



209 E Chapman Street, Ely, MN 55731 (218) 365-3224 • FAX (218) 365-7811

City of Ely Planning & Zoning

CONDITIONAL USE PERMIT APPLICATION

1. Applicant Information	
Name: _____	
Address: _____	
Telephone#: _____	Email Address: _____
Application# (to be assigned by City): _____	
Signature of Applicant	Date: _____
Owner (if different from above): _____	
Address: _____	
Telephone#: _____	Email Address: _____

2. Property Information	
Street Address: _____	
Legal Description (<i>attach additional sheets if necessary</i>): _____	
Parcel#: _____	
Zoning District _____	Shoreland Overlay Zone: <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Size (<i>square feet or acres</i>): _____	
Applicant to attach plat plan (drawn to scale)	

(3) Project Description (attach additional sheets if necessary)

3.1 Describe the proposed project. Describe the type of business or activity, type and function of proposed or existing buildings and other proposed uses of property.

3.2 Describe adjacent and surrounding land uses. How will your project impact these properties?

3.3 Describe proposed alternations to the existing landscape. Describe how storm water runoff will be collected and drained off the property or treated on-site.

3.4 Describe the proposed landscaping of the site. Describe how the existing vegetation will be preserved or removed.

4. Other services and approvals

4.1 Will the proposed project require new or expanded public utility connections including water, sewer or storm water? Yes No

4.2 Will the proposed project require new or expanded electrical service? Yes No

4.3 Will the proposed project require a street extension or new drive-way access? Yes No

4.3 Will the proposed project require a building permit? Yes No

4.4 Will the proposed project include new signage? Yes No

4.5 Will the proposed project require another land use approval from the City of Ely including, but not limited to, rezoning, zoning text amendment, platting, vacation or a variance? Yes No

If so, please indicate which approval is needed:

4.6 Does the proposed project require approval or review from another government agency? This includes, but is not limited to, Minnesota Department of Transportation, Minnesota Department of Natural Resources, North St. Louis County Soil and Water District or any other. Yes No

4.7 If yes, please indicate which agencies and permits have been applied for or received:

5. Attach a site plan and grading plan consistent with the requirements of the Ely City Code, Section 11.42, must be reviewed and approved prior to issuance of a building permit.

Preparation of the site plan - make the drawing to scale. The scale that is used must be sufficient to show the project's necessary details. Please show:

- 5.1 Dimensions of the property: length, width and depth
- 5.2 Location and size of existing and proposed structures (please show the distance from the property lot lines to existing and proposed structures)
- 5.3 Size and location of parking areas - include how many vehicles can be accommodated
- 5.4 Loading and unloading areas
- 5.5 Landscaped areas, blacktopped or paved driving areas
- 5.6 Access driveways
- 5.7 Location of signs advertising the business
- 5.8 Show how runoff from the site will be collected and drained

6. Properties within the Shoreland Overlay District are subject to the requirements of Ely City Code, Section 11.42, Shoreland Overlay Ordinance. If applicable, submit the following information.

- 6.1 Surface water runoff plan certified by a professional engineer if impervious surface coverage exceeds thirty percent (25%) of the lot.
- 6.2 Vegetation management plan.
- 6.3 Erosion and sediment control plan, if applicable.
- 6.4 Wetland mitigation plan, if applicable.
- 6.5 Is an EAW Required?

CITY USE ONLY

Date received by Planning and Zoning Department: _____

The Conditional Use Permit Application is complete:

The Conditional Use Permit Application requires the modifications listed below:

Further information needed:

The project is not a use permitted with a conditional use permit:

Signature of Zoning Administrator

Date

BOA Hearing Scheduled: _____

Date: _____

CUP (Approved) or (Denied) _____

Date: _____



Conditional Use Permit Application Guide

This guide will help you complete an application for a Conditional Use Permit (CUP) in Ely. The CUP application provides the City with the necessary information to determine if your proposed project meets the criteria for approval of a conditional use permit. (These criteria are explained elsewhere in this guide and can be found in full in the City of Ely zoning code under Subdivision 11.42 and 11.43. The application and guide are also designed to help you efficiently plan the development of your project.

What is a Conditional Use?

A conditional use is a zoning category for certain types of activity or development which, because of their unique characteristics, cannot be a permitted use in a particular zoning district, but can be permitted only after review and evaluation of potential impacts on adjacent properties and uses and a determination that such use is compatible with the adjacent properties and the attachment of any conditions necessary to mitigate any impacts. A CUP is the City's way of reviewing the suitability of the uses that are identified as being allowed only with a CUP.

Getting Started

Before starting a project, it is important to research the development requirements for your property. The City's zoning code and zoning map are available upon request from the Zoning Administrator. ***Do not be afraid to call, visit, or email the city for help.***

To determine the zoning regulations for your property:

1. Consult the zoning map and identify the zoning district within which your property is located.
 - a. Review the uses allowed in your zoning district. The ordinance for the zoning district contains information on allowed uses, standards for structure height, setbacks, and special controls or procedures for the zoning district.
 - i. Determine if your request is a permitted use or a use permitted only with a CUP.
 - ii. Review the development standards applicable to a CUP in your zone district.
 - b. Check the zoning map to see if your property is located within the City's Shoreland Overlay District. Generally, property north of Pioneer Road is within this district. If your property is located within the Shoreland Overlay District, Check Sec. 11.42 of the zoning code for additional development regulations and procedures that may apply.

Review and Approval Process

Pre-Application Meeting: A pre-application meeting is an informal discussion between a potential applicant and city staff regarding a possible project. The purpose of the meeting is to assist the applicant by identifying the types of approvals needed to complete the project, application materials and other information required, applicable community plan provisions and applicable review criteria. Pre-application meetings are strongly encouraged for commercial and industrial projects and projects requiring more than one land use approval such as platting or rezoning.

