

# Writing a Staff Report

## Conditional Use Permits

6/3/2021

### 1) Theory/Principles

- a) CUP's are often compatible in the underlying zoning district allowed but should not be located anywhere as a matter of right.
- b) Consideration should be given to such issues as traffic concerns, pollution potential, smell, population density, noise, glare, effect on adjoining land values, and consideration of public health, safety, and general welfare.
- c) Zoning ordinances must contain standards and criteria which establish the basis for granting or denying conditional use permits.
- d) District court applies the "reasonableness" test on conditional use permit review.
- e) Applicants bear the burden of proof for proving the standards/criteria established in ordinance are met.

### Subdivision 4: Application

Applications for Conditional Use Permits shall be made to the Zoning Administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Legal description of the property.
2. Site plan drawn to scale showing parcel and building dimensions.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
5. Landscaping and screening plans.
6. Drainage plan.
7. Sanitary sewer and water plan with estimated use per day.
8. Soil type.
9. Such other information as is necessary and reasonable to adequately review the request.

Section 17, Subdivision 3

2. Accessory Mobile Home. Any one mobile home may be allowed as an accessory use to another dwelling provided that it meets the following conditions:

- A. The occupants are in need of special care because of a disability or infirmities of advanced age as affirmed by a physician and are members of the immediate family of the person owning the principal dwelling.
- B. The unit at the time of placement is in compliance with the Federal H.U.D. Code for mobile homes and Section 16, Subdivision 11, of this Ordinance.
- C. The mobile home shall be considered a temporary use and an agreement shall be executed between the landowner and the Planning and Zoning Administrator and on file with the County Recorder stipulating that the mobile home is removed no greater than 180 days after the occupancy of the unit is terminated.
- D. The applicant shall demonstrate need.
- E. There shall be a separate septic system for each of the dwellings.
- F. The permit shall be reviewed yearly to ensure compliance.
- G. The minimum lot size shall be three acres.
- H. The temporary mobile home may not be replaced by a permanent structure.