



Conditional Use Permit

Each zoning district within the City allows for a list of allowed conditional uses. Conditional uses require a special review process in order to attach conditions that allow the City to protect the general health, welfare, and public safety of the City but allow certain uses not permitted by right within a district. The conditional use is measured it under additional criteria to ensure the proposal is compatible with the neighborhood. Land area and setback requirements for the use or activity must meet the minimum standards established for the zoning district in which the proposed use is located.

Criteria for Approving a Conditional Use Permit (CUP)

1. When abutting a residential use the property shall be screened and landscaped.
2. Where applicable, all city, county, state and federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
3. Signs shall not adversely impact adjoining or surrounding residential uses.
4. Adequate on-site parking and loading areas shall be provided and buffered with the use of screening or landscaping from abutting residential uses.
5. The road serving the use or activity must be designed to accommodate the use or activity. The use or activity shall not generate increased traffic that creates a nuisance or hazard to surrounding land use.
6. All access roads, driveways, parking areas, and outside storage, sales or service areas must be surfaces or seeded/sodded to control dust and drainage.
7. All open and outdoor storage, sales and service areas must be screened from view from public streets and from abutting residential uses or districts.
8. All lighting must be designed to prevent any direct source of light being visible from adjacent residential areas or from public streets.
9. The use or activity shall be properly drained to control surface water runoff.
10. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
11. The proposed water, sewer and other utilities shall be capable of accommodating the proposed use or activity.

Information Required for a CUP

- Planning and Zoning Application
- Evidence of Ownership or an Interest in the Property
- Required \$300 Fee (non-refundable)
- Three Full Scale Plan Sets
- One 11x17 Copy of the Plan Set
- Digital copy (flash drive, CD, emailed) of all submission documents
- Other necessary information as required by the Community Development Department

Plan Sets Must Include the Following:

- Building Location and Dimensions (all existing and proposed)
- Certificate of Survey
- Adjacent Roadways and Proposed Entrances
- Grading Plan
- Drainage Plan
- Utility Plan
- Parking Layout
- Landscape/Tree Preservation Plan
- Easement Locations
- Snow Storage Area
- Development Summary Table (see handout for Development Summary Table)
- Elevations and Proposed Materials
- Lighting Plan (exterior only)

Process for Approving a CUP

- Step 1: Schedule a pre-application meeting with the Community Development Department to go over preliminary site plans and proposal.
- Step 2: Applicant submits application, fee, and required information (see list above).
- Step 3: Staff will review the submission and make a determination of whether the application is complete. Staff has 15 days to determine if additional information is needed and will send a letter to the applicant requesting the documents be submitted. If an application is deemed incomplete, the 60 day time limit (beginning the day the application is submitted) for the City to approve or deny the application will stop. The 60 day time period may be extended an additional 60 days if the City provides written notice of the extension to the Applicant before the initial review period ends.
- Step 4: Once a complete application has been received, the Community Development Department will send the request to all relevant review agencies for comment. Agencies include the city engineer, fire chief, police chief, county and state transportation departments, building official, etc.
- Step 5: Staff will prepare a report of the request and place the item on the next available Planning Commission meeting. Applications must be received 39 days before the meeting to provide time for agency review.
- Step 6: Public hearing notices are mailed to all property owners within 350 feet of the property in question by the Community Development Department and published in the Anoka County Union 10 days prior to the meeting.
- Step 7: The Applicant or their representative attends the Planning Commission public hearing. The Planning Commission shall consider if the proposed use is consistent with the general purpose and intent of the Zoning Ordinance and Comprehensive Plan. They will measure the request against the criteria

stated above. The Commission will hear testimony from anyone wishing to speak for or against the request. At this time the Applicant or their representative should speak to their request.

Step 8: The Planning Commission recommendation of approval, denial, or approval with conditions will be forwarded to the next available City Council meeting. Conditions of approval may be attached to mitigate any negative effects the CUP may have.

Step 9: The City Council will consider the application, staff report, and Planning Commission recommendation and make a final decision of approval, denial, or approval with conditions.

Step 10: If approved, the resolution will be published in the Anoka County Union. Ten days after the approval by the City Council, the Applicant may proceed with the proposed work after all necessary building permits and conditions of approval have been completed.

Meetings

As noted above, there are two required meetings for a CUP. The first is the Planning Commission, a seven member appointed board of community residents. Meetings are held the first Tuesday of the month at 7:00 pm in the Council Chambers at City Hall. Following this meeting, the request will be heard by the City Council at their meeting on the third Monday of the month at 7:00 pm and make a final decision.

Process to Amend a CUP

Holders of a conditional use permit may propose amendments to the permit at any time, following the procedures set for a new CUP outlined above. No significant changes in the circumstances or scope of the approved uses shall be undertaken without approval of those amendments by the City Council. The City shall determine what constitutes a significant change. Significant changes include, but are not limited to:

1. Hours of operation
2. Number of employees
3. Expansion of structure and/or premises
4. Operational modifications resulting in increased external activities or traffic
5. Increase exterior storage

The Planning Commission may recommend, and the City Council may approve, significant changes and modifications to the approved CUP including the application of additional or revised conditions.

Expiration

A conditional use permit, unless the City Council specifically approves a different time frame when the permit is approved, will expire after one (1) year if initiation of construction or use has not commenced upon the subject property. The clock starts the date of approval by the City Council.

Length of a CUP

A conditional use permit runs with the property and may continue to operate indefinitely so long as the operation does not meet any of the four criteria for termination listed below.

Termination

A conditional use permit may be revoked by resolution of the City Council if:

1. Initiation of construction or use has not commenced upon the subject property within one (1) year or alternative date set by the City Council. The clock begins on the date of City Council approval.
2. An existing conditional use ceases operation for a period of one (1) year. The clock begins the day following the last day in which the use was in normal operation.
3. The conditional use is being operated or maintained in a manner that violates any City, State, or Federal ordinances, statues, rules or laws, and/or does not comply with any conditions of approval of the CUP
4. The use of the property changes to a permitted or different conditional use in that district

Step 1: The Community Development Department will place the resolution to terminate the CUP on the next available Planning Commission agenda.

Step 2: The Community Development Department will mail public hearing notices to property owners within 350 feet of the site and publishing the notice in the Anoka County Union ten days prior to the hearing.

Step 3: The Community Development Department will mail notice of the public hearing via registered mail to the CUP property owner.

Step 4: The planning Commission will hold a public hearing, receive testimony from anyone wanting to speak in favor or against the termination, and make a recommendation to the City Council.

Step 5: The resolution will be forwarded to the next available City Council meeting. The City Council will hear the request to terminate the CUP and make a final decision.

Step 6: If the CUP is terminated, all activity on the property must cease and come into compliance with the Zoning Ordinance. If the resolution is denied, the property owner may continue to operate the CUP so long as they meet all conditions of approval for the CUP.

Additional information can be obtained or a pre-application meeting scheduled by calling the City of Anoka Planning Department at 763-576-2720.