City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
651-462-0575
permits@wyomingmn.org

LAND USE APPLICATION: CONDITIONAL & INTERIM USE PERMIT

A conditional use permit application requests a use permitted in a particular zoning district, but regulated and controlled through conditions placed upon it by the City Council after review by the Planning Commission.

Property Address: _____

Applicant(s): Name(s) _____

Address _____

City _____ State _____ Zip _____

Phone Number _____ Email _____

Owner(s) - If other than Applicant(s):

Name(s) _____

Address _____

City _____ State _____ Zip _____

Phone Number _____ Email _____

Owner(s) Signature(s) _____ **Date** _____

Legal description of property: _____ _____

Property Identification Number: 21. _____ Present Zoning: _____

Present use of property: _____

Proposed use of property: _____

Is this an application for an Interim Use permit? ☐ Yes ☐ No If yes, on what date, or upon what event, would the applicant desire the interim use to expire? Date: _____ / _____ / _____ OR Event: _____

This application and the following attachments must be submitted to be considered a complete application:

A detailed site plan showing the following information from Sec. 40 - 111, A-K also including:

a. The grading and drainage plan must be designed in accordance with Article VII, Division 21 of the Zoning Ordinance and the City Of Wyoming Surface Water Resource Guidance Document
b. Elevation drawings of all sides of the proposed building to show compliance with the architectural standards of the zoning district the use will be located in
c. Landscaping and Screening in accordance with Article VII, Divisions 14 & 26
d. Lighting Plan in accordance with Article VII, Division 15

2. A letter explaining the proposed use and how it will be operated
3. A completed Conditional & Interim Use Permit Worksheet
4. Applications for uses described in Article VI, Divisions 7, 18 & 19 and Article VII, Divisions 2, 8, 10, 17-20 & 25 of the Zoning Ordinance. It must include the information necessary to show compliance with the applicable section of the ordinance.
5. Applications for uses that are within the Highway 8 Overlay District or that utilize Highway 8 for access must include the information necessary to show compliance with Article VI, Division 14 of the Zoning Ordinance
6. The application fee and escrow must be paid at the time of application - The fee is **not** refundable and the unused portion of the escrow will be returned to the applicant.
7. Any other information deemed necessary by the Zoning Administrator or Planning Commission

Applicant(s) Signature(s) _____ Date _____

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. All of Article V, Division 6, Conditional Use Permits, and Article VII, Division 13, Home Occupations are attached to this application and by signing this application, the Applicant acknowledges that they have been read and understood.

A public hearing can be scheduled only after a complete application has been received.

OFFICE USE ONLY

Date **Complete** Application Received: ____/____/_____

Permit # _____

60 Days: ____/____/_____

Date Application Received: ____/____/_____

By: _____
Official

Fee: $220.00 + Escrow

Escrow - Commercial is $1,000.00 & Residential is $750.00

Date Paid: ____/____/_____

CONDITIONAL & INTERIM USE PERMIT WORKSHEET

Applicant: _____

Address: _____

Type of Business: _____

Business name: _____

Answer the following questions based on the standards contained in Sec. 40 – 112 of the City of Wyoming Zoning Ordinance for Conditional and Interim Use Permits. If needed, use a separate page. **All questions must be answered.**

1. Is your proposed use in conformity with the Comprehensive Plan and development policies of the City?
   ☐ Yes ☐ No Explain: _____
2. Will your proposed use create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?
   ☐ Yes ☐ No Explain: _____
3. Will your proposed use be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and so there will be no deterrence to development of vacant land?
   ☐ Yes ☐ No Explain: _____
4. Will the structure and site have an appearance that will not have an adverse effect upon adjacent properties?
   ☐ Yes ☐ No Explain: _____
5. Is the proposed use reasonably related to the overall needs of the City and to the existing land use?
   ☐ Yes ☐ No Explain: _____
6. Will the proposed use be consistent with the purpose of the Zoning Ordinance and other City Ordinances?
   ☐ Yes ☐ No Explain: _____
7. Will the proposed use be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located?
   ☐ Yes ☐ No Explain: _____
8. Will the proposed use generate only minimal vehicular traffic on local streets?
   ☐ Yes ☐ No Explain: _____
9. Will the proposed use create traffic hazards or unsafe access or parking needs?
   ☐ Yes ☐ No Explain: _____
10. Will existing businesses nearby be adversely affected by your proposed use because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness?
    ☐ Yes ☐ No Explain: _____
11. Will the establishment or maintenance of the proposed use be detrimental to the public health, safety or general welfare?
    ☐ Yes ☐ No Explain: _____
12. Will the proposed use be hazardous, detrimental, or disturbing to present and potential surrounding land uses due to water pollution, odor, fumes, and general unsightliness or other nuisances?
    ☐ Yes ☐ No Explain: _____
13. How will the proposed use preserve and incorporate the site's important natural and scenic features into the development design?
    ☐ Yes ☐ No Explain: _____
14. Will the proposed use cause adverse environmental effects?
    ☐ Yes ☐ No Explain: _____

