

APPLICATION FOR SPECIAL EXCEPTIONS PERMIT

Special Exceptions Permit Eligibility: The following nonconforming uses are eligible for a potential Special Exceptions Permit:

- Single-family, two-family, multi-family and townhouse residential, lodging house, fraternity or sorority house, residential facility or temporary shelter facility located in a commercial district
- Any commercial use located in an industrial district
- Uses permitted in the I1 District, except for solid waste handling facilities, located in a C5 District
- General, medical and dental office uses located in all residential district
- Music, art, photographic and interior decorating studios located in all residential districts and the C1 District
- Private schools for dance, music, physical sciences and similar disciplines located in all residential districts and the C1 District
- Any residential use located in an industrial district

Pre-Application: Meeting with Planning Department staff prior to application submittal can help an applicant better understand the process and identify potential issues. An applicant may want to contact the neighboring property owners/tenants regarding the special exceptions permit request prior to submitting the application to the City for formal consideration.

Application Deadline & Completeness: All required application information and payment of the application fee must be received by the deadline identified on the attached schedule.

All applications are evaluated by Planning Department staff, including the application form, fee, site plan and other relevant supporting information. If the materials submitted are deemed to be incomplete, Planning Department staff can reject the application and not place the item on the Zoning Board of Appeals (ZBA) agenda.

Application Information Required: A site plan, drawn to scale including the following information, must accompany the application form with applicant(s) and owner(s) signature(s):

1. Property lines and dimensions
2. Size, location and use of all buildings
3. Parking stalls and drive areas
4. Points and widths of ingress and egress
5. Recreation and other open space areas
6. Facilities and uses of recreation areas
7. Landscaping features on the property (sod, seeded grass, trees, etc. including species and size at the time of planting), ornamental shrubs and bushes (including species and size at the time of planting), flower gardens, landscape rock, patios, sidewalks and other paved surface(s)
8. Property or use-related information deemed necessary to evaluate the request for a special exceptions permit

One full-size site plan and one 11" x 17" site plan are required. Planning Department staff may waive submission of the full-size site plan, when appropriate.

Public Notification:

Public Notice Sign: The St. Cloud Land Development Code requires the Planning and Zoning Department to provide the applicant a public notice sign to post on a property that will be subject to a future land use action. The sign must be placed in a visible location on the subject property at least ten (10) days prior to the date of the public hearing to be conducted by the ZBA. The sign must be removed by the applicant within 48 hours after the ZBA public hearing and returned to the Planning Office. Failure to post the sign may result in delay of permit processing and postponement of public hearing.

Mailed Notification: The St. Cloud Land Development Code requires written notice of the request be mailed at least ten (10) days prior to the public hearing date. Notice of the public hearing is sent by the Planning and Zoning Department to all property owners located within five hundred (500) lineal feet of or the nearest twenty (20) property owners to the subject property (whichever is greater).

Published Notification: The St. Cloud Land Development Code requires that a minimum of ten (10) days prior to the public hearing date, the Planning and Zoning Department have notice of the public hearing before the ZBA published in the legal section of the St. Cloud Times.

Staff Review: Staff will review all application materials and prepare a memorandum for the ZBA. The memo will contain City staff’s recommendation to approve, approve with conditions, or deny. A copy of all application materials, including the staff memo, will be mailed to the applicant prior to the ZBA meeting. All materials will be available to the public through the City’s website.

Zoning Board of Appeals Meetings: ZBA meetings are held on the third Tuesday of each month, unless there is a conflict with an election or holiday.

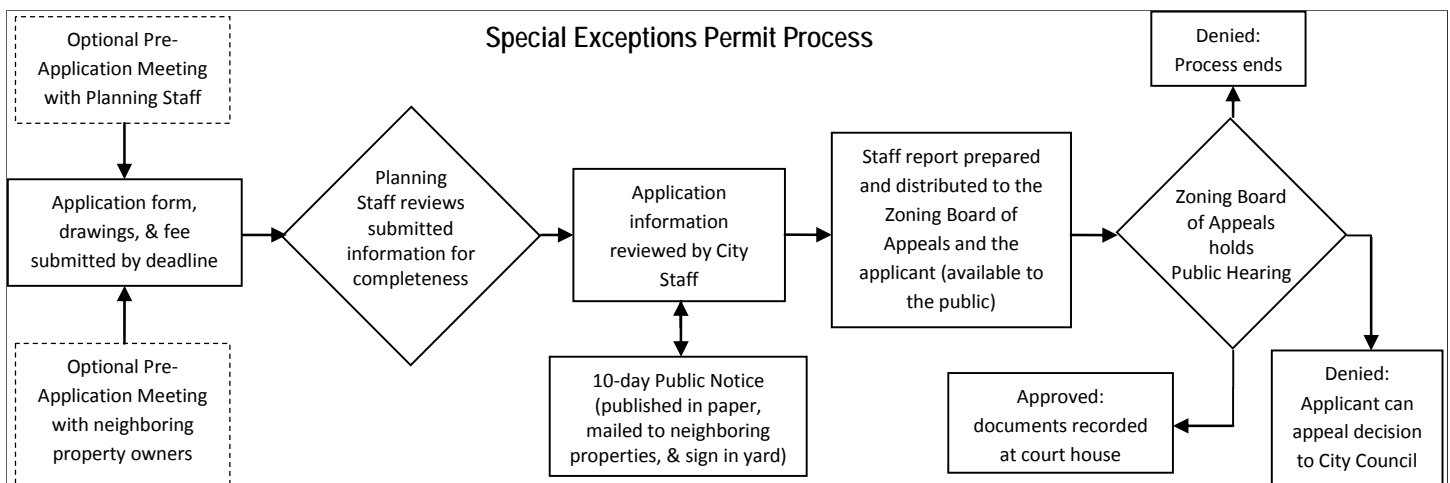
- In accordance with the ZBA’s adopted rules of order and procedure, an individual board member will not accept or participate in any discussion or review/receipt of information related to any pending request outside of an official meeting of the ZBA (ex-parte contacts prohibited). All communications should be sent to Planning Department staff, who will distribute the information to all board members. ZBA members may visit the subject property prior to the meeting.
- The ZBA chairperson will open the public hearing. It is recommended that the applicant, or their designated representative, testify first at the public hearing by outlining what the request is and why it should be approved. The speaker may be asked to respond to questions/concerns expressed by interested parties, ZBA members, or the general public.
- When the public hearing is closed, no additional testimony will be accepted from neither the applicant nor any other interested party. The ZBA members will proceed to discuss and debate the request amongst themselves and with Planning Department staff.
- The ZBA has the option of approving the request, approving the request with conditions, denying the request, or tabling a decision on the matter to their next meeting.
- If the applicant is not satisfied with the decision of the ZBA, the applicant has the opportunity to appeal the decision to the City Council within ten (10) days of the ZBA meeting.

