



Special Use Permit Application Guide

This guide will help you complete an application for a Special Use Permit (SUP). The SUP application provides the City with the necessary information to determine if your proposed project meets the criteria for approval of a project. These criteria are explained elsewhere in this guide and can be found in full in the Hermantown zoning code under Section 5. Land Use Regulations and Section 7. Special Use Permits. The application and guide are also designed to help you efficiently plan the development of your project.

What is a Special Use Permit?

A Special Use, often called a Conditional Use, generally represent uses favorable and desired, but that may pose potential hazards that may need to be mitigated. Special Uses are permitted if conditions listed in the zoning ordinance for the specific use and general conditions for all Special Uses are met. The Special Use Permit (SUP) process ensures that development occurs in a planned and coordinated effort to help achieve the City's land use goals. A SUP requires review by the Planning Commission at a public hearing and approval by the City Council.

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 is available online at www.hermantownmn.com. 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, permitted with a CIDP or a use permitted with a Special Use Permit.
 - ii. Review the development standards applicable to a SUP in your zone district.
 - b. Check the zoning map to see if your property is located within one of the City's overlay zoning districts. If your property is located within a Shoreland Overlay District check Sec. 555 of the zoning code for additional development regulations and procedures that may apply. Use the map and Section 555 to determine the shoreland overly zone classification (Natural, Recreational, or General Development) of the property to determine additional standards that apply. Grading and filling within any Shoreland Overlay District will also require a Special Use Permit. This SUP can be processed concurrently with other applications but requires a separate application.

If your property is in either the A or B Airport Overlay zones, contact the Community Development Department prior to applying. Check on the Floodplain status of your

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property by entering the address at <https://msc.fema.gov/portal/home> or contact the Community Development Department.

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, especially for projects requiring more than one land use approval such as a special use permit, platting or rezoning. Pre-application meetings are required for new stormwater management systems and can be scheduled concurrently with a SUP pre-application meeting.

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 CIDP, permitted with a SUP, or not permitted and whether the application is complete. Incomplete applications will not be accepted. The applicant will be informed via letter of what changes or additional information is required for a complete application.

Approval Process: Upon receipt of a complete application a public hearing will be scheduled for the next regularly scheduled Planning Commission meeting. The Planning Commission will make a recommendation to the City Council to approve, approve with conditions, or deny an application. The City Council has the final authority to approve, attach conditions to, or deny an application.

Application Instructions

The following instructions help explain the information that is requested in the SUP 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.

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- State which allowed use is being applied for by referencing the name and section number of the use.

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 treated. A stormwater management concept plan meeting the standards City Code Section 1080 must be included with the application. A stormwater management plan pre-application meeting is required. It may be scheduled concurrently with the SUP pre-application meeting.
- D. Landscaping may be 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. State how existing trees, vegetation and habitat areas will be preserved or removed. Check the base zoning district for any landscaping standards.
- 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?

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.
- Check with Community Development Staff to determine if an EAW is required.

Box 5. Site Plan

- 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 enough to show the necessary project details.
- Remember to check the zoning district provisions to see if district specific requirements apply.

Box 6. Environmental Information

- Many projects require review and approval of land use activities impact on shorelands, wetlands, and stormwater runoff.
- Activities that create, add, or replace 5,000 or more square feet of impervious surface require post-construction stormwater management. If this threshold is triggered, the applicant must schedule a stormwater pre-application meeting with the City to discuss stormwater management standards.

- Projects that disturb more than 500 square feet require an erosion and sediment control permit and temporary perimeter control during construction. Projects that disturb between ½ and 1 acre require a Stormwater Pollution Prevention Plan. Projects disturbing over 1 acre also require a MPCA NPDES construction stormwater permit. These items will be discussed during the stormwater management plan pre-application meeting.
- Many properties in Hermantown contain wetlands. Often a wetland delineation and mitigation plan are required to document and mitigate wetland impacts. The review and approval process runs separately from the SUP process and must be started before the SUP application.

Box 7. Dimensional Standards

- Every zoning district has unique standards for things like lot size, setbacks, and building height. Fill in the standards from the correct zoning district and compare with those you propose.
- Be sure to use overlay standards where they are stricter.

Criteria for Approval

When asked to grant a SUP, the City considers several factors. It is helpful for the applicant to keep in mind these factors as they complete the application. Some Special Uses have specific conditions that are listed with the use in each zoning district section of the zoning code. 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 Sec. 725 of Section 7 of the Hermantown zoning code. The following is a summary of the general factors. Refer to the zoning code for details:

1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;
2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;
3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;
4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development, and will not cause negative fiscal and environmental effects upon the community; and
5. Any other criteria required to be considered by it under the provisions of this code for any special use permit.

Park Dedication Fees

In accordance with Minnesota Statutes 462.358, The City has determined that there is an essential nexus between each new residential unit created or each new commercial or industrial development and the City's need to maintain quality of life and a community value through public parks, recreational facilities, playgrounds, trails, or open spaces. Each new unit increases the need for public parks, recreational facilities, playgrounds, trails, wetlands or open spaces as a result of the increased number of residents added to the City, and each new commercial or industrial development increases the density of



development within the City, employees, and visitors to the City, which in turn leads to an increased need for public parks, recreational facilities, playgrounds, trails or open spaces.

Park dedication fees are due at the time of approval of the final SUP or as determined by the development agreement. As of 2020, Park dedication fees are:

Development Type	Recommended
Single Family, Two Family, Three Family Residential Parcel/CIC Unit	See Fee Schedule
Multi-family, 2+ bedroom units	See Fee Schedule
Multi-family, 1 bedroom and studio	See Fee Schedule
Per bedroom fee	See Fee Schedule
Commercial and Industrial	See Fee Schedule
Planned Unit Development	Proportional to Mix of Development

Application Fee

See Fee Schedule for Application Fee

See Fee Schedule for Renewal/Amendment

You will also be required to pay all assessed additional staff and consultant review costs incurred.

Development Agreement

A development agreement is required when new public infrastructure including roads, water, and sanitary sewer are part of the project. Other situations may also require a development agreement. Applicant is also responsible for paying all out-of-pocket costs incurred by the City in connection with completion of the development, plus additional staff and consultant review costs.