



City of Marine on St Croix  
 121 Judd Street  
 Marine on St Croix, MN 55047

## CONDITIONAL USE PERMIT/INTERIM USE PERMIT

The purpose of a Conditional Use Permit (CUP) is to permit a use that would not be appropriate generally, but which may be allowed within a certain zoning district with appropriate restrictions to mitigate the impact of the proposed use. A CUP runs with the land and is granted in perpetuity.

An Interim Use Permit (IUP) may be granted for the temporary use of property if certain requirements are met. The Permit may be issued until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. Conditions may be applied to the issuance of the Permit and/or periodic review may be required.

The language in the following Code Sections may be helpful.

Applicable Zoning Code Sections	
801	Common Procedures
804	Conditional Use Permit
805	Interim Use Permit
402.4	Application Procedures in Lower St. Croix Riverway District

### Required Submittal Materials

Consult with Zoning Administration Staff to determine which ordinances and procedures apply to your application. Unless waived by Zoning Administration Staff, you must provide all of the following items with CUP or IUP applications. Incomplete applications will be rejected.

*AP – Applicant checklist; CTY – City checklist*

AP	CTY	MATERIALS
<input type="checkbox"/>	<input type="checkbox"/>	A Boundary Survey of an area including the property in question showing the following information (as applicable): <ul style="list-style-type: none"> <li>▪ Legal description and street address</li> <li>▪ Parcel size in acres and square feet</li> <li>▪ Existing utilities</li> <li>▪ Lot boundaries and dimensions</li> <li>▪ Outline of “building pad” setbacks</li> <li>▪ Existing structures</li> <li>▪ Existing impervious surface calculations (percentage and square footage)</li> <li>▪ Easements</li> <li>▪ Foliage</li> <li>▪ Topography</li> <li>▪ Waterways</li> </ul>

AP	CTY	MATERIALS
		Soil tests may be required when pertinent to siting a building or on-site sewer system.  COPIES: 1 paper copy, 1 digital submission
<input type="checkbox"/>	<input type="checkbox"/>	Preliminary building and site (scaled) development plans (as applicable): <ul style="list-style-type: none"> <li>▪ Proposed structure locations and dimensions</li> <li>▪ Proposed impervious surface calculations (percentage and square footage)</li> <li>▪ Distance between structures</li> <li>▪ Dimensional parking and loading arrangement</li> <li>▪ Vehicular and pedestrian access and egress</li> <li>▪ Surface drainage plan</li> <li>▪ Landscaping</li> <li>▪ Utility plan</li> <li>▪ Screening, size, and location of all signs</li> <li>▪ Sections and outline material specifications</li> </ul> COPIES: 1 paper copy, 1 digital submission
<input type="checkbox"/>	<input type="checkbox"/>	Elevations indicating building height on all sides – existing and proposed
<input type="checkbox"/>	<input type="checkbox"/>	Floor plan – existing and proposed
<input type="checkbox"/>	<input type="checkbox"/>	Delineate all wetland, bluffs, easement and driveways, trees and streams
<input type="checkbox"/>	<input type="checkbox"/>	Written narrative describing the request including: <ul style="list-style-type: none"> <li>▪ Detailed description of operation or use</li> <li>▪ Hours of operation, including days and times (if applicable)</li> <li>▪ Describe how the requested use meets the specific and/or general criteria for approval listed in Section 804.3 and 805.3</li> <li>▪ Proposed termination date of use (for IUPs)</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	Proof of ownership of the property
<input type="checkbox"/>	<input type="checkbox"/>	Completed application form
<input type="checkbox"/>	<input type="checkbox"/>	Paid application fee (see fee schedule)
<input type="checkbox"/>	<input type="checkbox"/>	Escrow fee (see fee schedule)
<input type="checkbox"/>	<input type="checkbox"/>	Additional materials as requested by City Staff

**Review Procedure**

Before applying, it is recommended that the applicant meet with Zoning Administration Staff to explain their situation, learn the procedures, and obtain an application form. The applicant may then pursue a pre-application meeting with the Planning Commission to identify the initial thoughts or concerns, potential review criteria, and information required to be submitted with the application. Following this meeting, the applicant may then work with representatives from the Planning Commission to confirm the land use requests that will be needed and answer any questions pertaining to submittal requirements.

