

## **SECTION 20: CONDITIONAL USES**

### **Subdivision 1.       CONDITIONAL USES**

Within the Hutchinson Joint Planning Area, all uses specifically listed as conditional uses except permitted uses, shall be required to obtain a Conditional Use Permit approved by the Board of County Commissioners.

### **Subdivision 2.       APPLICATION**

Applications for Conditional Use Permits shall be made to the City Zoning Administrator together with required fees. The application shall be accompanied by a Registered Land Survey showing such information as is necessary to show compliance with this Ordinance. *(See Checklist on page 20-4)*

### **Subdivision 3.       NOTIFICATION OF PUBLIC HEARING**

1.     Upon receipt in proper form of the application and other required material, the City Zoning Administrator shall refer the proposed conditional use request to the Joint Planning Board. The Joint Planning Board shall hold at least one (1) public hearing in a location to be prescribed by the Joint Planning Board. 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 newspaper of general circulation.
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. mail, postage prepaid, as to the time and place of the public hearing. Written notice shall also be given to the affected Board of Town Supervisors and the City of Hutchinson of the proposed conditional use.

### **Subdivision 4.       APPROVAL, DISAPPROVAL OR MODIFICATION**

The Joint Planning Board shall make its decision upon the application and forward its recommendation to the Board of County Commissioners. In reporting its recommendations to the Board of County Commissioners, the Joint Planning Board 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. Upon receipt of the report of the Joint Planning Board, the Board of County Commissioners shall make a decision upon the application for a Conditional Use Permit.

**Subdivision 5. FINDINGS**

No conditional use shall be recommended by the Joint Planning Board unless said Board 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 SHORELAND AREAS**

1. A copy of a request for a Conditional Use Permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources by the City Zoning Administrator and be postmarked at least ten (10) days prior to the public hearing.
2. A copy of all decisions granting any Conditional Use Permit within any designated floodplain, shoreland or scenic rivers district, shall be forwarded by the City Zoning Administrator to the Commissioner of the Department of Natural Resources within ten (10) days after such decision.

**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 may be terminated after an appropriate revocation hearing is held.

**Subdivision 10. DISCONTINUANCE**

A Conditional Use Permit shall become void one year after being granted by the Board unless used.

**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 County Zoning Administrator shall be responsible for recording with the County Recorder, any Conditional Use Permit issued by the Board.