Findings of Fact: The ZBA is required to make a findings of fact based on information provided by the applicant. The applicant must demonstrate the following:

1. That the proposed nonconforming use is of the same nature or is more conforming than the existing nonconforming use;
2. That no structural alterations, extensions, additions or expansion will be undertaken; and,
3. That the relation of the proposed nonconforming use to surrounding property is such that adverse effects on occupants and neighboring property will not be any greater than if the existing/original nonconforming use continued.

Special Exceptions Permits shall be judged upon the following criteria:

1. The use occurs entirely within an existing site
2. The use is not detrimental or injurious to other uses permitted within the district
3. The use is appropriate and consistent with the general welfare of the community and the enjoyment of adjacent property
4. The off-street parking is adequate to serve the use
5. The use is in substantial agreement with the Comprehensive Plan
6. Hardship would result if the use were not allowed to expand
7. Rezoning the property would result in ‘spot zoning’ or zoning inappropriate to surrounding land uses
8. The minimum zoning standards applicable to the zoning in which the nonconforming use is located apply



Withdrawal and Refund Policy:

- All withdrawal requests must be submitted by the applicant to the Planning Department in writing.
- Refund of the application may be possible if the withdrawal request occurs prior to the public hearing. The amount of the refund will depend on where the application is in the review process.

Note to Applicant: Please be aware that any written information you provide with your application or at a public hearing, including pictures, becomes the property of the City. All comments made at all meetings of the Planning Commission, Zoning Board of Appeals and City Council becomes part of the public record.

Virtually all Planning Commission, Zoning Board of Appeals and City Council meetings are broadcast live on cable Channel 19 in St. Cloud and rebroadcast at later dates.

Questions / Submit Completed Application To:

Planning & Zoning Department
400 2nd Street South
St. Cloud, MN 56301

Phone: (320) 255-7218 Email: planner@ci.stcloud.mn.us
Fax: (320) 255-7258 Website: www.ci.stcloud.mn.us

The City of St. Cloud's mission is to "provide high quality public services for our residents in a cost effective, responsive, innovative and professional manner given the changing needs and resources available."

APPLICATION FOR A SPECIAL EXCEPTIONS PERMIT

REQUIRED APPLICATION INFORMATION

APPLICANT INFORMATION:

Name(s): _____

Address, City, State, and Zip Code: _____

Phone Number(s): _____ E-mail Address: _____

PROPERTY OWNER INFORMATION:

Name(s): _____

Address, City, State, and Zip Code: _____

Phone Number(s): _____ E-mail Address: _____

Street Address of Subject Property _____

Applicant's Interest in Subject Property: Contractual (Attach Evidence) Freehold

Total Area (Acres or Square Feet) of Subject Property _____

Complete Legal Description of Subject Property:

1. State exactly what is intended to be done on or with the property if the special exceptions permit is granted:

2. Justification for Request:

I HEREBY CERTIFY THAT I HAVE READ, EXAMINED AND UNDERSTAND THIS APPLICATION AND THAT THE INFORMATION SUBMITTED HEREIN AND ATTACHED HERETO IS TRUE, ACCURATE AND CORRECTLY STATES MY INTENTIONS.

Applicant Signature(s) _____ Print Name _____ Date _____

Property Owner Signature(s) _____ Print Name _____ Date _____

STAFF USE ONLY

Application Fee Received by _____ Date Received _____

Request for variance from Article _____, Section _____ for the Land Development Code requires _____

ZONING BOARD OF APPEALS

2019 Schedule of Meetings

Meeting Date	Submittal Deadline (all materials must be submitted by 4:30 p.m. unless otherwise denoted)
Tuesday, January 15	Friday, December 28, 2018
Tuesday, February 19	Friday, February 1
Tuesday, March 19	Friday, March 1
Tuesday, April 16	Friday, March 29
Tuesday, May 21	Friday, May 3
Tuesday, June 18	Friday, May 31
Tuesday, July 16	Friday, June 28
Tuesday, August 20	Friday, August 2
Tuesday, September 17	Friday, August 30
Tuesday, October 15	Friday, September 27
Tuesday, November 19	Friday, November 1
Tuesday, December 17	Monday, December 2