

Conditional Use Permit

What is a conditional use permit?

The City of Fergus Falls has a zoning code. This is a set of rules that says where buildings can be built on a lot, how big they can be, etc. It also impacts how a property can be used depending on its zone.

A use is either *permitted* or *conditional*. A use may be permitted in one zone but conditional in another. A permitted use means a property owner does not need any more zoning permission. A conditional use means a property owner does need to get permission. In Fergus Falls this permission is called a “conditional use permit.”

Why do we have conditional uses?

Zoning protects the health, safety, and welfare of a community. A use is conditional because it may not be “in harmony” with the surrounding area. A conditional use permit also requires a public hearing. Neighbors within a certain distance are notified of the hearing. This way, neighbors who would be most affected may bring concerns to the City’s attention. In short, a conditional use permit allows for flexibility in the zoning code while ensuring neighbors and the public can voice concerns or issues.

Do I need a Conditional Use Permit?

The City of Fergus Falls code lists each zoning district. Each district has a list of *Permitted Uses* and *Uses by Conditional Use Permit*. Contact the City Planner before applying at 218-332-5427 or planning@ci.fergus-falls.mn.us.

How long does it take?

The process typically takes two months. Keep this in mind especially at the end of the construction season.

1. Planning Commission meets once a month on the 4th Monday.
2. City Council meets twice a month on the 1st and 3rd Mondays.
3. Complete applications are due about 6 weeks before the Planning Commission meeting. The deadline is the 3rd Friday of the month (you apply in January for the February meeting).

[Click here](#) for a 2022 calendar which has the meeting dates and deadlines for the year.

How much does it cost?

The application fee is \$350. An application is considered “incomplete” until the fee is paid. The fee is not refundable if the request is denied. The fee is in addition to any other required permit fees.

What are common application mistakes?

The most common reasons an application is incomplete are the following:

- The application fee was not paid.
- The applicant does not own the property and did not get the property owner’s signature.
- The questions are left blank or the answers are not detailed enough.
- No supporting information was provided, such as a site plan sketch.

See the next page for a flow chart about the steps in the process.

STEP 1: APPLICATION

Submit an application and pay the fee. All materials are public and uploaded to the City's website.

STEP 2: COMPLETENESS CHECK

City staff will respond within 10 days. The letter will say if:

- The application is incomplete. The letter will say what is still needed.
- The application is complete. The letter will have the days and times of the meetings.

STEP 3: STAFF REVIEW

City staff review an application to see if it meets the requirements for a conditional use permit. Any staff comments are sent to the applicant. An applicant may need to provide more information or make changes before the public hearing.

STEP 4: PUBLIC NOTICE & NEIGHBOR LETTERS

At least ten days before the Planning Commission meeting the City must:

- Publish a notice in the *Daily Journal*. This notice includes basic information about the request.
- Send a copy of the *Daily Journal* notice to property owners within 350 feet of the request.

STEP 5: STAFF REPORT

The staff report is a summary of the request and recommends whether it should be approved or denied. Staff may recommend approval but only if certain conditions are met. The Planning Commission does not have to accept staff's recommendation or conditions.

The applicant receives a copy of the staff report. It is published around five days before the Planning Commission meeting.

STEP 6: PUBLIC HEARING (PLANNING COMMISSION)

At the Planning Commission meeting staff present their report. The applicant may speak to the Planning Commission if they choose. The Planning Commission then opens the public hearing. Anyone may come and speak during the hearing. After the public hearing the Planning Commission votes on their recommendation. The recommendation is considered at the next City Council meeting.

STEP 7: FINAL DECISION (CITY COUNCIL)

The final decision is made by the City Council. This usually happens one week after the Planning Commission meeting. The City Council does not have to accept the Planning Commission's recommendation or conditions.



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Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

2. Applicant Information: (if different from above)

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

4. Zoning Designation: _____

5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

7. Additional Required Information:

a. Legal Description and PIN: Provide the Parcel Identification Number(s)

Complete legal description(s) of the property involved or put “see attached”

b. Proposed Plans: A site plan is required. A landscape plan, grading and drainage plan, and other items may be required by the city/planning commission.

c. Written Narrative: The written narrative should thoroughly address the following general items in addition to any specific requirements pertaining to the proposed use, which Section 154.019 (Conditional Use Permit) of the City Code directs the City Council to evaluate during consideration of conditional use applications:

(1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city?

(2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions?

(3) Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood?

(4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools?

(5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?

(6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets?

(7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: _____ *Date:* _____

Applicant: _____ *Date:* _____