

CONDITIONAL USE PERMIT APPLICATION
For properties in non-floodplain areas

Return to:

Department of Community Development
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
(651) 490-4682

Existing Zoning: _____

Proposed Use: _____

Site Identification:

Address: _____

Property Identification: _____

Legal Description: _____

Applicant:

Name: _____

Address: _____
City State Zip Code

Telephone Number: _____ (daytime) _____ (home)

Fax Number: _____ E-Mail: _____

Property Owner (if different from applicant):

Name: _____

Address: _____
City State Zip Code

Interest in property: _____
(see filing requirement #3)

Signatures:

Applicant: _____ Date: _____

Property Owner: _____ Date: _____

Date Received by City: _____ By Whom: _____

FILING REQUIREMENTS

THE FOLLOWING ITEMS MUST BE SUBMITTED:

1. Completed application form.
2. A written statement describing the intended use of the property. This statement must explain how the proposed use is consistent with each of the required findings for approval. (refer to review criteria)
3. A currently certified Abstract of Title or an Owner's Duplicate Certificate of Title and copies of all unrecorded documents necessary to establish a legal or equitable interest by the applicant in the property.
4. A complete application(s) for *all other* approvals necessary for the proposed development (e.g. comprehensive plan amendment, rezoning, subdivision, and site and building elevation plan approvals).
5. Include *all* necessary drawings and structure dimensions deemed necessary by the City. Such things would include; scaled building elevation and floor plans, a property line map and site plan showing site dimensions, the location and use of any existing structures on and adjacent to the site, the proposed use, landscaping, screening, signs, parking spaces and drives.
6. **One** folded and collated copy of the plan sheets, on 11"x17" half-scale print. **One** 8½"x11" reproducible print for each required sketch, drawing, or plan. **Four** 20"x30" copies of each plan sheet for staff review.
7. **Four** 20"x30" copies of each plan sheet for staff review.
8. Filing fee of \$400.00 (make checks payable to City of Shoreview). **The filing fee is non-refundable.**
9. A check for \$46.00 (made out to Ramsey County) for each affected property to cover Ramsey County's recording fee. Please provide separate checks for the recording and the filing fees. If the application request is denied, the check for the recording fees will be returned.

FILING REQUIREMENTS continued

In addition to the items stated above, the following shall be submitted for **Broadcast Towers**:

1. Site Plan. A plan or plans drawn to scale and acceptable to the City Manager including the following information and detail:
 - a. A boundary survey of the property.
 - b. A two-foot contour map of the property.
 - c. Locations of existing and proposed public utilities and easements, each Broadcast Tower, Accessory Equipment and Structures, Broadcast Buildings, Related Broadcast Uses and Other Uses.
 - d. Ground elevations for Broadcast Towers and/or Accessory Equipment and Structures.
2. Tower Diagram. A detailed drawing of the Broadcast Tower structure clearly describing the height of the structure and all equipment located on the structure drawn to a scale acceptable to the City Manager.
3. Structural Integrity Report. A report prepared by a registered engineer stating that the configuration of the tower structure complies with applicable Federal or State of Minnesota safety regulations, or, in the case of the addition or replacement of a Broadcast Tower and a tower 1200 feet or less in height AMSL as such towers are described in the original Conditional Use Permit issued hereunder to the property owner, a report prepared by a registered engineer stating that the design and proposed method of constructing such added or replaced tower complies with applicable Federal and State of Minnesota safety regulations.
4. Health Study. A report of an independent consultant acceptable to the City and the property owner indicating that Broadcast Tower operations of the applicant together with operations or reasonably foreseeable operations of all other Broadcast Towers shall not violate any Federal or State of Minnesota health standards established for radio frequency transmission and shall not result in any known risk to public health.
5. Operating Agreement. An agreement with the City and each property owner which shall describe the property owners' obligation with respect to (a) control of ice build-up on a Broadcast Tower and Accessory Equipment and Structures; (b) responding to complaints by individuals residing within the City regarding interference to consumer electronic equipment; (c) designation of an operator representative to deal with complaints associated with operation of a Broadcast Tower; (d) lighting of a Broadcast Tower; (e) financial consideration; and (f) cooperation with a citizens committee regarding matters relating to the conditional uses.

