



City of Richmond

CONDITIONAL USE APPLICATION

City Code Section 107-43

City Code Section 107-43 states:

The purpose of this section is to provide the planning commission and city council with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety. A conditional use permit is required when the use is classified as a 'conditional use' within a zoning district. Conditional use permit require the submittal of an application and a public hearing and is to be processed in accordance with the procedures set forth in section 107-48.

In order for the application to be approved each of the following criteria must be met:

1. Not a burden on Public facilities;
2. Compatible with existing and planned adjacent uses;
3. No adverse effects on adjacent properties;
4. Related to the Needs of the City.
5. Consistent with the Comprehensive Plan;
6. Not a traffic hazard;
7. Adequate parking and loading;
8. Not detrimental to health, safety and welfare of the City;
9. Floodplain ordinance will be met;
10. Shoreland ordinance will be met;
11. Feedlots requirements shall be met;

Additional Conditions:

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition of and the City Council may impose conditions considered necessary to protect the best interest of the surrounding area or the City as a whole, in addition to the standards and requirements expressly specified by this Ordinance. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size, number 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 diking, berming, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Designating operating hours and noise levels.
10. A time limit on the use.
11. Any other condition the Planning Commission or City Council deems necessary to protect the public interest.

12. Additional Conditions may be imposed on property located in a floodplain in accord with the Floodplain Ordinance.
13. Additional Conditions may be imposed on property covered by the Shore land Ordinance.
14. Additional Conditions may be imposed on feedlots in accord with other applicable ordinances including without limitation Stearns County's Ordinances relating to feedlots.

CHANGES IN CONDITIONAL USES

Any change involving structural alteration, 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. The Zoning Administrator will maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the City Council and time limits, review dates, and such other information as may be appropriate.

RECORDING CONDITIONAL USE PERMITS

A certified copy of any Conditional Use Permit shall be filed with the Stearns County Recorder. The Conditional Use Permits shall include the legal description of the property involved. The Applicant is responsible for recording fees, set by Stearns County.

REVOCAATION

In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke a Conditional Use Permit.

The Building Inspector, Zoning Administrator, any Council member or the Mayor may bring before the City Council notice of a potential violation involving the terms or conditions of a Conditional Use Permit which has been issued in the City. In such event the Building Inspector or Zoning Administrator shall investigate the violation and report back to the Council. If the Council determines that proceedings to consider revocation of the permit are warranted, the Council shall provide five (5) days written notice to the owner of the property, as shown on the property tax records for which the Conditional Use Permit has been issued, of the time and place at which the Council will consider the revocation. The property owner shall have an opportunity to be heard after which time the Council may take all appropriate actions including the revocation and termination of the Conditional Use Permit.

Costs of Enforcement: It shall be a term of any Conditional Use Permit issued by the City, whether or not specifically stated, that the property owner(s) shall pay all staff and reasonable attorney's fees associated with enforcement of the terms of the Conditional Use Permit.

TIME LIMITATION

A Conditional Use Permit may include an expiration date and the property owner will be responsible to submit the application for renewal of the permit. The City Council will review and approve all renewal applications, which must be submitted at least sixty (60) days before the expiration date. The criteria for renewal will be the same as for a new permit. The owner of the land will not be required to pay a fee for said review.

LAPSE/EXPIRATION

If within one (1) year after granting a Conditional Use Permit the use permitted has not been started, then the permit will become null and void unless the City Council has approved a petition for an extension. Conditional Use Permits expire if the authorized use ceases for any reason for more than six (6) months. Conditional Use Permits expire if the use is abandoned. A use is considered abandoned if the use is replaced by another use or discontinued for more than six (6) months.

REVIEW PROCESS

Application Deadline: completed application, fees and necessary documents must be received by the close of business on the last Tuesday of the month. The variance process takes about 6 weeks from deadline.

****incomplete applications **will not** be reviewed.

Review time: City hall staff will review the completed application
City Planner will draft findings of fact

Notification: Must Publish Notice at least 10 days before Public Hearing
Must mail notices to property owners within 350 feet of said property

Public Hearing: 4th Thursday of the month Planning Commission will hear all public hearings.

City Council Meeting: City Council will hear Planning Commission recommendations at the City Council meeting following the Public Hearing

SUBMISSION REQUIREMENTS

- Application Attached (complete)
- Scaled Site Plan (if new building, remodel or addition)
- Building Plans (survey plan with exterior building drawings acceptable if building contingent upon permit approval). Layout of interior may also be required.
- Legal Description – word format
- Residential Fees include, but not limited to:
 - o \$200.00 - application
 - o \$46.00 – recording fees

Fees should made payable to the City of Richmond upon submittal of completed application

****** Conditional Use applications must be received by the close of business on the last Tuesday of each month; applications received after this date cannot be heard at the Planning Commission meeting of the following month. ******



**City of
Richmond**

**Conditional Use
Application**

PROPERTY INFORMATION

PROPERTY ADDRESS (for this application)

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PROPERTY IDENTIFICATION NUMBER (for this application) and Zoning

PID:	City Zoning:
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LEGAL DESCRIPTION: attach if necessary, this must be the real legal not the county tax description

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APPLICANT/OWNER INFORMATION

APPLICANT

NAME:			
Address:	City:	State:	Zip:
Telephone	Fax:		
Email			

PROPERTY OWNER

Same as Applicant

NAME:			
Address:	City:	State:	Zip:
Telephone	Fax:		
Email			

4. Can the proposed use be accommodated by existing City Services (utility/facility capacity)? Explain

5. Are local streets capable of handling traffic which is generated by the proposed use? Please explain:

6. Is there an odor caused by the proposed use, if yes, how will you address this? Please explain:

7. Additional Information:

A conditional use permit cannot be granted unless evidence is presented that satisfies the conditions above. Failure to adequately provide such information may result in a denial of your request for a conditional use permit. (Attach additional sheets if necessary).

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

APPLICANT SIGNATURE: _____ DATE: _____

OWNER SIGNATURE: _____ DATE: _____

CITY USE ONLY

Rcvd Appl by:	Date Rcvd:	
Fee:	Check #:	Date Paid:
Public Hearing Date:		
Other:	Escrow:	Date Paid:

Site Plan (draw the building interior layout and placement of equipment)

