



# Silver Lake

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## Community of Family and History

### CONDITIONAL USE PERMIT / INTERIM USE PERMIT APPLICATION

Please read the Conditional Use Permit / Interim Use Permit application in its entirety before submitting the application. Applications must be submitted 30 days before the Planning Commission meeting which is generally held on the second Tuesday of each month. The full Land Use Ordinance is available at City Hall and online.

#### **WHAT IS A CONDITIONAL USE PERMIT “CUP”?**

A Conditional Use Permit is a land use or development that would not be appropriate without restrictions but may be allowed with or without restrictions of conditions as determined by the Planning Commission and approved by the City Council. The Planning Commission must determine if the following requirements are met when reviewing a Conditional Use Permit Application:

1. The use or development is an appropriate conditional use in the land use zone.
2. The use or development, with conditions, conforms to the Comprehensive Land Use Plan (if applicable).
3. The use with conditions is compatible with the existing neighborhood.
4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

#### **WHAT IS AN INTERIM USE PERMIT “IUP”?**

A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. The Planning Commission must determine if the following requirements are met when reviewing an Interim Use Permit Application:

1. The use or development is an appropriate interim use in the land use zone.
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; and
4. The user agrees to any conditions that the governing body deems appropriate for permission of the use.

The Planning Commission must also consider the following questions when reviewing the Conditional Use Permit Application or Interim Use Permit:

1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
5. Adequate measures have been taken to provide sufficient off-street parking and loading space

- to serve the proposed use.
6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
  7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
  8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

**APPLICATION:**

- A. Applicant shall complete CUP/IUP Application provided by the Zoning Administrator and submit to the Zoning Administrator **30** days prior to the next scheduled Planning Commission meeting so a Public Hearing can be scheduled.
- B. Application shall be accompanied by a Site Plan Drawing complete with, as a minimum, the information from the CUP/IUP Permit Checklist. Application shall be accompanied by a nonrefundable application fee of \$150, made payable to the City of Silver Lake.
- C. **This fee does not cover the Land Use Permit, which must be filed separately, if necessary.**
- D. The Planning Commission holds their monthly meeting on the second Tuesday of the month at 7:00 PM in the council chambers located in the lower level of the auditorium.

**REVIEW:**

- A. City staff shall review the application for completeness and assign a reference number to application, plans, and any other attachments. Applicant shall be notified within ten days if additional information is required to complete the application.
- B. After receipt of a completed CUP/IUP Application and supporting documents, the Zoning Administrator shall schedule a Public Hearing date on the Planning Commission's agenda for the earliest possible opening. Applicant will be notified by mail of the date and time of the Public Hearing.

**ACTION:**

- A. The Planning Commission shall hold a Public Hearing on the Conditional Use Permit / Interim Use Permit Application.
- B. At the conclusion of the Public Hearing, and after consideration of the testimony presented, the Planning Commission shall make a decision on a recommendation to the City Council on the application. The application can be approved, denied, or tabled by the City Council in order to gather additional information.

City of Silver Lake  
308 Main Street W  
Silver Lake, MN 55381  
(320) 327-2412

Date Filed Application Number
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### Application for Conditional Use Permit

Applicant

Owner

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Telephone \_\_\_\_\_

Location

Legal Description \_\_\_\_\_

**Describe the proposed conditional use and the circumstances of the request. Be specific. Use additional sheets if necessary.**

- A) CUP Requested (Attach a copy of Site Plan for Project)
  
- B) Why is the CUP needed? The following questions must be answered for an application to be considered. (attach a separate sheet if necessary)
  - (1) Is the proposed CUP in harmony with the general purposes and intent of the zoning ordinance?
  
  - (2) Is the proposed CUP consistent with the comprehensive plan?
  
  - (3) Is the proposed use reasonable?
  
  - (4) Is the need for the CUP caused by circumstances unique to the property not created by the landowner?
  
  - (5) Will the CUP not alter the essential character of the neighborhood?

Instructions

Submit a plot plan showing existing structures and their uses as well as property dimensions. If new construction is proposed a set of building plans, including plot plan, should be submitted with this application.  
The applicant/owner agrees to: comply with the Zoning Ordinance of the City of Silver Lake, all other municipal ordinances, with the determination of the Planning Commission and with any conditions imposed upon an approved permit; understands that the approval of a conditional use permit creates no legal liability, express or implied, on the municipality; and certifies that all the above information is accurate.

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

Signature of Owner \_\_\_\_\_  
(if not the same as applicant)

Date \_\_\_\_\_

Fee of \$150 to be submitted with application

Fee Paid \$	Receipt Number	
Hearing Date	Publication Dates	Mailing Date
Disposition		

Names and addresses of the owners of all property within three hundred fifty (350) feet of the property (attach GIS map).

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

13. \_\_\_\_\_

14. \_\_\_\_\_

15. \_\_\_\_\_

16. \_\_\_\_\_

17. \_\_\_\_\_

18. \_\_\_\_\_

# Site Plan

**Include:** Property lines, water features, existing and proposed structures, septic systems, wells and roads. Include all setbacks to features



**CONDITIONAL USE PERMIT / INTERIM USE PERMIT**

In accordance with \_\_\_\_\_ the city Council of the City of Silver Lake  
(specific ordinance)

hereby ( ) approves, ( ) denies the foregoing Application for Conditional Use Permit. If approved, said approval is subject to the following General and Special Provisions.

By: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
(Authorized Signature) (Title) (Date)

**GENERAL PROVISIONS**

- 1. This permit is not valid until it has been recorded at the office of the County Recorder. The true and correct full legal description of the affected property must be included on page one of this document.
- 2. This permit does not constitute a zoning permit, sewage system permit, grading permit, land alteration permit or the like. Separate permits may have to be applied for and obtained in order to accomplish all the goals of the project authorized herein.
- 3. The issuance of this permit does not negate the need to secure other permits from other units of government, state agencies or federal agencies who may also have jurisdiction over portions of your project.

**SPECIAL PROVISIONS**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

**CUP/IUP APPLICATION CHECKLIST**

\_\_\_\_\_ Completed application, including signature of property owner, legal description of the property and list of all properties within three hundred and fifty feet (350) of the property for which the conditional use permit is being requested.

\_\_\_\_\_ Fee (\$150 application fee payable to the City of Silver Lake) **This fee is nonrefundable and does not cover the Land Use Permit, which must be filed separately, if necessary.**

\_\_\_\_\_ Sewer Compliance Inspection Report if sewer is affected by the project

\_\_\_\_\_ Site Plan

\_\_\_\_\_ Legal Description of Site (can be located on most property taxstatements)

\_\_\_\_\_ Size of parcel and dimensions

\_\_\_\_\_ All existing structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other

\_\_\_\_\_ All proposed structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other

\_\_\_\_\_ Existing and/or proposed square footage of the driveway (gravel and/or paved), access roads, parking, sidewalks

\_\_\_\_\_ Proposed landscaping and screening plans (if applicable)

\_\_\_\_\_ Proposed Drainage Plan (if applicable)

\_\_\_\_\_ Location of the subject property (a copy of the tax map can be used)

\_\_\_\_\_ Name of record owner/title holder of property

\_\_\_\_\_ Approximate location of existing and proposed water courses, wooded areas, and other significant physical features

\_\_\_\_\_ Approximate location of any proposed signs

*\* Under certain circumstances, the City Council may require a professionally prepared property survey, stormwater management plan, and/or landscaping plan.*

Office Use

Notice sent to newspaper: \_\_\_\_\_

Notice sent to DNR: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

60 Day Rule Date: \_\_\_\_\_