



Lewiston City Hall
75 Rice Street • P.O. Box 129 • Lewiston, MN 55952
Phone (507) 523-2257 • Fax (507) 322-4018

Application for Conditional Use

Intent

It is in the best interests of public health, safety and welfare to provide for the wise use and development of land within our city limits. MN State Statute 462.357 Subdivision 1. Authorizes a municipality (by ordinance) to regulate land use.

Conditional Use Application Procedure

Lewiston City Code, Chapter 9 904.03, Subdivision 4:

Procedures:

The procedure for obtaining a conditional use permit is as follows:

- a. **The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures and obtain an application form.**
- b. **The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.**
- c. **The Zoning Administrator shall transmit the application and required exhibits to the Planning Commission for their consideration and review at their next regularly scheduled meeting.**
- d. **The Zoning Administrator shall set the date for a public hearing and shall have notice of such hearing published at least once in the legal newspaper, not less than (10) days and not more than thirty (30) days prior to said hearing.**
- e. **The Planning Commission shall hold the public hearing and then shall study the application to determine possible adverse effects of the proposed conditional use and to determine what additional requirements may be necessary to reduce such adverse effects and recommend one of three actions to the Council within thirty (30) days after holding the public hearing - approval, denial, or conditional approval.**
(Attendance by the applicant is highly recommended.)
- f. **The Council shall take appropriate action on the request for a conditional use permit within thirty (30) days of receiving the recommendations by the Planning Commission. If it grants the conditional use permit, the Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.**
- g. **Revocation of Conditional Use Permits. Where a conditional use permit has been issued pursuant to the provisions of this Chapter, such permit shall become null and void without further action by the Planning Commission or the Council unless work thereon commences within six (6) months of the date granting such conditional use. The conditional use permit shall not be assignable. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than six (6) consecutive months.**
- h. **In the event that the applicant violates any of the conditions set forth in this chapter, the Council shall have the authority to revoke the conditional use permit.**
- i. **No application of a property owner for a conditional use shall be considered by the Planning Commission within a one year period following a denial for such a request, except the Planning Commission may permit a new application if in its opinion new evidence or a change in circumstances warrants it.**

If you have any questions during this process please call Lewiston City Hall at 507-523-2257.

Section A: Owner Information

Property Owner		
Last Name	First Name	Middle Initial
Address (Street Address or PO Box)	City, State	Zip
Home Telephone	Other Telephone	Email
Site Address:		
Street Address	City, State	Zip
Property Identification Number		
Applicant (if different than owner listed above.)		
Last Name	First Name	Middle Initial
Address (Street Address or PO Box)	City, State	Zip
Home Telephone	Other Telephone	Email

Section B: Required Exhibits (City Code 904.03 Subdivision 3)

- 1. A preliminary building and site development plan. The Council may also require a boundary survey of the property.**

To evaluate your permit request, provide as much information as possible, such as maps, plans, etc. Create a detailed site plan with the following information that applies. (Contact the Zoning Administrator if you have any questions.)

Basic Elements	Existing Features	Proposed Changes
Date of preparation, Scale, North arrow, Property lines/boundary, Property dimensions	Existing structures, driveways, vegetation, fences, roads, trails, Right-of-ways, Easements, etc.	New structures, fences, landscaping, roads/driveways, grading-areas of cut and fill, distance of structures to lot lines, etc.

- 2. Evidence of ownership or enforceable option on the property.**

Section C: Criteria for Granting Conditional Use

The City of Lewiston City Code 904.03, subdivisions 1 & 2

The purpose of a conditional use is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use or development conforms to the Comprehensive Plan, and (3) is compatible with the existing area.

- 1. General Criteria for Granting Conditional Use Permits: In granting a conditional use permit, the Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the Comprehensive Plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall make the following findings where applicable:**

Note: For an application to be processed, Sections A, B, C, and D must be completed in full. Incomplete applications will not initiate the process.

- a. *The use will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve or are proposed to serve the area.*
- b. *The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.*
- c. *The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.*
- d. *The use, in the opinion of the Council, is reasonably related to the overall needs of the City and to the existing land use.*
- e. *The use is consistent with the purposes of this Chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.*
- f. *The use is not in conflict with the Comprehensive Plan of the City.*
- g. *The use will not cause traffic hazard or congestion.*

2. Additional Conditions:

- a. *In permitting a new conditional use or the alteration of an existing conditional use, the Council may impose, in addition to these standards and requirements expressly specified by this Chapter, additional conditions which the Council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:*
 - 1. *Increasing the required lot size or yard dimension.*
 - 2. *Limiting the height, size or location of buildings.*
 - 3. *Controlling the location and number of vehicle access points.*
 - 4. *Increasing the street width.*
 - 5. *Increasing the number of required off-street parking spaces.*
 - 6. *Limiting the number, size, location or lighting of signs.*
 - 7. *Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.*
 - 8. *Designating sites for open space.*
 - 9. *Establishing time limits for the permit or periodic compliance reviews.*
- b. *The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the Council; time limits, review dates, and such other information as may be appropriate.*

Describe the present use of the site: (Use extra sheets if necessary.)

Describe the purpose or intent of your variance request: (Use extra sheets if necessary.) Please address the criteria items described above as necessary.

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Section D: Read and Sign

Permit Application Checklist

	Completed and signed application		Required Exhibits
	Paid Filing Fee as established by Council		Additional fees if applicable

Note: Unique sites may require additional information.

Agreement

I hereby certify that the information provided is correct and if granted the Conditional Use Permit, I agree to have the proposed work done in strict accordance with the description given and according to the provisions of the ordinances of the City of Lewiston, Minnesota. I further agree that any plans and specifications submitted are part of this Conditional Use Permit application. I also understand that the City of Lewiston takes no responsibility for the proper design of the project. I accept all responsibility for the design of the project and for all damages resulting from the failure of the project due to improper design, and understand that false or misleading information may be grounds for invalidating this permit.

Signature: _____
(Applicant)

Date: _____

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