Application Review: Upon receipt of the application the Zoning Administrator shall review it to determine whether the proposed use is permitted or permitted only with a CUP or not permitted and whether the application is complete. Incomplete applications will not be accepted. The applicant will be informed of what changes or additional information is required for a complete application.

Approval Process: Upon receipt of a complete application the Board of Adjustment will request a report and recommendation from the Planning and Zoning Administrator. The Board of Adjustment will then consider the proposal, and hold a public hearing on the proposal. The Board of Adjustment (Planning Commission) has final authority to approve, approve with conditions, or deny any CUP application. If the application is denied by the Board of Adjustment, the applicant may appeal this decision, and present their CUP application to the City Council.

Application Instructions

The following instructions help explain the information that is requested in the CUP application. Clearly and precisely provide complete responses. Be specific and provide details that communicate the nature of your project.

Box 1. Applicant Information

- The applicant must either be the owner of the property or authorized in writing by the owner of the property to submit the application. The City will confirm the ownership of the property before the application will be considered.

Box 2. Property Information

- Provide information that will readily identify and locate the property for which the conditional use application is being made. This can be the address, legal description, and/or the parcel number.
- Determine the zoning regulations for your property.
(See *Getting Started* for instructions on how to determine the applicable zoning regulations).
- State which allowed conditional use is being applied for.

Box 3. Project Information

- A. Identify the type of business or activity, type and function of proposed or existing buildings, and other proposed uses of the property such as parking, storage areas, etc. Include information on the number, size, and appearance of buildings and structures.
- B. Describe the use and development of adjacent and surrounding properties. Is your project compatible with the neighborhood? How might it affect your neighbors?
- C. Describe how stormwater runoff will be collected and drained off the property and how existing trees, vegetation and habitat areas will be preserved or removed. A stormwater plan prepared by a registered engineer may be required before your application may be considered or as a condition to the approval of your project.
- D. Landscaping is used to mitigate an activity's impact on surrounding properties, control runoff and erosion, and provide for an appealing neighborhood. The details of the landscaping plan should be included in the required site plan document. The City's minimum standards are explained later under the *Site Plan* section of this guide.
- E. Describe the traffic that will be generated by employees, customers, and other business operations. How will the timing of traffic relate to surrounding uses? Will pedestrian, bicycle, and limited mobility users be accommodated? How will traffic enter and leave the property? See the requirements for traffic and parking plan under the *Site Plan* section of this guide.

Box 4. Other Services and Approvals

- Many projects require review and approval by other City Departments to ensure that necessary services or permits can be provided.
- Certain projects may also be subject to State and County rules and regulations.
- The information requested in Box 4 helps coordinate various reviews and approvals more efficiently.

Site Plan Requirements

A site plan is required in order to provide the necessary information for the City's review of the proposed project. The site plan should be to a scale that is sufficient to show the necessary project details. It is recommended, though not required, that the same site plan be used for both the CUP application and building permit application. This may not always be possible due to project timing or differences in scope.

Remember to check the zoning district provisions to see if additional requirements apply.

Shoreland Overlay District Requirements

Additional development standards have been put in place in the portions of Ely that are located within the Shoreland Overlay District of Shagawa and Miners Lake.

Check the zoning map to see if the project is located within the Shoreland Overlay District. Generally, property North of Pioneer Road is within this zone of Shagawa, and South of Pioneer Rd but North of Miners Drive for Miners Lake Overlay. If the project is located within the Shoreland Overlay District the following information consistent with the Ely zoning code Section 11.44 is required.

1. A surface water runoff plan certified by a professional engineer if impervious surface coverage exceeds 25 percent of the area of property that is the subject of the CUP.
2. An erosion and sediment control plan, if applicable, will be required.
3. A wetland mitigation plan, if applicable, will be required.
4. An Environmental Assessment Worksheet (EAW) will be required if applicable
5. The removal of natural vegetation shall be allowed provided that sufficient vegetation cover remains to provide adequate vegetated filter and to screen cars, dwellings and other structures when viewed from the water.
6. Grading, Filling, and excavations in shoreland areas or any alterations of the natural topography where the slope of the land is toward a public water or watercourse leading to a public water must be authorized by a permit. Standards listed under City Code 11.42 Subd.2 (B)
7. Excavations on shorelands where the intended purpose is connection to a public water shall require a permit from the Zoning Administrator before construction is begun. Proper permits must also be obtained by the Commissioner of Natural Resources prior to any work in the beds of public waters.
8. Boathouses may be located no closer than (10) feet from the ordinary high-water mark as a conditional use, provided they are not used for habitation and they do not contain sanitary facilities.
9. Land Alteration Conditional Use. A conditional use permit shall be required when the threshold has been exceeded and work has taken place without a permit
10. Alterations not permitted. (see City Code 11.42, Subd 2 (F))
11. Storm water management plans listed in Chapter 11.42 must be adhered to

Conditional Use Permit Application Guide

Criteria for Approval

When asked to grant a conditional use, the Board of Adjustment considers several factors. It is helpful for the applicant to keep in mind these factors as he/she/it completes the application. The following is a summary of the factors. These factors include the performance standards listed in the applicable zoning district regulations and general factors listed under Chapter 11 of the Ely Zoning Code

The following is a summary of the general factors. Refer to the zoning code for details:

- A. That the conditional use permit will not be injurious to the use and enjoyment of the environment and other property in the immediate vicinity, nor substantially diminish and impair the property values within the surrounding neighborhood;
- B. That the proposed development will not increase local or State expenditures in relation to costs of servicing or maintaining neighboring properties.
- C. That the establishment of the conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area; and
- D. That the location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general

