

SECTION 28A. INTERIM USES

Subd. 1 Purpose and Intent

A. Purpose: In addition to the purposes stated in Section 1 of this Ordinance, the interim use permit procedure is intended to allow flexibility in the use of land or structures in the City when such uses are not permanent and meet certain criteria designed to protect the public health, safety, and welfare. Its purpose is also to establish predictable and balanced regulations for the establishment of interim uses in the location and circumstances under which the uses may be established without detriment to the public health, safety, and welfare of neighboring property owners or occupants.

B. Intent

1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction; or
2. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the zoning district.

Subd. 2 Permit Required

An interim use permit shall be approved by City before erecting any structure or placing a use on property in any zoning district where the use or structure is permitted as an interim use. Where applicable, a building permit must also be obtained from the City.

Subd. 3 Application and Review Procedure

A. Application: The applicant shall submit the following to the City:

1. A complete application for an interim use permit on a form provided by the City signed by the applicant and the owner of the property (if leased) for which the interim use is proposed.
2. The application shall contain the following information:
 - a. Name, address, and phone number of applicant and owner of the property,
 - b. Authorization of the permit application and conditions of the permit (if approved by the City) by the property owner if not the applicant,
 - c. Legal description of property,
 - d. Application fee,
 - e. Description of existing use and proposed interim use and intended length of time for the permit,
 - f. A scalable plan of the proposed site for the interim use showing the:
 - 1.) Location and setback of all buildings, parking, loading and staging areas,
 - 2.) Traffic access and traffic circulation,
 - 3.) Screening, buffering, open space and landscaping areas,
 - 4.) Refuse and service areas, utilities, and signs, and
 - 5.) Hours of operation, estimated patronage by employees and others, and schedule for commencement and termination of the use,

- 6.) A written statement evaluating how the use would meet City standards for interim uses, the effects of the use on adjoining property; and the general compatibility with the adjacent area, other properties in the same zoning district and the Comprehensive Plan; and
- 7.) Other information as the City may require to determine if the proposed use meets the intent and requirements of this Ordinance.

B. Review Procedure

1. The minimum requirements for the public hearing, public notice, and procedure for the review of the interim use permit shall be the same as those for conditional use permits, as provided in Section 28, Subd. 4 of this Ordinance.
2. If a proposed interim use is not listed as a permitted interim use in the zoning district in which the property is located, an amendment to this Ordinance will be required, according to the requirements of Section 29 - Zoning Amendment Procedure of this Ordinance, before an interim use permit is considered by the City.
3. The City Council may attach conditions and guarantees to the interim use permit that are reasonable and necessary to protect the public interest and insure compliance with the purposes and standards of this Ordinance, and consistency with the Comprehensive Plan.

Subd. 4 Findings. The City Council shall make the following findings when issuing an Interim Use Permit:

- A. That the interim use meets the standards and permit conditions of this Section,
- B. That the date or event that will terminate the use can be identified with certainty;
- C. That the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. That the applicant agrees to any conditions that the City Council deems appropriate for permission of the use.

Subd. 5 Interim Use Standards

- A. The interim use is allowed as a permitted interim use in the zoning district where it is located.
- B. The interim use conforms to all regulations of this Ordinance, unless otherwise authorized by the zoning district provisions in which the interim use is located.
- C. The interim use will not be detrimental to the surrounding property and neighborhood.
- D. The applicant signs the interim use permit approved by the City agreeing to all conditions that the City Council finds appropriate for the use, including a requirement for a financial security to ensure removal of all evidence of the use upon termination.

Subd. 6 Interim Use Termination

- A. An Interim Use Permit shall expire and the interim use shall terminate at the earlier of the following events:

1. The termination date stated in the Interim Use Permit; or
 2. The accomplishment of an event identified in the Interim Use Permit or in the conditions of the permit;
 3. A violation of the conditions or terms of the Interim Use Permit; or
 4. A change in the Zoning Ordinance that no longer allows the interim use.
- B. An interim use permit shall expire one year after approval if the proposed use has not commenced or a building permit for a structure to support the interim use has not been issued.
- C. An interim use permit shall expire if the interim use ceases operation for a continuous period of at least one year or as determined by the City Council.

Subd. 7 Interim Use Permit Violation

The City may rescind an interim use permit if there is a violation of the term and conditions of approval of the permit, or other violation of State or federal law, or City Ordinance.

Subd. 8 Term and Conditions of Interim Use Permit

- A. The term and conditions of the interim use shall be stated in the interim use permit approved by the City Council.
- B. The interim use permit shall only be valid for the property specified in the application.

Subd. 9 Amendment or Assignment of Interim Use Permit

- A. An amendment to a permit shall follow the procedures for consideration of an interim use permit, as specified in Subd. 3 of this Section. The prior approval of an interim use permit does not give the applicant or property any vested right to an amendment.
- B. The permit may not be assigned or transferred to any other party by the applicant without City Council approval. Any proposed assignment or transfer shall be considered by the City as an amendment to the original interim use permit.