



**PLANNING & ZONING**  
RICHFIELD COMMUNITY  
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DEPARTMENT

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**ZONING CODE**  
**SECTION 547.09**

12/2009

# Conditional Use Permit (CUP)

A **conditional use** is a use that, because of its unique characteristics, cannot be classified as a permitted use in a particular zoning district. The City Council may or may not issue a conditional use permit after considering the impacts of a use upon neighboring land and the public need for a particular use at a particular location.

## Findings Needed to Grant a CUP:

- Proposed use is consistent with goals, policies, and objectives of the Comprehensive Plan;
- Proposed use is consistent with the purposes of the Zoning Code and the purpose of the zoning district in which the applicant intends to locate the proposed use;
- Proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines;
- Proposed use is or will be in compliance with the performance standards of the zoning ordinance;
- Proposed use will not be detrimental to the health and safety of persons residing or working in the surrounding area or the public welfare or property in the area; and
- There is a public need for such use at the proposed location and it meets or will meet the specific conditions set by the Zoning Code for granting a conditional use permit.

## Process:

1. An application for a CUP is submitted to the Community Development Department. Applications are available on the city's website or at City Hall.
2. The application is reviewed by the Administrative Review Committee (ARC). ARC is made up of staff members from different city departments who review the request for compliance with applicable codes and standards and for the possible effects the request may have on city services or adjacent properties. ARC members may request additional information and/or ask changes to be made to the proposal prior to the application being placed on an agenda.
  - > **ARC meets on Thursdays at 10:30 a.m. Applications are due one week before the ARC meeting.**
3. The applicant submits the required fee and any additional information and/or changes to the application as required by ARC.
4. The application is then placed on the next available Planning Commission agenda.
  - > **Applications must be submitted at least 28 days before the scheduled Planning Commission meeting to be considered for the agenda. An application must be *complete* at least 14 days before the scheduled Planning Commission meeting to be placed on the agenda. The Planning Commission meets on the fourth Monday of every month.**

5. The Planning Commission will conduct a public hearing and make a recommendation to the City Council. Notice of the public hearing is published in the official newspaper and sent to all property owners and occupants within 350 feet of the property.
6. The recommendation of the Planning Commission will be forwarded to the City Council for a final determination on the application. The City Council will approve or deny the CUP.

**Application Review Timeline:** The City is required to notify applicants within 15 working days of receiving an application as to whether or not an application is complete. Once an application is complete, the City has 60 days to make a decision on the application. The City has the option of extending the 60-day review period if it informs the applicant in writing of the reason why an extension is needed. The City makes every effort to process applications within 60 days.

**Expiration of CUP:** A CUP expires one year after it has been issued unless the use for which the CUP was granted has commenced within one year. The Council may extend the expiration date of the CUP for an additional period not to exceed one year if the owner of the land requests an extension in writing before the CUP has expired.

**Recording the CUP:** State Statutes require all conditional use permits to be recorded with the County Recorder or Registrar of Titles at Hennepin County. Building permits will not be issued until proof of recording is submitted to the city.

**Compliance with a CUP:** Violation of the terms and conditions of a CUP is grounds for revocation of the permit and all rights attributable to it.

**Amendment to a CUP:** Amendments to a CUP are administered in the same manner as site plan amendments. The guidelines are described in Subsection 547.13, Subd. 11 of the City's Zoning Code.

**Additional Information:**

- A CUP cannot be used to allow prohibited uses or any use which is not authorized or permitted in the zoning district in which the CUP is sought.
- A cash escrow shall be provided when screening, landscaping, parking lot or other similar improvements to the property are required.

**Application Fee:**

Fees for a CUP application are as follows:

New - \$500 + \$0.50/\$1,000 of project value to a maximum fee of \$3,500  
Major Amendment - \$500  
Minor Amendment - \$350

**This is a guide to the most common questions and problems. It is not intended nor shall it be considered a complete set of requirements.**