



CONDITIONAL USE PERMIT (CUP) APPLICATION FORM¹

This handout is intended to provide guidance on putting together and submitting a conditional use permit application in Montgomery. The purpose of the conditional use permit form is to provide the City a chance to review your proposal.

In order to have your conditional use permit application be complete and reviewed in the timeliest fashion, there are a number of steps that must be followed:

1. Contact City staff to discuss your conditional use permit request and obtain a land use application.
2. Put together an informational packet (described herein) that fulfills the conditional use permit submittal requirements. Initially providing detailed information and answers will greatly reduce the potential overall review time.
3. Submit your completed packet to staff by the applicable **due date** for review. Staff will examine your information to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in ensuring your application is complete. Applications found to be incomplete as of the due date shall not be reviewed until the following month².
4. Staff will address completed applications by reviewing all information, writing a report regarding the request, and notifying all parties required by law.
5. The Planning and Zoning Commission will hold a public hearing regarding your request and give a recommendation to the City Council – Approval, Denial, or Conditional Approval. Attendance is **required** at this meeting for action. **Nonattendance** will result in denial.
6. The City Council will consider the request and either grant or deny the request. Attendance is **required** at this meeting for action. **Nonattendance** will result in denial.
7. Where a Conditional Use Permit has been issued pursuant to the provisions of this ordinance, such permit shall become **null and void** without further action unless work thereon commences within **one (1)** year of the date granting of such conditional use permit. The Conditional Use Permit shall not be assignable or transferable. A Conditional Use Permit shall be deemed to authorize only one particular use and shall expire if that use shall **cease** for more than **ninety (90)** consecutive days.
8. In the event that the applicant violates any of the conditions set forth in the permit, the City Council shall have the authority to **revoke** the conditional use permit.
9. No application for a conditional use shall be considered by the Planning & Zoning Commission within a one (1) year period following a denial for such a request, except when change in circumstances warrant it.

The City Council has established a **\$350** non-refundable fee for processing a conditional use permit application.

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Montgomery City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

² Minnesota State Statute 15.99 requires local governments to review an application within 10 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

At a minimum, the following materials must be submitted prior to deeming an application complete:

Sub: Req: Item:

____ ____ **1. Land Use Application** signed by all property owners along with payment of the proper filing fee.

____ ____ **2. Conditional Use Permit Application Form**

Description of the Proposed Use(s). Incorporate information describing how the use will work on the proposed site including proposed site changes, existing open spaces, landscaping, traffic circulation, transition areas to adjacent properties, individual uses for existing and proposed structures, and effects on natural areas (wetlands, forests, etc.) both on-site and in the general vicinity of the project.

Address how the proposed use would affect the health, safety, and general welfare of the city—including but not limited to the factors listed below. For all potential adverse effects, please address how the conflict(s) and/or disturbance(s) would be avoided or mitigated. *(ie Noise, glare, odor, electrical interference, vibration, dust, etc., Possible fire and safety hazards; Existing and anticipated traffic conditions; Parking facilities on adjacent streets and land; The effect on surrounding properties including valuation, aesthetics, scenic views, current and possible land uses, character, and integrity of the neighborhood; Impact on governmental facilities and services including roads, parks, schools, sanitary sewer system, water facilities & supply, and police & fire protection; Effect on sensitive environmental features including lakes, surface and underground water supply, wetlands, slopes, flood plains, and soils; Other factors as found relevant by the city):*

Describe how the proposed use meets the objectives outlines within the Montgomery Comprehensive Plan:

Describe how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated:

Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area:

Outline a proposed development/operating schedule (when will the use begin, hours of operation, etc.) If new construction is proposed, provide a development schedule indicating the approximate date when construction of the project – or stages of the same – can be expected to begin and be completed.

