

# Article 3. Application Procedures

## 3.1 PURPOSE

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### 3.1 PURPOSE

The purpose of this Article is to outline the general application, notice and public hearing procedures for the zoning applications and approvals found within this Code.

### 3.2 APPLICATION REQUIREMENTS

#### A. Authorization

An application for any land use application or approval may be filed by those persons or councils, boards, commissions and officials indicated in Article 4 (Land Use Applications and Enforcement) or other sections of this Code for each application or approval.

#### B. Filing

1. All applications are to be filed with the Zoning Administrator.
2. The application will be on forms provided by the City and filed in such number as the instructions provide. All plans must be at a scale sufficient to permit a clear and precise understanding of the proposal. The application must include the information, plans and data as specified in Appendix B - Submission Requirements and sufficient to determine whether the application conforms to the requirements of this Code.

#### C. Completeness

The Zoning Administrator will determine whether the application is complete. If the application is not complete, the Zoning Administrator will notify the applicant of any deficiencies and take no steps to process the application until the deficiencies are remedied. Once the Zoning Administrator determines that the application is complete, the application will be scheduled for consideration and for a public hearing, where applicable.

#### D. Fees

Every application must be accompanied by the required filing fee as established and modified, from time to time, by the City Council. The failure to pay such fee when due is grounds for refusal to process the application, and for denying or revoking any permit or approval for the subject property.

#### E. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the decision on the application by a City official, commission or board. Such withdrawal must be in writing.

**F. Successive Applications**

Within one (1) year of the date of denial, a subsequent application cannot be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial. Such subsequent application must include a detailed statement of the grounds justifying its consideration. The Zoning Administrator will make a determination as to whether the subsequent application is making essentially the same request. If the Zoning Administrator finds that there are no grounds for consideration of the subsequent application, he/she will summarily, and without hearing, deny the request.

**3.3 PUBLIC NOTICE**

**A. Timeframe**

All notice timeframes are measured in calendar days.

**B. Required Notice**

Table 3-1: Application and Approval Notice indicates which type of notice is applicable for each type of land use application and approval.

TABLE 3-1: APPLICATION AND APPROVAL NOTICE					
APPLICATION	PUBLISHED NOTICE See Section 3.3.C		MAILED NOTICE See Section 3.3.D		POSTED NOTICE See Section 3.3.E
	Planning Commission/ Zoning Board of Appeals/Heritage Preservation Commission	City Council	Planning Commission/ Zoning Board of Appeals/Heritage Preservation Commission	City Council	
Text Amendment	X	X			
Rezoning	X	X	X	X	X
Vacation		X		X	
Major Variance	X		X		X
Administrative Variance	X		X		X
Major Conditional Use Permit	X		X		X
Administrative Conditional Use Permit	X		X		X
Special Exceptions Permit	X		X		X
Interim Use Permit	X		X		X
Heritage Preservation Property Local Designation Form	X	X	X	X	X
Appeals of Zoning Administrator Determination	X				
Appeals of Zoning Board of Appeals Determination		X			

**C. Published Notices**

For applications that require a published notice in accord with Table 3-1, the City will publish notice in the official newspaper of the City of St. Cloud. The notice must include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property. Such notice must be published no less than ten (10) days, nor more than thirty (30) days, in advance of the scheduled hearing date.

**D. Mailed Notice**

For applications that require a mailed notice in accordance with Table 3-1:

1. Written notice for public hearings must be mailed to the owners of all properties located within five-hundred (500) feet from the property line of the subject property at least ten (10) days prior to the public hearing or the nearest twenty (20) property owners, whichever will provide notice to the greatest number of owners.
2. Copies of all notices to consider a text amendment or variance to the regulations of, a rezoning of land to, or for a conditional use permit within the Floodplain or Shoreland Overlay District and all notices to consider a text amendment or variance to the regulations of the Scenic Rivers Overlay District must be sent to the Minnesota Commissioner of Natural Resources and postmarked at least ten (10) days before the public hearing. A copy of any approved amendment, rezoning, variance, and conditional use permit must be sent to the Minnesota Commissioner of Natural Resources and postmarked within ten (10) days of final action.
3. For administrative variances, which do not require a public hearing, notification must be given at least ten (10) days prior to the date of Zoning Administrator decision to the owner(s) of all properties adjacent to the subject property, as well as property located directly across the street.
4. The five-hundred (500) feet is measured in all directions from the perimeter of the subject property.
5. The giving of notice pursuant to this section does not prevent the applicant from giving such additional notice as he/she may deem appropriate.
6. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners, including the current City Assessor tax records. A copy of the notice and a list of the owners and addresses to which the notice was sent must be attested to by the responsible person.
7. The body conducting the hearing will hear no application unless the applicant complies in all respects with the requirements herein. The failure to give mailed notice to individual property owners, or defects in the notice, does not invalidate the proceedings, provided a bona fide attempt to comply with this requirement has been made.

#### **E. Posted Notice**

A public notice sign must be posted for applications for zoning map amendments, conditional use permits, administrative and major variances, and other actions for which a public hearing is required. The following standards are required for placement of public notice signs:

1. The Planning and Zoning Department will provide public notice sign(s) to the applicant for posting on the subject property.
2. All sign(s) must be picked up from the Planning and Zoning Department on the Friday prior to the final posting date before 4:30 PM.
3. Sign(s) must be in place at least ten (10) days prior to the date of public hearing.
4. Sign(s) must be removed by the applicant within forty-eight (48) hours of the public hearing.
5. The intent of the public notice sign is to notify the public of the proposed action. Therefore, the sign must be located and installed so it will be readily visible. It must be located so that no information on the sign is obscured from public view due to blockage by vegetation, fencing or other structures.

6. Failure to post may result in delay of permit processing and postponement of public hearing.
7. Public notice signs are exempt from the requirements of Article 18 (Signs) of this Code.

**F. Public Examination and Copying of Applications and Other Documents**

During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. The Zoning Administrator will make copies of such materials available for a fee as specified by the City.

**3.4 PUBLIC HEARING**

All public hearings will be conducted in accord with the rules and procedures of the body conducting the hearing.