

SECTION 22 CONDITIONAL USES

SUBDIVISION 1. CONDITIONAL USES

Within the unincorporated area of the county, all uses except permitted uses shall be required to obtain a Conditional Use Permit approved by the Board of County Commissioners.

SUBDIVISION 2. APPLICATION

Applications for Conditional Use Permits shall be made to the Zoning Administrator together with required fees. 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. Legal description of the property.
2. Site plan drawn to scale showing parcel and building dimensions.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
5. Landscaping and screening plans.
6. Drainage plan.
7. Sanitary sewer and water plan with estimated use per day.
8. Soil type.
9. Such other information as is necessary and reasonable to adequately review the request.

SUBDIVISION 3. NOTIFICATION 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 County Planning Commission shall make its decision upon the application and forward its recommendations to the Board of County Commissioners. In reporting its recommendations to the Board of County Commissioners, the County 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 Board of County Commissioners shall make a decision upon the application for a Conditional Use Permit.

SUBDIVISION 5. FINDINGS

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

1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

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 County Zoning Board, 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. COMPLIANCE

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit.

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 can be cause for the County Board to terminate the permit.

SUBDIVISION 10. DISCONTINUANCE

A Conditional Use Permit shall become void one (1) year after being granted by the County Board unless used or discontinued for a period of ninety (90) days. A request for an extension may be granted by the County Board. Mineral Extractions would be exempt from this requirement but must meet all the requirements of Section 20 of this Ordinance.

SUBDIVISION 11. RECORDING

1. A certified copy of any Conditional Use Permit 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 Board.