Following these preliminary meetings, the applicant may submit an application and all required materials to the City. Once the application is deemed complete by Zoning Administration Staff, the

Planning Commission will set a date for the public hearing and identify two representatives to review the application materials in more detail. On the date specified, the Planning Commission will hold the public hearing and consider the application, testimony of the applicant, all exhibits, public comment, staff reports, and other evidence. At the close of the hearing, the Planning Commission will make a recommendation on the request by motion to the City Council. After the Planning Commission makes its recommendation, City Council will review the application and decide to approve, deny, or conditionally approve the application. Unless excused by the Planning Commission Chair or Zoning Administrator, the applicant or representative of the applicant must attend all relevant meetings in order to answer questions from the Planning Commission or City Council.

**Notes**

1. The application and related materials are due by the published deadline (available from the Zoning Administrator).
2. All plans, applications, and written information become public information once filed, and will be used in the Planning Commission and Council staff reports and distributed to the public.
3. Submittal of an application grants the city permission to physically enter, inspect, and photograph the property.
4. The Planning Commission typically meets on the last Tuesday of each month to hold the Public Hearing and make a recommendation; the City Council typically meets the second Thursday of the following month to make the final decision.
5. Public notices will be published in the designated paper prior to the Planning Commission meeting and notice will be sent to residents within 350 feet of the subject property.
6. If approval is granted, you may apply for a building permit. Please note your project may require other permits / approvals from the city or other agencies (Watershed District, Washington County, etc).
7. By state statute the city has 60 days from the acceptance of an application deemed complete to review and rule on the application. If additional time is needed, the city may elect an additional 60-day review process (MN statute 15.99)
8. Approval for CUPs and IUPs, if granted, may be subject to conditions imposed by the City Council (Board of appeals and adjustments) imposed at the time of approval.

**Key Dates – For Office Use Only**

	Pre-Application Hearing
	Applicant given deadlines and meeting schedule
	Materials received (complete/incomplete)
	Send notice of completeness/incompleteness to applicant within 10 workdays from date materials received. Copy notice to Mayor, Council, and PC members
	Date of 60-day deadline
	Notice of 60-day extension (if applicable)
	Planning Commission meeting (Public Hearing)
	DNR Notice

**CUP Review Criteria (Section 804.3)**

1. Existing Uses. Existing uses shall be in conformance with zoning and building standards in effect at the time of initial construction and development, and may not be enlarged or expanded except under the terms for newly established uses and shall continue to be governed by the Zoning Ordinance in the future.
2. In granting a CUP, the Marine on St. Croix City Council shall consider the advice and recommendations of the Planning Commission, the consistency of the proposed use with the Comprehensive Plan, and the effect of the proposed use upon the health, safety, morals, and general welfare citizens and natural environment. Among other things, the City Council shall make the following findings where applicable:
  - A. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities 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 or operation that will not have an adverse effect upon adjacent residential properties.
  - D. The use, in the opinion of the City 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 and performance standards of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
  - F. The use is consistent with the policies and provisions of the Comprehensive Plan.
  - G. The use will not cause traffic hazard or congestion.
  - H. Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided.
3. In addition to the use specific standards listed in Division 500 Use-Specific Standards, every conditional use shall meet the following standards:
  - A. The use is compatible with the existing land uses in the surrounding area.
  - B. The project requires no alteration or fill of shoreline, bluffland, or floodway.
  - C. In sewerred areas, public sewer will service the project.
  - D. No lighted or flashing signs shall face riverward.

**IUP Review Criteria (Section 805.3)**

1. An interim use shall comply with the following:
  - A. Existing Uses. Existing uses shall be in conformance with zoning and building standards in effect at the time of initial construction and development, and may not be enlarged or expanded, except under the terms for newly established uses and shall continue to be governed by such regulations in the future.
  - B. New Uses
    - I. The use conforms to the applicable performance standards of this ordinance.
    - II. The date or event that will terminate the use can be identified with certainty.
    - III. The use will not impose additional costs on the public if it is necessary for the public to acquire the property in the future.
    - IV. The user agrees to any conditions that the City Council deems appropriate for permission of the use.