

Section 10.23.01. **Interim Use Permits.**

Subd. 1. **Purpose.** The purpose and intent of allowing interim uses is:

A. To allow a use for a limited period of time, but in no case longer than three (3) years, that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the Comprehensive Plan, and,

B. To allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future, or will be replaced in the future by a permitted or conditional use allowed within the respective district, and,

C. To allow a use, which is reflective of, anticipated long-range change to an area and which is in compliance with the Comprehensive Plan.

Subd. 2. **Application, Hearing, Notice and Procedure.** The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for amendments or conditional use permits as provided for in Section 10.23 of this Code.

Subd. 3. **Standards.** The Planning Commission shall recommend an interim use permit and the Council shall issue such interim use permits only if it finds that such use, in the proposed location:

A. Meets the standards of a conditional use permit as set forth in Section 10.23 of this Code.

B. Conforms to the zoning regulations, performance standards and other requirements applicable in the zoning district.

C. Is allowed as an interim use in the zoning district.

D. Will terminate upon a date or event that can be identified with certainty.

E. Will not impose, by written agreement with the City, additional costs on the public if it is necessary for the public to take the property in the future.

F. Will be subject to, by written agreement, any conditions that the City Council deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

G. Existing uses. Uses defined as interim uses which exist upon the effective date of this ordinance and which are legally established with a respective zoning district shall be considered approved.

Subd. 4. **Termination.** An interim use permit shall terminate upon the occurrence of any of the following events, whichever first occurs:

A. The expiration date established by the City Council at the time of approval, but in no event more than three years from the date of approval; or

B. The occurrence of any event identified in the Interim Use Permit for the termination of the use; or

C. A violation of conditions under which the permit was issued; or

D. An amendment to the City Code that no longer allows the interim use.

E. The redevelopment of the use and property upon which it is located to permitted or conditional use as allowed within the respective zoning district.

F. Because of the temporary nature, an interim use permit shall not be renewed.

Subd. 5. **Lapse of Permit by Non-Use.** The provisions of Section 10.23, Subdivision 3 of this Code shall apply to Interim Use Permits granted under this Section.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03