Permit # _____

DIVISION 6. CONDITIONAL USE PERMITS

Sec. 40 – 110. Procedure.

Request for a conditional use permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer said application, along with all related information, to the City Planning Commission for consideration.

Sec. 40 – 111. Application.

The application shall be accompanied by a site plan of the proposed use showing such information as may be necessary or desirable, including, but not limited to Items 1 through 11 below. After receipt of all of the following items, the Zoning Administrator, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City.

(1) Application for a Conditional Use Permit shall be made to the Zoning Administrator on forms provided by the City.

(2) Evidence of ownership or an interest in the property;

(3) Accurate and current certificate of survey and legal description;

(4) The fee specified in Appendix A of the City Code;

(5) Four large prints and ten 11 x 17 prints regarding the following aspects of the project (all submitted plans shall be signed by a registered architect, civil engineer, landscape architect or other appropriate design professional):

- (a) Site plan drawn at scale showing parcel and building dimensions.
- (b) Locations of all proposed and existing buildings and their square footages.
- (c) Curb cuts, driveways, access roads, parking spaces, and off-street loading areas.
- (d) Existing topography.
- (e) Finished grading and drainage plan.
- (f) Type of business or activity and proposed number of employees.
- (g) Proposed floor plan of any building and use indicated.
- (h) Sanitary sewer and water plan with estimated use per day.
- (i) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation or limitations, shall be made part of the permit application.
- (j) A location map showing the general location of the proposed use within the City.
- (k) A map showing all principal land uses within 250 feet of the parcel for which application is being made.

(6) The type of plans and number of copies required may be adjusted by staff based on the particular project. The City reserves the right to request additional plans or information as necessary.

Sec. 40 – 112. Public Hearing and Disposition.

The Zoning Administrator, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Written notice shall be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas and to property owners within one-quarter (1/4) mile of the affected property in unincorporated areas. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

(1) The Planning Commission shall consider the request and hold a public hearing at its next available regular meeting (at least ten days after the publication of notice). The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.

(2) The Planning Commission shall consider the possible effects of the proposed conditional use. Its judgment shall be based upon (but not limited to) the following general factors and any other relevant requirements set forth in the General Building and Performance Requirements Article of this Ordinance, whether:

- (a) The use is in conformity with the Comprehensive Plan and development policies of the City.
- (b) The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- (c) The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.

(d) The structure and site will have an appearance that will not have an adverse effect upon adjacent properties.

(e) The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.

(f) The use will be consistent with the purpose of this and other City Ordinances.

(g) The use will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located.

(h) The use will generate only minimal vehicular traffic on local streets and shall not create traffic hazards or unsafe access or parking needs.

(i) Existing businesses nearby will not be adversely affected because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

(j) The establishment or maintenance of the use shall not be detrimental to the public health, safety, or general welfare.

(k) The use will not be hazardous, detrimental, or disturbing to present and potential surrounding land use due to water pollution, odor, fumes, general unsightliness, or other nuisances.

(l) The use will preserve and incorporate the site's important natural and scenic features into the development design.

(m) The use will cause minimal adverse environmental effects.

(3) The Planning Commission and City staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant if said information is declared to be necessary by the City to review the request or to establish performance conditions in relation to this Ordinance.

