plan and landscape plan shall be submitted for review to insure that the change of use can be accomplished within the purpose and intent of this Chapter, except when such requirement is waived by the Zoning Administrator.

4. Scope of Modifications Authorized. The authority of the Zoning Administrator through the site plan review process to require modification of a proposed site development shall be limited to the following elements in order to achieve the following objectives:

(A) Traffic and Parking.

- (1) Minimizing dangerous traffic movements.
- (2) Promoting the smooth and efficient flow of traffic in accordance with standards in the *Institute of Traffic Engineers' Transportation and Traffic Engineering Handbook*, and other local sources of authority as adopted by resolution.
- (3) Optimizing the efficient use of property access and parking facilities through provision and requirement for adequate interior circulation, off-street parking stalls, turning lanes on the public right-of-way necessary to serve the development, and mass transit access.

(B) Site Layout.

- (1) Promoting compatibility with adjacent and nearby properties.
- (2) Preserving and protecting valuable natural features and amenities to the greatest extent practical.
- (3) Promoting the efficient provision of public services.

(C) Environmental Protection.

- (1) Preserving existing healthy and long-lived trees whenever possible.
- (2) Designing drainage facilities to promote the use and conservation of natural watercourse and patterns of drainage.
- (3) Minimizing alterations to existing topography in environmentally sensitive areas, as defined in this Chapter and the City Code.

(D) Landscaping.

- (1) Promoting the use of plant material compatible with the climate of the region and micro-climate conditions on the site.
- (2) Ensuring that plant material can be maintained for long-term health and continued growth.
- (3) Ensuring that the arrangement of required landscaping produces the desired visual effect.

(E) Signage.

- (1) Ensuring that the location, size, and orientation of signage does not impair the visibility of or distract motorists.
- (2) Ensuring that the location, size, and orientation of signage minimize obstructions and hazards to pedestrians.

- (F) Public Safety.
 - (1) Ensuring that adequate and unrestricted access is provided for fire and emergency vehicles.
 - (2) Ensuring that adequate fire hydrants are provided on the premises and that access to the fire hydrants is not restricted.
 - (3) Ensuring that adequate safety and security lighting is provided.
 - (4) Ensuring that life safety issues have been adequately addressed.
- (G) General Conformance. The site plan review process shall also ensure that the proposed site development shall conform to all applicable requirements of this Chapter and other applicable ordinances and regulations of the City of Perham.

5. Site Plan Review Committee. The Zoning Administrator may be assisted in conducting site plan reviews by the Planning Commission.

6. Site Plan Content. An 11" x 17" reduction to scale shall be submitted. The site plan shall contain the following information, unless determined not applicable by the Zoning Administrator.

- (A) General Information.
 - (1) The applicant's name, address, telephone number, and interest in the property.
 - (2) The owner's name, address, and telephone number if different than the applicant, and the owner's signed consent to the filing of the application.
 - (3) The street address and legal description of the property.
 - (4) The zoning classification, zoning district boundaries, and present use of the property.
 - (5) The proposed title of the project, and the names, addresses, and telephone numbers of the architect, landscape architect, planner or engineer on the project.
- (B) Preliminary Development Drawing.
 - (1) The location, dimensions, and total area of the site.
 - (2) The location, dimensions, floor area, type of construction, and use of each proposed building or structure.
 - (3) Floor plan showing specific uses within the building.
 - (4) The number, the size and type of dwelling units in each building, and the overall dwelling unit density.
 - (5) The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations.

- (6) The number, location, and dimensions of parking spaces and loading docks, with means of ingress and egress.
- (7) The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.
- (8) The location and purpose of any existing or proposed dedication or easement.
- (9) The general drainage plan for the development tract.
- (10) The location and dimensions of adjacent properties, abutting public right-of-ways and easements, and utilities serving the site.
- (11) Significant topographical or physical features of the site, including existing trees.
- (12) Wetland delineations for all wetlands present on the site.
- (13) The location and proposed treatment of any historical structure or other historical design element or feature.

a (C) Plat of Survey. A plat of survey of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel of land according to registered or recorded plat of such land.

in (D) A Preliminary Plat of Subdivision, If Required. A preliminary plat of subdivision depicting the development parcel is required if the development parcel is not currently a lot of record that is subdivided accordance with the City Code. A preliminary plat shall also be required for any development which will involve a re-subdivision of an existing lot or parcel.

(E) Additional Information. The site plan shall also contain the following information and be accompanied by the following submissions, as well as such additional information, drawings, plans or documentation as may be requested by the P Zoning Administrator, if determined necessary or appropriate for a full and proper consideration and disposition of the application:

- (1) A certificate of disclosure of ownership interest.
- (2) When a proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by an entity other than a government authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
- (3) Copies of any restrictive covenants that are to be recorded with respect to property in a proposed planned development or subdivision are for informational decision making only, enforcement is the responsibility of the respective property owners.
- (4) When the development is to be constructed in stages, a schedule for the development of such stages shall be submitted stating the approximate beginning and completion time for

each stage. When the development provides for common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the stages completed or under development bear to the entire development.

- (5) If requested by the Chief of Police, a personal safety risk assessment for employees, visitors, and customers of the development.
- (6) A traffic study showing the impact of the development on public streets which serve the development. The study shall be undertaken by a registered traffic engineer.

7. Effect of Approval of Drawings. The approval of a site plan by the Planning Commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits of approvals that may be required by the regulations of the City, including but not limited to a Building Permit, Certificate of Occupancy, subdivision approval, and conditional use approval.

The approval of a site plan by the Planning Commission shall be valid for one (1) year; provided further that the approval is valid only in terms of the safety, fire, building, and other city codes, in effect at the time of review.

8. Appeals. Appeals shall follow the procedure outlined in Section 43 of this Chapter.

9. Fees. An applicant submitting a site plan shall pay a non-refundable fee in connection with the submittal in accordance with a fee schedule as established, from time to time, by the City Council.