



# Conditional Use Permits

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## WHAT IS A CONDITIONAL USE?

The zoning ordinance is a document that outlines all regulations associated with the use and development of residential and non-residential properties. The ordinance categorizes specific land uses as: permitted, accessory, or conditional uses.

**Permitted Uses:** A Permitted Use is a use of property that needs no special approval by either the city's planning commission or city council. An example of a Permitted Use is a single-family home on a residential lot.

**Accessory Use:** An Accessory Use is a use subordinate to a principal use and located on the same property as that principal use. An Accessory Use needs no special approval by either the city's planning commission or city council. An example of an Accessory Use is a garden shed on a developed, residential lot.

**Conditional Use:** A Conditional Use is a use that is permitted only under certain conditions. A Conditional Use requires a public hearing before the planning commission and final decision by the city council. The council may impose conditions in specific instances to protect public health, safety, and welfare. An example of a Conditional Use is detached garage over 12-feet in height on a developed, residential lot.

## WHAT IS THE CONDITIONAL USE PERMIT PROCESS?

- A property owner or their representative completes a Conditional Use Permit application and submits this application with all required documents to the Minnetonka Planning Division.
- The city sends out notification to all property owners within at least 400 feet of the property for which the Conditional Use Permit is being requested. These property owners are encouraged to use the **MyMinnetonka** function of the city's website to comment on the request. These owners are further invited to attend a Planning Commission public hearing which is held to consider the request.
- City staff reviews the submitted application and documents and prepares a written report recommending either approval or denial of the Conditional Use Permit request. The written report, which includes any neighborhood comments received, is forwarded to the property owner or their representative and to the planning commission.
- The Planning Commission holds a public hearing on the Conditional Use Permit request. During the public hearing: (1) staff makes its recommendation; (2) the applicant or their representative have an opportunity to address the commission; (3) area residents are given an opportunity to ask questions and speak for or against the request. Following the public hearing the Planning Commission discusses the request and votes to recommend that the City Council approve or deny the request.
- The City Council considers the Conditional Use Permit request at a following meeting and votes to approve or deny the permit.