Sub: Req: Item:

— — **3. Fifteen (15) Copies of** A boundary survey from a Minnesota licensed land surveyor of the property and a preliminary building and site development plan depicting the property in question. The following list are items required for inclusion on your survey:

Location, Floor Area, and Building Envelope of Existing & Proposed Structures, Lot Lines, Parcel Size in Square Feet, Building Setbacks (Front/Rear/Side): Closest point of building to each property line, Actual elevations for garage floor, basement floor, foundation top and building height, lowest floor elevation if any part of property is in flood plain, All Water Features: Floodplain, Floodway Delineations, Ordinance High Water Mark Elevations, Wetlands, Watercourses Reservoirs, Ponds, & Other Bodies of Water, Existing topographic character of land showing contours at 2' Intervals, Proposed topographic character at 2' intervals, Location of Trees 4" diameter and larger, All adjacent structures within 100 feet of property, All Easements (Road, Utility, Drainage, etc.), Public Right-of-Way Name (street name), Proposed driveway location, Hardcover Calculations - % and Sq Ft of Building Coverage, Driveway and parking, Proposed treatment of the perimeter, including screens, fences, walls and landscaping, & Administrative information – Scale, North Point, PID #, Site Address, Legal Description, Subdivision Name (if applicable), Zoning Classification, and Date of Preparation (THIS REVISION BOX MUST BE CONTINUALLY UPDATED AS CHANGES OCCUR)

— — **4. Landscaping & Screening Plan** A plan to provide existing vegetation, soded areas, notation on irrigation, and a planting schedule that includes size and type (if applicable)

— — **5. Architectural Plans** to convey the basic architectural intent of the proposed improvements (if applicable)

— — **6. Utilities & Services Plan** A plan set detailing the existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas lines, telephone lines, fire hydrants, and trash collection areas (if applicable)

— — **7. Lighting Plan** A plan to provide photometry plan and cut sheets of fixtures and location of fixtures (if applicable)

Sub: Req: Item:

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| — | — | 8. Signage Plan A plan to provide square footage of all signs including height of freestanding signs and their locations. |
| — | — | 9. Evidence of ownership or enforceable option on the property. |
| — | — | 10. Any other information required by city staff, commissioners, or council members necessary to provide a complete review of the conditional use requests. Information deemed critical to the review process not listed in this handout may be requested. Other requirements listed below: |

Criteria for granting a Conditional Use Permit Request

In granting a conditional use permit, the City Council of Montgomery shall consider the advice and recommendations of the Planning & Zoning Commission and the effect of the proposed use on the Comprehensive Plan and the potential impact upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the City Council shall make the following findings where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area;
2. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land;
3. The use shall have a structure and site of appearance that will not have an adverse effect upon adjacent residential properties;
4. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use;
5. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
6. The use is not in conflict with the comprehensive plan of the City;
7. The use will not cause traffic hazard or congestion;
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided;
9. The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city;
10. The use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area;
11. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the city.

12. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors; and
13. The use will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.

Conditions for granting a Conditional Use Permit Request

In permitting a new conditional use or in the alternative of an existing conditional use, the City Council may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area and the community as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension;
2. Limiting the height, size or location of buildings;
3. Controlling the location and number of vehicle access points
4. Increasing the street width;
5. Increasing the number of required off street parking spaces;
6. Limiting the number, size, location or lighting of signs;
7. Requiring dikes, fencing, screening, landscaping or other facilities to protect adjacent or nearby property(s);
8. Designation sites for open space; or
9. Establishing a time limit for hours of operation.
10. A periodic review of the use may be attached as a condition of approval of a conditional use permit. Unless other stipulated, the term shall be the life of the use.
11. If the city enacts or amends official land use controls in such a way as to render a conditional use nonconforming with the official controls, the subject to section nonconforming uses, regardless of the permit which was previously issued.

Staff Checklist for a Conditional Use Permit (CUP)

- _____ **Completed Application Form**
- _____ **Notice of Public Hearing for Newspaper / Affidavit of Publication**
 - Published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing.
- _____ **Notice of Public Hearing for Mailing / Affidavit of Mailing**
 - Notify by mail all property owners within 350 feet of the outer boundaries of the property in question, not less than ten (10) days and not more than thirty (30) days prior to said hearing
- _____ **Staff Report**
- _____ **Planning & Zoning Commission Item / Public Hearing**
- _____ **City Council Action Item**
- _____ **Follow-Up Letter to Applicant**
- _____ **Record Conditional Use Permit at Le Sueur County's Recorder's Office**