

CITY OF EMILY
CONDITIONAL USE PERMIT APPLICATION

Please read the Conditional Use Permit application in its entirety before submitting the application. Applications must be submitted **30** days before the Planning Commission meeting. The full Land Use Ordinance is available at City Hall and online at emilymn.com

WHAT IS A CONDITIONAL USE PERMIT?

A Conditional Use Permit is a land use or development that would not be appropriate without restrictions, but may be allowed with or without restrictions of conditions as determined by the Planning Commission. The Planning and Zoning Commission must determine if the following requirements are met when reviewing a Conditional Use Permit Application:

1. The use or development is an appropriate conditional use in the land use zone.
2. The use or development, with conditions, conforms to the Comprehensive Land Use Plan.
3. The use with conditions is compatible with the existing neighborhood.
4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

The Planning Commission must also consider the following questions when reviewing the Conditional Use Permit Application:

1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

APPLICATION:

- A. Applicant shall complete Conditional Use Permit Application provided by the Zoning Administrator and submit to the Zoning Administrator **30** days prior to scheduling Public Hearing.
- B. Application shall be accompanied by a Site Plan Drawing complete with, as a minimum, the information from the Conditional Use Permit Checklist.
- C. Application shall be accompanied by the application fee of \$500, made payable to the City of Emily and a recording fee of \$46.00 made payable to the Crow Wing County Recorder. The recording fee will be returned if the application is denied. **This fee does not cover the Land Use Permit, which must be filed separately, if necessary.**
- D. The Planning Commission holds their monthly meeting on the first Tuesday of the month at 6:00 PM at City Hall. There is no January meeting.

REVIEW:

- A. The Planning and Zoning Administrator shall review the application for completeness and assign a reference number to application, plans, and any other attachments. Applicant shall be notified within ten days if additional information is required to complete the application.
- B. After receipt of a completed Conditional Use Permit Application and supporting documents, the Zoning Administrator shall schedule a Public Hearing date on the Planning Commission's agenda for the earliest possible opening. Applicant will be notified by mail of the date and time of the Public Hearing.
- C. City Staff will prepare a Staff Report on the application. The Staff Report will be available for public review at City Hall approximately one week prior to the scheduled meeting date.
- D. The City Fee Schedule is based on average processing and review costs for all applications. When costs exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to obtain in reviewing permits. The City may withhold final action on any application and/or hold the release of such permits until all fees are paid.

ACTION:

- A. The Planning Commission shall hold a Public Hearing on the Conditional Use Permit Application.
- B. At the conclusion of the Public Hearing, and after consideration of the testimony presented, the Planning Commission shall make a decision on the application. The application can be approved, denied, or tabled in order to gather additional information.
- C. Appeals of the Planning Commission decision are made to the City Council.

CITY OF EMILY
CONDITIONAL USE PERMIT APPLICATION

APP # _____
Date _____
Fee _____
(for office use only)

Name of Applicant _____ Phone _____

Property Address (E911#) _____ Local Phone _____

Mailing Address _____ E-mail _____

(if different than above)

City, State, Zip _____

Applicant is:

- Legal Owner ()
- Contract Buyer ()
- Option Holder ()
- Agent ()
- Other _____

Title Holder of Property : *(if other than applicant)*

(Name)

(Address)

(City, State, Zip)

Signature of Owner, authorizing application (required): _____

(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____

(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Property ID # (8 digit # on Tax Statement) _____

Zoning District _____, Lake Name (if applicable) _____

What are you proposing for the property? State nature of request in detail:

What changes (if any) are you proposing to make to this site?

Building: _____

Landscaping: _____

Parking/Signs: _____

Pursuant to the Emily City Code of Ordinances, Chapter 152.155, the applicant should be prepared at the Public Hearing to discuss the following issues by explaining how the proposed Conditional Use will cause no significant adverse effects. Please complete all of the following questions:

- (1) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

- (2) Describe character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

- (3) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

- (4) Describe the impact on the character of the neighborhood in which the property is located.

- (5) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

- (6) Discuss any environmental limitations of the site or area.

CONDITIONAL USE PERMIT APPLICATION CHECKLIST

- Completed application, including signature of property owner
- Fee (\$500 application fee payable to the City of Emily+ \$46.00 recording fee payable to Crow Wing County)
- Sewer Compliance Inspection Report (if SSTS)
- All current City charges paid
- No outstanding violations
- Site Plan – (on 8-1/2 x 11 paper preferred) as close to scale as possible, with the following information, as a minimum (unless waived by the P&Z Administrator)*:
- Legal Description of Site (can be located on most property tax statements)
- Size of parcel and dimensions
- All existing structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other
- All proposed structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other
- Location on the parcel of existing and proposed sewage treatment systems (SSTS) and wells and their distance from property lines, structures and each other
- Existing and/or proposed square footage of the driveway (gravel and/or paved), access roads, parking, sidewalks
- Proposed landscaping and screening plans (required)
- Proposed Drainage Plan (required)
- Location of the subject property (a copy of the tax map can be used)
- Name of record owner/title holder of property
- Approximate location of existing and proposed water courses, wooded areas, and other significant physical features
- Approximate location of any proposed signs

** Under certain circumstances, the Planning Commission may require a professionally prepared property survey, stormwater management plan, and/or landscaping plan.*

CITY OF EMILY PLANNING AND ZONING OFFICE CONTACT INFORMATION

Planning and Zoning Administrator: Brittney Cotner
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Emily, MN 56447

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