



22817 Typo Creek Drive N.E. • Stacy, MN 55079
Phone (651) 462-2812 • Fax (651) 462-0500
E-Mail: records@linwoodtownship.org

CONDITIONAL USE PERMIT / INTERIM USE PERMIT APPLICATION PROCEDURES Sec. 30-88 thru 30-114

Purpose: Conditional Uses or Interim Uses are land uses that because of their special nature may be suitable only in certain locations, or arranged or operated under specified conditions.

The Town Board may choose to issue a conditional use permit / interim use permit for certain types of developments per Minn. Stat. § 462.3595. Getting such a permit allows for a use to be specifically allowed in a zoning district as long as certain standards are met. A use permit leads to land development in that area to then be regulated more closely than others, because of the addition of specific conditions and standards. These special conditions are needed in order to ensure compatibility with other surrounding land uses. As a property owner on such land, it will be required of the owner to comply with the conditions set forth by the governing body.

Preapplication meeting: Before submitting an application, the application and interested parties shall meet with the Zoning Administrator to ensure all parties understand the process and will be in compliance with the regulations.

Septic Compliance Inspection: A Septic Compliance Inspection is required if property is in the Shoreland Overlay District.

Application deadline: Applications must be submitted by applicant and deemed complete by Staff 25 days prior to the Planning and Zoning meeting. An application received after this date cannot be heard at the Planning and Zoning Commission meeting of the following month.

Submission requirements: There is a non-refundable fee required to process your application. The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.

Written Narrative: This narrative should fully explain the proposed use of the property that would require a condition / interim use permit.

Escrow Information:

Escrow is set aside for attorney, consulting, engineering, and other misc. fees. If Linwood Township is to acquire these fees while working on your Land Use Application, then you are authorizing the Township to use this escrow to pay for those fees. Owner agrees to pay additional costs incurred, if necessary. The remaining escrow amount will be returned, without interest, once all invoices have been submitted and approved.

Initial Review: Applications are not considered complete until it has been reviewed by Township staff, and the completed checklist has been signed. A copy will be given to the applicant. An incomplete application shall be returned to the applicant detailing, in writing, the missing information on the appropriate checklist.

A determination of completeness will be provided within 15 days of the application submittal date. Minnesota State Law requires that a decision be issued for each application within 60 days of the receipt of a completed application. Once all of the outstanding application materials are received, the 60 day action timeline will begin.

Additional Information Request: The Staff, Planning and Zoning Commission or Town Board of Supervisors shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant if the Planning Commission or Town Board believes that such information is declared necessary to review the request or to establish performance conditions.

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Site Visit and Staff Report: The Planning and Zoning Administrator and members of the Planning and Zoning Commission may visit the site to view the property to help ascertain information which will assist in the decision-making process. Photos may be taken which will be included in the Staff Report, which will summarize the application, reviewing it against the Township's Code, Ordinances and policies, and providing a recommendation for the Planning and Zoning Commission. A copy of this report will be available to the applicant prior to the Public Hearing.

Notices of Public Hearing: The date, time, location and purpose of the Public Hearing will be:

- Published in the local newspaper
- Posted in the Township posting boxes
- Mailed to property owners within 500 feet of the subject property

Formal Review: This meeting will be held on the third Tuesday of the month. **At the Public Hearing:** Applicants or representatives must attend and participate in the Public Hearing in order to answer questions concerning the proposed use of the property. The Chairperson will introduce the applicant, Staff will review the issues and recommendations detailed in the Staff Report. P&Z Commission members may ask questions.

The public may testify, ask questions, or send in written comments either in support or opposition to the request. Once the public comment period has concluded, the Chair will close the Public Hearing.

Planning and Zoning meeting: Upon completion of the Public Hearing, the Planning and Zoning Commission will discuss and address points of concern based on the application, public comment, ordinances and the Staff Report.

The Planning and Zoning Commission shall also make findings of fact considering: relationship to Town plans, location, character of surrounding area, demonstrated need for such use, whether equipment or materials would be screened, operation within the visible range of surrounding residences, and/or possible adverse effects of the proposed use. Scope of findings is not limited to the factors listed.

After determining the Findings of Fact, the Commission members will make a recommendation for the Town Board to grant the Use Permit with or without conditions or to deny the request.

Conditions may be imposed as necessary to insure that the proposed use will be compatible with the surrounding properties and environment.

Final Approval: Upon receiving the recommendation of the Planning and Zoning Commission, receiving any information provided by citizens through the public hearing process and any additional information or testimony they deem appropriate, the Town Board shall:

- Refer the recommendation back to the Planning and Zoning Commission for further consideration;
- Approve or deny the request based on all information provided;
- Approve the request with modifications, alterations or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the records of the Township Board.
- A Sixty-day extension may be obtained if more time is needed to resolve outstanding issues.

