

2400.3155 CONDITIONAL USES.

Subpart 1. **Conditional use application.** A conditional use application requires submittal to the board of a site plan and description of the proposed use. A conditional use is permitted upon a finding by the board that the use is specifically enumerated as a conditional use for the district and that, if established, the use:

A. will not materially adversely affect the general character of existing principal uses;

B. will not adversely affect the beauty, dignity, and architectural integrity of the Capitol area; and

C. will be established under the conditions and requirements for the uses enumerated in this chapter and additional conditions and requirements as the board may impose to ensure compliance with items A and B.

Subp. 2. **Change to conditional use.** A change to a conditional use requires a new permit when one of the following conditions occurs:

A. a conditional use changes from one conditional use to another conditional use;

B. the floor area of a conditional use expands by 50 percent or more. Floor area does not include floor area that is accessory to a principal use and that does not result in the expansion of a principal use;

C. the building containing a conditional use is torn down and a new building is constructed, even if the new building contains the same or less floor area;

D. the principal use of a conditional use expands onto an abutting lot; or

E. the number of residents in a community residential facility increases, or the number of rooming units in a rooming or boarding house increases.

Subp. 3. **Expiration of conditional use permit.** Unless expressly provided by the board, a conditional use permit automatically expires and a new permit must be applied for when any of the following circumstances exist:

A. a use requiring a conditional use permit is discontinued or ceases to exist for a continuous period of 365 days;

B. a conditional use changes to a permitted use not requiring a conditional use permit;

C. the lot area of a conditional use is subsequently reduced in size; or

D. a conditional use becomes nonconforming and subsequently is discontinued or ceases to exist for a continuous period of one year.

Statutory Authority: *MS s 15B.06*

History: *34 SR 900*

Published Electronically: *January 15, 2010*