CRITERIA FOR REVIEW

The Conditional Use Permit may be granted provided the proposed use is listed as a conditional use for the district in which it is located and upon showing that the standards and criteria of the Development Ordinance will be satisfied in addition to the following:

1. The use is in harmony with the general purposes and intent of the Development Ordinance.
2. The use is in harmony with the policies of the Comprehensive Guide Plan.
3. Certain conditions as detailed in the Development Ordinance exist.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

Commercial Antennas shall also meet the following standards:

1. The antennas must be located on or attached to an existing structure.
2. The height shall not exceed 6 feet above the roof.
3. The antennas, to the extent possible, use materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment.

Mining permits must comply with the following conditions:

1. Provide for a two-year review and renewal process to ensure compliance with these regulations.
2. Requires processing machinery to be located consistent with the structure setback requirements from ordinary high water elevations of public waters and from bluffs.

REVIEW PROCESS

Conditional use permit applications in floodplains shall be require a public hearing and shall be processed in accordance with Sections 203.032 and 203.020 (A) of the City's Development Code.

1. **Public Hearing.** Applications that require review via a public hearing shall be processed after receipt of a complete application that contains all the required submittal information. The City Manager shall refer the application to the Planning Commission and establish a date for hearing of the application. The application shall be heard and acted on by the Planning Commission and City Council in accordance with Minnesota Statute 15.99.
 - a. **Planning Commission.** The Planning Commission shall hold a public hearing, preceded by published and/or mailed notice as required by the terms of Section 203. Upon review of the application in accordance with the requirements of the Development Ordinance, the Planning Commission will forward the application to the City Council with a recommendation of approval or denial and the reasons thereof, or shall table the application for further consideration.
 - b. **City Council.** The City Council may hold a public hearing in lieu of a public hearing by the Planning Commission. Upon receipt of the Planning Commission report, the City Council shall consider the application. The City Council shall, taking into consideration the advice and recommendations of the Planning Commission, table, grant or deny the application in accordance with the requirements of the Development Ordinance.
2. **Notice and Hearing Procedure.** Public hearings shall be preceded by either published notice and/or mailed notice as required by the terms of Section 203.
 - a. **Publication.** Notice of the purpose, time and place of a public hearing shall be published at least 10 days before the date of the hearing in the official newspaper of the City of Shoreview as designated by the City Council. Affidavits of publication shall be made a part of the record of the proceedings.
 - b. **Mailed Notice.** Notice of the purpose, time and place of a public hearing shall be mailed at least 10 days before the date of the hearing to each recorded owner of property within 350 feet of the perimeter of the property, which will be the subject matter of the public hearing. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.
 - c. **Failure to Give Notice.** Failure to give mailed notice, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

REVIEW PROCESS continued

3. Issuance and Conditions. If approved, the City Council may impose conditions and safeguards therein to insure that the proposed use will not be detrimental to the health, safety or general welfare of the community and that the use is in harmony with the general purpose and intent of the Development Ordinance and the Comprehensive Guide Plan. If denied, the City Council shall provide the reasons thereof.
4. Decision. The City Council has the authority to grant or deny the request in accordance with the requirements of the Development Ordinance upon majority vote of its membership, unless otherwise stated in this ordinance.

NOTES

1. An application can not be accepted until each of the filing requirements listed above has been satisfied.
2. The purpose of requiring the data referenced in the filing requirements is to permit the City to thoroughly evaluate your proposal relative to City ordinances and policies. Refusal or inability to provide the requested information may jeopardize scheduling of your request.
3. The City of Shoreview recommends that you discuss your proposal with the adjoining property owners before you submit this application. In so doing, you may reduce the time required by the City to act on your proposal.
4. The applicant and property owner shall be responsible for paying any out-of-pocket administrative, engineering, or legal expense incurred by the City to process this application or to enforce any condition(s) of any resulting approval or permit.
5. If the application is approved, the applicant will be required to enter into a Development Agreement per section 203.080 of the Development Ordinance.

