

SECTION 18: CONDITIONAL USES

Subdivision 1. Conditional Use Permit

- A. Application:** An application for a Conditional Use Permit shall be filed with the office of the County Zoning Administrator on forms prescribed by the County. The application shall be accompanied by such building plans, site plans, and other materials as may be prescribed by the County Planning Commission.

Subdivision 2. Notification and Public Hearing.

- A.** Upon Receipt of the application and other prescribed materials, a time and place shall be set for a public hearing before the County Planning Commission. The County Planning Commission shall hold at least one (1) public hearing on the proposed Conditional Use Permit. At least ten (10) days before the date of each public hearing, notice of the hearing shall be sent to all property owners of record within five hundred (500) feet of the area included in the application in incorporated areas and in unincorporated areas, to all property owners of record within 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. Written notice shall also be given to any municipalities within two (2) miles of the affected property, and the Board of the Township within which the property is located. Notice of the time, place and purpose of any hearing shall be given by publication in the official County newspaper and in a newspaper of general circulation serving the area in which the property is located, at least ten (10) days in advance of the hearing.

An error in the published Notice of Public hearing or failure to notify a specific property owner of the application for a Conditional Use Permit shall not be considered cause to declare the public hearing invalid.

Subdivision 3. Interim Uses

Interim Use Permits shall use the same application, and procedure process as a Conditional Use Permit. *Cottonwood County Planning and Zoning Department reserves the right to reclassify a Conditional Use Permit to a Interim Use Permit.*

- A.** Interim Use Permits (IUP) may be issued as Conditional Use Permits if the following provisions are met.
- 1.) The proposed use conforms to the zoning regulations
 - 2.) The date or event that will terminate the use can be identified with certainty.
 - 3.) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future

4.) The user must agree in writing to any conditions the County Board deems appropriate for permission of the use.

Subdivision 4. Criteria for Granting Conditional Use Permits

In granting a conditional use permit, Cottonwood County Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon health, safety, morals and general welfare of the occupants of surrounding lands. Among other things, the County Planning Commission shall make the following findings where applicable.

- 1) Has it been determined that this use will not create an excessive burden or hazard on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?
- 2) Will the use and appearance of the site be sufficiently compatible or separated by distance or screening from agricultural or residentially zoned or used land so that existing homes and adjacent residential properties will not be depreciated in value or adversely affected?
- 3) Has it been determined that the proposed use will not have a detrimental environmental affect?
- 4) Has it been determined that business or advertising signs will not be visible to adjacent dwellings?
- 5) Is the use, in the opinion of the Planning Commission, reasonably related to the overall needs of the County, the existing land use and the County Comprehensive Land Use Plan?
- 6) Is the use consistent with the purposes of the zoning code and the zoning district in which the applicant intends to locate the proposed use?
- 7) Has it been determined that the use will not cause a traffic hazard or congestion?
- 8) Has it been determined that existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness?

Additional Shoreland Criteria

- 1) Has it been determined that the prevention of soil erosion or other possible pollution of public waters, both during and after construction?
- 2) Has it been determined that the visibility of structures and other facilities as viewed from public waters is limited?

- 3) Has it been determined that the site is adequate for water supply and on-site sewage treatment?

Subdivision 5. Conditions

In the permitting of a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which the Planning Commission consider necessary to protect the best interest of the surrounding area or the community as a whole.

Subdivision 6. Approval

- A.** The County Planning Commission shall make its decision upon the application and forward its recommendations to the Board of County Commissioners. In reporting its recommendation to the Board of County Commissioners, the County Planning Commission may designate conditions and require guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the County Planning Commission, the Board of County Commissioners shall make a decision upon the application.
- B.** A certified copy of any Conditional Use Permit approved shall be filed with the County Recorder by the County Auditor.

Subdivision 7. Effective Date

The Cottonwood County Ordinance #28 Section 18: Conditional Uses is hereby amended by the Cottonwood County Board of Commissioners on the 17th day of November, 2015

Effective Date: December 1st, 2015

Chairperson, Cottonwood County Board of Commissioners

ATTEST:

Jan Johnson, County Auditor/Treasurer