(4) After the receipt of a complete (as defined in Sec. 40 – 111) Conditional Use Permit application, the Planning Commission shall make a finding of fact and recommend such actions and/or conditions relating to the request to the City Council. The City may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in the General Building and Performance Requirements Article of this Ordinance, may include, but are not limited to the following:

(a) Matters relating to the architecture or appearance.

(b) Establishing hours of operation.

(c) Increasing the required lot size or yard dimension.

(d) Limiting the height, size, or location of buildings.

(e) Controlling the location and number of vehicle access points.

(f) Increasing the street width.

(g) Increasing the number of required off-street parking spaces.

(h) Limiting the number, size, location, or lighting of signs.

(i) Requiring diking, fences, screening, landscaping or other facilities to protect adjacent or nearby property.

(j) Designating sites for open space.

(k) Limiting the duration of the use by establishing a date or event by which the operation must cease. Where the City Council establishes an event after which operation must cease, the event must be identified with certainty, and such event may be the re-zoning of the land or a change in the uses permitted with the district. The City Council may also set forth a period of time after an event by which the operation must cease. Where the City Council or the applicant desires to limit the duration of a conditional use, such use will be deemed an interim use pursuant to Minnesota Statutes #462.3597. Every conditional use permitted in a district may be permitted as an interim use either by request of the applicant at the time of application or by motion of the Planning Commission or City Council. Prior to granting a conditional use as an interim use, the City Council shall consider, in addition to all other factors required to obtain a conditional use, the following:

1. Whether the use conforms to the zoning regulation;

2. Whether a date or event for the termination of the use can be identified with certainty.

3. Whether the permission of the use will impose additional costs on the public if it is necessary for the public to take the property in the future; and

4. Whether the landowner will agree to the conditions that the City Council deems appropriate for permission of the use.

(l) If the landowner requests that the application be considered as an interim use on the initial application, the notice of public hearing shall state the use is proposed as an interim use and state the duration requested by the applicant. If the Planning Commission or City Council moves to consider the application as an interim use,

a new public hearing shall be held and the notice of such public hearing shall state that the purpose of the hearing is to consider the application as an interim use and to establish the duration of the use.

(5) Upon receiving the report and recommendation of the Planning Commission, the City Council shall place the report and recommendation on the agenda for the next available regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

(6) Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:

(a) Approve or disapprove the request as recommended by the Planning Commission.

(b) Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the City Council's records, or

(c) Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action.

(d) Should the City Council approve or deny the applicants request contrary to the Planning Commission's recommendation, the City Council shall include in their Findings of Fact the reason for their differing decision.

(7) The recommendation of the Planning Commission shall be advisory to the City Council. Approval of a request shall require passage by majority vote of the City Council. The Zoning Administrator shall notify the applicant of the City Council's action. The decision of the City Council shall be final, subject to judicial review.

(8) After receipt of a complete (as defined in Sec. 40 – 111) Conditional Use Permit application, the City Council shall approve or deny the application. If the application is not complete, the Zoning Administrator shall submit a written notice of missing material.

Sec. 40 – 113. Lapse of Conditional Use Permit by Non-Use.

Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action.

Sec. 40 – 114. Amended Conditional Use Permit.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

Sec. 40 – 115. Revocation of a Conditional Use Permit.

A conditional use permit shall be deemed to authorize only one (1) particular conditional use. Such permit may be revoked by the issuing body if:

(1) The applicant or their agent has not commenced work upon the subject property within one year.

(2) An existing conditional use ceases operation for a period of one (1) year.

(3) The conditional use is being operated and maintained in a manner contrary to this Ordinance, the approved conditional use permit, or its conditions.

(4) An existing conditional use does not complete its bi-annual certification. Bi-annual certification is intended to maintain an updated listing of active conditional uses in the City and to decertify any conditional use permits where the activity has ceased. CUP holders must complete and return certification forms provided by the City. Failure to maintain certification shall cause the CUP to become null and void.

Sec. 40 – 116. Performance Bond.

The Planning Commission and City Council shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

(1) Except in the case of non-income producing residential property, upon approval of a conditional use permit the City may be provided with a surety bond, cash escrow, certificate of deposit, securities, letter of credit or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.

(2) The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the City Council.

Secs. 40 - 117—40 - 119. Reserved.