

REDWOOD COUNTY ZONING ORDINANCE
SECTION 25
CONDITIONAL USES

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SECTION 25 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 approval 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 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 at 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. 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. mails, postage prepaid, as to the time and place of the public hearing. The township in which the affected property is located as well as 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. In instances of a tie vote among the Planning Commission members, the permit application or other matter shall be forwarded to the Board of Commissioners without a specific recommendation for finalization. Violations of such conditions and safeguards, when made part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this ordinance punishable under Section 28. 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

The County Planning Commission shall recommend no conditional use 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 FLOODPLAINS,
OR SCENIC RIVERS DISTRICT**

1. A copy of a request for a Conditional Use Permit within any designated floodplain, shoreland or scenic rivers district 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 Permits within any designated floodplain, shoreland or scenic river district shall be forwarded to the Department of Natural Resources within ten (10) days after such decision.
3. Procedures to be followed by the Planning and Zoning Board in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.
 - A. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning and Zoning Board for determining the suitability of the particular site for the proposed use:
 1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.
 2. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - B. Transmit one copy of the information described in subsection (1) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
 - C. Based upon the technical evaluation of the designated engineer or expert, the Planning and Zoning Board shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
4. Specific Factors Upon Which the Decision of the Planning and Zoning Board Shall Be Based. In passing upon Conditional Use applications, the Planning and Zoning Board shall consider all relevant factors specified in other sections of this Ordinance, and:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - E. The importance of the services provided by the proposed facility to the community.
 - F. The requirements of the facility for a waterfront location.
 - G. The availability of alternative locations not subject to flooding for the proposed use.
 - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - L. Such other factors which are relevant to the purposes of this Ordinance.
5. Time for Acting on Application. The Planning and Zoning Board shall act on an application in the manner described above within thirty (30) days from receiving the application, except that where additional information is required pursuant to Section 5, Subdivision 10.4 of this Ordinance. The Planning and Zoning Board shall render a written decision within thirty (30) days from the receipt of such additional information.
 6. Conditions placed on Conditional Use Permits. Conditions on Conditional Use Permits are located in Section 5, Subdivision 10.4F.

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 a 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 and automatically terminate the permit.

SUBDIVISION 10. DISCONTINUANCE

A conditional Use Permit shall become void one year after being granted by the Board unless used or if discontinued for a period of ninety (90) days.

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.