

Conditional Use Permit Application Guide

This guide will help you complete an application for a Conditional Use Permit (CUP) in Two Harbors. The CUP application provides the City with the necessary information to determine if your proposed project meets the criteria for approval of a conditional use permit. (These criteria are explained elsewhere in this guide and can be found in full in the Two Harbors zoning code under Subdivision 11.81. Subdivisions 4 and 6.) The application and guide are also designed to help you efficiently plan the development of your project.

What is a Conditional Use?

A conditional use is a zoning category for certain types of activity or development which, because of their unique characteristics, cannot be a permitted use in a particular zoning district, but can be permitted only after review and evaluation of potential impacts on adjacent properties and uses and a determination that such use is compatible with the adjacent properties and the attachment of any conditions necessary to mitigate any impacts. A CUP is the City's way of reviewing the suitability of the uses that are identified as being allowed only with a CUP.

Getting Started

Before starting a project it is important to research the development requirements for your property. The City's zoning code and zoning map is available online at www.ci.two-harbors.mn.us. ***Do not be afraid to call, visit, or email the City for help.***

To determine the zoning regulations for your property:

1. Consult the zoning map and identify the zoning district within which your property is located.
 - a. Review the uses allowed in your zoning district. The ordinance for the zoning district contains information on allowed uses, standards for structure height, setbacks, and special controls or procedures for the zoning district.
 - i. Determine if your request is a permitted use or a use permitted only with a CUP.
 - ii. Review the development standards applicable to a CUP in your zone district.
 - b. Check the zoning map to see if your property is located within the City's Shoreland Overlay District. Generally, property south of 11th Avenue is within this district. If your property is located within the Shoreland Overlay District

check Sec. 11.50 of the zoning code for additional development regulations and procedures that may apply.

Review and Approval Process

Pre-Application Meeting: A pre-application meeting is an informal discussion between a potential applicant and city staff regarding a possible project. The purpose of the meeting is to assist the applicant by identifying the types of approvals needed to complete the project, application materials and other information required, applicable community plan provisions and applicable review criteria. Pre-application meetings are strongly encouraged for commercial and industrial projects and projects requiring more than one land use approval such as platting or rezoning.

Application Review: Upon receipt of the application the Zoning Administrator shall review it to determine whether the proposed use is permitted or permitted only with a CUP or not permitted and whether the application is complete. Incomplete applications will not be accepted. The applicant will be informed of what changes or additional information is required for a complete application.

Approval Process: Upon receipt of a complete application the City Council will request a report and recommendation from the Planning Commission. The Planning Commission will then make its report and recommendation to the City Council. The City Council will then consider the proposal, and hold a public hearing on the proposal. The Council has final authority to approve, approve with conditions, or deny an application.

Application Instructions

The following instructions help explain the information that is requested in the CUP application. Clearly and precisely provide complete responses. Be specific and provide details that communicate the nature of your project.

Box 1. Applicant Information

- The applicant must either be the owner of the property or authorized in writing by the owner of the property to submit the application. The City will confirm the ownership of the property before the application will be considered.

Box 2. Property Information

- Provide information that will readily identify and locate the property for which the conditional use application is being made. This can be the address, legal description, and/or the parcel number.
- Determine the zoning regulations for your property.
 - See *Getting Started* for instructions on how to determine the applicable zoning regulations.
- State which allowed conditional use is being applied for.

Box 3. Project Information

- A. Identify the type of business or activity, type and function of proposed or existing buildings, and other proposed uses of the property such as parking, storage areas, etc. Include information on the number, size, and appearance of buildings and structures.
- B. Describe the use and development of adjacent and surrounding properties. Is your project compatible with the neighborhood? How might it affect your neighbors?
- C. Describe how stormwater runoff will be collected and drained off the property and how existing trees, vegetation and habitat areas will be preserved or removed. A stormwater plan prepared by a registered engineer may be required before your application may be considered or as a condition to the approval of your project.
- D. Landscaping is used to mitigate an activity's impact on surrounding properties, control runoff and erosion, and provide for an appealing neighborhood. The details of the landscaping plan should be included in the required site plan document. The City's minimum standards are explained later under the *Site Plan* section of this guide.
- E. Describe the traffic that will be generated by employees, customers, and other business operations. How will the timing of traffic relate to surrounding uses? Will pedestrian, bicycle, and limited mobility users be accommodated? How will traffic enter and leave the property? See the requirements for traffic and parking plan under the *Site Plan* section of this guide.

Box 4. Other Services and Approvals

- Many projects require review and approval by other City Departments to ensure that necessary services or permits can be provided.
- Certain projects may also be subject to State and County rules and regulations.
- The information requested in Box 4 helps coordinate various reviews and approvals more efficiently.

Site Plan Requirements

A site plan is required in order to provide the necessary information for the City's review of the proposed project. The site plan should be to a scale that is sufficient to show the necessary project details. It is recommended, though not required, that the same site plan be used for both the CUP application and building permit application. This may not always be possible due to project timing or differences in scope.

The minimum requirements for a site plan for commercial and industrial development and residential development of more than two units are set by Two Harbors zoning code Section 11.82 Subdivision 3.C. Remember to check the zoning district provisions to see if additional requirements apply.

Shoreland Overlay District Requirements

Additional development standards have been put in place in the portions of Two Harbors that are located within the North Shore Management Zone. Since Lake Superior is a unique resource these standards are different from shoreland development standards on Minnesota's smaller lakes.

Check the zoning map to see if the project is located within the Shoreland Overlay District. Generally, property south of 11th Avenue is within this zone. If the project is located within the Shoreland Overlay District the following information consistent with Two Harbors zoning code Section 11.50 is required.

1. A surface water runoff plan certified by a professional engineer if impervious surface coverage exceeds 30 percent of the area of property that is the subject of the CUP.
2. A vegetation management plan is required.
3. An erosion and sediment control plan, if applicable, will be required.
4. A wetland mitigation plan, if applicable, will be required.

Criteria for Approval

When asked to grant a conditional use, the City Council considers several factors. It is helpful for the applicant to keep in mind these factors as he/she/it completes the application. The following is a summary of the factors. These factors include the performance standards listed in the applicable zoning district regulations and general factors listed under Sec. 11.81.Subdivision

6 of the Two Harbors zoning code. The following is a summary of the general factors. Refer to the zoning code for details:

1. The proposed use is consistent with the Comprehensive Plan.
2. The location, size, type, and intensity of the proposed use is compatible with surrounding properties, uses and purpose of the zoning district.
3. The proposed use will not negatively impact the environment, fiscal health, and future development of the community.
4. Adequate public services can be provided.
5. Impacts of traffic will be minimized.
6. Aesthetic appeal will be of equal or greater value than surrounding properties.
7. Potential impacts on surrounding properties will be eliminated through design features and landscaping.