

## 3.8 Checklist

### Concurrent Use of Streets Permit

This permit is needed for construction of a skywalk or any other application requesting concurrent use of the street surface, air rights above the street, or land beneath the street. It does not apply to applications for a sidewalk café or eating area or a bicycle parking area (see Sidewalk Use Permit). See UDC Section 50-37.7 for more information.

#### Starting the Application Process

- You must discuss proposed concurrent use permits with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
  - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.
- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:
  - Application Cover Sheet
  - Pre-App Verification
  - Required fee
  - A map, clearly showing the portion of the street to be used
  - Site plan
  - Legal description, printed clearly on an 8.5"x 11" sheet

#### Public Notice

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.

#### Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a concurrent use of streets permit, Planning Staff generally review the necessity of the request to protect the health, safety, and welfare of the city, how the proposal will only occupy the portion

#### Concurrent Use of Street Permit



Ⓟ Indicates Public Hearing Required

#### Important Dates

**Application Deadline:**

---

**Sign Notice Placed:**

---

**Planning Commission:**

---

**City Council (1<sup>st</sup> read)\*:**

---

**City Council (2<sup>nd</sup> read)\*:**

---

**Effective\*:**

---

*\*Please note that these dates are approximate guidelines and may change*

of the public easement not being physically used or occupied by the public, and that it will not inconvenience the public's use of the easement, as well as any additional UDC criteria and other related factors.

**Planning Commission Hearing**

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. Planning Commission will hold a public hearing and make a recommendation.

**City Council Decision**

The Planning Commission decision will be forwarded to City Council in the form of an ordinance, which will require two readings. City Council will make a decision whether to approve the permit, approve it with modifications, or deny it.

The City Clerk's office will send notice of the Council action to the applicant.

owner of property located partly or entirely within 350 ft. of the area to be rezoned. Failure to give mailed notice as required by this section or any defect in the notice given shall not invalidate any action of the planning commission or council, provided that a bona fide attempt to comply with this section has been made.

(c) **Sign notice** means a sign with minimum dimensions of 24 in. by 30 in. posted as close as reasonably possible to each street frontage on the applicant's property with the text between 3 and 5 ft. above grade level, with a title line reading "Zoning Notice" in letters at least 3 in. tall, and with the remainder of the text in letters at least ½ in. tall. Each sign must be posted at least two weeks before the date of the public hearing, and must remain in place and legible through the date of the public hearing as shown on the sign. If the sign will not be legible at the stated height due to snow accumulations it may be placed higher, but at the lowest elevation that will be legible to the public. If snow obscures the sign during the posting period, the snow shall be removed and/or the sign shall be relocated so as to be legible within 24 hours after snowfall ends. Evidence produced at or before the public hearing that one or more of the required signs were not in place or legible throughout that period shall be grounds for postponement of the public hearing and a requirement to repost the property. Required signs may not be posted in any portion of the public right-of-way.

**2. Content of Notice**

Each required notice shall include the following information:

- (a) The name of the applicant;
- (b) The address of the property;
- (c) A narrative description of the project including the proposed land uses, size (in sq. ft.) and height (in ft. and stories) of any proposed buildings or building expansions;
- (d) The type of permit or approval being sought;
- (e) Contact information where additional information can be obtained from the applicant (which may be an address, telephone number, web site, or e-mail address or other electronic site or method);
- (f) Contact information for the assigned city staff member;
- (g) The date, time and place of the public hearing.

**3. Special Notice Provision for Appeals**

In the case of an appeal to the planning commission or council pursuant to Section 50-37.1.O, mailed notice shall be provided to any interested parties that were notified of the original application and the right to receive notice of any appeal, and who have notified the city in writing that they would like to receive notice of the appeal.

**I. Public Hearings**

- 1. Public hearings before the planning commission and public hearings before the council on matters related to this Chapter shall be conducted pursuant to rules and practices established by each of those bodies and in compliance with state law.
- 2. Attendance shall be open to the public.
- 3. All hearing and decision timeframes shall comply with MSA 15.99.