The Town Board makes the final decision: The Staff shall notify the applicant of the Board's decision in writing and, if the Use Permit is granted, record the Use Permit with the Office of the Anoka County Recorder.

Lapse of a CUP / IUP by Non-Use: Whenever, if within one year after a CUP / IUP is granted, the work as permitted by the permit is not completed, then such permit shall become null and void unless the Town Board has granted a petition for extension of time in which to complete the work. Such extension shall be requested in writing and filed with the Town Clerk at least thirty (30) days before the expiration of the original Use Permit. The request for an extension shall state facts showing that a good faith attempt was made to complete the work permitted in the CUP / IUP. Such petition shall be presented to the Planning Commission for a recommendation and to the Town Board for a decision.



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File # _____
Fee \$ _____ Rcpt # _____
Chk # _____ Date: _____
Escrow \$ _____ Rcpt # _____
Chk # _____ Date: _____

APPLICATION FOR A CONDITIONAL USE / INTERIM USE PERMIT

Applicant:

Name _____

Mailing Address _____

City _____ State _____ Zip _____

Daytime phone: _____

E-mail: _____

Owner (if different from Applicant):

Name _____

Mailing Address _____

City _____ State _____ Zip _____

Daytime phone: _____

Property Information

Property Address _____

City _____ State _____ Zip _____

Legal Description: Lot _____ Block _____

Development _____

(If lengthy legal, please attach full legal description)

Property ID Number: _____

Present Zoning: _____

Person/Company Paying the Escrow:

Name _____

2nd Applicant:

Name _____

Mailing Address _____

City _____ State _____ Zip _____

Daytime phone: _____

E-mail: _____

Owner (if different from Applicant):

Name _____

Mailing Address _____

City _____ State _____ Zip _____

Daytime phone: _____

Property # 2 Information

Property Address _____

City _____ State _____ Zip _____

Legal Description: Lot _____ Block _____

Development _____

(If lengthy legal, please attach full legal description)

Property ID Number: _____

Present Zoning: _____

Person/Company Receiving Returned Escrow:

(If different from the payor, permission is needed)

Name _____

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Narrative description of request must be attached on a separate page. Description must include the size of the parcel(s), the current use of the property and the proposed use of the property.

Data furnished in this application form is public information.

Applicant and Owner Statement

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the Township pertaining to additional application expense(s).

I hereby certify that the information contained in this application is to my knowledge a true, accurate and complete representation of the facts and conditions concerning the proposed use permit. I hereby authorize the Linwood Township authorized staff to enter upon this property for such inspections as necessary for the review of this application.

Signature of Applicant

Date: _____

Signature of Applicant #2

Date: _____

Signature of Owner

Date: _____

Signature of Owner

Date: _____

Application fee: \$350.00

Escrow: \$1,000.00

For Office Use only

File # _____

Application Received by: _____

Date: _____

Document Verification by: _____

Date: _____

Reviewed and returned to applicant for the following additional information

Owner contacted:

Town Clerk (or designee)

Date



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CONDITIONAL USE / INTERIM USE PERMIT CHECKLIST AND APPLICATION ACCEPTANCE RECEIPT

☐ INTERIM USE PERMIT ☐ CONDITIONAL USE PERMIT

The following information must be provided before an application requesting a Use Permit will be considered accepted by Linwood Township:

1. A completed Use Permit Application on Township form.
2. A written narrative explaining the requested use of the property.
3. A Survey, to scale, showing applicable existing and proposed conditions including property lines and dimensions, building location and setbacks, dimensions of building, driveways, septic system, and well; locations of neighboring septic systems and wells.
4. Building elevation drawings for construction, including type of siding and roofing materials, if applicable.
5. If the proposed use permit is located in the Shoreland Overlay District, an SSTS compliance inspection is required. If the system is found to be substandard, the property owner must upgrade the treatment system before a building permit will be issued.
6. Any other information Staff, Planning & Zoning Commission or Town Board may request.
7. Application fee - **\$350.00** and Escrow - **\$1,000.00**



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SITE PLAN: Please show the following information for all existing and proposed structures on the parcel of property involved and also for all structures on adjoining lots.

1. Lot lines, with dimensions
2. Structure location and dimensions
3. Shoreline (if any)
4. Setback from structure(s) to:
 - a. Shoreline and OHWL
 - b. Side lot line
 - c. Road
5. Setback from sewage system to:
 - a. Show tanks and drain field
 - b. Side lot lines
 - c. Structures
6. Setback from well to:
 - a. Structures
 - b. Sewer System
 - c. Side lot lines

To help us evaluate your request, please provide as much supplementary information as possible, such as maps, plans, information about surrounding property, etc.